



COMMISSION FOR RACIAL EQUALITY



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THE CRE IN WALES

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The 25th anniversary of the 1976 Race Relations Act coincided with the biggest and most positive changes in race relations law we have seen in Britain since the original Act was passed. The introduction of a new public duty to promote racial equality makes prevention of racial discrimination as important as legal redress. We welcome the commitment shown by key players in the National Assembly for Wales (NAfW), local government, education, health and the media to put racial equality at the heart of the Welsh political and social agenda.

All public bodies in Wales now know about the strengthened legislative framework

like to take this opportunity to thank the many people and organisations throughout Wales who have worked with us for a just society and a better Wales, in particular First Minister Rhodri Morgan; Edwina Hart, Minister for Local Government and Communities, and chair of the committee on equality of opportunity; Jenny Randerson, Minister for Culture; Jane Davidson, Minister for Education; Jane Hutt, Minister for Health; Jon Shortridge, Permanent Secretary; and the entire staff of the NAfW civil service for their ready advice and guidance.

Sadly, 2001 also showed us how much work we still have to do in the field of racial equality. The harrowing events on 11 September, and their aftermath – racist attacks throughout Wales (including Caernarfon in north Wales), which were seen by their victims as retaliation for the actions of individual terrorists – were shocking. Racism must have no place in Wales.

We have what we need to take up the challenge – a stronger, more comprehensive race relations law. We also have the political will and commitment of politicians, public bodies, and the overwhelming majority of the Welsh public. I am confident that change will come, sooner rather than later.



BEVERLEY BERNARD
Member, CRE Wales
Committee



CHERRY SHORT
Chair, CRE Wales
Committee



RAY SINGH CBE
Member, CRE Wales
Committee

and how it should help them to provide services to the public fairly and accessibly, irrespective of race, colour or ethnic or national origins. This was mainly done through *Beyond Rhetoric*, our very successful conference in Cardiff for the public sector.

I would like to thank my fellow CRE commissioners and CRE staff in Wales for all their hard work over the year. I would also

Cherry Short

Cherry Short
Chair, CRE Wales Committee

The year saw the biggest change in race relations law for Welsh public authorities in a quarter of a century. The amended Race Relations Act now includes all the functions of most public authorities, and it gives most of them a new general duty to promote racial equality and good race relations. The home secretary also issued enforceable specific duties for the main public services in October 2001, to help them meet the general duty.

The purpose of these changes is to 'mainstream' racial equality and to prevent racial discrimination. The Race Relations (Amendment) Act 2000 came into force on 2 April 2001.

On 3 December, we launched a statutory code of practice on the new duty, and four other guides, for consultation.

CRE officers in Wales spent a large part of the year laying strong foundations for the new duties. It was vital that public authorities, and the people they serve, knew about the changes, and began preparing for them in good time. We gave presentations, seminars and lectures to public authorities at events across the country. Among these were the Local Government Association's conference for fire officers; a presentation to Torfaen Council's race multi-agency advisory forum; Cardiff County Council's 'Capitol Congress'; and Gwent Health Care Trust's meeting to consult ethnic minority communities in Newport.

We took advantage of every opportunity, including our membership of boards, teams and working groups, and requests from public bodies for



advice, to emphasise the importance of the new duties. Our message to all was that public authorities could not begin too soon to prepare for the changes, and that they should work as far as possible with other agencies, to ensure consistency and coordination.

National Assembly for Wales

We worked closely with members of the National Assembly for Wales (NAfW), and were grateful to ministers for their readiness to support our work or speak at our events. We also attended meetings of the NAfW's committee on equality of equal opportunity, which has promised us full support in

implementing the code when it comes into effect on 31 May 2002.

In March, the NAfW set up a Wales Public Sector Round Table on Equalities. Its aim is to encourage senior public officers to share their experiences and to discuss equality issues. We are working with Permanent Secretary Jon Shortridge to develop terms of

▲ CRE chair, Gurbux Singh, welcomes the new Race Relations (Amendment) Act 2000 as a historic step. 'Britain today moves into a new gear on racial equality,' he said.





CRE

▲ Representatives of many public bodies attended the CRE's *Beyond Rhetoric* conference in Cardiff, to learn about the new statutory public duty. First Minister the Rt Hon Rhodri Morgan (right) gave the keynote speech. CRE commissioner Ray Singh (left), with Dr Mashuq Ally to his right.

reference for an operations task force, made up of equality officers from the public sector, to implement the round table's decisions.

In July, in partnership with the NAFW, we organised a conference – *Beyond Rhetoric* – in Cardiff. It was part of a series of events for public authorities on the new duty throughout Britain and was addressed by our chair, Gurbux Singh. It attracted about 250 delegates, from all four police authorities, and most local authorities in Wales. First Minister Rt Hon Rhodri Morgan gave the keynote speech. Other speakers included the NAFW's permanent secretary, and our commissioners for Wales, Cherry Short and Ray Singh.

The NAFW is keenly aware that its commitment to racial equality must begin at home. In March, the committee on equality of opportunity debated *Lifting Every Voice*, a report on equality in the Assembly which it had commissioned as a result of a partnership agreement between the NAFW and the Public and Commercial Services union (PCS). The report, written by Roger McKenzie, former PCS equality officer, recommended a complete overhaul of the NAFW's policies and practice, to tackle the under-representation of people from ethnic minorities in the NAFW. An implementation group, chaired by McKenzie, was set up to produce and implement an action plan. We were consulted regularly at all stages.

Local government

In September, the *Equality Standard* for local government in Wales was launched at the Welsh Local Government Association's conference in Swansea. The standard will replace the CRE's original groundbreaking standard, *Racial Equality Means Quality*. For the first time, local authorities will be able to monitor and assess all their equality work using a single standard for race, sex and disability. The event brought together members and chief officers of all 22 local authorities in Wales and we used the opportunity to give a presentation on the implications of the amended Act for councils and councillors.

Edwina Hart, the minister for local government, backed a proposal from the three equality commissions (the CRE, the Equal Opportunities Commission, and the Disability Rights Commission) and Syniad to set up a local government equalities unit. We suggested that the unit, which should be set up for three years in the first instance, should be

► Fifty women attended *Dialogue*, a conference which we organised to discuss the main issues affecting ethnic minority women in Wales. Edwina Hart, Minister for Local Government and Communities, and Geta Aldridge, chair of MEWN Cymru, were among the speakers.



MEWN Swansea

responsible for work on the new duty as well as the equality standard for local government.

Health

We had several discussions with the NAFW's health directorate and the NHS equalities unit about the implications of the amended Act. Both agreed to help us to promote the statutory code of practice on the new duty.

Education

Glamorgan University was one of many universities we met during the year to discuss the new duties under the amended Act. We also discussed the university's race equality scheme, and met officers from the school of social care to discuss an action plan to recruit more students and staff from ethnic minorities.

We were impressed by the progress that the University of Wales Institute in Cardiff had made in the area of racial equality. The university had already drawn up a robust action plan in line with the amended law, and had trained its staff on it. The university had also monitored recruitment and analysed the data.

Delivery of the new duty will depend crucially on the attention that public inspection bodies give to racial equality during their inspections. We worked closely with ESTYN, the inspectorate for education, on a review of its framework, to make sure that racial equality was built into all its performance standards.

In December, the minister for education, Jane Davidson, launched *Equal Opportunities in the Curriculum*, a guide for teachers. The handbook was the result of discussions between ACCAC (the qualifications, curriculum and assessment authority for Wales) and the three equality commissions. We reviewed the curriculum and identified areas that would benefit from a greater understanding of other cultures and histories.



Criminal justice

The amendments to the Act were a response to recommendation 11 of the Stephen Lawrence inquiry report, that the full force of race relations legislation should apply to the police and other public bodies. Since 2 April 2001 (when the Act came into force), criminal justice agencies, which were previously covered by the Act only as employers, are now covered in all their functions.

In July, we addressed a conference organised by Gwent police, who are signatories to the Leadership Challenge, to launch their equal opportunities policy and strategy. The strategy was based on the findings of two assessment reports by external consultants. We shall be advising the force on its race equality scheme.

We also worked with the North Wales Race Equality Network to review and monitor North Wales Police Force's action plans, and discussed recruitment issues with the chief probation officer for Dyfed Powys.

Following the CRE's formal investigation of the Croydon branch of the crown prosecution service (CPS), we met the head of CPS South Wales to discuss recruitment

▲ Celebrations for the 10th anniversary of the CRE's Race in the Media Awards, and the launch of a new RIMA category in 2002 – Leadership in Sport. The event, held at the National Museum for Wales, was organised with BBC Wales, S4C and HTV. Nigel Walker, the new head of BBC Wales Sport, and Lord Dafydd Elis-Thomas were among the guests.

We also set up a Media Round Table on Equalities last year, to discuss racial equality in programme production and in recruitment.

The wrong accent

Lionel Kelleway, a veteran radio presenter for BBC Wales, won his discrimination case against his employer. The employment tribunal unanimously upheld Kelleway's claim that the BBC had dropped him from its programming because of his English accent. They found that the BBC and Daniel Jones, former chief executive of BBC Radio Wales, had discriminated against Lionel Kelleway because of his national origins.

The BBC had been planning to argue that the Welsh and English do not have separate national origins, but they dropped this line of defence when the case of *Souster v BBC Scotland* ended with the Court of Sessions' ruling that the Scots and the English have separate national origins.

Kelleway's case hinged on a statement by Mr Jones in his commissioning brief for natural history programmes which called for 'a strong Welsh voice.' Both Mr Kelleway and his producer, Paul Evans, took this to mean 'Welsh accents.' The tribunal agreed. The case has been appealed.

and retention of staff from ethnic minorities. We were also asked to comment on Dyfed Powys CPS's action plans.

Working with business

Most of our time and resources were taken up last year with work arising out of the amendments to the Act. However, we continued to deal with requests from private sector organisations, ranging from enquiries about the new census ethnic categories to requests for help with drafting equal opportunities policies.

We welcomed the appointment of a dedicated officer to cover the growing volume of work with the private sector in Wales.

We were pleased to learn that our joint bid with the Welsh Development Agency was successful. We secured £1.2 million for a project to encourage ethnic minority business start-ups. This was part of a £6.5 million bid under 'objective one' for under-represented groups. Ethnic Business Support Programmes will be managing the project.

Leadership Challenge

In the light of the new duties for public authorities, our work on the Leadership Challenge was put on hold in 2001, to take stock of the initiative and remodel it. However, we continued to work with existing challengers, and also welcomed new signatories. In September, councillor Noel Crowley, leader of Neath Port Talbot Council, and Ken Sawyers, the chief executive, signed up to the challenge.

Welsh language

The role of the Welsh language in Wales continues to excite heated debate. In November, we were invited to present our views to the NAFW's culture committee, as part of its review of the Welsh language.

We also used an invitation to address a seminar on ethnic minorities at the Plaid Cymru conference to explain our view that the Welsh language should be regarded as an official language.

During the National Eisteddfod in August, the media focused attention on comments about the 'negative effects' of inward migration by non-Welsh speakers to the 'Welsh language heartlands'. We received ten complaints about this, including two notifications that the callers intended to make formal complaints about the 'inappropriate language' used in support of the Welsh language and culture. The related debate about housing in rural Wales did provoke some 'inflammatory' and 'unwarranted' comments. However, we do not have the power to consider such complaints. Instead, we issued media statements, calling for calm, and urging rational debate about a very real problem.

Legal action

During 2001, 288 members of the public contacted us for advice about their rights under the Act. Of these, 116 (40%) led to formal applications for legal assistance from the CRE.

Thirty-four of these (29%) were related to employment and 82 (71%) to non-employment matters, such as education, housing, police, and goods and services.

Our emphasis throughout the year was on resolving disputes without recourse to legal action. In one settlement, the applicant received £50,000 in compensation.

Partnerships

We worked closely with the Employment Rights Network in Wales, which brings together employment law practitioners from local law firms, advice agencies and higher education institutions. The forum offers an invaluable opportunity to share information and learn about good practice.

In 2001, we joined forces with the regional offices of the Disability Rights Commission and the Equal Opportunities Commission of Wales to fund research on employment tribunal cases in Wales, and on the merits and shortcomings of advice services. The research will be conducted by academics at the University of Wales, Bangor.

Legal strategy

In 2002, we are planning a programme of seminars, workshops and conferences on advice work in racial discrimination cases for organisations that we work with. These include citizens advice bureaux, trade unions and voluntary organisations. The aim is to lay the groundwork for more joint work and cooperation on racial discrimination cases.

Racial equality councils

Racist threats and attacks have escalated in Britain since the attacks in New York and Washington on 11 September, and the subsequent bombing of Afghanistan. In Wales, the majority of attacks occurred in



Cardiff, Newport and Swansea. Many of them were directed at women and children, who were victims of spitting, name-calling and general verbal abuse. We also heard reports of anonymous hate mail and attacks on mosques. Some of the incidents were very serious, such as the infamous incident in Caernarfon, where three men, who were part of a drunken mob, vented their rage on four Bangladeshi men, ten days after the World Trade Center attacks. The three men were subsequently sentenced to 16 months in prison.

First Minister Rhodri Morgan met some 40 community and faith leaders, to explain the NAFWs position, and to ask what it could do to reduce tensions. Edwina Hart, the minister for local government, met us and representatives of racial equality councils (RECs) and the North Wales Race Equality Network, to find ways in which the NAFW could work more closely with organisations responsible for promoting good race relations in Wales.

RECs are jointly funded by the CRE and local authorities. In 2001, we met council chief officers to discuss ways of improving support for local racial equality work. We agreed to set up joint panels for each main

▲ Media comments during the National Eisteddfod about the 'negative effects' of inward migration by non-Welsh speakers to the 'Welsh language heartlands' resulted in complaints to the CRE.



▲ CRE Wales officers get a slice of the ACTION – a new, comprehensive training programme on legal developments and management skills.

service area, and to monitor performance.

We renewed our funding for two key posts at the North Wales Race Equality Network, which had produced invaluable information about the shortcomings of services for ethnic minority communities in the region.

CRE Wales

The year saw a welcome increase in resources for the CRE, to monitor and enforce the amended Race Relations Act. CRE Wales benefited substantially from this, and we expanded from four staff at the beginning of the year to 14 at the end. We were also able to move to a larger office during the year.

We now work in the following teams:

- Welsh language monitoring group – to monitor our duties under our Welsh Language Scheme;
- Legal follow-up forum – to work with respondents in racial discrimination cases to improve their policies and practice;
- Public duty group – to coordinate work on the new duty;
- European funding cross-cutting group – to coordinate our work on European structural funds in the public and private sector, and to build relationships with local communities; and
- Reference groups – each policy area has a consultation reference group, made up of experts in local government, health, education, criminal justice, and the voluntary sector.