

RACE RELATIONS (AMENDMENT) ACT 2000 REGULATIONS & GUIDANCE
– SUMMARY OF PROVISIONS

GENERAL PROVISIONS (UNDER THE ACT)

1. The Act:
 - (a) outlaws race discrimination (direct, indirect and victimisation – as defined through Race Relations Act 1976) in public authority functions not covered by the 1976 Act;
 - (b) defines “public authority” widely for the purpose of outlawing race discrimination, so that it includes public functions carried out by private sector organisations and has only limited exemptions;
 - (c) places a general duty on specified public authorities (including local authorities) to promote race equality (see paragraph 2 and 3 below);
 - (d) gives the Home Secretary powers to extend the list of public bodies to which the general duty in (c) applies;
 - (e) gives the Home Secretary powers to impose specific duties on public bodies (including local authorities) to promote race equality to ensure their better performance of the general duty in (c) (see paragraph 4-6 below);
 - (f) gives the Commission for Race Equality powers to issue non-statutory codes of practice to provide guidance to public bodies on how to fulfil the general and specific duties to promote race equality;
 - (g) allows race discrimination claims to be brought against educational bodies direct to a county court without the present two-month ‘cooling off’ period;
 - (h) makes Chief Officers of Police vicariously liable for acts of discrimination carried out by officers under their direction and control;
 - (i) removes powers for a Government Minister to issue certificates that an act of race discrimination was done for the purpose of national security and therefore not illegal

GENERAL DUTY (UNDER THE ACT)

2. The general duty applies to a wide range of public bodies, including the County Council, and includes 'functions of a public nature' carried out on behalf of the County Council.
3. The County Council is required in carrying out its functions to "have due regard to the need:-
 - (a) to eliminate unlawful racial discrimination; and
 - (b) to promote equality of opportunity and good relations between persons of different racial groups."

SPECIFIC DUTIES (SET OUT IN REGULATIONS)

Race Equality Scheme

4. A number of public bodies, including the County Council are subject to specific duties in addition to the general duty. The specific duties require the County Council:
 - (a) To produce by 31 May 2002 a Race Equality Scheme. The Race Equality Scheme must state:
 - (1) which of the County Council's functions and policies, or proposed policies, the County Council has assessed as relevant to the performance of the general duty (set out in paragraph 3 above);
 - (2) the County Council's arrangements for:
 - (i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;
 - (ii) monitoring its policies for any adverse impact on the promotion of race equality;
 - (iii) publishing the results of the assessments, consultation and monitoring referred to above;;
 - (iv) ensuring public access to information and services which it provides; and

- (v) training staff in connection with the duties imposed by the general duty under the Act and the Regulations.
- (b) to review the assessment (in effect the Race Equality Scheme) every three years.

Employment and Training Monitoring

- 5. The County Council is required before 31 May 2002 to put in place arrangements so that “as soon as is reasonably practicable” it can meet the duty to monitor, by reference to the racial groups to which they belong:
 - (a) the numbers of:
 - (i) staff in post, and
 - (ii) applicants for employment training and promotion, from each racial group; and
 - (b) the numbers of staff from each racial group who –
 - (i) receive training;
 - (ii) benefit or suffer detriment as a results of its performance assessment procedures;
 - (iii) are involved in grievance procedures;
 - (iv) are the subject of disciplinary procedures; or
 - (v) cease employment with the County Council.
- 6. The results of this monitoring must be published annually.

STATUTORY GUIDANCE

- 7. The statutory guidance produced by the Commission for Racial Equality identifies four guiding principles:
 - Promoting race equality is obligatory for all public authorities listed in the Act.
 - Public authorities must meet the duty to promote race equality in all relevant functions.
 - The weight given to race equality should be proportionate to its relevance.

- The three elements of the general duty (that is eliminating unlawful discrimination, promoting equality of opportunity, and promoting good race relations) are complementary (which means they are all necessary to meet the whole duty).
8. The statutory guidance and non-statutory guidance emphasise the importance of monitoring and following up non-response to monitoring. This is reinforced in a separate draft guide from the CRE on monitoring.

APPLICATION OF THE DUTY TO SCHOOLS AND THE LOCAL EDUCATION AUTHORITY

9. Governing bodies are required to:
- (a) prepare a written statement of their policy for promoting race equality; and
 - (b) have in place as soon as is reasonably practicable arrangements to:
 - (i) assess the impact of its policies, including its race equality policy, on pupils, staff and parents of different racial groups including, in particular, the impact of attainment levels of such pupils; and
 - (ii) monitor, by reference to their impact on pupils, staff and parents, the operation of such policies including, in particular, their impact on the attainment levels of pupils.
10. The Local Education Authority is required to monitor, by reference to the racial groups to which they belong:
- (a) the numbers at all maintained schools in its area of –
 - (i) staff in post and
 - (ii) applicants for employment, training and promotion, from each racial group, and

- (b) in the case of all maintained schools which have 150 or more full-time staff, the numbers of staff from each racial group who –
- (i) receive training;
 - (ii) benefit or suffer detriment as a result of its performance assessment procedures;
 - (iii) are involved in grievance procedures;
 - (iv) are the subject of disciplinary procedures; or
 - (v) cease employment with such schools.