

**REPORT TO: EQUALITY ACTION COMMITTEE – 14 MAY 2001**

**REPORT ON: RACE RELATIONS AMENDMENT ACT 2000 – HOME OFFICE  
CONSULTATION PAPER**

**REPORT BY: DIRECTOR OF NEIGHBOURHOOD RESOURCES & DEVELOPMENT**

**REPORT NO: 293-2001**

## **1.0 PURPOSE OF REPORT**

- 1.1 To outline proposals for the implementation of the new Act.

## **2.0 RECOMMENDATIONS**

It is recommended that:

- 2.1 the Report forms the basis of Dundee City Council's response to the consultation document.
- 2.2 the Report is remitted to the Equality Action Task Group (Race) to inform its action planning.

## **3.0 FINANCIAL IMPLICATIONS**

- 3.1 Until the relevant Task Groups review the issues and implications for the Council in implementing this legislation, it is not possible to cost same at present. A further report will be compiled as and when the key costs are identified.

## **4.0 LOCAL AGENDA 21 IMPLICATIONS**

- 4.1 The following key themes have implications for race equality planning:
- Diversity and local distinctiveness are valued and protected.
  - All sections of the community are empowered to participate in decision-making.
  - Access to the skills, knowledge and information is needed to enable everyone to play a full part in society.
  - People should live without fear of personal violence from crime and persecution because of their personal beliefs, race, gender or sexuality.
  - Facilities, services, goods and people are accessible to all
  - Payments for work are fairly distributed.

## **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 This Report is wholly concerned with the major area of equal opportunities work ie that of attaining the elimination of race discrimination and the promotion of equality.

## **6.0 THE RACE RELATIONS (AMENDMENT ACT) 2000**

- 6.1 The new act outlaws race discrimination in all public authority functions not previously covered by the 1976 Act. It uses a very broad definition of "Public Authority", following the approach taken in the Human Rights Act 1998, and includes public functions performed by private sector bodies eg running of prisons.
- 6.2 The Act is intended to set a minimum standard for public authorities, and requires them to review all of their functions to identify which have the most relevance in implementing the new provisions. These will take effect from 1 April 2001. It places a general duty on all public authorities to "have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations

between persons of different racial groups” when performing their functions. This differs from the 1976 Act, which left it up to individual authorities to decide whether the promotion of race equality was an appropriate activity.

6.3 Specific duties proposed for all public authorities are as follows:

- Prepare and publish a Race Equality Scheme.
- Assess which functions and policies are relevant to the general duty, with regular reviews eg every 3 years.
- Assess and consult on the impact of proposed policies for race equality.
- Monitor for adverse impact on existing and proposed policies.
- Publish the results of assessments, consultation and monitoring.
- Set out arrangements for ensuring ethnic minorities have access to information and services provided by the authority.
- Train staff on issues relevant to promoting race equality.

6.4 In relation to employment, all employers with a workforce of over 150 will be required to monitor by ethnic group staff in post and applicants for jobs, promotion and training. In addition, they will be expected to carry out an analysis of staff by grade, and to monitor grievances, disciplinary action, performance appraisal, training and dismissals and other reasons for leaving.

6.5 All of these figures should be published annually using existing reporting systems.

6.6 The timetable for implementation of the new measures is as follows:

- April 2001 – general duties enforced.
- July 2001 – secondary legislation imposing specific duties on public bodies.
- Summer 2001 – Commission for Racial Equality to undertake public consultation on draft Codes of Conduct aimed at providing practical guidance to public authorities on how to fulfil their new duties.
- November 2001 – specific duties enforced allowing six months for compliance.
- May 2002 – specific duties to have been complied with.

## **7.0 PROPOSED COMMENTS**

7.1 The new Act is to be welcomed as plugging some major gaps in previous legislation which made consistent approaches to the implementation of race equality policies difficult. In this new area of “joined up” government and partnership working, it is a timely development that all public authorities will be working to broadly similar requirements, approaches and plans to achieve racial equality. The duties proposed to local authorities will make it clear to the public the strength of commitment and the level of service and information they can expect in relation to fairness and equality in all aspects of local authority work.

7.2 It is equally important that the proposals stress that public authorities should use existing mechanisms where appropriate for implementing, monitoring, consulting and reporting on performance on race equality. This aids the mainstreaming process as well as easing the burden on staff time and resources.

7.3 The proposals for a new Code of Practice specifically for local authorities is again to be welcomed as it will simplify and clarify the expectations on them. It is to be hoped that, while these are intended to have statutory force, they will also provide practical support in achieving the new requirements, and pave the way for constructive partnership between the Commission for Racial Equality and local government.

7.4 It is suggested that the time allowed for compliance with the new duties is perhaps too short for some public authorities, since all are currently at different stages in implementing race equality strategies.

- 7.5 The key central public bodies for which specific duties are proposed includes both Councils and Community Councils. It is suggested that the local authority Code of Practice should include reference to the relationship between the two in terms of the fulfilment of these specific duties
- 7.6 In relation to the requirements for education, it is suggested that the specific duties placed upon Education Departments should include monitoring of racist bullying and other racist incidents. This information and the actions taken to implement the race equality scheme should be produced on a school-by-school basis.

## **8.0 IMPLICATIONS FOR DUNDEE CITY COUNCIL DEPARTMENTS**

- 8.1 There are a number of key areas of current equality work that will require to be reviewed and/or revised following the new Act. These will include adopting a new policy statement, which incorporates the definition of institutional racism outlined in the MacPherson report of the Stephen Lawrence Inquiry.
- 8.2 Initially, it will be necessary to list all council functions and make decisions about which have relevance for target setting on equality. It is suggested that the draft Equality Standard for Dundee City Council be used as a starting point for this.
- 8.3 It is anticipated that current monitoring and consultation methods will require to be reviewed and that there will be a need to develop an agreed method of assessing differential impact. The aim of this should be to devise a tool that will be applicable to as wide a range of functions as possible.

Monitoring of service uptake, need and customer satisfaction levels should be a priority for this area of work.

- 8.4 The duty to prepare and publish a Race Equality Scheme should be linked to the Council's overall Equality Action policy and plan. This follows the consultation document's emphasis in using existing mechanisms and on mainstreaming. In addition, it is expected that forthcoming changes to equality law will require similar requirements for Disability and Gender Equality. The existing task groups and audit tools such as the Barrier Free Access Standard should follow the Race Relations Amendment requirements as a model to ensure a consistent approach.
- 8.5 The format of the Council's corporate plans should be reviewed to take account of the new target setting, performance indicators and publishing requirements of the Act. The communication of this and other information provided by the Council will require a clear policy on translation and interpreting as well as on the use of alternative formats such as tape.
- 8.6 An analysis of current training provision on equality will also be required in order to implement the duties. The relevant functions, as identified by the initial audit, would help to identify which staff would require training and in what. A programme incorporating legislative and policy requirements, race and cultural awareness, use of translation and interpreting services and good practice in relation to equality in the workplace and in service delivery should then be devised. This should make full use of the current training programmes to mainstream equality issues.
- 8.7 The Council's role in supporting the Multi Agency Panel on Racial Harassment, and its commitment to developing partnership working, and where possible, joint approaches to equality work should be re-emphasised.

## **9.0 CONSULTATION**

- 9.1 The Chief Executive and Directors of Finance, Support Services, Personnel and Management Services, Education, Housing, Arts and Heritage and Leisure & Parks have been consulted and are in agreement with the contents of this report.

## **10.0 BACKGROUND PAPERS**

10.1 The following background paper as defined by Section 50D of the Local Government (Scotland) Act 1973 was relied on to a material extent in preparing the above Report:

“The Race Relations (Amendment) Act 2000 – New Laws for a Successful Multi-Racial Britain – Proposals for Implementation” published by the Home Office, February 2001.

**F R Patrick, Director of Neighbourhood Resources & Development .....**

**Date .....**

FRP/ADB/OS (RRAAmendmentResponse)  
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