

EOC 02-03(p4)

Equality of Opportunity Committee

Date: 13 February 2003

Time: 9.30am

Venue: Committee Rooms 3 & 4, National Assembly Building, Cardiff Bay

Title: Delivering the Public Duty in Wales

A key event in race relations in Britain was the murder of Stephen Lawrence in 1993 and the subsequent inquiry into the police investigation in 1997. The Lawrence Inquiry Report, published in 1999, took the important step of defining institutional racism. In doing so it brought home the reality of institutional racism in a unique way to both policy makers and the wider public. It talked of institutional racism as the "collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin". The messages from the Lawrence Inquiry highlighted how many communities had lost faith "in the system".

These messages posed a fundamental challenge for public services, the challenge of rebuilding public trust and demonstrating fairness across all that they do for all communities and employees.

In response to the Lawrence Inquiry, and in recognition of the potential for institutional discrimination to impact on public services at all levels, the government took the decision to plan the potential for such discrimination out of public services before it arises. The amended Race Relations Act is the government's legislative response to the key issues raised by the Lawrence Inquiry.

The Race Relations (Amendment) Act arrived in the public policy arena at the moment of wider reform of the public services. Its arrival in the policy arena has provided both a challenge and an opportunity for public services. Their challenge is to demonstrate fairness and work to deliver racial equality across all that they do. The opportunity for public services is to integrate the new duty to promote race equality with wider modernisation agendas on performance, transparency and accountability. In this way public services can deliver a more rounded modernisation programme that delivers on racial equality as part and parcel of wider public service improvements.

The Amendment Act established a statutory duty for listed public authorities to proactively work to promote racial equality. The aim of this duty is to make racial equality a central part of the way public authorities work, by putting it at the centre of policy making; service delivery, regulation, enforcement and employment practice.

These changes to the Act have meant that 40,000 public authorities in England, Wales and non devolved public authorities in Scotland now have a duty to eliminate unlawful racial discrimination, and to promote racial equality and good race relations. Many also have specific duties to produce race equality schemes or policies, and monitor key aspects of their staffing arrangements. This should improve the quality of all public services and provides a huge opportunity to improve race relations throughout the public sector. The CRE's promotional opportunities are supported by a law enforcement role, providing a regulatory framework to ensure that the duty is fully implemented.

This wide new agenda has led the CRE to formulate three new strategic priorities which will lead all of its work for the next few years. These are:

- to enable delivery of the duty to promote race equality in the public sector
- to connect with all communities on racial equality issues
- to promote racial equality in the private sector through partnerships.

In order to deliver on these the CRE have formed a further strategic priority:

- to modernise the CRE so that it is best equipped to deal with the new strategic challenges it faces in 2002 and beyond.

CRE Wales have actively engaged with public authorities to ensure that they are familiar with the requirements set out by the Race Relations (Amendment) Act 2000. This has involved active participation in a number of seminars, conferences and work shops across Wales. Examples include workshops held in South and North Wales for local authorities, as well as other organisations, the aim being to highlight the elements of a Race Equality Scheme and its relationship to current practice. CRE Wales has also illustrated that the production of a Race Equality Scheme/Race Equality Policy should not be seen as a daunting task for authorities, as the aim is to build on previous initiatives/policies.

CRE Wales held the first 'Beyond Rhetoric' conference for public authorities in Wales, this was well received with over 200 delegates in attendance. Key note speakers included John Shortridge (Permanent Secretary), Gurbux Singh (Former Chair of CRE) and CRE Commissioners Ray Singh and Cherry Short.

CRE Wales have a broad overview in relation to the number of public bodies with Race Equality Schemes/Policies in place in Wales. It is important to note that there isn't a statutory obligation on public authorities to forward their Race Equality Schemes/Policies to the CRE. Therefore, it proves difficult to gain a clear picture in terms of the numbers of schemes/policies currently in place. However, we are able to report that within the varying public sectors bodies have taken active steps to meet their obligations. For example, in Criminal Justice, we are aware that all of the police forces and authorities, the Magistrate's Court Committee, two prisons, all of the probation areas as well as the Crown Prosecution Service have produced Race Equality Schemes.

For local government, meetings have taken place with the WLGA's Equalities Unit which has received 21

Race Equality Schemes (out of 22 local authorities in Wales). In terms of the Race Equality Schemes that CRE Wales have received so far, we have 13.

In relation to Health, we are aware that all 15 Health Trusts have produced a Race Equality Scheme.

Due to lack of resources we have been unable to provide dedicated support to the Education Sector. However, officers have addressed any queries if and when raised with regards to educational institutions and their Race Equality Policy.

It is evident that the standard of Race Equality Schemes produced is varied. One of the key factors being the varying length, as well as detail, of an organisations scheme. It would prove difficult for CRE Wales to determine levels of compliance with legislation as this would ultimately be a decision for the courts. The CRE are able to provide comments and suggestions, when asked, but cannot be seen to formally endorse a scheme due to the enforcement powers given under latest legislation.

In order to fully implement the enforcement powers given, the CRE has set the relevant procedures in place. This has involved introducing steps to ensure that authority's meet their obligations under the RR(A)A 2000 within a tight time scale.

An example of the active steps being taken by the CRE is that, the CRE have commissioned an independent consultant, Schneider Ross, to conduct a survey to gain a clear picture of the levels of compliance of public authorities. This will allow the CRE to undertake a major assessment of the nature, extent and quality of response from public authorities to the new statutory duty to promote race equality.

A sample of approximately 3,500 organisations have been selected to participate in the survey. This includes all public authorities in Wales as well as a sample of approximately 100 schools. The responses received will allow the CRE to gain a picture of the extent to which public bodies are taking action to eliminate unlawful discrimination, promote equality of opportunity and good race relations both in employment and service provision, as required by the amended Race Relations Act.

The survey results are due to be published in Spring 2003, and will inform the CRE's future statutory promotional and enforcement activities across the public sector. The CRE will also work with the key strategic agencies to help them meet their leadership and performance management roles, by sharing best practice and providing sectoral analysis.

It is also evident that a number of concerns have been raised with regard to the changes to legislation. An example being the impact/ awareness of race related issues in rural areas of Wales. Here it is evident that where there are small pockets of ethnic minority communities, public authorities feel that the production of a scheme is irrelevant to the authority. It is also evident that there appears to be a lack of understanding of race related issues within these areas and that when asked some areas class race as an "English/Welsh" issue. Here it is vital that awareness training be provided in order to eliminate these notions and to highlight the importance of promoting equality of opportunity, eliminating racial discrimination and promoting positive relations between different racial groups.

However, there are also examples of good practice currently taking place. CRE Wales have a firm working relationship with the WLGA's Equalities Unit. Discussions have taken place in relation to a joint initiative where we work with two pilot authorities in Wales, ideally one rural and one urban. The aim here is to provide support and guidance, as well as to establish whether there are differing needs in terms of the geographical location of the authority. Further meetings are set to take place to determine how both organisations will take this forward. Meetings have also been held with the Unit to discuss work plans and, possible joint initiatives to further progress the public duty with local authorities in Wales.

CRE Wales is also in discussion with the Unit in terms of having a public duty specific performance indicator within the Assembly's overall performance indicators. These comments have been taken on board and incorporated into the Assembly's draft performance indicator document (the public duty is part b of performance indicator 1.2).

CRE Wales have provided comments in relation to the inclusion of performance indicator 1.2 and are currently awaiting feedback.

As a direct response to a request made by CRE Wales, the National Assembly for Wales have set up a Race Equality Scheme Project Board which is chaired by the Director for Personnel. This is an internal board and its membership consists of directors and senior civil servants within the National Assembly. We are the only external agency that is involved with this forum. The core aspect of the board's terms of reference is to take forward the National Assembly's Race Equality Scheme. Meaningful progress has been made over the past few months in taking forward the Assembly's scheme, and action plans have been formulated. It is evident from our contact with senior managers in various departments that this is having an impact in both policy development and service delivery. It is important to recognise that the development and impact of the Assembly's scheme will be far reaching across Wales.

A proposal was made to the National Assembly for Wales' Equal Opportunities Committee for the Assembly to conduct an audit of Race Equality Schemes/Race Equality Policies, as produced by public authorities in Wales. The Minister for Open Government, Carwyn Jones, AM, has agreed to this proposal and the National Assembly will take this forward, in terms of looking at how public sector organisations, in Wales, are responding to the public duty.

CRE Wales, along with the Disability Rights Commission and the Equal Opportunities Commission, are actively contributing to the National Assembly led project to look at establishing an accreditation system for equalities trainers. This project was requested by the former Chair of the National Assembly's Equalities Round Table, Edwina Hart (AM).

We have attended an Education Forum meeting chaired by the Minister for Education and Lifelong Learning, Jane Davidson AM. Discussions took place in relation to the statutory obligations of educational institutions under the Race Relations (Amendment) Act 2000.

In relation to Criminal Justice, we are currently working with the Deputy Chief Constable of Gwent Police to follow up the action points which were identified in Her Majesty's Inspectorate of Constabulary (HMIC) report. One of the points identified by the HMIC report was the absence of structured consultation forums,

which could be used to feed community concerns and issues into the policy formation process. The report recommended a particular template for such a forum. This involves establishing a divisional level forum that will comprise representation from local communities. We are currently involved in setting up these forums. Another action point was for greater involvement of the staff associations of Gwent Police in the policy formation process and the 'equality proofing' of such policies- in particular, the Gwent Black Police Association (GBPA)- was also recommended by the report. We are working with the GBPA to address some outstanding issues that have been identified, namely complaints by minority ethnic officers. We also hope to work with the Deputy Chief Constable to devise methods by which the GBPA can be more involved in the formation of policies, both internal and external, that have potential to impact minority ethnic people.

Discussions have taken place with a number of the chief officers of Criminal Justice agencies in Wales, including, the Chief Constables of South Wales and Gwent Police, the head of the South Wales Crown Prosecution Service Area and the head of the South Wales Probation Area, with a view to facilitating a roundtable discussion forum on the most effective way to better embed race equality into the work of Criminal Justice agencies in Wales. Further meetings will take place to bring on board the other chief officers. There is currently no Wales-wide forum at which all the major Criminal Justice agencies can meet to address the issue of race equality on a national level. The roundtable forum will seek to address this shortcoming.

In relation to Health, we have met with the Minister for Health and Social Services, Jane Hutt, AM and she has agreed an extensive programme of work in relation to the RR(A)A 2000. An example being, a Ministerial lead event set to take place between January and March 2003. This event will involve all of the health trusts in Wales and the concept of the Leadership Challenge will be pledged to by the remaining 14 health trusts in Wales (one trust is already a signatory). The Minister also highlighted her intention to set up a 'Social Care & RR(A)A 2000 reference group. She reflected the need to bring together key players from the health sector in order to provide clarity as to current work taking place. She highlighted that the key message of equality was to mainstream it throughout the NHS in Wales.

We have written to the Chief Executives of every Health Trust in Wales to invite them to a Round Table discussion on the challenges and opportunities presented by the RR(A)A 2000 in the delivery of health services across Wales. The aim of the Roundtable will be to gain a better understanding of progress made since the introduction of the RR(A)A 2000, and to engage in a meaningful dialogue about how we can best offer support to them.

The first roundtable meeting is due to take place on Tuesday 25th March 2003 and will be conducted under Chatham House Rules.

In conclusion, the delivery of the public duty in Wales has been addressed with energy and enthusiasm by many, especially by those who regard it to be relevant to their everyday employment and service delivery responsibilities, and who view it as an essential part of improving and modernising services in order to create a fair and just Wales. This is, however not the case for the vast majority who still need to be persuaded to understand and appreciate the need for mainstreaming race equality and its relevance regardless of the population size of ethnic minorities. The challenge for us all is to ensure there is a steady and diligent gaze on progress made across the public sector, to provide support and development but, also to correct behaviour

and practices when faced with intransigence and systemic inertia which prevents building a better Wales for all communities. This will require commitment across organisations and sectors and, most importantly, commitment from the very top.