

Statutory

**CODE OF PRACTICE  
ON THE DUTY  
TO PROMOTE  
RACE EQUALITY  
IN SCOTLAND**

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# Foreword

The duty to promote race equality is both an opportunity and a challenge for Scotland's public sector. The duty has arisen at a time when public services across Britain are experiencing large-scale modernisation. The drive to improve performance, openness and accountability is rapidly changing the way public authorities work. The new duty now adds the need for fairness.

Since the Stephen Lawrence Inquiry Report identified 'institutional racism' in one of Britain's main public services, many authorities have already reviewed their policies and procedures and have begun the long-term task of overhauling the way they work and think. The new duty will help public authorities remove discrimination – and the possibility of discrimination – from public services, and positively promote race equality in everything they do.

This statutory code of practice aims to help public authorities meet their duty. We have designed it to give them practical guidance on the steps they should take to tackle racial discrimination and promote equal opportunities and good race relations.

You should read this code together with the non-statutory good practice guides we have produced. These include a general guide for public authorities, one for schools, one for further and higher education institutions, and a general guide to ethnic monitoring. We have also produced a framework for inspectorates to provide a reference point for authorities as they work to meet all their duties under the strengthened Race Relations Act. You will find information about our statutory code of practice, the non-statutory guides and other useful advice on our website at [www.cre.gov.uk](http://www.cre.gov.uk).

We publish this code and guides following a wide and lengthy consultation process. We are grateful for the time many of you took to comment on the drafts, and have tried, as far as possible, to take account of your concerns and suggestions. We hope that the code and guides serve you – and race equality – well.



**Beverley Bernard**  
Acting Chair,  
Commission for Racial Equality



**Kay Hampton**  
Commissioner in Scotland

# Glossary

IN THIS CODE, THE WORDS BELOW HAVE THE MEANINGS SHOWN BENEATH THEM.

## **action plan**

a practical and realistic plan, with an agreed timetable, showing how an authority is planning to meet its duties.

## **assessing impact**

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

## **complementary**

this refers to the fact that the three parts of the general duty support each other and may, in practice, overlap. However, they are different, and public authorities should consider each one individually.

## **consultation**

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

## **direct discrimination**

treating one person less favourably than another on racial grounds (see page 6). Direct discrimination is unlawful under the Race Relations Act.

## **disciplinary procedures**

the arrangements and procedures used to discipline staff. These may include informal and formal disciplinary measures.

## **duty to promote race equality**

the general duty (see page 3), unless the context suggests otherwise.

## **ethnic monitoring**

the process you use to collect, store and analyse data about people's ethnic backgrounds (see also *Ethnic Monitoring: A guide for Scottish public authorities*).

## **focus groups, reference groups and citizens' juries**

various forms of face-to-face consultation with members of the public, service-users, or others.

**formal investigation**

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

- A ‘named person’ investigation can be carried out if the CRE suspects that an organisation is discriminating on racial grounds. The CRE can ask the organisation for documents and information. If the CRE is satisfied that unlawful discrimination has taken place, or is taking place, the CRE can issue a ‘non-discrimination notice’.
- A general investigation can be carried out, without suspicion of discrimination, to examine practice within an area of activity. At the end of the investigation, the CRE can make recommendations.

**functions**

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

**further and higher education institution**

- The board of management of a college of further education (within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992(c)).
- A college of further education maintained by an education authority in carrying out its further education functions in providing courses of further education (within the meaning of section 1(5)(b)(ii) of the Education (Scotland) Act 1980).
- Newbattle Abbey College.
- Sabhal Mòr Ostaig College.
- The governing body of an institution within the higher education sector (within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992) other than any institution whose activities are mainly carried on outwith Scotland including the Open University.
- The managers of a central institution (within the meaning of section 135 of the Education (Scotland) Act 1980).

**general duty**

the duty as given in section 71(1) of the Race Relations Act (see chapter 3, paragraph 3.1).

**grievance procedures**

arrangements or procedures for dealing with grievances, such as complaints about bullying, harassment or discrimination; or appeals against decisions on promotion or appraisal marks.

## **indirect racial discrimination**

occurs when a rule or condition which is applied equally to everyone:

- can be met by a considerably smaller proportion of people from a particular racial group;
- is to the disadvantage of that group; and
- cannot be justified on non-racial grounds.

All three conditions must apply.

## **judicial review**

a claim to the Court of Session asking the court to review the way a public authority or certain other bodies made a decision. The court will not decide the merits of the decision, only whether it is legal. The court can ask the authority to reconsider the matter.

## **monitoring**

the process of collecting, analysing and evaluating information, to measure performance, progress or change.

## **obligatory**

this refers to the fact that public authorities are legally bound to meet the general duty, and must make race equality a central part of their functions.

## **orders**

ministerial directions to apply the law, or to change the way it applies.

## **performance assessment procedures**

formal and informal staff appraisals that are likely to affect career development, pay and benefits.

## **policies**

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

## **positive action**

action permitted by the Race Relations Act that allows a person to:

- provide facilities to meet the needs of people from particular racial groups in relation to their training, education or welfare (section 35); and
- target job training at people from racial groups that are under-represented in a particular area of work, or encourage them to apply for such work (sections 37 and 38).

**promoting race equality**

public authorities should have 'due regard to the need', in carrying out their functions, to:

- tackle unlawful racial discrimination;
- promote equality of opportunity; and
- promote good relations between people from different racial groups.

**proportionate**

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

**public appointments**

appointments to the boards of public bodies. These are bodies that have a role in the processes of national government, but operate at arm's length from government.

**public authority**

a body named, defined or described in schedule 1A to the Race Relations Act or, depending on the context, a body named, defined or described in one of the schedules to the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002.

**public functions**

functions that affect, or are likely to affect, the public or a section of the public. While only the courts can decide this, public functions would normally not include internal management or contractual matters such as employing staff; purchasing goods, works or services; or buying or selling premises. This term is used to refer to those authorities that are bound by the duties only in relation to their public functions (for example professional representative organisations, such as the Law Society of Scotland, or broadcasting authorities).

**public procurement**

the contractual or other arrangements that a public authority makes to obtain goods, works or services from an outside organisation.

**publish**

making publicly available; for example by producing a written document for distribution.

**race equality policy**

a written statement of an educational establishment's policy on race equality, which is put into practice and monitored.

**race equality scheme**

a timetabled and realistic plan, setting out an authority's arrangements for meeting the general and specific duties.

**Race Relations Act**

the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000.

**racial grounds**

reasons of race, colour, nationality (including citizenship), ethnic or national origins.

**racial group**

a group of people defined by their race, colour, nationality (including citizenship), ethnic or national origins.

**relevance**

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

**reserved functions**

functions and powers that remain the responsibility of the Westminster Parliament rather than the Scottish Parliament.

**schedule**

an appendix to legislation, such as schedule 1A to the Race Relations Act. This schedule lists the public authorities to which the general duty applies.

**school**

primary, secondary, pre-school and special schools, as defined in section 135 of the Education (Scotland) Act 1980, but not independent schools. It also applies to a pre-school provided in a place other than a school, but not where it is contracted out.

**Scottish public authority**

a public authority whose functions can only be carried out in, or in relation to, Scotland (also see the definition on page 5).

**specific duty**

a duty imposed by the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002.



**staff**

defined by the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 as any person treated as an employee for the purposes of Part II of the Race Relations Act, including employees and prospective employees, and those with a contract to personally carry out any work.

**statutory code of practice**

a document such as this one, which offers practical guidance on the law, has been approved by Parliament, and is admissible in evidence in a court of law.

**statutory duties**

duties, either general or specific, which an authority is legally bound to meet.

**training**

a wide range of career development opportunities, which could include informal in-house training as well as more formal courses.

**victimisation**

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





*Part*

*Promoting race  
equality in  
all listed public  
authorities*



# 1

## Promoting race equality

### Introduction

- 1.1 The Race Relations Act (see the glossary) places a general duty on a wide range of public authorities to promote race equality. This duty means that authorities (listed in appendix 1 of this code) must have due regard to the need to:
  - a. eliminate unlawful racial discrimination;
  - b. promote equality of opportunity; and
  - c. promote good relations between people of different racial groups.
- 1.2 Most public authorities are bound by this duty. Many of them provide major public services, such as education or health. Some of them (for example professional representative organisations, such as the Law Society of Scotland or broadcasting authorities) are bound by this duty only so far as their public functions (see the glossary) are concerned.
- 1.3 The duty aims to make the promotion of race equality central to the way public authorities work. Promoting race equality will improve the way public services are delivered for everyone. In most cases, these authorities should be able to use their existing arrangements – such as those for policy making – to meet the duty’s requirements. This should help to avoid any unnecessary or duplicated work.

### Benefits of the duty

- 1.4 The duty will help public authorities to make steady progress in achieving race equality. In relation to policy development and service delivery, the duty will:
  - a. encourage policy makers to be more aware of possible problems;
  - b. contribute to more informed decision-making;
  - c. make sure that policies are properly targeted;
  - d. improve the authority’s ability to deliver suitable and accessible services that meet varied needs;
  - e. encourage greater openness about policy-making;
  - f. increase confidence in public services, especially among ethnic minority communities;

- g. help to develop good practice; and
  - h. help to avoid claims of unlawful racial discrimination.
- 1.5 The duty of public authorities to promote race equality in *employment* will:
- a. help to make the authority's workforce more representative of the communities it serves;
  - b. attract able staff from all ethnic backgrounds;
  - c. avoid losing or undervaluing able staff;
  - d. improve staff morale and productivity;
  - e. improve the way staff are managed;
  - f. help to develop good practice; and
  - g. help to avoid claims of unlawful racial discrimination.

### **Purpose of the code**

- 1.6 Public authorities can decide how they will meet their duty to promote race equality. The Race Relations Act gives the CRE the power to issue codes of practice, with the approval of Parliament.
- 1.7 This code offers practical guidance to public authorities on how to meet their duty to promote race equality. It includes guidance on both the general duty (see 1.1) and specific duties imposed by Scottish Ministers. The code's aim is to help public authorities to adopt good practice and to eliminate racial discrimination. The code should also help the public understand what public authorities have to do, and the role that the public can play.
- 1.8 The specific duties imposed by order of Scottish Ministers came into effect on **13 March 2002**. Public authorities bound by these duties (see appendices 2, 3 and 4) were required to have properly timetabled and realistic plans for meeting these duties in place by **30 November 2002**.
- 1.9 This code applies to Scottish public authorities only (see the glossary).

## Nature of the code

- 1.10 This code of practice is a ‘statutory’ code. This means that it has been approved by the Secretary of State and laid before Parliament for 40 days before being issued. It also means that the code is admissible in evidence in any legal action, and a court or tribunal should take the code’s recommendations into account. On its own, the code does not place any legal obligations on public authorities. It is not a complete statement of the law, as only the courts can give this. If a public authority does not follow the code’s guidance, it may need to be able to show how it has otherwise met its legal obligations under the general duty and any specific duties.

## How to use this code

- 1.11 The code is divided into five parts, seven chapters and five appendices.
- a. Part I (chapters 2 and 3) applies to all listed public authorities, including educational institutions.
  - b. Part II (chapters 4 and 5) deals with promoting race equality in certain public authorities other than educational institutions.
  - c. Part III (chapter 6) deals with promoting race equality in educational institutions.
  - d. Part IV (chapter 7) deals with the CRE’s role, including enforcing this code.
  - e. Part V (appendices 1 to 5) lists the Scottish public authorities that are bound by the general duty (appendix 1), the Scottish public authorities that are required to publish a race equality scheme (appendix 2), the Scottish public authorities bound by the employment duty (appendix 3), the Scottish public authorities bound by the duties for educational institutions (appendix 4), and other guidance published by the CRE (appendix 5).

# 2

## Promoting race equality

### The legal framework

- 2.1 The Race Relations Act (see the glossary) defines direct and indirect discrimination, and victimisation (see the glossary for each of these terms). It outlaws racial discrimination in employment, training, education, housing, public appointments, and the provision of goods, facilities and services. The Race Relations (Amendment) Act 2000 came into force on 2 April 2001 and since then the Race Relations Act (the Act) has covered all the functions of public authorities (with just a few exceptions).
- 2.2 Section 71(1) of the Act places a general duty on listed public authorities (see appendix 1). The Act also gives the Home Secretary power to make orders placing specific duties on all or some of these authorities (section 71(2)). Scottish Ministers have a similar power over Scottish public authorities (section 71B(1); see the glossary). Under the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002, the specific duties discussed in this code came into force on **13 March 2002**.
- 2.3 The Act gives the CRE enforcement powers over the specific duties imposed by the Home Secretary and Scottish Ministers. The Act also gives the CRE power to issue codes of practice containing practical guidance on how public authorities can meet the general duty (see chapter 3) and specific duties (see chapters 4, 5 and 6). This is a statutory code, issued for this purpose.

### The general duty to promote race equality

- 2.4 This general duty applies to all public authorities listed in schedule 1A to the Act (see appendix 1). The duty's aim is to make the promotion of race equality central to the work of the listed public authorities.

### Specific duties to promote race equality

- 2.5 Specific duties have been placed on some public authorities responsible for delivering important public services. The duties involve making arrangements that will help these authorities to meet the general duty to promote race equality.



- a. The public authorities listed in appendix 2 must prepare and publish a race equality scheme. This scheme should set out the 'functions' or 'policies' (see the glossary for both terms) that are relevant to meeting the general duty, and the arrangements that will help to meet the duty in the areas of policy and service delivery (see chapter 4).
  - b. The public authorities listed in appendix 3 must monitor their employment procedures and practice (see chapter 5). Some of these authorities have to produce a race equality scheme. They may find it useful to include the arrangements they make to meet their employment duties in their race equality schemes.
  - c. The educational institutions listed in appendix 4 have to prepare a race equality policy and put in place arrangements for meeting their specific duties on policy and employment (see chapter 6).
- 2.6 Public authorities that introduce effective arrangements, as required under the specific duties, should be able to show that they are meeting the general duty to promote race equality. Taking action to promote race equality should give authorities the evidence they need to show that they are meeting the general duty.
- 2.7 Chapters 4, 5, and 6 give guidance on the specific duties.

## **Liability under the Race Relations Act**

- 2.8 Public authorities are responsible for meeting their general and specific duties. Within each public authority, this responsibility will rest with the groups or individuals who are liable (legally responsible) for the authority's acts or failure to act.

## **Private or voluntary organisations carrying out a public authority's functions**

- 2.9 When a public authority has a contract or other agreement with a private company or voluntary organisation to carry out any of its functions, and the duty to promote race equality applies to those functions, the public authority remains responsible for meeting the general duty and any specific duties that apply to those functions. The authority should therefore consider the arrangements it will need. If the authority's race equality duties are relevant to the functions it is contracting out, it may be appropriate to incorporate those duties among the performance requirements for delivering the service. For example, a contractor could be required to monitor service users by their racial group, to make sure the

authority is meeting its duties. This would not involve requirements concerning the contractor's internal practices. Whatever action the authority takes, it must be consistent with the policy and legal framework for public procurement.

- 2.10 As well as specifications for the general duty and any specific duties, public authorities may promote race equality by encouraging contractors to draw up policies that will help them (contractors) to avoid unlawful discrimination, and promote equality of opportunity. This encouragement should only be within a voluntary framework, once contracts have been awarded, rather than by making specific conditions part of the selection process. Public authorities should remember that the general duty does not override other laws or regulations on public procurement. In particular, as above, whatever action the authority takes must be consistent with the policy and legal framework for public procurement.

### **Partnership**

- 2.11 Public authorities should take account of their general duty to promote race equality – and any specific duties – when they work with other public, private or voluntary organisations. There is no similar obligation on private or voluntary-sector partners.
- 2.12 Public authorities that are involved in partnership work with other public authorities, or with private or voluntary-sector organisations, are still responsible for meeting their general duty to promote race equality, and any specific duties.
- 2.13 In practice, this will mean that a public authority working within a partnership will need to seek agreement from its partners to arrangements for planning, funding and managing joint work that will allow it to meet its statutory race equality duties. Public authorities should reflect their partnership work in their race equality schemes.

### **Inspecting and auditing public authorities**

- 2.14 Agencies that audit or inspect public authorities are bound by the duty to promote race equality. These agencies need to consider how the duty fits with their inspection or audit obligations. In most cases, inspection and audit bodies should be able to use their existing inspection arrangements to promote race equality.

# 3

## Promoting race equality

### The general duty

- 3.1 This chapter explains what public authorities can do to meet the general duty to promote race equality. The duty is set out in section 71(1) of the Race Relations Act (the Act) and it applies to every Scottish public authority listed in schedule 1A to the Act (see appendix 1 of this code). Section 71(1) says:

Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need

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

### Guiding principles

- 3.2 Four principles should govern public authorities' efforts to meet their duty to promote race equality.
- a. Promoting race equality is obligatory for all public authorities listed in schedule 1A to the Act (see appendix 1).
  - b. Public authorities must meet the duty to promote race equality in all relevant functions and policies.
  - c. The weight given to race equality should be proportionate to its relevance.
  - d. The elements of the duty are complementary (which means they are all necessary to meet the whole duty).

### 'Obligatory'

- 3.3 Public authorities listed in schedule 1A to the Act must make race equality a central part of their functions (such as planning, policy-making, service delivery, regulation, inspection, enforcement, and employment). The general duty does not tell public authorities how to do their work, but it expects them to assess whether race equality is relevant to their functions. If it is, the authority should do everything it can to meet the general duty. The duty should underpin all policy and practice, and it should encourage improvement.

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\* For immigration and nationality functions, the general duty does not include the words 'equality of opportunity and' (section 71A(1)).

### **'Relevant'**

- 3.4 Race equality will be more relevant to some functions than others. Relevance is about how much a function affects people, as members of the public or as employees of the authority. For example, a local authority may decide that race equality is more relevant to raising educational standards than to its work on highway maintenance. Public authorities should therefore assess whether, and how, race equality is relevant to each of their functions. A public authority may decide that the general duty does not apply to some of its functions; for example, those that are purely technical, such as traffic control or weather forecasting.

### **'Proportionate'**

- 3.5 Under section 71(1) of the Act, public authorities are expected to have 'due regard' to the three parts of the duty to promote race equality (see 1.1). This means that the weight given to race equality should be proportionate to its relevance to a particular function. In practice, this approach may mean giving greater consideration and resources to functions or policies that have most effect on the public, or on the authority's employees. The authority's concern should be to ask whether particular policies could affect different racial groups in different ways, and whether the policies will promote good race relations.
- 3.6 'Due regard' does not mean that race equality is less important when the ethnic minority population is small. It is also not acceptable for a public authority to claim that it does not have enough resources to meet the duty. This is because meeting the general duty is a statutory requirement. In practice, this means that public authorities should draw on work they already do to promote race equality, and build on it, using their existing administrative systems and processes and adjusting their plans and priorities, where necessary.
- 3.7 The general duty is a continuing duty. What a public authority has to do to meet it may change over time as its functions or policies change, or as the communities it serves change.

### **'Complementary'**

- 3.8 The general duty has three parts:
- a. eliminating unlawful racial discrimination;
  - b. promoting equality of opportunity; and
  - c. promoting good relations between people of different racial groups.
- 3.9 These three parts support each other. And, in practice, they may overlap (for example, promoting equality of opportunity may also eliminate or prevent unlawful racial discrimination, *and* promote good race relations). However, it

is important to remember that the three parts are different, and that achieving one of them may not lead to achieving all three. For example, a new equal opportunities policy that is not clearly explained when it is introduced may improve equality of opportunity, but it may also damage race relations and create resentment if staff do not understand how it benefits everyone.

- 3.10 Public authorities should consider and deal with all three parts of the general duty.

## How to meet the general duty

- 3.11 Public authorities should consider the following four steps to meet the general duty.
- a. Identify which of their functions and policies are relevant to the duty, or, in other words, affect most people.
  - b. Put the functions and policies in order of priority, based on how relevant they are to race equality.
  - c. Assess whether the way these 'relevant' functions and policies are being carried out meets the three parts of the duty.
  - d. Consider whether any changes need to be made to meet the duty, and make the changes.

## Identifying relevant functions

- 3.12 To identify relevant functions, a public authority will find it useful, first, to make a list of all its functions, including employment. It should then assess how relevant each function is to each part of the general duty. As shown in paragraph 3.4, some functions may, by their nature, have little or no relevance.
- 3.13 A public authority should consider setting priorities, and giving priority to those functions that are most relevant to race equality.

## Assessing impact and considering change

- 3.14 To assess the impact its functions and policies have on race equality, the authority may find it useful to draw up a clear statement of the aims of each function or policy. It should then consider whether it has information about how different racial groups are affected by the function or policy, as employees or users (or possible users) of services. The authority should also consider whether its functions and policies are promoting good race relations. The authority could get this information from various sources; for example previous research, records of complaints, surveys, or local meetings. These methods should help public

authorities to assess which of their services are used by which racial groups, or what people think of their services, and whether they are being provided fairly to people from different racial groups. This kind of evidence should help public authorities to decide what they might need to do to meet all three parts of the general duty.

- 3.15** Public authorities may also need to consider adapting their existing information systems, so that they can provide information about different racial groups and show what progress the authority is making on race equality.
- 3.16** To assess the effects of a policy, or the way a function is being carried out, public authorities could ask themselves the following questions.
- a. Could the policy or the way the function is carried out have an adverse impact on equality of opportunity for some racial groups? In other words, does it put some racial groups at a disadvantage?
  - b. Could the policy or the way the function is carried out have an adverse impact on relations between different racial groups?
  - c. Is the adverse impact, if any, unavoidable? Could it be considered to be unlawful racial discrimination? Can it be justified by the aims and importance of the policy or function? Are there other ways in which the authority's aims can be achieved without causing an adverse impact on some racial groups?
  - d. Could the adverse impact be reduced by taking particular measures?
  - e. Is further research or consultation necessary? Would this research be proportionate to the importance of the policy or function? Is it likely to lead to a different outcome?
- 3.17** If the assessment suggests that the policy, or the way the function is carried out, should be modified, the authority should do this to meet the general duty.

# *Part II*

*Promoting race equality  
in listed public authorities  
other than educational  
institutions*

## Public authorities – duties under the Race Relations Act

	Bound by the general duty	Bound by the duty to publish a race equality scheme	Bound by the employment duty	Bound by the duty to publish a race equality policy
	APPENDIX 1	APPENDIX 2	APPENDIX 3	APPENDIX 4
Government departments, local government, police, health, regulatory bodies, advice agencies, and commissions	✓	✓	✓	
Non-departmental public bodies (NDPBs), for example, research councils, other agencies and commissions	✓		✓	
Advisory committees and councils, parish councils, and Scottish community councils	✓			
Education authorities, managers of grant-aided schools, and the boards of management of self-governing schools	✓		see note 1	✓
Governing bodies of further and higher education institutions	✓		see note 2	✓

1. Although education authorities, managers of grant-aided schools, and the boards of management of self-governing schools are not listed in appendix 3 as being bound by the employment duty, they still have to assess and monitor the impact of their policies on staff, as outlined in Articles 3 (4), 4 (1) and 4 (2) of the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 (see pp 39-40, and 49 of this code). See also *A Guide for Education Authorities and Schools in Scotland* for more details.

2. Article 3 (5) of the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 places a duty on further and higher education institutions to monitor and assess the impact of their policies on staff. For more details, see *A Guide for Further and Higher Education Institutions in Scotland*.



# 4

## Promoting race equality

# Specific duties: policy and service delivery

### Relationship between the general and the specific duties

- 4.1 The specific duties have been introduced to help public authorities to meet the general duty. The specific duties are a means to an end – in other words, steps, methods or arrangements – rather than an end in themselves. Meeting the general duty is the main objective. This means that each time a public authority tackles a specific duty, it must consider whether it is meeting the three parts of the general duty (see 3.8). The authority needs regularly to ask this key question:

- What action should we take to:
- eliminate unlawful discrimination;
  - promote equality of opportunity; and
  - promote good race relations?

### Race equality scheme

- 4.2 This chapter explains what arrangements the public authorities listed in appendix 2 must set out and publish as part of a race equality scheme. The arrangements in the scheme are not ends in themselves, but the necessary basic means for meeting the general duty. Some public authorities will already have made good progress towards putting these arrangements in place in carrying out some of their functions. Others may wish to go beyond the necessary minimum.
- 4.3 The necessary arrangements may not have to be new. Most of the main public services already have systems in place to meet their statutory requirements to collect information on performance, or to have their policies and services examined by independent inspection or audit agencies.
- 4.4 By publishing a race equality scheme, the authority is publicly accountable for its proposals for meeting the duty. This is also an opportunity for the authority to explain the values, principles and standards that guide its approach to race equality.

- 4.5 Under the specific duties, which came into effect on 13 March 2002, the listed public authorities have to publish a race equality scheme by **30 November 2002**. The scheme is a timetabled and realistic plan, setting out the authority's arrangements for meeting the general and specific duties.
- 4.6 The scheme should show how the public authority plans to meet its statutory duties under section 71(1) of the Race Relations Act (the Act) and, in particular, articles 2(3) and 2(4) of the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002.
- 2. (3) A Race Equality Scheme shall state, in particular –*
- (a) those of its functions and policies, or proposed policies, which that body or person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act; and*
  - (b) that body or person's arrangements for –*
    - (i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;*
    - (ii) monitoring its policies for any adverse impact on the promotion of race equality;*
    - (iii) publishing the results of such assessments and consultation as are mentioned in sub-paragraph (i) and of such monitoring as is mentioned in sub-paragraph (ii);*
    - (iv) ensuring public access to information and services which it provides; and*
    - (v) training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order.*
- (4) Such a body or person shall, by no later than 30th November 2005 and at three yearly intervals thereafter, review the assessment referred to in paragraph (3)(a).*
- 4.7 All public authorities that have to publish a race equality scheme also have specific employment duties, which are explained in chapter 5. These authorities may find it useful to include the arrangements they make to meet their employment duties in their race equality schemes.
- 4.8 The race equality scheme can be part of a more general equality strategy or improvement plan, as long as it can be easily identified as meeting all the statutory requirements for this type of scheme.

## Identifying relevant functions and policies

- 4.9 **Public authorities must list in their race equality scheme the functions and policies (including their proposed policies) that are relevant to the general duty to promote race equality. They should review this list at least every three years (see 4.6).**
- 4.10 The general principles for identifying functions have already been described under the general duty (see 3.4). To decide whether a function or policy is relevant to the general duty to promote race equality, public authorities should consider whether that function or policy could affect different racial groups in different ways or affect good race relations. (See the glossary for definitions of ‘functions’ and ‘policies’.)
- 4.11 To make sure they meet the duty, for each function or policy, public authorities might ask:
- whether, and how, each of the three parts of the general duty – eliminating discrimination, promoting equality of opportunity, and promoting good race relations – applies;
  - which racial groups are affected; and
  - whether there is any reason to believe that people are, or could be, differently affected because of their racial group.
- 4.12 Public authorities will find it useful to make a list of all their functions, and to assess the relevance of these functions to the duty to promote race equality. In some cases, the assessment will need to consider the relevance and effect of particular policies.
- 4.13 If the authority is not sure how a particular function or policy might affect race equality, it could consider that function or policy as potentially relevant from the start. The authority should also consider new functions or policies whose effects have not yet been assessed in a similar way.
- 4.14 In practice, authorities will want to know how relevant each function or policy is to the general duty. They can then give it appropriate priority. For each function or policy, they might ask:
- whether there is already evidence that the function or policy is affecting some racial groups differently;
  - whether there is any public concern that the function or policy in question is causing discrimination; and
  - whether there is any public concern that the function or policy is damaging good race relations.

- 4.15 Listing functions in order of priority can help public authorities to organise and plan their action. However, to meet the terms of the Act they will need to look at all relevant functions and policies. The race equality scheme should allow for this review.

### **Arrangements for assessing, and consulting on, the likely impact of proposed policies**

- 4.16 **Public authorities must set out in their race equality scheme their arrangements for assessing, and consulting on, the likely impact of their proposed policies on race equality (see 4.6).**
- 4.17 Public authorities are expected to set out their arrangements for:
- a. assessing the likely impact their proposed policies will have, including their arrangements for collecting data; and
  - b. consulting groups that may be affected by the policies.
- 4.18 Public authorities may find that they can use the arrangements they already have in place to carry out the necessary assessments and consultations.

### **Assessment**

- 4.19 Assessing the likely impact of a proposed policy should help to identify whether that policy might have a different impact on some racial groups, and whether it will contribute to good race relations. The assessment may involve using:
- a. information that is already available;
  - b. research findings;
  - c. population data, including census findings;
  - d. comparisons with similar policies in other authorities;
  - e. survey results;
  - f. ethnic data collected at different stages of a process (for example, when people apply for a service);
  - g. one-off data-gathering exercises; or
  - h. specially-commissioned research.

## Consultation

- 4.20 Public authorities already consult people in a number of different ways. However, an authority will raise confidence in its services and improve the way it develops policy if it uses clear consultation methods and explains them to its staff and to the public.
- 4.21 Public authorities could consult people through:
- a. consultation meetings;
  - b. focus groups;
  - c. reference groups;
  - d. citizens' juries;
  - e. public scrutiny; or
  - f. survey questionnaires.
- 4.22 Whichever consultation method they use, public authorities should try to make sure that:
- a. they use people's views to shape their decision-making process;
  - b. the exercise represents the views of those who are likely to be affected by the policy;
  - c. the consultation method is suitable for both the topic and the groups involved, and accessible to people with differing communication needs;
  - d. the exercise is in proportion to the effect that the policy is likely to have;
  - e. the consultation's aims are clearly explained;
  - f. the consultation exercise is properly timetabled;
  - g. the consultation exercise is monitored; and
  - h. the consultation's findings are published.
- 4.23 If the assessment or consultation shows that the proposed policy is likely to have an adverse impact or harm race equality, the public authority will want to consider how it is going to meet the general duty to promote race equality. The authority might ask itself the following questions.
- a. If one of our policies leads to unlawful racial discrimination, can we find another way of meeting our aims?
  - b. If one of our policies adversely affects people from certain racial groups, can we justify it because of its overall objectives? If we adapt the policy, could that compensate for any adverse effects?

- c. If the assessment or consultation exercise reveals that certain racial groups have different needs, can we meet these needs, either within the proposed policy or in some other way?
- d. Could the policy harm good race relations?
- e. Will changes to the policy be significant, and will we need fresh consultation?

### **Arrangements for monitoring policies for adverse impact**

- 4.24 Public authorities must set out in their race equality scheme their arrangements for monitoring their policies for any adverse impact on race equality (see 4.6).**
- 4.25** Knowing that a policy is working as it should is vital to achieving the aims of the general duty. Keeping track of how a policy is working, and whether it is having an adverse impact or harming race equality, depends largely on having an efficient, up-to-date, and relevant monitoring system.
- 4.26** Under this duty, public authorities should set out their arrangements to monitor all the policies that are relevant to the general duty to promote race equality. These could include a wide range of policies, such as service delivery, as well as regulatory and enforcement functions, such as licensing or stop and search.
- 4.27** Monitoring allows public authorities to test:
  - a. how racial groups are affected by their policies (for example, how often and why people use a service, how often they experience enforcement or legal action, how often they make complaints and why, and whether they face disadvantage or find that their needs are not met);
  - b. whether people from all groups are equally satisfied with the way they are treated;
  - c. whether services are provided effectively to all communities; and
  - d. whether services are suitable and designed to meet different needs (for example, whether they recognise language difficulties, individual cultural needs, or long-standing patterns of discrimination or exclusion).
- 4.28** Arrangements that the authority makes, or changes, to meet the duty should be relevant to the size of the authority, the nature of the policy and its possible effect on the public, particularly on different racial groups. Authorities can use a range of methods to monitor and analyse the effects of their policies on different racial groups, including:

- a. statistical analysis of ethnic monitoring data;
  - b. satisfaction surveys (analysed by the racial groups to which the people surveyed belong);
  - c. random or targeted surveys; and
  - d. meetings, focus groups, and citizens' juries.
- 4.29 A public authority's arrangements might explain what it would do if its monitoring showed that one of its policies was having an adverse impact on race equality, and that it would prevent the authority from meeting its general duty.
- 4.30 The authority should ask the following questions.
- a. If one of our policies is leading to unlawful racial discrimination, can we find another way to meet our aims?
  - b. If one of our policies is adversely affecting people from certain racial groups, can we justify the policy because of its overall objectives? If we adapt the policy, could that compensate for any adverse effects?
  - c. If the policy is harming good race relations, what should we do?
  - d. Will changes to the policy be significant, and will we need to consult about them?

## **Arrangements for publishing assessment, consultation and monitoring reports**

- 4.31 **Public authorities must set out in their race equality scheme their arrangements for publishing the results of any assessments, consultations and monitoring they carry out to see whether their policies have an adverse impact on race equality (see 4.6).**
- 4.32 Publishing these results will increase an authority's openness and allow it to show that it is committed to promoting race equality. In time, this should increase public confidence in the authority – across all racial groups.
- 4.33 An authority's publishing arrangements should be in proportion to its size and the importance of the subject.
- 4.34 The authority should arrange to include the following points in publishing the results of consultations:
- a. why the consultation took place;
  - b. how it was carried out;

- c. a summary of the responses or views it produced;
  - d. an assessment of the policy options; and
  - e. what the public authority is proposing to do.
- 4.35 The authority should set out in its race equality scheme how often, and in what form, the results of its assessments, consultations and monitoring will be published. The authority's publishing arrangements might also take account of how these fit in with its other statutory requirements or demands for published information.

### **Arrangements for making sure the public have access to information and services**

- 4.36 **Public authorities must set out in their race equality scheme their arrangements for making sure that the public have access to information and services they provide (see 4.6).**
- 4.37 To meet this specific duty, public authorities should arrange to make their information and services accessible to everyone. Authorities might consider the following.
- a. Consider access to information and services when they assess their functions. For example, is there enough information available to the public? Is the information user-friendly?
  - b. Consider whether a service is not being fully used because people do not have enough information about it, or because they are not confident that the service can meet their particular needs sympathetically or fairly.
  - c. Ask whether information is available at the right time and in the right place.
  - d. Take steps to improve the information available.
  - e. Monitor how effectively information is given to the public, and make improvements, where necessary.
  - f. Make sure that staff have the skills, information and understanding needed to deal fairly and equally with all clients.
- 4.38 Public authorities might also consider how they can improve public access to their services. Possible ways include:
- a. asking local communities what services they need and how they want them provided;
  - b. providing 'outreach' services to particular groups in an environment and style they are familiar with;



- c. strengthening cooperation with particular groups;
- d. developing and putting an interpreting and translating strategy into practice;
- e. taking positive action (see the glossary); and
- f. developing access to computers and internet services.

## **Arrangements for training staff**

- 4.39 Public authorities must set out in their race equality scheme their arrangements for training their staff in connection with the general duty to promote race equality, and any specific duties (see 4.6).**
- 4.40** Staff-training arrangements under this duty should aim to make sure that staff responsible for meeting the general and specific duties are aware of these – and have the skills needed to carry them out. Public authorities should consider what staff at various levels need to know about the general and specific duties, before giving them the training they need. This specific duty also includes meeting the training needs of the staff responsible for managing and delivering the public authority’s race equality scheme. Staff training should therefore focus on what the authority needs to do to meet the duties laid down in the Race Relations Act and any specific duties.

# 5

## Promoting race equality

### **Specific duties: employment**

- 5.1 The specific duty on employment applies to most of the public authorities bound by the general duty (see appendix 3). Further and higher education institutions are not bound by the employment duty, as they have separate employment responsibilities (see chapter 6). A few, mainly advisory, agencies are also not bound by the employment duty.
- 5.2 Articles 5(1), 5(2), and 5(3) of the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 say the following.
- 5. (1) A body or person to which this article applies shall,*
- (a) before 30th November 2002, have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2); and*
  - (b) fulfil those duties in accordance with such arrangements.*
- (2) It shall be the duty of such a body or person to monitor, by reference to the racial groups to which they belong,*
- (a) the numbers of –*
    - (i) staff in post, and*
    - (ii) applicants for employment, training and promotion, from each such group, and*
  - (b) where that body or person has 150 or more full-time staff, the numbers of staff from each such group who –*
    - (i) receive training;*
    - (ii) benefit or suffer detriment as a result of its performance assessment procedures;*
    - (iii) are involved in grievance procedures;*
    - (iv) are the subject of disciplinary procedures; or*
    - (v) cease employment with that person or other body.*
- (3) Such a body or person shall publish annually the results of its monitoring under paragraph (2).*

- 5.3 Public authorities that have to produce race equality schemes may find it useful to include their arrangements for meeting their employment duty in their race equality schemes.
- 5.4 The specific duties on employment are designed to provide a framework for measuring progress in equality of opportunity in public-sector employment. The specific duties are also aimed at providing monitoring information to guide initiatives that could lead to a more representative public-sector workforce. For example, these initiatives could include setting recruitment targets for under-represented racial groups, or targeting management development courses at racial groups that are under-represented at certain levels. The specific duties on employment set minimum standards. Other issues may also be relevant for good employment practice. This will depend on local circumstances.
- 5.5 Ethnic monitoring (see the glossary) is central to providing a clear picture of what is happening during the authority's employment cycle – from applying for a job and joining the authority to leaving it. Monitoring helps to measure overall progress and to show whether the authority's equal opportunities policies are effective. Monitoring is the essential tool to assess progress – or lack of it – in removing barriers to equality of opportunity in the public services.
- 5.6 It is important that the authority explains to applicants and existing staff why they are monitoring employment. People will normally only have to give information about their racial group voluntarily, and the authority should explain the conditions of the Data Protection Act 1998 (about processing this information) to them.
- 5.7 Wherever possible, the authority should build monitoring information into the information systems it already uses. The authority may be able to publish its monitoring results each year through its existing reporting systems. In its published results, the authority should explain how it is dealing with trends or problems highlighted by its monitoring. The authority may also find it useful to combine and analyse ethnic monitoring data with other data; for example on sex and disability.
- 5.8 To help meet the specific duty on employment, public authorities should:
- collect ethnic monitoring data; and
  - publish the results of the monitoring each year.
- 5.9 To check that they are meeting the general duty, public authorities may want to:
- analyse the data to find any patterns of inequality; and
  - take whatever steps are needed to remove barriers and promote equality of opportunity.


- 5.10 If the monitoring shows that current employment policies, procedures and practice are leading to unlawful racial discrimination, the authority should take steps to end the discrimination. As a first step, the authority should examine each of its procedures closely to find out where and how discrimination might be happening, and then consider what changes to introduce.
- 5.11 On the other hand, the monitoring may show that current policies, procedures and practice have an adverse impact on equality of opportunity or good race relations (even though they are not causing unlawful discrimination). If this is the case, the authority should consider changing its policies or procedures so that they still meet the same aims, but do not harm equality of opportunity or race relations.

### **Positive action**

- 5.12 If monitoring reveals that some racial groups are under-represented in the workforce, the authority could consider using ‘positive action’ (see the glossary). This allows employers and others to target their job training and recruitment efforts at those groups that are under-represented in a particular area of work. However, positive action does not allow discrimination when deciding who will be offered a job.

### **Ethnic categories and the 2001 census**

- 5.13 Public authorities are encouraged to use the same ethnic classification system as the one used in the 2001 census. Some authorities already have systems in place. If an authority chooses to collect more detailed information, it should make sure that the categories are the same as, or similar to, those used in the 2001 census. Any extra ethnic categories it adds to reflect its particular circumstances should fit in with the 2001 census categories.
- 5.14 Public authorities should make realistic and timetabled plans to adapt their ethnic monitoring systems to meet the specific duties.
- 5.15 The 2001 census used different ethnic classifications for England and Wales, and Scotland. See also *Ethnic Monitoring: A guide for Scottish public authorities*.



*Part*

*Promoting race  
equality in  
educational institutions*



# 6

## Promoting race equality

# Specific duties: educational institutions

### Introduction

- 6.1 This part of the code is written mainly for education providers and other education bodies. They are as follows.
- a. Education authorities
  - b. The managers of a grant-aided school (within the meaning of section 135 of the Education (Scotland) Act 1980 (a))
  - c. The board of management of a self-governing school (within the meaning of the Self-Governing Schools etc (Scotland) Act 1989 (b))
  - d. The board of management of a college of further education (within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 (c))
  - e. A college of further education maintained by an education authority in carrying out its further education functions in providing courses of further education (within the meaning of section 1 (5)(b)(ii) of the Education (Scotland) Act 1980)
  - f. Newbattle Abbey College
  - g. Sabhal Mòr Ostaig College
  - h. The governing body of an institution within the higher education sector (within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992) other than any institution whose activities are mainly carried on outwith Scotland including the Open University.
  - i. The managers of a central institution (within the meaning of section 135 of the Education (Scotland) Act 1980)
  - j. The Scottish Ministers (within the meaning of section 44(2) of the Scotland Act 1998(d))
  - k. The Scottish Further Education Funding Council
  - l. The Scottish Higher Education Funding Council

- 6.2 All the education authorities and further and higher education institutions we have mentioned must meet the general duty. Chapter 3 explains what they need to do to meet the duty. Scottish Ministers have also placed specific duties on education authorities, managers and boards (see 6.8 – 6.23), and on further and higher education institutions (see 6.24 – 6.45), to help them to meet the general duty.
- 6.3 Education authorities will expect schools under their management to have arrangements in place to help the authorities themselves to meet their duties. Managers of grant-aided schools and boards of management of self-governing schools should make sure the process of putting policy into practice is carried out effectively. Though this chapter focuses on the duties for education authorities and schools, the approach will be equally helpful to managers, boards and their schools.
- 6.4 The specific duties on employment, described in chapter 5, do not apply directly to schools. The main responsibility for monitoring the specific duties on employment lies with education authorities. All schools are expected to give their education authority ethnic monitoring data on their staff from their regular returns, so that the education authority can meet the duty.
- 6.5 Further and higher education institutions have other employment duties, which are described in paragraphs 6.40 to 6.42. As well as these duties, further and higher education institutions will have to give bodies such as the higher education funding council (see 6.50 for details of the specific duties placed on these bodies), monitoring information about their teaching staff.
- 6.6 The aim of the general duty is to make race equality central to the way public authorities carry out their functions (see the glossary). Promoting race equality should be a central part of all policy development, service delivery and employment practice.

### Benefits of the duty

- 6.7 Meeting the duty will help the educational institution to do the following.
- a. Make sure that the needs of all pupils and students are met and that they are able to achieve their full potential. The duty will help to raise standards across the whole institution.
  - b. Target action (including resources and support) to remove any inequalities between racial groups in their levels of achievement and progress; their experience of disciplinary measures (such as exclusion); admissions; or assessment.
  - c. Create a positive atmosphere where there is a shared commitment to value diversity and respect difference.



- d. Challenge and prevent racism and discrimination, and promote good relations between people from different racial groups.
- e. Prepare pupils and students to be good citizens, living and working in a multi-ethnic society.
- f. Create and retain a workforce that represents different ethnic backgrounds.
- g. Attract a motivated and loyal workforce, where employees from all racial groups are valued and can reach their full potential.
- h. Make full use of the skills and different perspectives in the community when running the institution, delivering the curriculum, and supporting pupils, students and staff.

### Education authorities and schools

6.8 Sections 3(1), (2), (3), (4), and (6) of the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 place specific duties on education authorities, managers of grant-aided schools, and the boards of management of self-governing schools to:

*3. (1) .... before 30th November 2002,*

- (a) prepare a written statement of its policy for promoting race equality (referred to in this article as its "race equality policy"), and*
- (b) have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (4).*

*(2) Such a body or person shall,*

- (a) maintain a copy of its race equality policy and in the case of an education authority ensure that each school under its management maintains such a copy; and*
- (b) fulfil those duties in accordance with such arrangements and in the case of an education authority ensure that each school under its management complies with the arrangements.*

*(3) A race equality policy prepared under paragraph (1)(a) and the arrangements put in place under paragraph (1)(b) by an education authority will apply to each school under its management.*

*(4) It shall be the duty of a body or person specified in Part 1 of Schedule 2 to this Order to make arrangements for each school under its management to -*

- (a) assess the impact of its policies, including its race equality policy, on pupils, staff and parents of different racial groups including, in particular, the impact on attainment levels of such pupils; and*

*(b) monitor, by reference to their impact on such pupils, staff and parents, the operation of such policies including, in particular, their impact on the attainment levels of such pupils.*

.....

*(6) Such a body or person shall take steps as are reasonably practicable to publish annually the results of its monitoring under this article.*

(See also 6.46 - 6.48 for employment duties of education authorities.)

## Race equality policy

**6.9 Education authorities must prepare and maintain a written statement of their race equality policy, and have arrangements in place for meeting their duties as soon as reasonably practicable. Both the statement and arrangements have to be ready by 30 November 2002. Education authorities must also make sure that each school maintains a copy of the policy and complies with the arrangements (see 6.8).**

**6.10** A race equality policy will help education authorities and schools to prevent racial discrimination, and to promote equality of opportunity and good race relations across all areas of school activity. The education authority will develop the race equality policy, but schools have the responsibility of putting the policy into practice. Depending on local circumstances, education authorities may expect each school under their management to draw up its own race equality policy. In either case, the policy should be part of the planning arrangements the school already makes.

**6.11** The race equality policy should be a written statement of responsibilities and commitments. It could be linked to an action plan for putting the policy into practice. A good policy would:

- a. be part of the school's development plan;
- b. give details of how the school will put the policy into practice and assess how effective it is;
- c. clearly define roles and responsibilities, so that people know what is expected of them; and
- d. explain clearly what the school will do if the policy is not followed.

**6.12** The race equality policy can be combined with another policy, such as an equal opportunities or diversity policy. However, to meet this duty, the race equality policy should be clearly identifiable and easily available.

- 6.13 The race equality policy should reflect the character and circumstances of the school, and deal with the main areas that are relevant to promoting the general duty. For example:
- a. pupils' attainment and progress;
  - b. curriculum, teaching and learning (including language and cultural needs);
  - c. promoting good race relations in the school and in the local community;
  - d. care and assessment;
  - e. staff recruitment and career development;
  - f. the school's values;
  - g. pupil behaviour, discipline and exclusion;
  - h. racial harassment and bullying;
  - i. admission and transfer procedures;
  - j. membership of the school board;
  - k. involving parents and the community in the school.

### Assessing the impact of policies

- 6.14 **Under the duty, education authorities must make sure that schools under their management assess the impact their policies (including their race equality policy) have on pupils, staff and parents from different racial groups. In particular, they should assess whether their policies have, or could have, an adverse impact on the attainment levels of pupils from different racial groups (see 6.8). Unless schools carry out this responsibility (impact assessment), the education authority is unlikely to meet its statutory duty.**
- 6.15 Schools should assess how effective their race equality policy is through the arrangements they have already made to develop and review policies.

### Assessing impact on pupils, staff and parents

- 6.16 The main questions for assessing the impact of a school's policies, including its race equality policy – giving special attention to pupils' attainment levels – could include the following.
- a. Is the school making sure that its policies, for example on exclusion, bullying, the curriculum, parental involvement, community involvement, and race equality, are not having an adverse impact on pupils, staff or parents from some racial groups?

- b. How does the school help all staff to develop and reach their full potential?
- c. How does the school encourage all parents to take part fully in the life of the school?
- d. Does the school help all its pupils to achieve as much as they can, and get the most from what is on offer, based on their individual needs?
- e. How does the school explain any differences? Are the explanations justified? Can they be justified on non-racial grounds, such as English language difficulties?
- f. Does each relevant policy include aims to deal with differences (or possible differences) in pupils' attainments between racial groups? Do the policy's aims lead to action to deal with any differences that have been identified (for example, extra coaching for pupils, or steps to prevent racist bullying)?
- g. What is the school doing to raise standards, and promote equality of opportunity for pupils who seem to be underachieving and who may need extra support?
- h. What is the school doing to:
  - (i) prepare pupils for living in a multi-ethnic society;
  - (ii) promote race equality and harmony in the school, and in the local community; and
  - (iii) prevent or deal with racism?
- i. Is the action the school has taken appropriate and effective? Are there any unexpected results? If so, how are they being handled?
- j. What changes does the school need to make to relevant policies, policy aims, and any related targets and strategies?

**6.17** To answer these questions, schools could consider:

- a. collecting and analysing relevant monitoring and other data;
- b. talking to pupils, parents and staff to find out their needs and opinions; and
- c. carrying out surveys or special research.

**6.18** Schools could use the results of these assessments to:

- a. rethink their race equality objectives (where necessary); and
- b. influence and guide their planning and decision-making.

## Monitoring the impact of policies

- 6.19 **Under the duty, education authorities must make sure that schools monitor the impact of their policies on pupils, parents and staff from different racial groups. In particular, education authorities must make sure that schools monitor the impact of their policies on pupils' attainment levels (see 6.8). Unless schools carry out this responsibility (impact assessment), the education authority is unlikely to meet its statutory duty.**
- 6.20 To monitor their pupils' attainment, schools should collect information about pupils' performance and progress, by racial group. They will need to analyse the information, and use it to examine trends. To help interpret this information, schools may find it useful to examine other areas that could have an impact on pupils' attainment.
- 6.21 Monitoring information will help schools to see what progress they are making towards meeting their race equality targets and objectives. In particular, it will help them to:
- a. highlight any differences in attainment between pupils from different racial groups;
  - b. ask why these differences exist, and test the explanations given;
  - c. review how effective their current targets and objectives are; and
  - d. decide what further action may be needed to meet the three parts of the general duty, and to improve the performance of pupils from different racial groups.

## Publishing

- 6.22 **Under the duty, education authorities must take reasonably practicable steps to publish the results of its monitoring each year (see 6.8).**
- 6.23 The education authority should use the arrangements it already has in place to publish the results of the monitoring it carries out to meet the duty. Summaries of the results, highlighting trends and key issues and outlining the steps the authority is planning to take, should be sufficient.

## Further and higher education institutions

- 6.24 Articles 3(1), (2), (5), and (6) of the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 place specific duties on further and higher education institutions. Such a body or person shall:

3. (1) ... before 30th November 2002,
- (a) prepare a written statement of its policy for promoting race equality (referred to in this article as its "race equality policy"), and
  - (b) have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph ... (5)....
- (2) Such a body or person shall,
- (a) maintain a copy of the statement, and
  - (b) fulfil those duties in accordance with such arrangements.
- ...
- (5) It shall be the duty of [such] a body ... to –
- (a) assess the impact of its policies, including its race equality policy, on students and staff of different racial groups;
  - (b) monitor, by reference to those racial groups, the admission and progress of students and the recruitment and career progress of staff; and
  - (c) include in its written statement of its race equality policy an indication of its arrangements for publishing that statement and the results of its assessment and monitoring under sub-paragraphs (a) and (b).
- (6) Such a body shall take such steps as are reasonably practicable to publish annually the results of its monitoring under this article.

## Race equality policy

- 6.25 **Under the duty, further and higher education institutions must prepare and maintain a written statement of their race equality policy, and have arrangements in place for meeting their duties as soon as reasonably practicable. Both the statement and arrangements must be ready by 30 November 2002 (see 6.24).**
- 6.26 A race equality policy will help the institution to prevent racial discrimination, and promote equality of opportunity and good race relations across all areas of activity. The policy should be part of the planning arrangements the institution already makes.
- 6.27 The race equality policy should be a written statement of responsibilities and commitments. It could be linked to an action plan for putting the policy into practice. A good policy would:
- a. be part of the institution's yearly plan;
  - b. give details of how the institution will put the policy into practice, monitor it, and assess how effective it is;

- c. provide a framework for building race equality into other relevant policies, and into all relevant areas of the institution's activities;
  - d. clearly define roles and responsibilities so that people know what is expected of them;
  - e. explain clearly what the institution will do if the policy is not followed; and
  - f. set out the institution's arrangements for publishing, each year, its race equality policy and the results of the monitoring and assessments it carries out to meet the duty.
- 6.28** The race equality policy should reflect the character and circumstances of the institution, and deal with the main areas that are relevant to promoting equality of opportunity and good race relations, and tackling racial discrimination. These areas may include:
- a. the institution's values;
  - b. curriculum, teaching and learning (including language and cultural needs);
  - c. assessment;
  - d. racial harassment and bullying;
  - e. the institution's management and governing body;
  - f. admissions, access and participation;
  - g. student support and guidance;
  - h. behaviour and discipline;
  - i. partnerships and community links; and
  - j. staff recruitment, training and career development.
- 6.29** The race equality policy can be combined with another policy, such as an equal opportunities or diversity policy. However, to meet this duty, the race equality policy will need to be clearly identifiable and easily available.

### Assessing the impact of policies

- 6.30 Under the duty, further and higher education institutions must assess the impact of their policies (including the race equality policy) on students and staff from different racial groups (see 6.24).**
- 6.31** The purpose of the assessment is to see whether the institution's policies help to achieve race equality for students and staff from different racial groups or whether they have, or could have, an adverse impact on them.

- 6.32 The institution should assess the impact its policies have on students and staff from different racial groups. They may find it helpful to build this assessment into the arrangements they already have for reviewing their policies.
- 6.33 Questions for assessing the impact of the institution's policies could include the following.
- a. Is the institution helping all staff and students to achieve as much as they can, and get as much as they can from what is provided for them?
  - b. How does the institution explain any differences between groups of students in terms of teaching and learning, drop-out rates, student progression and achievement, assessment, access to learning resources, support and guidance, and curricular and other opportunities?
  - c. Are these explanations justified? Can they be justified on non-racial grounds (for example, English language difficulties)?
  - d. How does the institution explain the differences between groups of staff in terms of grade and position, type of contract, career development, training, and other opportunities?
  - e. Are these explanations justified? Can they be justified on non-racial grounds (for example, a change in institution-wide policy on permanent recruitment)?
  - f. What is the institution doing to:
    - (i) raise achievement levels and tackle race inequalities when recruiting staff, and in students' performance and progress;
    - (ii) promote race equality and harmony, both inside the institution and in the wider community; and
    - (iii) prevent, or deal with, racism?
  - g. Do the policy's aims lead to action to deal with any unjustifiable differences that are identified?
  - h. Is the action appropriate and effective? Are there any unexpected results? If so, how are they being handled?
  - i. What changes does the institution need to make to policies, relevant policy aims, and related targets and strategies?
- 6.34 To answer these questions, further and higher institutions could consider:
- a. collecting and analysing relevant monitoring and other information;
  - b. talking to staff and students from all racial groups to find out their needs and opinions; and
  - c. carrying out surveys and research studies.



- 6.35 Further and higher education institutions could use these assessments to:
- rethink their race equality objectives (where necessary); and
  - influence and guide their planning and decision-making.

### Monitoring admission, recruitment and progress

- 6.36 **Under the duty, further and higher education institutions must monitor, by racial group, student admission and progress, and staff recruitment and career progress (see 6.24).**
- 6.37 Monitoring involves collecting information to measure an institution's performance and effectiveness. The results may suggest how the institution can improve.
- 6.38 The institution should monitor all stages of the student admissions process, from applications to outcomes. To help interpret the information, the institution might also consider monitoring other areas that could have an adverse impact on students from some racial groups, such as:
- choice of subject;
  - home or international status; and
  - selection methods.
- 6.39 The institution should monitor all students' achievements and progress. To help interpret the information, the institution might also consider monitoring other areas that could have an adverse impact on students from some racial groups, such as:
- student numbers, transfers and drop-outs;
  - different methods of assessing students;
  - work placements;
  - the results of programmes targeted at people from specific racial groups; and
  - bullying and racial harassment.
- 6.40 The institution should monitor all activities that relate to staff recruitment and selection, and to career development and opportunities for promotion. It might consider monitoring for each department as well as the whole institution. This is likely to include:
- selecting and training panel members;
  - applications and appointments;

- c. success rates for the different selection methods;
- d. permanent, temporary or fixed-term appointments; and
- e. home or international status (for institutions that recruit internationally).

**6.41** The institution should identify areas where career progress could be affected and monitor those. They might include:

- a. staff, by their grade and type of post;
- b. staff, by their length of service;
- c. staff training and development, including applications and selection, if appropriate;
- d. the results of training and career-development programmes or strategies that target staff from particular racial groups;
- e. staff appraisals; and
- f. staff promotion, including recruitment methods and criteria for choosing candidates.

**6.42** The institution will find it useful to assess its monitoring information regularly. This will allow it to evaluate the progress it is making in meeting its race equality targets and aims. These assessments will help the institution to:

- a. highlight any differences between staff and students from different racial groups;
- b. ask why these differences exist;
- c. review how effective its current targets and aims are;
- d. decide what more it can do to improve the performance of students from different racial groups (including positive action as allowed in section 35 of the Race Relations Act; see the glossary) and to improve the recruitment and progression of staff from different racial groups (again including positive action as allowed in sections 37 and 38 of the Race Relations Act; see the glossary); and
- e. decide what further action it may need to take to meet the three parts of the general duty.

## Publishing

- 6.43 Under the duty, further and higher education institutions must include a statement in their written race equality policy about their arrangements for publishing the race equality policy, and the results of assessments and monitoring. The duty also requires institutions to take reasonably practicable steps to publish, each year, the results of the monitoring they carry out to meet the duty (see 6.24).**
- 6.44 The institution's race equality policy should explain what will be published, and the form in which the information will be published. The institution should use the arrangements it already has in place to publish the results of its monitoring and assessments.
- 6.45 The institution might also consider publishing the results of any consultations they carry out to meet the duty. The information they publish could include:
- a. why the consultation took place;
  - b. how the consultation was carried out;
  - c. a summary of the responses or views expressed;
  - d. an assessment of the policy options; and
  - e. what the institution is proposing to do.

## Employment duties of bodies with specific responsibilities for education

- 6.46 Education authorities have a duty to monitor by racial group, for all the schools they manage, the following:
- a. staff in post; and
  - b. applicants for employment, training and promotion.
- (See also 6.4.)
- 6.47 Education authorities with 150 or more full-time staff, or equivalent in total in all the schools they manage, must monitor by racial group the number of staff from each school who:
- (i) receive training;
  - (ii) benefit, or suffer a detriment, as a result of performance assessment procedures;
  - (iii) are involved in grievance procedures;

- (iv) are subject to disciplinary procedures; and
- (v) end their employment with these schools.

6.48 Education authorities have a duty to take reasonably practicable steps to publish, each year, the results of this monitoring.

6.49 Scottish Ministers have a duty to:

- a. monitor, by racial group, the number of teaching staff from each racial group at all schools that the education authorities manage;
- b. take reasonably practicable steps to use information provided by education authorities and schools for that purpose; and
- c. take reasonably practicable steps to publish, each year, the results of this monitoring.

6.50 The Scottish Further and Higher Education Funding Councils have a duty to:

- a. monitor, by racial group, the number of teaching staff at all the establishments for which they are responsible; and
- b. take reasonably practicable steps to publish, each year, the results of this monitoring.

# *Part* IV

*Role of the  
Commission for  
Racial Equality*



# 7

## Partnership and enforcement

# Role of the Commission for Racial Equality

- 7.1 The Commission for Racial Equality (CRE) was set up under the Race Relations Act as an independent statutory agency. The CRE reports every year to the Home Secretary, but it is not formally part of the Home Office. It also presents a copy of its annual report to Scottish Ministers. The duties of the CRE, as set out in the Act, are to:
- work towards eliminating discrimination;
  - promote equality of opportunity and good relations between people of different racial groups; and
  - review the workings of the Act.
- 7.2 The CRE has both promotional and enforcement powers, and both apply to its work on the duty to promote race equality. This chapter explains how the CRE will use both these powers to help promote race equality.

### Partnership

#### Helping public authorities to meet their duty

- 7.3 The CRE will:
- give practical advice;
  - work with main parts of the public sector, including the inspectorates, to develop good practice; and
  - monitor and spread good practice.

#### Providing practical guidance

- 7.4 The CRE has issued non-statutory supplementary guides to this code, for public authorities, schools and further and higher education institutions (see appendix 5).
- 7.5 The CRE will continue to work with public authorities to help them to meet their general and specific duties.

## Developing and monitoring good practice

- 7.6 The CRE works with public authorities and others to develop and share good practice in a number of ways, for example by:
- a. sharing and demonstrating good practice;
  - b. supporting training;
  - c. giving information and advice;
  - d. updating guidance and publishing other material;
  - e. promoting good practice; and
  - f. identifying poor practice.

## Enforcement

- 7.7 The CRE is committed to using the full range of its enforcement powers appropriately. The CRE has a new power under the Act to enforce the specific duties to promote race equality.

## The general duty

- 7.8 If a public authority does not meet the general duty, its actions (or failure to act) can be challenged by a claim to the Court of Session for judicial review (see the glossary). A claim for judicial review can be made by a person or group of people with an interest in the matter. The CRE may be able to bring a claim for judicial review in certain cases.

## Specific duties

- 7.9 If a public authority does not meet any of its specific duties, it could face enforcement action by the CRE under section 71D of the Race Relations Act.
- 7.10 If the CRE is satisfied that a public authority has failed (or is failing) to meet any of its specific duties, the CRE can serve a 'compliance notice' on that authority. This notice will state that the authority must meet its duty and tell the CRE, within 28 days, what it has done, or is doing, to meet its duty.
- 7.11 In the compliance notice, the CRE can also ask the authority to give it written information showing that it has met its duty. The notice will state the time by which the CRE should receive the information. The CRE cannot ask for more information than a public authority would have to provide the Court of Session.



- 7.12 If, three months after a compliance notice has been served, the CRE considers that the authority has still not met one or more of its specific duties referred to in the notice, the CRE can apply to the Sheriff Court for an order to obey the notice.
- 7.13 If the compliance notice says that the authority must provide information, and it has not done so within the given time – or the CRE believes that the authority will not provide the information – the CRE can apply to the Sheriff Court for an order saying that the authority must provide the relevant information.
- 7.14 The Sheriff Court may grant the order in the terms that the CRE applied for, or in more limited terms. If the court makes an order and the authority does not keep to it, the authority may be found in contempt of court.

### **Unlawful discrimination**

- 7.15 The Act gives individuals the right to take legal action against unlawful racial discrimination. The Act also gives the CRE the power to take legal action against certain acts of unlawful discrimination. This power includes the power to carry out formal investigations (see the glossary).

### **CRE codes of practice**

- 7.16 This and other statutory codes of practice that the CRE issues under the Act are admissible in evidence in court. A court will be expected to take the code of practice into account if it seems relevant to any matter the court is ruling on. Public authorities do not have to follow the guidance in this code of practice. However, they are expected to meet the general duty and any specific duties by which they are bound.



# *Part V*

*Appendices*



## Appendix 1

# Scottish public authorities bound by the general duty

## (SCHEDULE 1A OF THE RACE RELATIONS ACT 1976)

### Scottish Administration

(1) An office-holder in the Scottish Administration (within the meaning given by section 126(7) (a) of the Scotland Act 1998)

(2) Member of the staff of the Scottish Administration (within the meaning given by section 126(7)(b) of that Act)

### Health

A health board constituted under section 2 of the National Health Service (Scotland) Act 1978

A National Health Service trust established under section 12A of that Act

A special health board constituted under section 2 of that Act

The common services agency for the NHS in Scotland

The Mental Welfare Commission for Scotland

The Scottish Dental Practice Board

The Scottish Hospital Endowments Research Trust

The Scottish Medical Practices Committee

The Scottish Hospital Trust

### Local government

A community council established under section 51 of the Local Government (Scotland) Act 1973

A council constituted under section 2 of the Local Government etc (Scotland) Act 1994

A joint board (within the meaning of section 235(1) of the Local Government (Scotland) Act 1973)

A licensing board constituted under section 1 of the Licensing (Scotland) Act 1976

### Education

The board of management of a self-governing school (within the meaning of the Self-Governing Schools etc (Scotland) Act 1989)

The managers of a grant-aided school (within the meaning of section 135 of the Education (Scotland) Act 1980)

The board of management of a college of further education (within the meaning of section 36 (1) of the Further and Higher Education (Scotland) Act 1992)

A college of further education maintained by an education authority, in the exercise of its further education functions in providing courses of further education (within the meaning of section 1(5)(b)(ii) of the Education (Scotland) Act 1980)

Newbattle Abbey College

Sabhal Mòr Ostaig College

The General Teaching Council for Scotland

The governing body of an institution within the higher education sector (within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992)

Learning and Teaching Scotland

The managers of a central institution (within the meaning of section 135 of the Act of 1980)

The Scottish Further Education Funding Council

The Scottish Further Education Unit, in respect of its public functions

The Scottish Higher Education Funding Council

The Scottish Qualifications Authority

### **Regulatory, audit and inspection**

The Accounts Commission for Scotland

Audit Scotland

The Institute of Chartered Accountants of Scotland

The Law Society of Scotland, in respect of its public functions

### **Police**

A chief constable of a police force maintained under section 1 of the Police (Scotland) Act 1967

A police authority established under section 2 of the Police (Scotland) Act 1967

### **Libraries, museums and arts**

The Ancient Monuments Board for Scotland

The Historic Buildings Council for Scotland

The National Galleries of Scotland

The National Library of Scotland

National Museums of Scotland

The Royal Botanic Garden, Edinburgh

The Royal Commission on Ancient and Historical Monuments of Scotland

The Royal Fine Art Commission for Scotland

The Scottish Arts Council

Scottish Screen

The Scottish Tourist Board

### **Other bodies, etc**

The Advisory Committee on Sites of Special Scientific Interest

The Building Standards Advisory Committee

The Commissioner for Local Administration in Scotland

The Crofters Commission

The Deer Commission for Scotland

The Fisheries (Electricity) Committee

The Hill Farming Advisory Committee for Scotland

The Local Government Boundary Commission for Scotland

The Scottish Agricultural Wages Board

The Scottish Conveyancing and Executry Services Board

The Scottish Environment Protection Agency

The Scottish Industrial Development Advisory Board

The Scottish Law Commission

The Scottish Legal Aid Board

Scottish Natural Heritage

The Scottish Records Advisory Council

The Scottish Sports Council

The Water Industry Commissioner for Scotland

Scottish Enterprise and Highland and Islands Enterprise, established under the Enterprise and New Towns (Scotland) Act 1990

## Appendix 2

### Scottish public authorities required to publish a race equality scheme

The Accounts Commission for Scotland	A police authority established under section 2 of the Police (Scotland) Act 1967
Audit Scotland	
A chief constable of a police force maintained under section 1 of the Police (Scotland) Act 1967	The Registrar General of Births, Deaths and Marriages for Scotland
The Common Services Agency for the NHS in Scotland	Scottish Enterprise and Highlands and Islands Enterprise established under the Enterprise and New Towns (Scotland) Act 1990
A council constituted under section 2 of the Local Government etc (Scotland) Act 1994	The Scottish Further Education Funding Council
A health board constituted under section 22 of the National Health Service (Scotland) Act 1978	The Scottish Higher Education Funding Council
A joint board (within the meaning of section 235(1) of the Local Government (Scotland) Act 1973)	The Scottish Legal Aid Board
The Keeper of the Records of Scotland	The Scottish Ministers
The Keeper of the Registers of Scotland	The Service Authority for the National Criminal Intelligence Service in respect of its Scottish functions
A licensing board constituted under section 1 of the Licensing (Scotland) Act 1976	A special health board constituted under section 2 of the National Health Service (Scotland) Act 1978
A National Health Service trust established under section 12A of the National Health service (Scotland) Act 1978	

## Appendix 3:

**Scottish public authorities bound by the employment duty****Scottish Administration**

(1) An office-holder in the Scottish Administration (within the meaning given by section 126(7) (a) of the Scotland Act 1998)

(2) Member of the staff of the Scottish Administration (within the meaning given by section 126(7)(b) of that Act)

**Health**

A health board constituted under section 2 of the National Health Service (Scotland) Act 1978

A National Health Service trust established under section 12A of that Act

A special health board constituted under section 2 of that Act

The Common Services Agency for the NHS in Scotland

The Mental Welfare Commission for Scotland

**Local Government**

A council constituted under section 2 of the Local Government etc (Scotland) Act 1994

A joint board within the meaning of section 235(1) of the Local Government (Scotland) Act 1973

A licensing board constituted under section 1 of the Licensing (Scotland) Act 1976

**Education**

The General Teaching Council for Scotland

Learning and Teaching Scotland

The Scottish Further Education Funding Council

The Scottish Further Education Unit, in respect of its public functions

The Scottish Higher Education Funding Council

The Scottish Qualifications Authority

**Police**

A chief constable of a police force maintained under section 1 of the Police (Scotland) Act 1967

A police authority established under section 2 of the Police (Scotland) Act 1967

**Libraries, museums and arts**

The National Galleries of Scotland

The National Library of Scotland

National Museums of Scotland

The Royal Botanic Garden, Edinburgh

The Royal Commission on Ancient and Historical Monuments of Scotland

The Scottish Arts Council

Scottish Screen

Scottish Sports Council

The Scottish Tourist Board

**Regulatory, audit and inspection**

Audit Scotland

The Institute of Chartered Accountants of Scotland

The Law Society of Scotland, in respect of its public functions



**Other bodies, etc**

The Commissioner for Local Administration  
in Scotland

The Crofters Commission

The Deer Commission for Scotland

The Scottish Agricultural Wages Board

The Scottish Conveyancing and Executry  
Services Board

Scottish Enterprise and Highland and Islands  
Enterprise, established under the Enterprise  
and New Towns (Scotland) Act 1990

The Scottish Environment Protection Agency

The Scottish Law Commission

The Scottish Legal Aid Board

Scottish Natural Heritage

The Water Industry Commissioner for  
Scotland

## Appendix 4

# Scottish public authorities bound by the duties for educational institutions

### Education Authorities

The managers of grant-aided schools (within the meaning of section 135 of the Education (Scotland) Act 1980)

The board of management of a self-governing school (within the meaning of the Self-Governing Schools etc (Scotland) Act 1989)

The board of management of a college of further education (within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992)

A college of further education maintained by an education authority in the exercise of its further education functions in providing courses of further education (within the meaning of section 1(5)(b)(ii) of the Education (Scotland) Act 1980)

Newbattle Abbey College

### Sabhal Mòr Ostaig College

The governing body of an institution within the higher education sector (within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992) other than any institution whose activities are principally carried on outwith Scotland including the Open University

The managers of a central institution (within the meaning of section 135 of the Education (Scotland) Act 1980)

The Scottish Ministers (within the meaning of section 44(2) of the Scotland Act 1998)

The Scottish Further Education Funding Council

The Scottish Higher Education Funding Council

## Appendix 5

### Other guidance published by the CRE

#### Guides on the duty to promote race equality

*The Duty to Promote Race Equality: A guide for public authorities in Scotland* (2002)

A non-statutory guide to the Code of Practice on the Duty to Promote Race Equality in Scotland.

*The Duty to Promote Race Equality: A guide for education authorities and schools in Scotland* (2002)

A non-statutory guide to the Code of Practice on the Duty to Promote Race Equality in Scotland.

*The Duty to Promote Race Equality: A guide for further and higher education institutions in Scotland* (2002)

A non-statutory guide to the Code of Practice on the Duty to Promote Race Equality in Scotland.

*Ethnic Monitoring: A guide for public authorities in Scotland* (2002)

A non-statutory guide to the Code of Practice on the Duty to Promote Race Equality in Scotland.

#### Other statutory CRE codes

*Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment* (1984)

This code stays in force. The Race Relations Act 1976 (Statutory Duties) Order 2001 gives public authorities new responsibilities for monitoring employment practice.

*Code of Practice in Rented Housing: For the elimination of racial discrimination and the promotion of equal opportunities* (1991)

This code stays in force.

*Code of Practice in Non-Rented (Owner-Occupied) Housing: For the elimination of racial discrimination and the promotion of equal opportunities* (1992)

This code stays in force. The Race Relations Act 1976 (Statutory Duties) Order 2001 gives public authorities new responsibilities for promoting race equality.

#### Non-statutory CRE codes

*Code of Practice for the Elimination of Racial Discrimination in Education (Scotland)* (1989)

This code should be read together with the statutory Code of Practice on the Duty to Promote Race Equality.

*Code of Practice in Maternity Services: For the elimination of racial discrimination and the promotion of equal opportunities* (1994)

This code should be read together with the statutory Code of Practice on the Duty to Promote Race Equality.

*Code of Practice in Primary Health Care: For the elimination of racial discrimination and the promotion of equal opportunities* (1992)

This code should be read together with the statutory Code of Practice on the Duty to Promote Race Equality.

#### Standards for racial equality

*Racial Equality Means Quality: A standard for racial equality for local government in Scotland* (1995)

Local government should continue to use this standard, which supports the statutory Code of Practice on the Duty to Promote Race Equality.



**COMMISSION FOR  
RACIAL EQUALITY**

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