

The Race Relations (Amendment) Act 2000

1. INTRODUCTION

The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 gives public sector bodies in England, Scotland and Wales a statutory duty to promote race equality.

The Race Relations (Amendment) Act 2000 came into effect in April 2001. It extends protection from unlawful racial discrimination in a number of key aspects of service delivery by the public sector and places a new enforceable duty on listed public authorities, which include FE colleges and universities, to have due regard to race equality in everything they do.

For Northern Ireland, the relevant legislation is the Race Relations Order (Amendment) Regulations (NI) 2003. For specific details please refer to:

<http://www.opsi.gov.uk/Sr/sr2003/20030341.htm>

You can also find more information at the Equality Commission for Northern Ireland website: <http://www.equalityni.org>

2. GENERAL AND SPECIFIC DUTIES

The Act is made up of 'general' and 'specific' duties. The **general duties** state that public authorities must have 'due regard' to the need to:

- eliminate unlawful racial discrimination;
- promote equality of opportunity; and
- Promote good relations between persons of different racial groups.

The aim of the general duties is to make promoting race equality central to the way public authorities work, and to all areas of their work. This includes developing policies,

delivering services, regulation and enforcement, and employment practice. The weight given to a function should be in proportion to its relevance to race equality.

The **specific duties** demonstrate how public authorities are going to meet the general duties. The specific duties placed on FE colleges are to:

- prepare a written race equality policy;
- assess the impact of policies on students and staff from different racial groups;
- monitor the admission and progression of students and the recruitment and career progression of staff by racial group;
- include arrangements in the written race equality policy for publishing the results of assessment and monitoring; and
- take steps to publish the results of monitoring and impact assessment.

The Learning and Skills Council was originally tasked with publishing an annual analysis by ethnicity of further education teaching staff. Responsibility for staff data collection has now passed to LLUK.

The Commission for Racial Equality (CRE) prepared a statutory code and non-statutory guides to assist public authorities in the delivery of their duties:

- The Duty to Promote Race Equality: a guide for FE and HE Institutions; and
- Ethnic Monitoring: A guide for public authorities.

For information please refer to the Equality and Human Rights Commission's website: www.equalityhumanrights.com.

3. WHAT MAKES A GOOD RACE EQUALITY POLICY?

The race equality policy should be a written statement of responsibilities and commitments and could be linked to an action plan. A good policy should:

- be part of the institution's annual plan;
- give details of how the institution will put the policy into practice, monitor it, and assess how effective it is;
- provide a framework for building race equality into other relevant policies, and into all relevant areas of the institution's activities; and
- explain what the institution will do if the policy is not followed.

4. WHAT IS POSITIVE ACTION?

Positive action, as defined in the Race Relations Act (1976), remains an important device, under-used by colleges, for addressing racial inequalities. It constitutes the only lawful means to tackle the under-representation of certain groups in employment, allowing institutions to target on-the-job training, and staff recruitment. However, positive action does not allow you to discriminate when deciding who to select for the job.

5. HOW DOES THE DUTY APPLY TO CONTRACTED SERVICES?

Public authorities are responsible for meeting these duties, including those carried out by someone else through a contract or a service-level agreement. Public authorities should consider including these duties in the contract or agreement as performance standards for delivering the service.

6. HOW IS THE DUTY ENFORCED?

The CRE has authority to enforce the Act's duties, and this authority has passed to the Commission for Equality and Human Rights. The CRE has the power to issue a 'compliance notice', which orders a public authority to meet the specific duties within a timescale.

7. HOW DOES THIS AFFECT MY WORK IN THE SECTOR?

When carrying out your work, as a start, you should be asking yourself some of the following questions:

- Do members of ethnic minority communities have different needs? Is the work I am doing recognising and meeting these different needs?
- How do we recruit, develop, and retain staff into the sector and do our policies include any unnecessary barriers to certain ethnic groups?
- How can I use positive action, such as mentoring schemes and targeted training, to encourage diversity within the sector's workforce?
- Are certain ethnic groups under or over represented in certain curriculum areas? If so, how can I try and rectify this occupational segregation?
- Do I have access to sufficient and reliable data that can allow me to measure the effect of policies and practices of minority ethnic groups working in the sector?
- How can I use the marketing material I produce to promote positive attitudes towards ethnic minorities and challenge negative stereotypes?