

The background of the cover features a stylized illustration in various colors (green, yellow, blue, purple, pink) on an orange background. It depicts several scenes: a group of people sitting around a large circular table in a meeting; a person standing next to a car; and a person standing at a podium addressing a group of people seated in an audience.

The Law, the Duty, and You

The Race Relations Act
and the duty to promote
race equality

A guide for
public employees

Is there a law against racial discrimination?

Yes. The 1976 Race Relations Act makes it unlawful to discriminate against someone because of race, colour, nationality or citizenship, or ethnic or national background.

What is racial discrimination?

The Act defines three types of unlawful racial discrimination: direct discrimination, indirect discrimination, and victimisation.

- Direct discrimination takes place if a person is treated less favourably than someone from a different racial group. Segregating people because of their racial origins is also unlawful.
- Indirect discrimination takes place when people from a particular racial group cannot meet a rule, condition or practice that should apply equally to everyone. If the rule puts people from that racial group at a disadvantage, and if the rule cannot be justified, this will be indirectly discriminatory. For example, if a local medical practice refuses to accept tenants from a nearby housing estate as patients, and most of the tenants on the estate are of Bangladeshi origin, this will be indirectly discriminatory, unless the practice can give good reasons for its policy.

Services for all

A leisure service in a multi-ethnic area, with large Pakistani Muslim and Somali Muslim populations, found from surveys that women from these communities hardly used its leisure centres.

The service discussed the findings with local community groups, and decided to introduce special women-only sessions. The sessions were advertised through local ethnic minority projects and mosques, and women were encouraged to make use of them.

The sessions have been popular with ethnic minority women, and the service is now considering a similar approach to encourage them to use its gym facilities, as part of a project encouraging 'healthy living'.



Who is covered by the law?

The law applies to employers, schools, colleges and universities, landlords and other housing providers, large and small businesses, local authorities, health service providers, government departments, local government, the police, and other law enforcement agencies.

Discrimination by immigration officers for reasons of race or colour is always against the law. However, a government minister can sometimes authorise discrimination against some groups because of their nationality or ethnic or national origins.

Grants for films

When a listed arts organisation looked at the grants it had given to film makers, it found that there were very few film makers from ethnic minorities. The organisation reviewed and revised its rules for making applications, and made a positive effort to get information about the grants directly to ethnic minority communities.

Are all public functions covered?

Yes, with only a few exceptions. Following the Stephen Lawrence inquiry, the government decided that public services would take the lead in making British institutions free of racial discrimination.

The Race Relations Act was strengthened to cover the activities of most public authorities. These included law and order and regulatory activities that were previously not covered fully, such as policing, prosecution, probation, prisons, customs and excise, licensing, child protection, and environmental health. For example:

- If a company owned by someone from an Asian background finds that its accounts are being investigated more often – and in greater detail – by tax inspectors than other businesses, it may be able to bring a case of direct discrimination.
- A young man who is regularly stopped by the police for no apparent reason, after giving a statement in support of his friend's complaint of racial discrimination against the police, can bring a case of victimisation against the police.



Do public authorities have a legal duty to work for racial equality?

Yes, most public authorities now have a statutory general duty under the amended Race Relations Act to promote race equality. This means they must do whatever they can to:

- eliminate unlawful racial discrimination;
- promote equal opportunities; and
- encourage good race relations.

Missed appointments

When the outpatients department of an NHS trust examined missed appointments, it found that patients from ethnic minorities were more likely to miss their appointments on certain dates. A closer look at the information showed that many of these missed appointments were on holy days or festivals (for example during Eid, Greek Easter, Diwali, or on St Patrick's Day). To make sure that staff responsible for making appointments knew when those days fell, the outpatients department put a multi-faith and multi-ethnic calendar on its computer system.

Most public authorities also have other specific duties under the Act. These cover the way they provide services and employ people, as well as how they make policy (see p 6).

What does this mean for public authorities' equal opportunities policies?

The new duties should help make public authorities' equal opportunities policies more effective. Most public

authorities now have a specific duty to produce and publish a race equality scheme (see p 6), explaining how they plan to meet the general duty to promote race equality. Public authorities will be answerable to the public for putting their schemes into practice. They will also have to persuade the agencies that inspect and audit them that they are meeting the general duty and any specific duties they have to meet.

What about public services that have been contracted out?

Your authority is responsible for meeting the general duty and any specific duties, if the functions or services that it contracts out have an effect on racial equality. The way to make sure that private or voluntary sector contractors meet the duties is to write these into the contract or agreement.

Will the duties apply even if there are few people from ethnic minorities in the area?

The duty to promote race equality does not depend on the ethnic diversity of the population an authority serves. However, authorities serving small communities are unlikely to need complicated monitoring and assessment procedures to know if everyone is satisfied with their services. The main thing is to make sure the authority's policies and services are consistent with the general spirit and purpose of the duty, and that they meet local needs.

Tackling name-calling

When staff at an infants' school realised that the school's only two Irish children were being called racist names, and that racist name-calling wasn't the only problem, they arranged a meeting with governors and parents and guardians to draw up a plan of action. This included:

- making a list of all the names that were used;
- attending classes to tackle the problem; and
- using the records they kept to see whether their efforts had made any difference.

In the school's newsletter, the head teacher explained that the problem could only be tackled if everyone worked together.

Monitoring over time showed that name-calling incidents dropped considerably. Parents and guardians made it clear that they were very pleased with what the school had achieved.

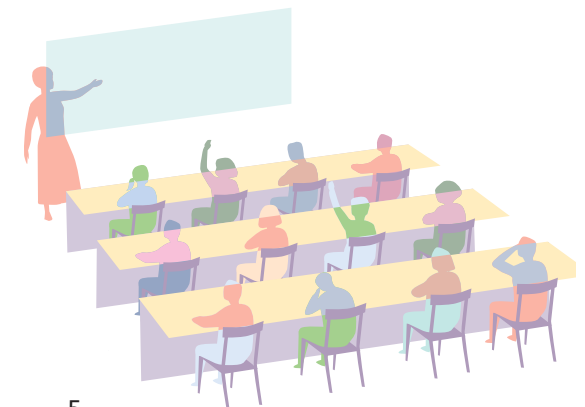
Monitoring employment policies

A probation service's monitoring information on grievances and disciplinary action showed that black staff were much more frequently involved in these cases than white staff. Research commissioned to look at the reasons for this found weaknesses in the policies and in the way they were followed. With support from the Association of Black Probation Officers and the Black Workers Forum, the service introduced a three-point action plan. The plan aims to:

- make sure that staff supervision and appraisal is more accurately and thoroughly monitored;
- make sure that all middle managers are properly trained in equal opportunities issues; and
- offer mentoring opportunities to all staff from ethnic minorities – a pilot scheme has shown this to be very successful.

Who is responsible for meeting the duty to promote race equality?

Everyone who works for a public authority has a role to play. The aim of the general duty is to make racial equality a central part of the way you provide public services. For example:



THE DUTY TO PROMOTE RACE EQUALITY

The general duty

Most public services, including schools, colleges, and universities, have a statutory general duty to promote race equality. This means they have to tackle unlawful racial discrimination, improve equal opportunities, and encourage good race relations in all aspects of their day-to-day work.

Specific duties

Many public authorities also have specific duties, to help them to meet the general duty. The specific duties cover the way they make policy, provide services, and employ people. One of the specific duties is to produce a plan – known as a race equality scheme – where they explain how they will end discrimination in all areas of their work.

The race equality scheme

A race equality scheme must:

- list those functions that are likely to affect people differently, depending on their ethnic group;
- say how the authority will assess any new policies it is proposing to introduce, and how it will consult people, including staff, about them;
- say how the authority plans to monitor all its policies, and make sure they are not putting people from some ethnic groups at a disadvantage;
- publish the results of its consultations, assessments, and monitoring;
- make sure everyone can obtain information about its activities and services;
- train its staff in their responsibilities under the duties; and
- review the scheme, at least every three years.

Employment

Most public authorities that have to meet the statutory general duty must monitor the ethnic backgrounds of their staff, and of applicants for jobs, promotion, and training.

If the authority has more than 150 full-time staff (or the equivalent), it must also monitor the ethnic backgrounds (and numbers) of staff who:

- receive training;
- are involved in grievances or disciplinary action against them;
- benefit or suffer as a result of performance appraisals; and
- leave their jobs with the authority (for whatever reason).

Authorities have to publish the results of their employment monitoring every year.

Enforcing the duty

The CRE has the power to take legal action, if public authorities fail to meet their specific duties. It can also seek a judicial review of an authority if it is not meeting the general duty.



Specific duties for schools, colleges, and universities

The specific duties for schools, colleges, and universities are slightly different from those that apply to other public authorities.

Schools have to:

- prepare and publish a race equality policy;
- monitor and assess how their policies affect pupils, parents, and staff from different ethnic groups; and
- publish the results of their monitoring each year.

In Scotland, the duties apply to education authorities, not directly to schools.

Colleges and universities have to:

- prepare a race equality policy;
- assess how all their policies affect ethnic minority students and staff; and
- arrange to publish their race equality policy and the results of the assessments and monitoring they carry out.

- If your job involves drawing up policies or delivering services, one of the first questions you should ask is how these policies and services could affect people from different ethnic groups.



Best years of our lives

When Anthony was racially abused at school, his father tried to get the school to look into the matter. Nothing happened.

Two weeks later, Anthony was excluded from the school. They said he had pushed a member of staff.

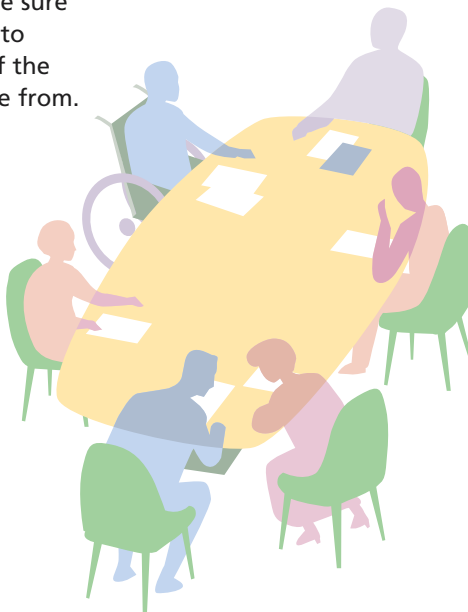
Anthony's father brought a case of racial discrimination and victimisation against the school. The council responsible for the school settled the case before it reached the court. The school had to apologise to Anthony, compensate him for hurting his feelings, and agree to follow the correct procedures in future before excluding pupils.

- If you work at reception, or as an administrative officer, you should try to make sure that everyone, whatever their ethnic background, receives information about the services your authority provides. You should advise your manager if you find gaps in the published information, or if a caller has specific language or service needs.
- If you are a manager, you will also be responsible for making sure your staff, individually and as members of teams, know what they have to do to meet the duty.

- If you are a senior officer or a member of a board, you have additional responsibilities – to make sure your authority meets its legal obligation to tackle unlawful racial discrimination, and to promote equal opportunities and good race relations. You will also have to make sure that your authority's race equality scheme is put into practice, and that it meets people's expectations of the services it provides, whatever ethnic group they are from.

What will happen if an authority fails to meet the duties?

The CRE has the power to serve a 'compliance notice' on an authority that is failing to meet any of its specific duties. If an authority is not meeting the general duty, anyone (including the CRE) can ask the High Court or the Scottish Court of Sessions for a judicial review of an authority's acts, or failure to act.



The CRE also has a general power to investigate any organisation, if it believes there is sufficient evidence of unlawful racial discrimination. You should let us know if you have any concerns in this respect.

Where can I get advice about the duty to promote race equality?

You should be able to get advice about your rights and responsibilities from the following organisations:

- the authority you work for – it should be able to answer any questions you have about the new duties and the authority's race equality scheme;
- your trade union (if you are a member);
- your local racial equality council – you will find contact details in your local phone book and on the CRE website (www.cre.gov.uk); and
- your local CRE office (see the back cover for details).

The CRE website (www.cre.gov.uk) has downloadable, sector-specific, *Performance Guidelines* for public authorities, a full list of CRE publications, and other useful information.

Copies of the statutory *Code of Practice on the Duty to Promote Race Equality* and accompanying guides are available from the CRE's distributor. An order form is at the back of this leaflet.

Building bridges

To prepare for a small group of asylum seekers, coming to the area as part of the government's dispersal scheme, a rural council in Scotland organised meetings with local services, schools, and the police.

The group produced booklets for the asylum seekers, welcoming them and telling them about the local services and how to make use of them. The group also prepared information for local people about the asylum seekers' backgrounds and cultures, why they were coming to the area, and how their applications for asylum were being dealt with.

Local people turned out to welcome the asylum seekers when they arrived. Although racist incidents did increase initially, the group found it easier to tackle them jointly, and to involve people from the community.



CHECKLIST

- Do you know about the general duty to promote race equality, and understand your responsibilities? ☐ Yes ☐ No
- Has your authority published a race equality scheme (or policy, if you work for a school)? ☐ Yes ☐ No
- Were you consulted about the scheme? ☐ Yes ☐ No
- Does your authority collect and keep information about the ethnic backgrounds of its:
 - staff? ☐ Yes ☐ No
 - customers? ☐ Yes ☐ No
- Does your authority monitor its employment policies and practice by ethnic background? ☐ Yes ☐ No
- Does your authority monitor take-up of the services it provides by ethnic background? ☐ Yes ☐ No
- Has your authority consulted you, and others, about its policies and services?
 - Has this made a difference? ☐ Yes ☐ No
- Have you had training on:
 - the Race Relations Act? ☐ Yes ☐ No
 - the duty to promote race equality? ☐ Yes ☐ No
- Is information about your authority and the services it provides readily available to anyone who is interested? ☐ Yes ☐ No
- Has your authority consulted you, and others, about how its policies could affect people from different ethnic groups? ☐ Yes ☐ No
- Has your authority published the results of the consultations, ethnic monitoring, and policy assessments it has carried out to meet the duty? ☐ Yes ☐ No
- Does your authority deal quickly and fairly with complaints about racial discrimination or unfair treatment? ☐ Yes ☐ No
- Does your authority plan to review its race equality scheme regularly? ☐ Yes ☐ No

All your answers should be 'Yes'. You should bring any questions you have answered with a 'No' to the attention of the officer responsible for your authority's race equality scheme.

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