

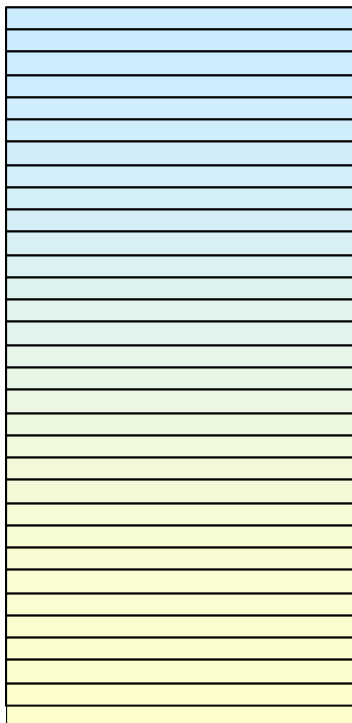
**EQUALITY OF OPPORTUNITY COMMITTEE**

Date: 17 January 2001
Time: 9.30am
Location: Committee Room 3, National Assembly Building

**Title: Race Relations (Amendment) Act 2000**

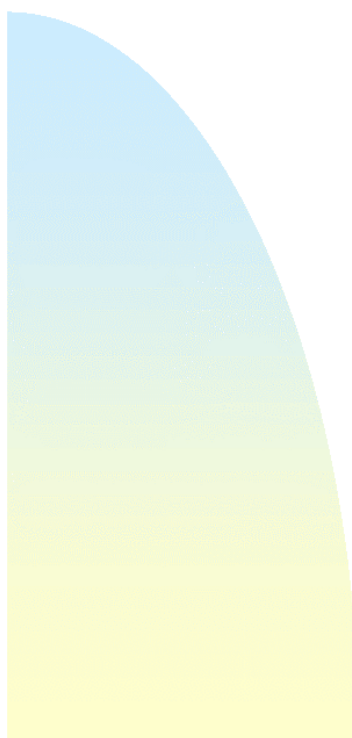
COMMISSION FOR RACIAL  
EQUALITY, WALES

RACE RELATIONS  
(AMENDMENT) ACT 2000



## Introduction

- To provide a summary of the main provisions of the Act, however, it is not a definitive statement of the law
- Presentation by
- Dr. M. Mashuq Ally, Head of CRE Wales



## AIMS

- To inform individuals, community organisations, trade unions and public authorities about the wider protection against racial discrimination, and about the new public sector duty contained in the Act
- To encourage all public authorities to prepare for the new ways of thinking and working that will be expected under the amended RRA 1976



## WHAT IS MEANT BY PUBLIC AUTHORITY?

- The new Act, like the Human Rights Act, defines a public authority very widely. *This means it will be unlawful for anyone whose work involves functions of a public nature to discriminate on racial grounds while carrying out those functions*



## WHO ARE COVERED IN THE SCHEDULE 1A?

- Ministers of the Crown and government departments
- National Assembly for Wales
- Armed Forces
- National Health Service
- Local Government
- LEA's; Schools; HE/FE.
- Housing



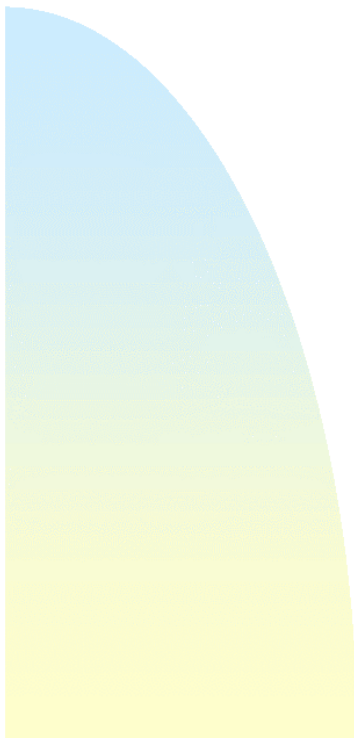
## Schedule 1A continued

- Police
- Prisons
- Detention Centres
- Probation Service
- Fire authorities
- Water, Waste Disposal and Sewage
- Private or Voluntary agencies carrying out public functions



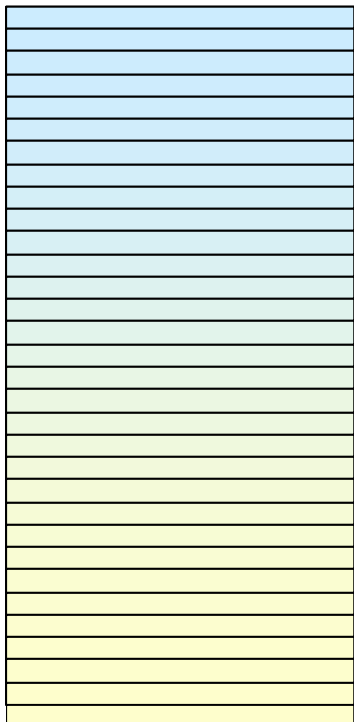
## MAIN EXCEPTIONS

- Parliamentary functions
- Judicial proceedings
- Security Services
- Decisions not to prosecute
- Certain immigration and nationality functions, where it will remain lawful to discriminate on grounds of national origin - but not race or colour.



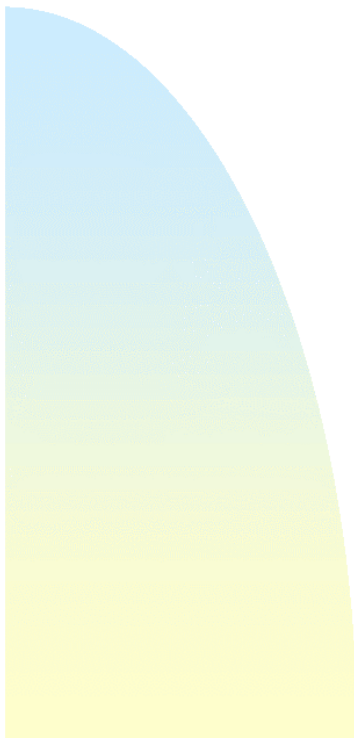
## General duties

- This requires all public authorities in carrying out their functions to have due regard to the need to *eliminate* unlawful discrimination and *promote* equality of opportunity and good race relations. They will be expected to consider the implications for race equality everything they do.



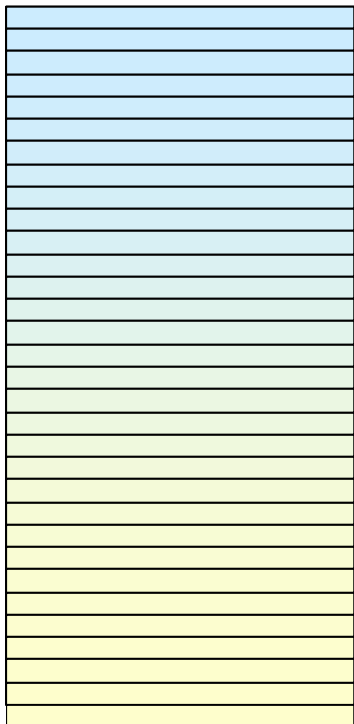
## Specific Duties

- The Home Secretary may, by order, impose specific duties that state what each public authority must do in order to better comply with the general duty. There could be different duties imposed on different types of authorities. The National Assembly must consent to any order imposing specific duties on Welsh public authorities.



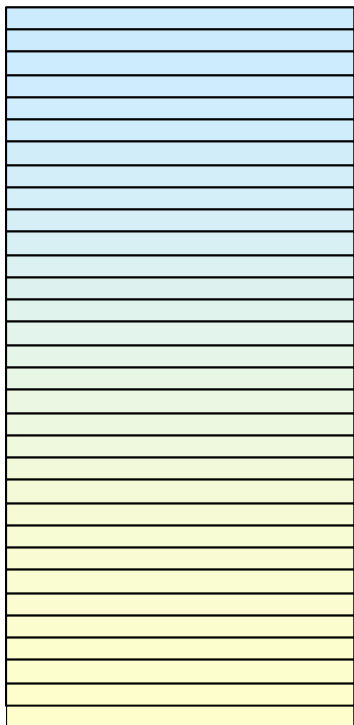
## Codes of practice

- The CRE is given the power to issue codes of practice to provide practical guidance to public authorities on how to fulfil their general and specific duties.
- It is intended that there will be codes for central government departments, local government, educational bodies, police, NHS and all other authorities.



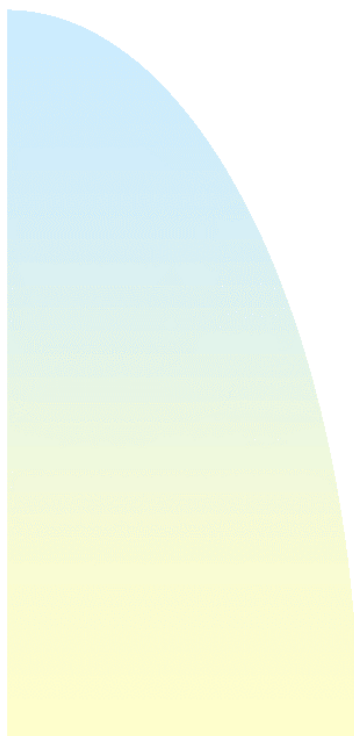
## Codes of practice cont...

- The CRE will consult very widely before submitting the codes to the Home Secretary, who will consult with the National Assembly for Wales before placing them before Parliament



## Compliance

- The critical feature of the new duty is that it will be enforceable. If the CRE is satisfied that a public authority is *not* complying with its specific duties, the CRE will be able to serve a compliance notice. This will require the authority to comply with its duties and inform the CRE of the measures it has taken. If necessary, the CRE can ask the county court or sheriff court to order the authority to comply.



## Compliance cont.....

- Compliance with new duty could also be the subject of inspections or audits by, for example Estyn, HM Inspectorate of Constabulary, HM Inspectorate of Prisons, the Audit Commission, Accounts Commission

## Responsibilities of Public Authorities

- The CRE expects that the specific duties on public could include:
- a duty on all public authorities to monitor their staff by ethnicity
- a duty to assess the impact on racial equality of proposed policies, and to consult them
- a duty to monitor the impact on racial equality of existing policies and practice

## How should public authorities start the process?

- *Definition.* Define all your functions - what you must do, and what you can do. Then identify - by ethnicity and other relevant criteria - the people for whom you should be providing various services
- *Consultation.* Talk to your employees and to people affected by your policies and practices, including people from ethnic minorities.





## How should public authorities start the process?

- *Definition.* Define all your functions - what you must do, and what you can do. Then identify - by ethnicity and other relevant criteria - the people for whom you should be providing various services
- *Consultation.* Talk to your employees and to people affected by your policies and practices, including people from ethnic minorities.



## What to do cont....

- *Monitoring.* Set up systems to monitor your work force and the outcomes of your policies and practices.
- *Assessment.* Examine the impact of your policies and practices and ask whether all ethnic are being treated fairly. Do they have equal opportunities and equal access to benefits, facilities and services? If not, why not?



## What to do cont...

- *Change.* Where the evidence from monitoring shows unequal outcomes between different ethnic groups, consider what changes are needed, and take action to prevent direct and indirect discrimination and to promote greater equality.
- *Implementation.* Where your organisation already has good policies on racial equality, make sure they are understood and put into practice at every level within the organisation. The policies should be reinforced through staff performance appraisals.