

RACE RELATIONS (AMENDMENT) ACT 2000

1 SUMMARY

- 1.1 This report seeks to inform members of the statutory requirements of the Race Relations (Amendment) Act 2000, and the implications for Rochford District Council, in terms of its obligations

2 INTRODUCTION

- 2.1 The Race Relations (Amendment) Act 2000 came into force in April 2001. The Act amends the Race Relations Act 1976 and strengthens its application to public authorities in several important ways:

- It extends the scope of race relations legislation to cover areas that were previously excluded, and makes it unlawful for public authorities to discriminate on racial grounds in carrying out any of their functions
- It places a general statutory duty on a wide range of public authorities to promote racial equality and prevent racial discrimination
- It gives the Home Secretary the power to make Orders imposing specific duties on public authorities bound by the general duty; these specific duties will be enforceable by the Commission for Racial Equality (CRE)
- It gives the CRE powers to issue statutory codes of practice, providing practical guidance to public authorities on how to fulfil both their general and specific duties to promote racial equality.

3 BACKGROUND

- 3.1 The *Stephen Lawrence Inquiry Report, 1999*, has been a catalyst for change. While the Inquiry was concerned primarily with policing, the report made it clear that few institutions in Britain had room for complacency.

- 3.2 The report put forward a definition of 'institutional racism' that could be applied to any institution, and recommended that:

'It is incumbent upon every institution to examine their policies and the outcome of their policies and practices to guard against disadvantaging any section of our communities'

[Stephen Lawrence Inquiry Report].

4 INFORMATION ON RACIAL DISCRIMINATION

- 4.1 Discrimination can take place directly or indirectly;
- 4.2 **Direct discrimination** occurs when a person (including a public authority), on racial grounds, treats someone less favourably than others in similar circumstances. Racial grounds are grounds of colour, race, nationality (including citizenship) or ethnic or national origin.
- 4.3 **Indirect discrimination** occurs when a condition or requirement which is applied equally to everyone can be met by a considerably smaller proportion of people from a particular racial group, and it is to their disadvantage because they cannot comply with it. The condition or requirement will be unlawful unless it can be justified on non-racial grounds.
- 4.4 **Victimisation** occurs when a person is treated less favourably than others for having made, or supported, a complaint of racial discrimination.
- 4.5 **When is racial discrimination unlawful?**
- 4.6 The 1976 Act makes it unlawful to discriminate on racial grounds in employment and training, in housing and education and in the provision of goods, facilities or services. It applies to all sectors: public, private and voluntary.
- 4.7 If these public functions are carried out by a private or voluntary organisation, for example under a contract or a service level agreement, it is also unlawful for that organisation to discriminate on racial grounds when carrying out those functions.
- 4.8 **Who is liable for acts of racial discrimination?**
- 4.9 Employers will not be liable, if they can prove that they took 'such steps as were reasonably practicable' to prevent the discrimination.
- 4.10 **Is there a right of redress against racial discrimination?**
- 4.11 Anyone who believes they have suffered racial discrimination through the acts or omissions of a public authority, or a private or voluntary organisation, can bring proceedings under the 1976 Act.
- 4.12 The Council for Racial Equality has power to conduct formal investigations into any functions of public authorities.

4.13 The General Duty to Promote Racial Equality

4.14 For all public authorities, regardless of their specific functions, racial equality will always be relevant to all aspects of employment – recruitment, selection, training, promotion, discipline and dismissal. Authorities should ‘Equality proof’ their employment policies, procedures and practice, and take all necessary steps to prevent discrimination.

4.15 In Rochford this information is monitored by the Personnel section of the authority and reports produced for the Corporate Management Board for information and action where appropriate.

4.16 Complying with the General Duty of the Race Relations (Amendment) Act 2000

4.17 In order to comply with the general duty the authority has to define its functions and then assess the impact on racial equality of what it is currently doing and what it is proposing to do, involve the public, or have identified the consequences for them.

4.18 If racial equality considerations are relevant to the functions that are being contracted out, then, as a general rule, it would be appropriate to incorporate non-discrimination and/or racial equality performance standards as obligations under the contract. If such terms are included, the contract should also provide for effective monitoring and enforcement.

4.19 In partnerships where other members of the partnership are also listed public authorities, the general duty will then apply fully to all deliberations, decisions and act by the partnership.

4.20 In partnerships where other members are private or voluntary organisations, the listed public authority should ensure that, where relevant, the activities of the partnership comply with the general duty.

5 RACE EQUALITY SCHEME (RES)

5.1 To comply with the Race Relations (Amendment) Act 2000, a Race Equality Scheme for Rochford District Council needs to be produced. This should identify what the Council is going to do to eliminate unlawful racial discrimination, promote equality of opportunity and promote good relations between different racial groups.

5.2 The Councils existing race equality statement goes some way to achieving this. The Council now needs to undertake an impact and

needs assessment of services in terms of race equality, and develop action plans to meet any issues.

- 5.3 Where appropriate public consultation should take place with the community and partners in developing this action plan.
- 5.4 Performance monitoring and reporting arrangements need to be identified within the action plan. Racial equality should be considered and incorporated into all Best Value reviews undertaken by the authority.
- 5.5 Consultation undertaken by the authority should ensure it takes account of racial equality issues and that the methods being chosen do not exclude any ethnic groups.
- 5.6 The results of the racial equality action plan should be freely available to the public.
- 5.7 In December 2000, the Council adopted the Race Equality Standard following which a Race Equality Statement (Appendix 1) was produced. This statement meets many of the RES requirements and has been updated to formally reflect all the requirements. The Race Equality Scheme, to comply with statutory requirements of the Race Relations (Amendment) Act 2000 is attached in Appendix 2.

6.0 RESOURCE IMPLICATIONS

- 6.1 Staffing resources are required to implement and monitor the Racial Equality Scheme.

7.0 LEGAL IMPLICATIONS

- 7.1 This report details the statutory requirements of the Race Relations (Amendment) Act 2000.

8.0 RECOMMENDATION

- 8.1 It is proposed that the Committee **RESOLVES** that, subject to comments and amendments, the attached Racial Equality Scheme be approved.

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Chief Executive

Background Papers:

The General duty to promote racial equality – Commission for Racial Equality
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