

social care
institute for excellence



Welcome

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Race Relations Act 1976

- The 1976 Act remains the foundation of race equality law in terms of its basic provisions.
- However, the 1976 Act was undermined in terms of effectiveness, as it did not apply to many important organisations.
- Legal loopholes allowed institutions such as local authorities to be less than scrupulous in carrying out their duties.

Race Relations (Amendment) Act 2000

- The need to ‘close the gaps’ in the 1976 Act had long been recognised but attempts to reform the Act were unsuccessful, mainly due to a lack of will by those in authority.
- The death of Stephen Lawrence by racists and the resulting campaign led to the Lawrence Inquiry.
- The Inquiry used a definition of ‘Institutional racism’, which was recognised in government circles – but not without considerable resistance.

What the 2000 Act says

- Outlaws race discrimination (direct, indirect and victimisation) in public authority functions not covered by the 1976 Act.
- The term '**public functions**' enables both direct service delivery and indirect service delivery together with other duties to be covered by the Act.

What the 2000 Act says

- Defines '**public authority**' widely so that it includes public functions carried out by private sector organisations. In this context, any organisation's work or part of its work that includes 'public functions' is considered a public authority e.g. social services departments, hospitals, and the police forces.

What the 2000 Act says

- Places a '**general duty**' on specified public authorities to promote race equality.
- Gives Commission for Racial Equality (CRE) powers to enforce '**specific duties**' imposed on public authorities.

About the 'general duty'

- The 'general duty' stipulates that public bodies must have due regard to the need:

'To eliminate unlawful racial discrimination, and to promote equality of opportunity, and good relations between persons of different racial groups when performing their functions.'

About the 'general duty'

- There are two main but overlapping objectives of the 'general duty':
 - To promote race equality in relation to services delivered to black and minority ethnic communities i.e. service delivery.
 - To promote race equality in relation to black and minority ethnic workers employed by public authorities i.e. equality in employment.

About the 'specific duty'?

- The 'specific duty' is an obligation placed on some public authorities whose services are so pervasive that the life chances of people are profoundly affected e.g. local authorities.

About the 'specific duty'

- The 'specific duty' is comprised of two elements:
 - The development of a **race equality scheme** – the strategic policy guidelines and overview.
 - The development of a **race equality action plan** – the practical method and arrangements that will be used in order to operationalised the race equality scheme.

Race equality scheme and action plan

- The overall objective of the race equality scheme and action plan is to fulfil the requirements of the ‘general duty’.
- There are two sub-objectives, which must be addressed in order for the primary objective to be achieved:
 - **service delivery** to black and minority ethnic communities
 - **employment/service condition** issues of black and minority ethnic workers.

Delivering services to BME communities

- The following areas need to be monitored and implemented (amongst others):
 - Designing appropriate services
 - Ensuring the accessibility of services
 - Providing information about services
 - Targeting the groups most in need
 - Seeking and encouraging a community response
 - Evaluating the community response
 - Incorporating the community response into service provision.

Employing BME people

- The following areas need to be monitored and have remedial action taken if necessary:
 - Recruitment practices
 - Retention policy
 - Worker appraisals
 - Grievances
 - Disciplinarys
 - Supervision
 - Career progression
 - Induction programmes
 - Worker consultation
 - Worker representation.

Keep up to date

- The race equality scheme and action plan of public authorities should be reviewed annually and audited at the end of three years.
- However as part of good practice the scheme and plan should be regularly monitored to ensure that the plan is being effectively implemented and is on schedule.
- Transparency is also required, therefore the scheme and action plan should be published and made available to the public.

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