

COMMITTEE ON EQUALITY OF OPPORTUNITY

Date: Wednesday 14th February 2001

Time: 9.30 am

Location: Committee Room 2, National Assembly Building

Title: Implementation of actions resulting from the Race Relations Amendment Act for the Business of the Assembly

Purpose

1. To seek the Committee's views on the proposals, as outlined in this paper, for the promotion and implementation of the Race Relations Amendment Act in the National Assembly for Wales.

Summary/Recommendations

2. It is recommended that the Assembly supports the work of the CRE Wales office in encouraging other public bodies to fully implement the Race Relations Amendment Act. It is also recommended that the Committee agree the actions detailed in this paper for ensuring that, internally, the Assembly is meeting its obligations by raising awareness of the Act, its implications and the steps that will be required for full compliance, as proposed in this paper.
3. It should be noted that what is being proposed in this paper concentrates solely on the issue of race as this is the focus for the Race Relations Amendment Act. However, it is the intention of Government to update other equality legislation, namely the Sex Discrimination Act and the Disability Discrimination Act, to bring all equality legislation in line. As part of the aim to mainstream equality throughout the Assembly, it is suggested that similar work is looked at in terms of other issues relating to equality.

Timing

4. The general duty to promote race equality, placed on public bodies by the Race Relations Amendment Act, comes into force on 1 April 2001. It is anticipated that specific duties under the Act, along with the Codes of Practice being developed by the Commission for Racial Equality (CRE), will come into force, after wide consultation, in November 2001.
5. Ensuring that the Assembly is complying with the legislation will be an on-going matter. It is

proposed that initiatives to raise awareness of the Act and its implications will coincide with the commencement of the general duty in April 2001 and the specific duties in November 2001.

Background

6. The Race Relations Amendment Bill received Royal Assent on 30 November 1999. The main aspects of the Act are:
 - a. The outlawing of racial discrimination in public functions not previously covered by the 1976 Act;
 - b. Placing a duty on specified public authorities to promote race equality. This will help to avoid discrimination before it occurs. The duty to promote is three-fold:

* a general duty on those public authorities listed in the Act to work towards the elimination of unlawful discrimination and promote equality of opportunity and good relations between persons of different racial groups. Public authorities will be expected to consider the implications for racial equality of all their activities;

* specific duties to be imposed on some or all of the public authorities to help their performance under the general duty, enforceable by the CRE. The specific duties will stipulate in more detail what each public authority must do in order to better comply with the general duty;

* CRE to issue Codes of Practice to provide practical guidance to public authorities on how to fulfil their general and specific duties.

2. The critical feature of the new specific duties is that they are enforceable and if the CRE are satisfied that a public authority is not complying, the CRE will be able to serve a compliance notice. Compliance with the new duties could also be the subject of inspections and audits, for example, by the Audit Commission.
3. A consultation document on the implementation of the Act will be produced and circulated by the Home Office during February.

Consideration

4. The National Assembly for Wales is subject to the new legislation and will need to ensure that appropriate steps are taken to comply. The key work in the first instance will be to raise awareness of the Act within the Assembly, and ensure that people are aware of what is required for them. The provision of information is an issue in which the Equality Policy Unit (EPU) will take a lead.
5. There are two aspects to the implementation of the Act: the initial 'general duty' and the subsequent application of specific duties. Accordingly, the proposals on the actions required are

- divided into two parts, identifying the different steps that will be required at each stage.
6. On 1 April 2001 the general duty to promote race equality comes into force. One of the main requirements will be to ensure that all staff are aware of the Act and its implications, both for the Assembly as a whole and for individual Divisions. It is proposed that internal seminars will be arranged within the Assembly buildings, facilitated by EPU staff in consultation with the Office of the Counsel General and prior to the commencement of the Act at the end of March. These seminars will be for senior managers, and will outline the implications of the general duty and the Act as it presently stands. As part of our partnership work, it is anticipated that the CRE would also be present at these seminars to have an input as to their vision of how the Act should be understood.
 7. It is also proposed that similar sessions would be held with Assembly Members.
 8. Information on the Act and its implications will be made available to all staff within the Assembly through the EPU website and newsletter, which should be available from March 2001. Advice and support on the Act will also be available to all staff from the EPU. During April to November, Divisions will be expected to assess what steps they need to take to ensure that they are complying with the Act in all the work they undertake. This will go alongside the work currently being done as part of the Equality Audit.
 9. The Home Secretary may make Orders imposing specific duties on public authorities in Wales, including the National Assembly for Wales. There will be a process of consultation (and no duty can be imposed on Welsh authorities without the consent of the Assembly). It is anticipated that Orders will be made in November 2001. The CRE will, at the same time, be issuing Codes of Practice in relation to the performance of these specific duties.
 10. When we know what the specific duties, and the Codes of Practice that apply to the Assembly are, we will develop a further round of seminars to ensure that Assembly Divisions are aware of their specific responsibilities.
 11. It is proposed that there is on-going monitoring of the implementation of the Act through the internal audit process to ensure that the Assembly does not fall foul of the legislation and its duties under the Act.
 12. In relation to work to be undertaken with other organisations, it is noted that the CRE have committed to undertake wide consultation on the development of Codes of Practice which will provide guidance on what is required to comply with the new legislation in a number of subject areas. The CRE Wales office have declared their intention to establish working parties on specific issues on a sector by sector basis, and also to establish a 'round table', chaired by the Chair of the Equality of Opportunity Committee, to oversee this work.
 13. The CRE Wales office, at the last meeting of the Equality of Opportunity Committee, stated their intention to host a major conference on the Act in March or April 2001 and that the Committee would be invited to be involved in discussions about their proposal. It is suggested that the National Assembly for Wales support the CRE in the organisation and promotion of the Conference. The timing of the Conference need to be considered in the light of the development of the Codes of Practice which may suggest a later date.

Conclusion

14. The Committee is invited to comment on the proposals identified above on the various steps and actions that will be required to ensure that the National Assembly for Wales complies with the new legislation. It should also be recognised that these proposals are made at an early stage and are subject to change, according to the needs of staff and Members.
15. It is suggested that the Assembly takes a positive and pro-active approach to the implementation of the Act as the Assembly will want to be seen to be taking a lead role in encouraging other public bodies to implement the Act in its true spirit. This work will involve supporting the work of the CRE in providing advice, assistance and guidance on the implications of the Act and how best to meet its requirements as well as ensuring that all business of the Assembly comply with the new duties.

Equality Policy Unit