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**SECOND REPORT SUBMITTED BY THE UNITED KINGDOM
PURSUANT TO ARTICLE 25, PARAGRAPH 2
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

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**THE UNITED KINGDOM'S SECOND
REPORT TO THE COUNCIL OF
EUROPE UNDER THE
FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL
MINORITIES**

*Department for Communities and Local Government
February 2007*

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Introduction

1. The United Kingdom Government welcomes this opportunity to report progress since the Advisory Committee's 1st report on the UK. We are also looking forward to the Advisory Committee's forthcoming contact visit to the UK as an opportunity to engage in a constructive dialogue with the Advisory Committee and explain in greater detail the measures we are taking to tackle racial discrimination and racist crime and to promote equality and integration in the UK.

2. The UK Government is firmly committed to the elimination of all forms of racism and to the development of policies which address racial discrimination, intolerance and violence. The Government's aim is to create cohesive communities in which every individual, of whatever racial or ethnic origin, is able to fulfil his or her potential through the enjoyment of equal rights, opportunities and responsibilities. This 2nd Report to the Council sets out the important progress the UK has made towards achieving this aim, focusing in particular on improvements in service provision, access and quality in areas such as health, housing, education and employment. The report will also detail significant developments which enhance protection for human rights in the UK.

3. The UK has a comprehensive body of legislation to combat racial discrimination and racist and religiously-motivated violence, which has been further strengthened since the Advisory Committee's 1st report on the UK:

- **The Race Relations (Amendment) Act 2000** has come into force in Great Britain, bringing public services fully within the scope of the Race Relations Act 1976 and placing a positive duty on public bodies to promote race equality;
- The **EU Race Directive** and the elements of the **EU Employment Directive** relating to religion or belief have been fully transposed into domestic law, providing an important additional protection against discrimination;
- In 2001 the law on racially-aggravated offences was extended to include **religiously-aggravated offences**, with higher penalties for such hate crimes;
- Also in 2001, the maximum penalties for the offences of **incitement to racial hatred** were increased from 2 to 7 years' imprisonment and extended to prohibit incitement to hatred against groups abroad;
- A new criminal offence of **incitement to religious hatred in England and Wales** was introduced in 2006, expanding on the existing offence of incitement to racial hatred. The offence is expected to become operative in April 2007.
- Also in 2006, an **Equality Act** was introduced, Part 2 of which prohibits discrimination on grounds of religion or belief in the provision of goods, facilities and services and public functions in Great Britain (NB- it is already unlawful to discriminate on these grounds in the areas of employment and vocational training). The Act also establishes a single Commission for Equality and Human Rights in Great Britain. These provisions are due to come into force



in April 2007.

4. Delivering the Government's vision of a successfully integrated society, that recognises and celebrates the strength in its diversity must also be reinforced by a sense of belonging to the United Kingdom, underpinned by common human rights and shared values. In January 2005, the Government therefore launched a Strategy, *Improving Opportunity, Strengthening Society*, to increase race equality and community cohesion, which will form the basis of a renewed programme of action across Government and more widely. In August 2006 the Department for Communities and Local Government published *Improving Opportunity, Strengthening Society – One Year On*, a review of the strategy which gives an insight into the work and activities undertaken across Government over the last year to increase race equality and community cohesion. This report outlines the progress towards achieving equality in the key public services: education, the labour market, housing, health and the criminal justice system. The UK sees integration as a way of enabling people to practise their own culture and religion freely within the legal and democratic framework in the UK. There are values and responsibilities we should all share but within that framework all should be free to live their lives according to their own cultural background.

Scotland

5. Between June 2004 and February 2005, the Scottish Executive conducted a comprehensive **review of race equality in Scotland**. The primary purpose of the review was to determine the best approach required to deliver tangible improvements in the lives of Scotland's diverse communities whilst ensuring resources are maximised and directed to best effect.

6. The Executive considered the issues and views expressed during the wide-ranging consultation and review process and an outline paper was published in November 2005. The paper proposed a framework for action to ensure lasting and effective change and the ultimate delivery of race equality in Scotland. By proposing this framework for action the Executive aims to:

- Eliminate racial inequality and disadvantage
- Combat racism and racist crime
- Drive up public sector performance on race equality and improve access to and benefit from public services
- Foster integration and promote dialogue and understanding between communities
- Develop the awareness and capacity of both majority and minority communities to engage with this agenda, to tackle racism and promote race equality
- Develop the organisational capacity of the minority ethnic voluntary sector and promote closer working with mainstream services.

7. One of the key tasks identified during the review was to develop a National Strategy and Action Plan on Race Equality. This is currently being developed and is due to be published later in 2007. The strategy will set out the vision, basis and



direction for the future work on race equality and the action plan will outline how the Scottish Executive will seek to implement change to deliver the above aims. Within this national strategy there will be an opportunity to develop shared understanding of the definitions and principles of racism and race equality. This will be particularly important in the light of current debates around multi-culturalism, integration, pluralism and identity. The strategy and action plan will be informed by:

- The findings of the review
- Developmental work undertaken following the review in dialogue with stakeholders, to scope work in key areas highlighted by the review
- The work of four short-life groups which will examine issues in relation to the areas review respondents highlighted as needing further specific work which were
 - Asylum Seekers and Refugees
 - Gypsies/Travellers
 - Ethnic minorities and the labour market
 - Race equality in rural areas

Northern Ireland

8. A Race Equality Strategy for Northern Ireland was launched in summer 2005. The Strategy provides a framework for tackling racism and racial inequalities in Northern Ireland. The Strategy has a vital role to play in helping us achieve the Northern Ireland Administration's vision of ***“a society in which racial diversity is supported, valued and respected, where racism in any of its forms is not tolerated and where we live together as a society and enjoy equality of opportunity and equal protection”***.

Wales

9. The Welsh Assembly Government's revised Race Equality Scheme has been in place since April 2005. The Scheme sets out the Welsh Assembly Government's commitment to tackling racial discrimination and inequalities in Wales.



1. Practical arrangements made at the national level for following up the results of the first monitoring cycle on the implementation of the Framework Convention

10. The Government undertook a wide-ranging consultation as part of the process for preparing this 2nd report on the Framework Convention. The Race Equality Unit (REU) in the Home Office, since May 2006 in the Department for Communities and Local Government (DCLG), was responsible for co-ordinating this exercise and drafting the report. REU wrote to other Government departments and the devolved administrations in Scotland, Wales and the Northern Ireland Administration seeking contributions for the report, including reports on progress against the Advisory Committee's Opinion, updated information on any relevant developments since the last report and replies to the list of supplementary questions. REU also wrote to a wide range of non-governmental organisations with an interest in the Framework Convention, as well as the UK's three statutory race equality and human rights commissions: The Commission for Racial Equality, the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission. We are extremely grateful for the constructive and helpful replies we received to this consultation which built on a similar exercise conducted in respect of the UK's 2002 report to the UN Committee for the Elimination of Racial Discrimination. REU sent NGOs copies of the Framework Convention text; the UK's 1st report; the Advisory Committee's Opinion; the UK Government's Comment and the Committee's list of supplementary questions. We also included a table providing a short summary of the Advisory Committee's concerns for ease of reference.

11. The Race Equality Unit then prepared a draft report, which was circulated to other Government departments, the devolved administrations, the NI Administration, the statutory commissions and NGOs for further comment. A list of those organisations to which the draft report was sent is attached at Annex A. A list of those bodies which submitted comments is attached at Annex B. We welcome the fact that a number of organisations have submitted comments or shadow reports directly to the Advisory Committee, or plan to do so.

12. The Government routinely consults the non-governmental sector when developing policies or legislation. Examples of this in areas relevant to the UK's compliance with the Framework Convention include consultations on the implementation of the EU Race and Employment Directives, the establishment of a single equality body in Great Britain and the development of the national strategy to increase race equality and community cohesion and the Northern Ireland Racial Equality Strategy and implementation action plan.

2. Measures taken to improve implementation of the Framework Convention in response to the Resolution adopted by the Committee of Ministers in respect of the United Kingdom

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

13. Since its last report under the Framework Convention the Government has ratified the Charter on Regional or Minority Languages. The Government has to date recognised seven languages under the Charter: Welsh, Gaelic, Irish, Scots, Ulster Scots, Cornish and Manx.

14. The Government has continued to meet its obligations under other international human rights conventions, including the International Convention for the Elimination of all forms of Racial Discrimination. CERD published its Concluding Observations on the UK's 16th/17th Report in August 2003. The UK Government is currently preparing its 18/19th Report to CERD.

15. The UK plays a constructive role on race equality and minority issues in a range of international forums including the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the European Union.



Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

Article 3

- 1 Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.
- 2 Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

16. The term “national minority” has no legal meaning in the UK and so there is no mechanism under any of the UK’s legal jurisdictions to grant “national minority status” to any particular group nor is it proposed to introduce such a mechanism. The UK’s discrimination laws protect all individuals from being treated less favourably on racial grounds, whether they belong to a “minority” group or a “majority” group. There is no comprehensive list of “recognised” groups. Any individual who believes himself or herself discriminated against unlawfully can bring proceedings against the alleged discriminator.

17. The UK therefore ratified the Framework Convention on the understanding that it would be applied with reference to “racial groups” within the meaning of Section 3(1) of the Race Relations Act 1976, which is to say any groups defined by “colour, race, nationality or national or ethnic origins”. For the purposes of the Framework Convention it would of course also be necessary for the group to be a minority in the UK.

18. We welcome the Advisory Committee’s commendation of this wide interpretation of the Framework Convention. We have noted the Advisory Committee’s suggestion as to the possible extension of the Framework Convention’s application on an article-by-article basis, and also the fact that the Advisory Committee provided no further practical advice on how this could be done without putting the Government in the position of having to select which minority groups were covered.

19. Since the United Kingdom Government ratified the Framework Convention, a number of Cornish organisations and individuals have made representations to the Government arguing that the Cornish should be considered within the scope of the Framework Convention’s application in the United Kingdom. The Government therefore included Cornish organisations in its consultation prior to the preparation of

this 2nd report under the Framework Convention. It also circulated the draft Report to a number of Cornish organisations and individuals which had approached the Government on the issue since then. A number of these organisations and individuals have submitted comments on the draft report, some of which we note have been copied to the Council of Europe. The Government has considered the arguments put forward for the inclusion, but has not been convinced that a move away from the definition of racial group in Section 3(1) of the Race Relations Act 1976 can be justified. The Government considers that the UK's enormous diversity, embracing individuals of many different (and sometimes multiple) ethnic, national, cultural and faith identities is a matter for celebration and a source of national strength. The Government is very much aware of the strength of feeling about Cornwall's separate identity and distinctiveness. The fact that some groups may not meet the definition of racial group from the Race Relations Act 1976 has not been a barrier to the UK's many communities being able to maintain and celebrate their distinct identities.

20. In this context the Committee may wish to note that, in 2002, the Government recognised the Cornish language under Part II of the Charter for Regional or Minority Languages. The Advisory Committee may also wish to note that, in June 2005, the Government announced the provision of £240,000 over three years to support implementation of the adopted Cornish Language Strategy. This funding is part of a package totalling £600,000, including EU Objective 1 funding approved in January 2006, and support from Cornwall County Council. This funding has enabled the appointment of a full time Cornish Language Strategy Manager to take forward development and implementation of the Strategy. The Government Office for the South West commissioned the independent academic study in 2000 which helped to inform the Government's decision to give official recognition, was a member of the Strategy Group, and is working with the Cornish Language Partnership to take forward the Strategy in line with Charter commitments.

21. The Government has noted the Advisory Committee's observations about the next census. The Advisory Committee may wish to note that the ethnic identity questions to be included in the 2011 census are subject to review and consultation by each of the UK administrations. This will help to ensure that the questions are acceptable and relevant when 2011 is reached. Bearing in mind the statistical purpose of the census, the value of comparability with previous data and the availability of space on the form it may be neither practical nor necessary to have all identities pre-listed. The review involves research (to improve understanding of a range of related issues, such as language, religion and discrimination), consultation and piloting. As each UK administration is conducting a review independently and to different timetables, it will be necessary to ensure that joined-up working takes place in order to achieve harmonisation across the UK censuses where possible and desirable, whilst ensuring that the needs of individual administrations are met.



Article 4

- 1 The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.
- 2 The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.
- 3 The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

22. The United Kingdom has strong and effective laws against discrimination, which protect all individuals against racial discrimination, not just members of minority groups. The UK's anti-discrimination laws have been strengthened since the Government's 1st Report to the Advisory Committee, and are being strengthened further.

23. The Race Relations (Amendment) Act received Royal Assent in 2000 and came into operation in 2001. More than 40,000 public bodies in Great Britain are now subject to a statutory duty to promote racial equality and that list is reviewed and updated annually. The Commission for Racial Equality is responsible for enforcement.

24. Legislation on racial discrimination in Great Britain and Northern Ireland was further strengthened in July 2003 with the transposition of the EU Race Directive into domestic law. The principle changes were a change to the definition of indirect discrimination, the introduction of a definition of harassment, a shift in the burden of proof and the introduction of "a genuine and determining occupational requirement" with regard to the employment provisions of the legislation.

25. It is important to note that discrimination law in the UK protects all individuals from racial discrimination, not just people who consider themselves as members of an ethnic minority.

Discrimination Law

Great Britain

26. In 2006 the Government introduced an Equality Act which, among other things, prohibits discrimination on grounds of religion or belief in the provision of goods, facilities and services and public functions. This is expected to be implemented in Spring 2007.

27. The Government has also announced a review of discrimination law in Great Britain. This will inform the drafting of single equality legislation. The review will consider the opportunities for creating a clearer and more streamlined legislative framework, having due regard to better regulation principles and the practical impact of legislation in effectively overcoming inequality. This work will address long-held concerns about our current framework with a view to creating a simpler, fairer law, probably through a Single Equality Bill.

28. It is being led by the Women & Equality Unit in the newly-created Department for Communities and Local Government, with the close involvement of other Departments, including the Department of Work & Pensions, the Department for Constitutional Affairs and the devolved administrations. Key areas of this work will include:

- A consideration of the fundamental principles of discrimination legislation and its underlying concepts and a comparative analysis of the different models for discrimination legislation across the world, including the European Union and the approach being developed in Northern Ireland;
- An investigation of different approaches to enforcing discrimination law so that a spectrum of enforcement options can be considered;
- An understanding of the practical impact of legislation – both within the UK and abroad – in tackling inequality and promoting equality of opportunity;
- An investigation of new models for encouraging and incentivising compliance;
- Consideration of the opportunities for creating a clearer and more streamlined legislative framework in a Single Equality Act taking into account the need to minimise bureaucratic burdens on business and public services and to produce better outcomes for those who experience discrimination.

29. The Government has introduced legislation to establish a Commission for Equality and Human Rights in Great Britain which will have responsibility for fighting discrimination on the grounds of race, sex, disability, sexual orientation, age and religion or belief. The new Commission will become operational in October 2007.

30. In February 2005, in addition to the Discrimination Law Review, the Government announced a root and branch review to investigate the causes of persistent discrimination and inequality in British society. The independent Equalities Review, which is being chaired by Trevor Phillips (former Chair of the Commission for Racial Equality who has also been appointed Chair of its successor body the Commission for Equality and Human Rights (CEHR)) will provide a strong evidence base for the CEHR to use in prioritising its work. The Equalities Review is due to report in early 2007.

31. The Equalities Review will:

- investigate the social, economic, cultural and other factors that limit or deny people the opportunity to make the best of their abilities;

- provide an understanding of the long term and underlying causes of disadvantage that need to be addressed by public policy;
- make practical recommendations on key policy priorities for: the Government and public sector; employers and trade unions; civic society and the voluntary sector;
- inform both the modernisation of equality legislation, towards a single equality act; and the development of the new Commission for Equality and Human Rights.

Northern Ireland

Discrimination law/promotion of equality

32. Section 75 of the Northern Ireland Act 1998 (the Act) places statutory obligations on public authorities concerning the promotion of equality of opportunity and good relations between certain individuals and groups, including racial groups and persons of different religious beliefs.

33. The Act requires a public authority in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between: -

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

34. Without prejudice to these obligations, a public authority is also required, in carrying out its functions, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

35. The new duties apply to those public authorities included within Section 75 (3)(b) and (3)(c) of the Act. The duties also apply to a range of authorities designated through Orders in Council and enabling legislation. Public authorities are required to produce an Equality Scheme, stating how the authority proposes to fulfil these duties. Equality schemes are submitted to the Equality Commission for Northern Ireland for approval.

36. The Advisory Committee may wish to note that the statutory obligations on public authorities within Section 75 of the Act are legally enforceable. Schedule 9 of the Act (the Schedule) sets out a detailed procedure for the enforcement of the duties.

37. The Equality Commission for Northern Ireland has a duty to keep under review the effectiveness of the duties imposed by Section 75 and to offer advice in this respect. They began this review in 2006 and are due to report their findings in



2007. Work on reviewing equality schemes that are reaching their fifth anniversary is under way.

38. The Secretary of State for Northern Ireland has recently approved the Equality Commission for Northern Ireland's revised new and improved guide to the statutory duties. The Equality Commission for Northern Ireland published the revised Guidance for Implementing Section 75 of the Northern Ireland Act 1998 in February 2005.

Single Equality Bill

39. In Northern Ireland, an extensive public consultation has been completed on options for a single Equality Act which will harmonise, update and extend, where appropriate, all anti-discrimination and equality law in Northern Ireland.

40. This consultation has been supported by a rolling programme of full and inclusive engagement with political parties, employers, trades unions, churches, businesses, voluntary and community sector, statutory bodies and local authorities.

41. The SEB is a key legislative priority for 2007. As part of the St Andrew's agreement a commitment was given 'rapidly' to progress a SEB for Northern Ireland in line with a potential restoration of the devolved administration in March 2007 and in practice this has meant advancing NI plans ahead of the GB timetable.

Wales

Promotion of Equality

42. Section 120 of the Government of Wales Act 1998 commits the Assembly to promoting equality in carrying out its functions and to producing an annual report. The Assembly Government has a legal duty to ensure that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people. One of the main mechanisms in achieving this will be through the development of a Single Equality Plan from 2008. This will ensure that respect for diversity and equality of opportunity principles, strategies and practices are integrated into the every day work of the Assembly and other public bodies in Wales. The National Assembly for Wales is committed to promoting equality of opportunity in all aspects of life including race, language, religion, disability, age, gender and sexual orientation. Any policy being developed by the Assembly Government is required to take this commitment into account.

Human Rights Commissions

Great Britain

43. The Equality Act 2006 also establishes a new Commission for Equality and Human Rights in Great Britain. The Commission will have as part of its purpose:

- the promotion of understanding of the importance of human rights;



- the encouragement of good practice in relation to human rights;
- the promotion of awareness, understanding and protection of human rights;
- the encouragement of public authorities to comply with section of the Human Rights Act 1998 (the prohibition of action incompatible with ECHR rights).

44. The Scottish Executive introduced legislation to establish a Scottish Commissioner for Human Rights on 7 October 2005. The Commissioner will be accountable to the Scottish Parliament and the exact date of the Commissioner's appointment will be for the Parliament to decide. The key functions of the Commissioner set out in the Bill include: promotion, education and awareness raising; providing guidance to public authorities; advising the Scottish Parliament on legislation after introduction; general monitoring and reporting in relation to law and practice; and investigating and reporting on generic and sectoral human rights issues in relation to public policy. The Commissioner will be able to give general advice to members of the public on human rights issues, but it will not be empowered to investigate individual complaints or to support individual cases through the courts. However, the Commissioner will be able to provide information and advice on human rights issues to the courts in certain circumstances if requested to do so.

Northern Ireland

45. The Northern Ireland Human Rights Commission (NIHRC) is an independent body with the statutory duty to review the adequacy and effectiveness of human rights law and practice in Northern Ireland. The NIHRC has an educational and advisory role, thereby providing a support mechanism for people in Northern Ireland. The NIHRC can represent individuals in cases where they feel their rights have been violated by a Public Authority. The Commission measures law, policy and practice in Northern Ireland against internationally accepted rules and principles for the protection of human rights and exercises the functions conferred on it to ensure that those rules and principles are promoted, adopted and applied throughout Northern Ireland.

46. The Northern Ireland Government is committed to ensuring that the Northern Ireland Human Rights Commission is adequately funded and resourced and that its powers are sufficient for it to carry out its mandate. The Commission's funding from Government has increased from £750,000 in its first year of operation (1999-2000) to £1.475 million in 2006-2007.

47. The Commission reviewed its powers in 2001 and presented its findings to Government who in turn put its draft response out to consultation in May 2002. The Government published its final response for consultation in November 2005 and introduced legislation to extend the powers of the Commission in November 2006. These powers include the power to access places of detention, the power to require the production of information relevant to its investigations and the power to rely on the European Convention on Human Rights when initiating legal proceedings.

48. Under the terms of the Belfast Agreement, the Northern Ireland Human Rights Commission were invited to consult and advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention, to



reflect the particular circumstances of Northern Ireland.

49. The process is currently in the hands of the Commission and the Government respects the independence of the Commission in its work to draw up proposals. However the Government is keen to encourage broad participation in the process. The Government is committed to promoting discussion of a Bill of Rights by the political parties and wider civic society in order to facilitate an agreement on a Bill of Rights that commands the support of the whole community.

50. In order to meet this commitment in December 2006, the Government held the first meeting of a Bill of Rights Forum, made up of representatives of the political parties and civic society.

Promotion of equality

England and Wales

Employment

51. The March 2003 Strategy Unit report on Ethnic Minorities in the Labour Market examined and analysed the extent, nature and causes of ethnic minority disadvantage in the labour market. The Government's strategy to raise the ethnic minority employment rate addresses the three main factors in the ethnic minority employment disadvantage:

- Lack of human capital – such as skills, qualifications and experience
- Geography, including residency in deprived areas
- Employer Discrimination

52. The key mechanism for delivering this cross-Governmental strategy is the Ethnic Minority Employment Task Force, which was set up in September 2003 to take forward the 28 recommendations of the Strategy Unit Report. In identifying discrimination as one of the 3 main factors causing ethnic minority disadvantage in the labour market, the Government has therefore acknowledged the importance of this factor. The year one progress report on the governments response to the Strategy Unit report "*Equality Opportunity Success*" (Nov 2004) identified working with employers to reduce workplace discrimination and greater use of procurement to promote race equality as priorities for the next 12 months.

53. The Government is committed to reducing inequality in the labour market and removing disproportionate barriers over the next 10 years. The Race Relations (Amendment) Act 2000 puts a duty on all public authorities to monitor employment outcomes for all ethnic groups. Although there are no plans to extend these duties to the private sector, we see the new legislative duty acting as a lever to raise standards in all sectors of society. More and more private sector organisations are recognising the benefits of diversity in today's increasingly competitive and global economy. We shall continue to work with businesses and other partners to identify what works best



and to promote good practice. The Commission for Racial Equality have undertaken a number of initiatives to promote race equality in the private sector, including:

- a revised code of practice in employment which advocates ethnic monitoring. This was published on the 24th November 2005 and from April 2006 replaced the old code of practice.
- a guide for small business “Race Equality and the Smaller Business”, published in March 2004

54. The Government is committed to achieving fully representative workforces across the public sector. Employment targets are often split into operational and non-operational sections to ensure that ethnic minorities are not concentrated in back office areas. The Cabinet Office has ownership of government-wide targets for diversity of senior civil servants, including a target for ethnic minority senior civil servants. The Local Government Best Value framework includes indicators for ethnic minority staff in Local Authorities compared to the proportion of ethnic minority people in the area. There is also an indicator for the proportion of top earners in the authority.

National Health Service

55. The *Improving Working Lives (IWL) Standard* offers guidance on employment practices for managers and enables NHS staff to measure their employer's human resources management. It sets the benchmarks by which organisations can create flexible working environments that promote staff welfare and development. Recognising that investment in human resources can improve patient care, the IWL Standard sets out what NHS organisations need to do to achieve this. The Standard is intended to ensure that NHS organisations can demonstrate commitment to their staff by offering employment practices such as:

- Flexible working (including options for flexible retirement)
- Valuing equality and diversity
- Access to childcare and carer support
- Tackling discrimination, harassment and bullying in the workplace
- Training and development
- Health in Work
- Staff involvement and communication

56. Having met the requirement to achieve IWL Practice status, NHS organisations are expected to achieve Practice Plus accreditation by April 2006. This involves demonstrating that the IWL Standard is being fully implemented across the entire organisation, in all staff groups. Performance is reported to the Department of Health and Healthcare Commission as part of the delivery of the Core Standards.

57. Linked to Improving Working Lives we have the national Positively Diverse programme which supports employers and those planning and implementing service delivery in working towards creating a more diverse and representative workforce across the whole National Health Service.



58. Positively Diverse is the overarching programme for delivery of equality and diversity to NHS organisations and it forms a core part of the work of NHS Employers' equalities team. It supports employees in the NHS to undergo a change management process whereby equality and diversity are mainstreamed throughout the organisation. In just 12 months it can help member organisations develop the knowledge and capacity to build, manage and retain a diverse workforce. More than half of all NHS organisations in England are now involved in the Positively Diverse programme, and this number is expected to grow with the continuing development of Positively Diverse training.

59. NHS Employers is currently revising the Positively Diverse programme to ensure it reflects the changes of recent years. The revisions will include new equality and diversity related legislation, organisational restructuring and implementation of Agenda for Change and the Knowledge and Skills Framework. Discussions with trusts actively involved in Positively Diverse have helped us identify the topics that need to be revised and new features that can be added to the programme.

Scotland

60. The Scottish Executive is committed to considering the implications of the *Ethnic Minorities and the Labour Market Report 2003* for Scotland. However, while the report described the UK position, it did not particularise the Scottish situation. The differences between the general UK and the particular Scottish context must be taken into account if the report's conclusions are to be effectively implemented in Scotland.

61. As a first step, the Scottish Executive/Scottish Enterprise/Commission for Racial Equality held an event in January 2004 which brought together policy makers and key stakeholders to discuss the Scottish repercussions of the report.

62. One of the outcomes of the Scottish Executive's review of race equality in 2004/05 was the establishment of a short life national strategic group involving the Commission for Racial Equality, Scottish Enterprise, Highlands and Islands Enterprise and employers groups, to address the current inequalities that exist for minority ethnic communities in the labour market in Scotland. The main task of the strategic group was to produce an action plan identifying what work needs to be taken forward to achieve the following long-term outcomes:

- Reduction of the minority ethnic employment gap.
- Elimination of the 'ethnic penalty'.
- Reduction in occupational segregation.
- Increased access to finance and business support services for minority ethnic entrepreneurs.
- Economic integration of new migrants.
- Working towards better inclusion of minority ethnic employees at every level of the workforce.

63. An important consideration for the group was to ensure that work undertaken



in Scotland complements work being carried out by the UK government. The group's action plan will be published in early 2007 and will inform the development of the Executive's National Strategy and Action Plan on Racial Equality referred to earlier in this report.

Minority Ethnic Enterprise

64. Research was commissioned by the Executive in 2004 to identify common issues experienced by minority ethnic business people in Scotland and to explore specific pathways of opportunity/disadvantage faced. This was the first systematic study on the distinctive nature and importance of minority ethnic businesses in Scotland.

65. The report was published in June 2005 and highlights the strong talent, diverse expertise and experience of minority ethnic businesses, and their contribution to the wider Scottish business sector.

66. A number of regional seminars were held in Scotland in late 2005 to disseminate the research findings.

67. A number of other projects have been taken forward in Scotland including:

a) an analysis of ethnicity data in the 2001 Census. This is not intended to be a definitive analysis of ethnicity, but highlights some interesting differentials between different ethnic groups across various policy areas including employment and education. The Executive held a seminar in February 2004 to look at the implications of this analysis for research and policy and a report has been published.

b) The Scottish Trades Union Congress's "One Workplace. Equal Rights" project (www.oneworkplace.co.uk) is part funded by the Scottish Executive and aims to:

- raise awareness of equality issues in trade unions and workplaces through a dedicated website, telephone helpline, seminars and mapping research
- build the capacity of trade union reps and officials to bargain for equality through residential training to create 100 Bargaining for Equality reps and an action learning programme for both trade union officials and branch floor trade union reps.
- Mainstream the awareness and capacity-building activities and resources throughout trade unions in Scotland and to ensure that the key Executive messages in terms of tackling racism and mainstreaming equality are sustained and fully implemented throughout Scottish workplaces.

Northern Ireland

68. In Northern Ireland, with effect from 1 April 2005, all public procurement in



the Northern Ireland Civil Service has been carried out by the Central Procurement Directorate or a Centre of Procurement Expertise. These organisations include within their Terms and Conditions of Contract a clause which requires the contractor to (a) comply with equality and fair employment legislation and (b) to ensure that in his/her employment policies and in the delivery of the particular contract there shall be no unjustifiable inequality of treatment of people within the nine categories listed in Section 75 of the Northern Ireland Act – within which is included people of different racial origin.

69. The Northern Ireland Department of Education has a statutory duty to encourage and facilitate Integrated Education. (In the Northern Ireland context Integrated Education brings together in one school children, parents, teachers and governors from both Catholic and Protestant traditions). The Department funds the Northern Ireland Council for Integrated Education to provide these services. The Department is also committed to the principles and aims of “A Shared Future”, which sets out the policy and strategic framework for good relations in Northern Ireland. The continuing development of Integrated Education will be taken forward in the light of the accepted recommendations made in the report “Schools for the future: Funding, Strategy, Sharing” which was issued in December 2006.

70. The Department for Social Development does not believe that there are inequalities or discrimination in housing allocations or other housing services in Northern Ireland. For example, since the inception in 1971 of the Northern Ireland Housing Executive, the single housing authority for Northern Ireland, no allegations of discrimination taken against it have been upheld.

71. In addition, to further ensure fairness and equity in the allocation of social housing, a Common Selection Scheme was introduced on 1 November 2000. Its design, which was the subject of wide consultation, seeks to ensure that tenancies of Housing Executive and Housing Association properties are awarded to applicants whose circumstances and characteristics best meet the properties which become available.

72. A key aspect of the Housing Allocation scheme is that applicants have a choice as to where they wish to live. The conflict of recent years, together with intimidation, has, unfortunately, led to applicants wishing to live in communities of a similar religion, with the consequent segregation of many housing estates along religious lines. The Housing Executive seeks to facilitate those who wish to live in estates where both main religions co-exist. However, it is recognised that in many urban areas it is impossible to provide that choice because of the extent of segregation. As part of A Shared Future Strategy the Housing Executive is piloting two housing schemes to provide mixed community housing. The first scheme was officially opened at the end of October 2006 and other sites are being considered.

73. It is also recognised that the Housing Executive alone cannot improve community relations, but it supports and works with others towards that end. The Housing Executive is a member of the Creating Common Ground Consortium, which includes the Community Relations Council, Northern Ireland Office, Community Safety Centre, Groundwork (NI), Northern Ireland Voluntary Training and the

Department's Urban Regeneration Office. The consortium has secured £5.24 million from the New Opportunities Fund over the last five years and £3.24 million of this was targeted on Housing Executive estates. The funds are due to be spent by the end of the 06/07 financial year.

Support for the black and minority ethnic voluntary and community sector

Connecting Communities Plus

74. Connecting Communities Plus is a Home Office-sponsored grant scheme launched in October 2005. The funding will help to deliver 'Improving Opportunity, Strengthening Society', the Government's strategy to increase racial equality and community cohesion. Total funding for grants to be distributed between April 2006 and March 2009 will be up to £18 million. The grants will support activity that aims to:

- Improve access and outcomes for Black and Ethnic Minority communities in education, employment, health, housing and the Criminal Justice System
- Increase Black and Minority Ethnic confidence in public services
- Tackle racism and extremism
- Bring together communities from different races and faiths, and promote a shared sense of belonging

75. There are three sorts of grants:

- **Strategic Grants** for national level organisations working across the English regions with a track record in race equality and community cohesion who want to develop their work. The sorts of organisations that might be funded are those seeking to scale up their organisation, market their service more widely, or evaluate and understand better how they might deliver for different groups of people
- **Project Grants** for organisations based in at least one of the English regions with a track record in delivering outcomes and engaging disadvantaged communities. The sorts of activities that might be funded are mentoring projects for those under-achieving, outreach to those inactive in the labour market, or research to identify barriers to work.
- **Community Grants** for local groups, for example to offer small-scale mentoring projects, set up peer support networks, and offer advice.

Scotland

76. As indicated in the introduction to this report, between June 2004 and February 2005 the Scottish Executive conducted a comprehensive review of race equality work in Scotland. Among other things, the review identified a need to support the minority ethnic voluntary sector to become more robust and able to articulate need and to improve the understanding and capacity of both majority and minority communities to tackle racism and promote race equality.

77. The Executive therefore proposes to:

- Work with a variety of organisations in the minority ethnic and mainstream voluntary sectors to improve community support; increase voluntary sector development; support the mainstreaming of race equality (and equality) and explore models for organisational capacity building
- Consider models of good practice locally that could be rolled out to other areas.
- Continue to support work with host and asylum seeking/refugee communities to facilitate integration and build safe communities
- Continue to support the work of the specialist minority ethnic voluntary sector in their two-fold roles of providing direct services to minority ethnic communities as well as working to challenge racism and encourage the embedding of race equality into mainstream services

78. The Executive will put in place a number of activities to help this process. However it believes there is a need to provide specific support to achieve change. To this end it created Race Equality, Integration and Community Support Fund in late 2005 to support projects which foster greater integration, understanding and dialogue between communities; provide support to tackle issues of inequality and integration; and encourage greater partnership working and improved engagement between minority ethnic communities and public sector bodies. £2 million has been made available (April 2006-March 2008).

79. In addition the Executive will spend a further £2.3m in 2006/2008 on race equality - covering current commitments, new development work with the community and voluntary sectors and work to support the delivery of race equality across the public sector.

80. The Executive has also allocated £2.4 million to support the integration of refugees and asylum seekers.

Northern Ireland

81. All public authorities designated in the Northern Ireland Act 1998 assess the equality impact of developing policies on the nine categories specified in s75 of the Act. These include racial groups, and as a result minority ethnic voluntary and community organisations (MEVOs) are listed in equality schemes and regularly consulted by policy makers across Government as to the needs of their constituencies.

82. Figures collated in 2004 illustrate the grant-funding to this sector from across Government. Between 1998 and 2003, over £4.5 million was committed to MEVO groups for capacity building and community development activities in a broad range of policy areas.

83. A fund specifically for MEVOs was set up by Government in 2001 to build capacity in minority ethnic communities and to further good relations between communities. This fund will deploy grants totalling £1.7 million during the period April 2005 to March 2008 for development and/or projects undertaken by the groups.

84. This fund continues to support the sector. A review of the fund in 2003



provided a favourable review of the scheme and made various recommendations for changes to improve the service it provides to minority ethnic communities and to help the fund better achieve its objectives.

85. A rise in reported racial incidents and the resulting 2004 Inquiry of the Northern Ireland Affairs Committee into Hate Crime in Northern Ireland highlighted a need for awareness building and anti-racism initiatives in receiving communities. Government responded to this by opening the 2005-06 round of funding to the wider community and voluntary community sector to stimulate mutual learning and welcome initiatives sponsored by 'indigenous' groups.

86. Government set up the Northern Ireland Racial Equality Forum in February 2003 in response to the recommendations of the Promoting Social Inclusion Working Groups on Ethnic Minority People and Irish Travellers. This forum affords representatives of MEVOs another opportunity to bring issues to the table with departmental and statutory bodies. Trade unions and business interests are also represented so that issues concerning migrant workers can be fully addressed.

87. Government published A Racial Equality Strategy for Northern Ireland in July 2005 after extensive consultation with the sector. The Northern Ireland Racial Equality Forum and the Thematic Groups it has tasked are working with Government to develop a relevant and focused implementation plan for the strategy. The first annual implementation action plan was launched in April 2006. Currently, OFMDFM are working with NI departments, the PSNI and NIO in preparation for the 2nd annual implementation action plan. New actions will be added to the action plan throughout the life of the strategy. The Racial Equality Forum will monitor and assess progress on implementation of the action plan, in the context of the Racial Equality Strategy. OFMDFM will report annually to Ministers, the NI Assembly or the NI Affairs Committee, in the absence of devolution, on the implementation of the action plan taking account of the Forum's comments. A copy of the first implementation action plan can be accessed on the OFMDFM website (www.ofmdfmi.gov.uk/index/equality/race). Plans for the second action plan are currently under way and these will be available on the same website after April 2007.

88. Government values highly the contribution of the voluntary sector and actively promotes multi-agency and partnership working.

Improving Opportunities for Gypsies and Travellers

89. The Government notes the Advisory Committee's concerns about the particular problems faced by Gypsies and Irish Travellers throughout the UK.

90. Racial discrimination in the provision of goods, services and premises is unlawful throughout the United Kingdom. The Government encourages individuals who encounter such discrimination to take action under the law and to report the matter to the relevant equality commissions.

91. The Government's strategy to increase race equality and community cohesion acknowledges that Gypsies and Travellers have some of the worst outcomes of any

ethnic group in key areas of life. The purpose of that Strategy is to bring about real improvements in those life outcomes for all ethnic groups, including Gypsies and Travellers. The Commission for Racial Equality has published a study of how local authorities deal with Gypsies and Travellers which the Government will study with interest.

England and Wales

92. The new Department for Communities and Local Government is continuing the drive of the Office of the Deputy Prime Minister to mainstream Gypsy and Traveller accommodation provision, through both its housing and planning policies, to ensure these communities are treated on an equal footing with the settled community generally. DCLG is promoting the delivery of new sites by encouraging proper assessment of Gypsy and Traveller need, to ensure that an informed and strategic approach can be taken, and that the planning system identifies land to meet these needs. This approach is backed by financial support of £56m over 2 years, via regional Housing budgets.

93. Under the Housing Act 2004, each local authority will now be required to review the accommodation needs of "gypsies and travellers" within its review of overall housing need, and to develop strategies to meet that need. Accurate information on the levels of need for site and other types of accommodation provision will now be provided via properly conducted assessment of accommodation need, in the same way that housing need for the settled community is assessed.

94. It is anticipated that particular cultural and lifestyle differences mean that the housing market assessment process may well be less successful in identifying Gypsies and Traveller accommodation need than other communities. The accommodation assessment process for the Gypsy and Traveller communities should provide detailed information, both on the level of need for public and private sites, and the level and type of need for bricks and mortar housing, including social housing. Revised interim guidance on conducting accommodation assessments for Gypsies and Travellers is available on the DCLG website (www.communities.gov.uk), which will be refined and finalised later in 2007 in the light of experience.

95. Recent changes to the planning system will ensure a systematic and comprehensive approach is taken to the provision of land for sites, with powers in place to direct local authorities to allocate land in plans if necessary. A revised planning circular dealing with planning for Gypsy and Traveller sites, issued early in 2006, confirmed the approach consulted on the previous year, namely that local planning authorities need to identify appropriate land for Gypsy and Traveller sites through the planning system, to deal with the growing shortage of sites and thereby reduce community tensions where sites are established without consent.

96. DCLG has submitted a formal request to the Office of National Statistics for the inclusion of a number of ethnic minority groups in the 2011 census which have not been specified individually in the past. A request for inclusion of specific Gypsy and Traveller categories is included in this request, as better information will help the provision of accommodation-related and other services to be targeted more effectively



to those who need them.

Education

97. The Government recognises that an important barrier to economic fulfilment and employment is the low level of basic skills in literacy, language and numeracy skills demonstrated by many adults (currently estimated at around 1 in 5 of the adult population). The Skills for Life Strategy aims to improve the literacy, numeracy and/or language skills of at least 2.25m adults by 2010, with a milestone of 1.5m by 2007. The Department for Education and Skills will be targeting key priority groups where the biggest and most rapid impact can be made. These include jobseekers, benefit claimants, prisoners, workers in low-skilled jobs, people at risk of exclusion and people who live in disadvantaged communities.

Employment

98. The Department for Work and Pensions is committed to helping all those who are disadvantaged in the labour market, including Gypsies and Irish Travellers. The Department's programmes are designed to help disadvantaged groups with the skills they need to find work. These measures will also benefit those who have basic skills and language problems. The Department is examining further what additional actions can be taken to bolster these initiatives and is working alongside the Cabinet Office's Performance Innovation Unit which published the results of its two-year project 'Ethnic Minorities and the Labour Market'.

Health

99. The National Health Service (NHS) offers a universal service, free at the point of delivery. One of the key elements of the Programme is ensuring that high quality NHS services are available according to need, by developing service provision, access and quality in areas - and among groups such as various black and minority ethnic communities including Gypsy and Travellers - that have traditionally been less well served in relation to need. The creation of more equal access for all communities is an integral element of our health inequalities programme of action.

100. The Department of Health is committed to transforming the NHS so that it produces faster, fairer services with equity of access for all which is centred on individuals' and communities' needs and circumstances. The Department is also committed to building equality and human rights into work programmes and organisational governance and recognises that individuals, communities and groups may be treated less favourably and/or may be disadvantaged because of their age, disability, gender, gender identity, race, ethnic origin, religion or belief and sexual orientation.

101. Over 14% of staff employed in the NHS are from black and minority ethnic groups, making the NHS the largest employer of minority ethnic staff in the country. Black and minority ethnic staff make an immensely important contribution to ensuring the NHS provides high quality healthcare and that services are accessible, equitable, and capable of responding sensitively to the needs of the diverse



communities served.

102. *Commissioning a Patient-Led NHS* is designed to ensure the NHS is equipped with the right leadership skills and diversity to strengthen commissioning in order to deliver improvements in health and health services, and to allow flexibility for the use of local strategies where appropriate. A clear understanding of the impact of equality issues is essential to the delivery of key system reforms. Further information on this programme of work can be accessed at

<http://www.dh.gov.uk/PolicyAndGuidance/OrganisationPolicy/Commissioning/CommissioningAPatientledNHS/fs/en>

103. The Department's strategy for meeting the needs of minority ethnic communities is to set action on race equality within the overall framework for planning and delivering the Department's priorities. The Department has a detailed programme of work under way to take forward our race equality commitments and has strengthened the arrangements for supporting and accounting for progress on race equality.

104. The Department has undertaken a number of activities to support the National Health Services meet their new statutory duties under the Race Relations Act including:

- working with the Healthcare Commission, other inspectorate bodies and the Commission for Racial Equality to ensure race equality is integrated with inspection arrangements;
- *Delivering Race Equality in Mental Health Care* (DRE) is an action plan for reform of NHS mental health services – working towards equality of access, equality of experience and equality of outcome for all mental health service users. DRE's programme of change consists of three main building blocks: more appropriate and response services, community engagement and better information. As part of the DRE programme the Healthcare Commission, in partnership with the Mental Health Act Commission, undertakes an annual census of ethnicity of mental health in-patients.
- the Leadership and Race Equality Action Plan (LREAP) is a 10-point action plan launched in February 2004. LREAP is aimed at NHS Chief Executives and their Boards with a specific focus on health services and outcomes and challenging them to pay greater attention to meeting the service needs of people from ethnic minorities and making equality issues an important dimension of the NHS Strategy. A revised LREAP will be integrated into an NHS leadership document that is currently being developed.
- the Race for Health Programme is Primary Care Trust-led with support from the Department of Health's Equality and Human Rights Group. It convenes a network of 14 PCTs around the country, working in partnership with local Black and Minority Ethnic communities to improve health, modernise services, increase choice and create greater diversity within the NHS workforce. Race for Health



also disseminates examples of good practice across the NHS and recently published *Towards Race Equality in Health: A Guide to Policy and Good Practice for Commissioning Services*. Plans are underway to recruit a new wave of PCTs on to the programme.

- The Pacesetters Programme places equality at the heart of NHS business, organisational objectives and core values, impacting upon future health planning, performance management and delivery. This programme is headed by the Equality and Human Rights Group which is working with up to 5 Strategic Health Authorities (SHAs) to deliver equality and diversity improvements and innovations resulting in:
 - Patient and user involvement in the design and delivery of services;
 - Reduced health inequalities for patients and service users;
 - Working environments that are fair and free of discrimination.

The participating SHAs are launching their local involvement in the programme from November 2006.

- In July 2005, the Department and partner organisations published an equality guide for NHS Boards, with particular emphasis on the role of non-executive directors. The guide presents the business case for equality which is supported by information on the legal framework for equality and on health inequalities and the workforce. Also included are a set of prompts for non-executive directors to use when dealing with Board matters. The guide is currently being revised and broadened and should be available in early 2007.
- At the same time, the Department and other partner organisations published guidance on ethnic monitoring in the NHS and social care. The guidance stresses the importance of using the ONS census codes as the basis for recording the ethnicity of patients and staff.

Housing

England

105. The Office of the Deputy Prime Minister (ODPM), and now the Department for Communities and Local Government (DCLG) have been committed to ensuring that Gypsies and Travellers have access to accommodation appropriate to their needs. The DCLG Gypsy and Traveller Unit has worked with local authorities and other agencies to deliver more accommodation for Gypsies and Travellers.

106. A comprehensive review of Gypsy and Traveller accommodation policy has been undertaken. As a result numerous changes have been put in place to mainstream the processes by which Gypsy and Traveller accommodation needs are addressed, ensuring that an informed and strategic approach is taken to tackling Gypsy and Traveller accommodation needs, and that the planning system identifies land to meet these needs equally and fairly alongside other sectors of the community.



107. Under measures contained in the Housing Act 2004, local authorities will now be required to undertake an assessment of Gypsy and Traveller accommodation need, as they do for the rest of the general community, in respect of those Gypsy and Traveller communities residing in, or resorting to their district, and to prepare and supply a strategy in respect of meeting the needs which are identified,

108. The results of the accommodation needs assessment will play a key role in establishing regional housing needs and plans generally, and provides a basis on which decisions on housing capital investment can be made across all sectors of the community. It will help establish the number of pitches required within each local planning authority and inform a strategic view of needs across the region as a whole.

109. The new planning system will ensure a systematic and comprehensive approach is taken to the results of the assessment of housing need and site provision. Where a need for sites is identified, it will require that land for such sites is identified in local development plan documents. The Planning Circular dealing with Gypsy and Traveller sites has been revised after consultation in order to overcome some of the barriers to site provision which have become apparent since it was originally issued in 1994.

110. The Government's Gypsy and Traveller Site Grant is a challenge fund administered by DCLG and continues to support the improvement and expansion of the local authority network of Gypsy and Traveller sites. The Government is making up to £56m available over the next 2 years, through Regional Housing programmes, for local authorities and Registered Social Landlords which want to provide new sites or refurbish those which already exist.

Wales

111. The National Assembly for Wales's Equality of Opportunity Committee undertook a major and comprehensive Review of Service Provision for Gypsies and Travellers in 2002. The review examined a number of long standing challenges in relation to providing service provision to Gypsies and Travellers in the areas of education, health, accommodation (including site planning and refurbishment) and promoting good community relations. 52 recommendations were put forward.

112. In order to ensure that the National Assembly Government drafted a comprehensive and considered response, a Ministerial Working Group and an Official Working Group were both established to take forward this work within the Assembly, at a Ministerial level and with Assembly Sponsored Public Bodies (ASPBs). For example, in November 2003 an All Wales Seminar for Local Authorities and Local Health Boards was organised by the Officials Working Group in order to discuss the review. The seminar was held in Llandrindrod Wells and aimed to:

- Explore the review's recommendations;
- Establish what has been achieved so far;
- Share best practice;
- Clarify the barriers to effective implementation of the review's recommendations.

113. In March 2004 the National Assembly Government provided an official



response to the review. The response included a comprehensive action plan detailing which recommendations require public consultation and which can be taken forward by the Assembly to improve the lives of Gypsies and Travellers living in Wales.

114. Progress has been made in a number of areas, for example, the Assembly's Housing Directorate has already fully implemented the Committee's recommendation that Gypsies and Travellers who wish to be moved into settled housing receive help and support with the application process and with managing the transaction from previous accommodation.

115. More recently, two groups have been established (The All Wales Gypsy & Travellers Group and the Equality of Opportunity Committee: Working Group on the Government Response to the Report on the Review of Service Provision for Gypsies & Travellers), to drive forward the future work detailed in the National Assembly Government's action plan. The All Wales Gypsy & Travellers Group focuses specifically on health related recommendations and takes a multi-agency approach and the Equality of Opportunity Group is an informal body comprising one Member from each political party and is tasked to compare the action set out in the Assembly Government's response against the recommendations in the report and the evidence that informed it.

116. As well as undertaking work around the Review of Service Provision for Gypsies and Travellers, the National Assembly also provides funding under Section 488 of the Education Act 1996 to projects undertaken by Local Authorities in Wales to meet the needs of Gypsies and Travellers when accessing education.

117. For the financial year 2004-2005, £90,000 was allocated to a number of Gypsy and Traveller projects, 75% of which comes from the National Assembly, with the remaining 25% of the money provided by the Local Authorities themselves.

118. The use of funding is varied, with some grants being used to provide distance learning materials or awareness raising projects. One Authority's project assists schools and the LEA to appropriately address the additional educational needs of all Gypsies and Travellers, while another specifically encourages positive attitudes to education within Traveller communities.

Scotland

Gypsies/Travellers and Race Equality

119. The Scottish Executive's Equality Strategy and Race Equality Scheme both identify Gypsies/Travellers as a minority group vulnerable to prejudice and discrimination. Race relations legislation is reserved to UK Government. Case law in England has ruled that Roma Gypsies and Irish Travellers are protected by the 1976 Act. No Scottish test case has ever established that Scottish Gypsies/Travellers are a racial or ethnic group for the purposes of the Act; the Scottish Executive nevertheless treats them as such. The Executive has acknowledged that all Gypsy/Traveller communities in Scotland have specific needs and require the same protection from potential discrimination and abuse as do any of Scotland's minority ethnic



communities. However it is outwith the Executive's remit to recognise Gypsies/Travellers as ethnic groups within equal opportunities legislation.

120. The Executive has encouraged public bodies to include Gypsies/Travellers in their **Race Equality Schemes** and race equality work. The Commission for Racial Equality (CRE) has the legal power to ensure compliance with the Race Relations (Amendment) Act 2000. The CRE's guidance for public bodies on the duty to promote race equality makes reference to Gypsies/Travellers.

121. In *Delivering for Scotland's Gypsies/Travellers* (June 2004) the Scottish Executive stated that all Scottish local authorities should give serious consideration to appointing a liaison officer to work with and support Gypsy/Traveller communities to ensure effective delivery of public services; and that all local authorities, with local police, should prepare strategies on working with Gypsies/Travellers.

Short life strategic working group

122. The Executive is committed to an ongoing process of consultation and policy development with Gypsies/Travellers and those who provide them with public services. Following the review of race equality in Scotland which identified Gypsies/Travellers as a policy area requiring more dedicated work and action, the Executive set up a short life strategic working group to develop an action plan. The Group, which met between October 2005 and August 2006, included Gypsy/Traveller representatives and key service providers such as the Association of Chief Police Officers in Scotland (ACPOS); the Scottish Traveller Education Programme (STEP); the CRE; and the Convention of Scottish Local Authorities (COSLA). The group's action plan will be published in early 2007 and will inform the Executive's National Strategy and Action Plan on Race Equality referred to earlier in this report.

123. In 2006/07, the Scottish Executive is also funding Save the Children for one year's advice/consultation work on Gypsies/Travellers.

'One Scotland: Many Cultures'

124. The Scottish Executive's 'One Scotland: Many Cultures' anti-racism and awareness-raising campaign website includes information about Gypsies/Travellers in Scotland - including a number of stories from Gypsies/Travellers themselves under the "Tell Your Story" section - as does the Young Scot sub-site (Young Scot is the national information agency for young people). In addition, real-life experiences of/stories from Gypsies/Travellers will feature in the next phase of campaign radio advertising.

Census

125. Gypsies /Travellers were consulted as part of research commissioned by the Executive in 2005 on the ethnic identity classifications used in the Census. Thereafter, the Executive undertook a public consultation including with Gypsies/Travellers on the use of ethnic classifications. The development of options and the resulting advice to Ministers therefore took account of the views expressed by

Gypsies/Travellers and representative groups. The new ethnic identity questions were included in the 2006 Scottish Census Test (along with other questions) which was undertaken by the General Register Office (Scotland) in 2006. Gypsies/Travellers were included in the test.

Accommodation

126. One of the main drivers for change has been the Housing (Scotland) Act 2001 which is now making a difference to the way in which accommodation is planned and provided by local authorities.

127. First, the Act requires local authorities to prepare Local Housing Strategies which address housing problems and equality issues; local authorities are expected to consider the accommodation requirements of Gypsies/Travellers as part of their Local Housing Strategy. The first round of these strategies was submitted by April 2004 and local authorities are required to provide updates on their progress in assessing or meeting the accommodation needs of Gypsy/Travellers to the Scottish Executive.

128. Second, the Act has resulted in the Regulation and Inspection Division of Communities Scotland inspecting local authority Gypsy/Traveller sites. An initial thematic study in 2002 undertaken by Communities Scotland into local authority quality and practice into management of sites was updated in 2006. The most current report contains recommendations covering service quality, consultation, rents, site maintenance and training. These are being followed up by the Executive and Communities Scotland.

129. In June 2005, new Scottish Executive funding for local authority sites was announced, amounting to £3m over the 3 years 2005-06 to 2007-08. The grant covers 75% of project costs, with local authorities being expected to provide the remaining 25%. Up to £1m has been allocated to a number of local authorities for each of the three years. It will be spent on improvements and upgrading to the fabric of sites.

130. Councils were required to demonstrate that they have consulted Gypsies/Travellers and site residents about the nature of the work to be undertaken and consequent timing, disruption and relocation arrangements, and to have agreed any decanting arrangements.

Planning

131. Planning authorities have been advised by the Executive to play a role in facilitating accommodation through development plans, i.e. by identifying suitable locations for Gypsies/Travellers' sites where need is demonstrated, and setting out policies for dealing with applications for small privately-owned sites.
(Scottish Planning Policy 3: planning for Housing, Feb 2003)

Education

132. The Scottish Executive is committed to ensuring equality of opportunity for all and to raising the attainment levels of all our young people.



133. The Scottish Executive Education Department (SEED) commissioned the Scottish Traveller Education Programme (STEP) to produce national guidance for schools and Local Authorities on *Inclusive Educational Approaches for Gypsies and Travellers within the context of interrupted learning* in 2003. Other work funded by SEED through STEP has included the production and dissemination of three case studies in 2005, which highlighted good practice examples of working with young Gypsies and Travellers, and the production in 2006 of three leaflets for Gypsy/Traveller families containing targeted information on the education system in Scotland. The leaflets are accompanied by a DVD to provide an accessible form of the information.

134. STEP currently receives project funding from SEED to continue their promotion of the educational interests of Gypsy and Traveller pupils. STEP have completed research into the effectiveness of their 2003 guidance, also taking into account other research and policy developments. STEP are currently taking forward work based on their findings, supporting schools in addressing issues such as non-take up of formal education, the impact of interrupted learning, and the provision of effective methods of delivery.

135. STEP's current work plan includes the development of an e-learning pilot, support for TENET (Traveller Education Network), production of resources including Initial Rapid Assessment Guidance, and the organisation of events to raise awareness of the needs of Gypsy and Traveller pupils.

136. HMIe published a document which builds on self evaluation guidance given in *How good is our school?* entitled *Taking a closer look at: Inclusion and Equality – meeting the needs of Gypsies and Travellers*. The guide provides examples of best practice, and was launched at an event in March 2005 which aimed to showcase ongoing work and allow practitioners in attendance to share ideas.

137. The Executive engages in on-going dialogue with the Scottish Further and Higher Education Funding Council on all aspects of its work to promote social inclusion within the further education sector. It is recognised that Gypsies/Travellers are among those who have needs that must be considered in encouraging participation in further education and gaining access to appropriate qualifications.

138. Prior to its merger with the Scottish Higher Education Funding Council (SHEFC), the Scottish Further Education Funding Council (SFEFC) carried out a root and branch review of its approach to widening participation to lifelong learning. The review was conducted through a process of research and wide consultation with relevant stakeholders. The report 'Learning for All' was published in September 2005.

139. The report recommends a programme of action to build demand for learning among disadvantaged groups and to provide high quality learner-centred services.

Health

140. There is no place for racism in the National Health Service Scotland (NHS Scotland). There should be no barriers to accessing or receiving services and the NHS should be responsive and sensitive in providing culturally-competent services. Gypsies/Travellers are entitled to the same services as the 'settled' population. Developing services that are accessible and fair for all is a fundamental priority for the NHS in Scotland. The National Resource Centre for Ethnic Minority Health has developed, in partnership with representatives from the Gypsies/Travellers community, a hand-held patient health record which is being rolled out across the country. Training for NHS staff in the use of the records is being developed. The record was officially launched at the first meeting of the Gypsy/Traveller Strategic Group on October 12th 2005. Guidance on the hand held record was issued to NHS Boards in October 2005 and will be followed by training on awareness-raising of Gypsy/Traveller health issues and use of the records.

141. The National Health Service in Scotland's pre-recruitment programmes are open to any person who is currently out of work (not necessarily benefit claimants). NHS Scotland has implemented a national campaign aimed at staff to raise awareness of equality & diversity, tackle discrimination and challenge perceptions. The majority of National Health Service employers now offer anonymous application forms to help tackle discrimination at point of short listing, and all follow equal opportunities guidance.

142. A national Gypsy/Traveller Roundtable Network was set up by the National Resource Centre for Ethnic Minorities Health in January 2003 to identify priorities and develop an action plan around four key areas: extension of good practice models nationally; community-led national health needs assessment; production of health promotion materials in accessible formats; employment of a community researcher to develop the action-based research.

Justice and Policing

143. HM Inspectorate of Constabulary (HMIC) Report 'Pride and Prejudice: A Review of Police Race Relations in Scotland' (published 27 June 2003) confirms that "All of Scotland's police forces have updated and revised their policies towards Gypsies and Travellers, with stronger links and specified police liaison officers being established and deployed... Gypsy/Traveller issues are a key element in the diversity training which all police staff are receiving." The Report states that the Association of Chief Police Officers in Scotland (ACPOS) has recently amended its policy and decision making infrastructure to create a permanent standing committee on race and community relations under the leadership of a chief constable. This is significant in that it will ensure the subjects within its portfolio, including Gypsies/Travellers, receive sustained and high level attention. The HMIC report also notes that "For all forces in the Scottish Police Service, the development of policy and practice towards Gypsies and Travellers has shifted from a historical perspective of public order to the more modern and less proscriptive dimension of race relations. This reflects the growing acknowledgement of Travellers as a minority group that are widely subject to prejudice and discrimination within society."

144. To improve access to legal information and advice throughout Scotland for

those who need it, including Gypsies/Travellers, the Scottish Executive is working towards better national planning and co-ordination of publicly funded legal assistance services, and this will involve local assessment of the need for such services and an underpinning quality framework.

Northern Ireland

145. Government remains sensitive to, and committed to meeting, the needs of Irish Travellers in Northern Ireland. Since taking responsibility for Traveller accommodation the Department for Social Development and the Northern Ireland Housing Executive have been very proactive in dealing with the needs of Irish Travellers. The Housing Executive has completed a detailed Traveller accommodation needs assessment and from this a programme of traveller-specific accommodation schemes has been drawn up. These are now included in the housing association new build programme and the Housing Executive Traveller accommodation programme. Major resources have been directed towards the provision of group housing schemes, serviced sites and the provision of adequate support services for Irish Travellers.

146. Government is implementing the unauthorised encampment legislation which became operative in July 2006. The Housing Executive has established excellent working relationships with the Police as regards dealing with unauthorised encampments and the current practices, which include the Housing Executive making a visit to each identified unauthorised encampment to assess the accommodation needs of the resident families, are working well.

Health

147. Having acknowledged the health inequalities faced by Irish Travellers in Northern Ireland, the Department of Health Social Services and Public Safety and the Department of Social Development have invested in a number of initiatives, including local community-based projects, aimed at improving Travellers' health and social care at regional level and by Health and Social Services bodies. These have included:

- ongoing collaboration with the RoI Department of Health and Children, in the design and commissioning of an all-Ireland Traveller Health Study that will identify the health status of Travellers and the factors influencing their health, and will highlight the barriers to access, participation and outcomes from health services
- the development of a health promotion programme aimed specifically at Travellers; the training of Traveller women as lay healthcare mentors on a community healthcare programme and the funding of a multi-agency, multi-sectoral partnership committed to promoting Traveller health in the Southern Board area.

OFMDFM

148. The Office of the First Minister and Deputy First Minister have provided



funding in the region of £500,000 covering the period 2005-08. The funding will be used to develop capacity building with the Traveller community.

Article 5

- 1 The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.
- 2 Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

149. The United Kingdom is an enormously diverse country – multi-ethnic and multi-faith, with several indigenous languages. The UK’s society, culture and economy have been greatly enriched by the arrival of new migrants and refugees. This is not a new phenomenon – the UK has been a country of inward, outward and internal migration for centuries. The Government considers that this diversity is a source of national strength and a matter for celebration.

Promoting the value of diversity

150. In addition to exercising its statutory powers, the Commission for Racial Equality (CRE) also works to promote equality by seeking to educate and inform the public, to influence attitudes and so encourage good race relations.

151. To this end, the CRE runs public education campaigns to raise awareness of race issues, and to encourage others to play their part in creating a just society. The CRE has collaborated in a number of high profile campaigns to promote racial tolerance and cultural diversity. Examples include:

- the “Would I...?” television advertisement. Leading celebrities donated their time and images for the CRE to produce a unique advert celebrating diversity. The advertisements challenged negative stereotypes in a thought provoking way by “changing” the ethnicity of leading sports persons, musicians, and media personalities.
- the annual “Race in the Media Awards” established to encourage informed coverage of race relations across all media in the UK.
- the “Sporting Equals” three-year programme developed with the English Sports Council to promote racial equality in sport.

Scotland

152. The Scottish Executive seeks, with its partners, to ensure that there are opportunities for all people living in Scotland to celebrate their language and traditions and to participate fully in the cultural life of their own community and of Scotland. The new cultural policy, “Scotland's Culture”, was published in January 2006. It sets out Scottish Ministers' strategic vision, in which a vigorous and diverse cultural life is at the heart of the Executive's aspirations for Scotland. The policy also

commits the Executive, and the national cultural organisations, to promote wider, inclusive opportunities for cultural access.

153. Positive practical steps in recent times include the Scottish Arts Council's Cultural Diversity Strategy, which aims to encourage everyone who lives in Scotland to tap into their creative potential without obstacle or prejudice. The Executive continues to raise awareness of, and access to, culturally diverse activity through its Partnership Agreement for Scotland objective "to support social inclusion by ensuring the widest possible involvement in cultural, social and sporting opportunities". Executive Ministers' policy of local cultural entitlements, proposed for implementation through the Culture (Scotland) Bill, will ask all Scottish local authorities to consult people in their areas and to provide cultural opportunities in ways that seek to address community aspirations, including those of under-represented and minority groups.

154. Another important development during the period of this report has been the introduction of the Gaelic Language (Scotland) Act 2005, which commenced in February 2006. This legislation secured the status of Gaelic as an official language of Scotland that commands equal respect to the English language, and established the Gaelic language development board, Bòrd na Gàidhlig (www.bord-na-gaidhlig.org.uk), whose remit is to promote and facilitate the use and understanding of Gaelic language, Gaelic education and Gaelic culture in Scotland.

155. As part of its functions, by early 2007 Bòrd na Gàidhlig must produce a national Gaelic language plan and accompanying guidance on the preparation of Gaelic language plans, for approval by Scottish Ministers. Bòrd na Gàidhlig is empowered to instruct public authorities in Scotland to prepare and publish their own Gaelic language plans, which will set out how these bodies intend to use and promote the use of Gaelic in the exercise of their functions. Within the period of this report it has issued notices to the following authorities: the Scottish Executive; the Scottish Parliament; Highland Council; Highlands and Islands Enterprise; Argyll and Bute Council; and Western Isles Council (Comhairle nan Eilean Siar). As part of the national plan for Gaelic, Bòrd na Gàidhlig is also required to publish a national strategy for all levels of Gaelic education in Scotland. Bòrd na Gàidhlig is also tasked to promote and advance Gaelic culture, which it currently does in partnership with 15 Gaelic organisations and other community groups.

156. The Scottish Executive recognises, respects and celebrates the Scots language as an integral part of our cultural heritage. Scots is a living language and is still widely spoken across Scotland today in a variety of forms such as Scots, Doric and Lallans.

157. The Scottish Executive's National Guidelines on English Language 5 - 14 advocate the inclusion of Scots in the school curriculum where appropriate. The Guidelines advocate the inclusion of Scots literature in the curriculum, and Learning and Teaching Scotland produces teaching materials in support of this inclusive policy. These allow pupils to be confident and creative in language and to develop notions of language diversity, within which they can appreciate the range of accents, dialects and



forms of expression they encounter. This helps children value the Scots they may use at home or with their peers.

158. In addition, there are a range of groups supporting and promoting Scots in public life in Scotland. These include the Scots Language Society, the Scots Language Resource Centre, Scottish Language Dictionaries, Dictionary of the Scottish Tongue, and the Association for Scottish Literary Studies. These groups receive funding from the Scottish Arts Council, the Heritage Lottery Fund and other sources. These groups have made important contributions towards raising the profile of Scots and thus enriching Scotland's cultural life.

Wales

159. The Welsh Language Act 1993 establishes the principle that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality. Under the Act, public and crown bodies prepare Welsh Language Schemes which set out how they intend to give effect to that principle, so far as is both appropriate in the circumstances and reasonably practicable in the provision of services to the public. The Act established the Welsh Language Board to oversee the preparation and implementation of Welsh Language Schemes and to promote and facilitate the use of the Welsh language. The Welsh Assembly Government's own Welsh language Scheme was approved in October 2002 and is currently being reviewed.

160. As a result of the devolution of power within the United Kingdom, the Welsh Assembly Government has responsibility for the Welsh language. In 2003 the Assembly Government launched Iaith Pawb (Everyone's Language) which is a National Action Plan for a Bilingual Wales (http://new.wales.gov.uk/topics/welsh_language/?jsessionid=EA81FB2CFB663408AE87BF926D44F168.www2?lang=en). The measures set out in Iaith Pawb are aimed at achieving a number of key targets by 2011 with the aim of achieving a sustained increase in both the number and percentage of people able to speak Welsh.

161. Iaith Pawb is structured in 3 parts and focuses on a national policy framework, the language at a community level and the individual and language rights. The Welsh language is being mainstreamed across the Assembly Government with an additional £28m spent between 2003-06 to develop the Welsh language. This includes an additional £16m for the Welsh Language Board, an Assembly Sponsored Public Body which promotes and facilitates the use of the Welsh language.

162. Iaith Pawb and the Assembly Government's Welsh Language Scheme are subject to an annual report. These can be viewed at:
http://www.new.wales.gov.uk/topics/welsh_language/welsh_language_scheme/?lang=en

163. The Welsh Language Board (www.welsh-language-board.org.uk) was established as a statutory body by the Welsh Language Act 1993, with the specific remit of promoting and facilitating the use of the Welsh language.



164. The Welsh Language Board oversees the development and implementation of language schemes by public bodies. It grant aids organisations which promote the language, promotes the language through community initiatives, carries out positive marketing campaigns, and gives advice and information to the public on the use of Welsh. It works with the private and voluntary sectors to encourage the use of Welsh by those sectors. The Welsh Language Board currently employs over 70 members of staff and receives funding of £13m from the Welsh Assembly Government.

165. As part of the Assembly Government's plans to strengthen democratic accountability it was announced in 2004 that where executive ASPBs undertake functions which are governmental either on policy or delivery, they would be merged with the Assembly and plans are afoot to do so in the case of the Welsh Language Board.

166. The Assembly funds a number of black and minority ethnic organisations including the Black Voluntary Sector Network (BVSN) and the All Wales Ethnic Minority Association (AWEMA). The arrangements for consulting and supporting the Welsh black and minority ethnic communities are currently under review.

167. The National Assembly has part-funded the Wales Diversity Awards (the first National Diversity Awards of its kind) which it was heavily involved in creating. It has also funded a black and minority ethnic women's event to celebrate international Women's Day, and a number of small projects with voluntary sector groups promoting diversity.

Northern Ireland

168. In 2001 the Northern Ireland Executive established a fund aimed at promoting good relations between different racial groups. The fund supports both minority ethnic voluntary organisations and projects and is detailed elsewhere in this comment.

169. The Department of Culture, Arts and Leisure launched Diversity 21 in October 2000 and funded the programme until 2004. Diversity 21 actively sought to recognise, highlight and value the cultural diversity of minority ethnic communities in Northern Ireland. The Diversity 21 programme of exhibitions and fairs, awards ceremonies, cultural galas, film festivals, music workshops and funding of events such as the Chinese New Year Festivities, aimed to promote awareness of the contribution of the minority ethnic communities in Northern Ireland. In order to carry out these projects, Diversity 21 dealt directly and actively sought the support, direction and assistance of these minority groups.

170. The Department of Culture, Arts and Leisure is currently exploring other ways to celebrate and support cultural diversity work in Northern Ireland through its remit under A Shared Future – Policy and Strategic Framework for Good Relations in Northern Ireland. These actions are outlined in the policy's triennial action plan published in 2006.

Diversity and health needs



171. There are diverse health needs within communities. Voluntary & faith organisations play a key role in supporting NHS and social care organisations to improve the health and well-being of local people. The Government's commitment to reduce health inequalities in faith communities and provide culturally appropriate services is outlined in the White Paper, *Choosing Health* (published November 2004). The document acknowledges that real progress depends on effective partnerships across communities including faith organisations. The Department's Standards and Planning Framework for 2005-2008 makes it clear Primary Care Trusts and their partner organisations should demonstrate that they have taken account of different needs and inequalities within the local population, including faith communities, on the basis of a systematic programme of health equity audit and equality impact assessment.

172. The Department works with faith-based organisations to promote campaigns on smoking cessation, organ donation and retention campaign, with a view to increasing understanding of some related ethical issues in order to improve the delivery of healthcare. There are several cultural issues related to health and healthcare regarding faith-based patients. It is important that healthcare professionals in hospitals and all communities get a better understanding of the needs and concerns of such patients and their families, and those ethical issues in relation to the provision of services for those communities. The Department has also undertaken specific work to address the health inequalities experienced by Muslim communities.

173. The **Better Hospital Food programme** aims to ensure the consistent delivery of food to patients that is safe, of good quality, nutritious, well-presented and served at a time convenient to them. NHS Trusts are encouraged to ensure that their menus meet the needs of all patients however they arise - whether through clinical, lifestyle (e.g. vegan) or religious or cultural observances/requirements, and to ensure that the menu available to patients makes clear the food and services available, and how to access them.

174. Hospitals are also encouraged to provide information, including that relating to food and food service, in a range of languages reflecting as far as practicable the language spoken by the local communities they serve. The Patient Environment Action Team (PEAT) programme was extended in 2002 to include assessments of food and food service. PEAT results are given to the Healthcare Commission and published on the Better Hospital Food website. Further information about the Better Hospital Food Programme can be accessed at http://195.92.246.148/nhsestates/better_hospital_food/bhf_content/introduction/home.asp.

Scotland

175. The Scottish Executive recognises that Scotland's minority ethnic communities need improved access to and greater involvement in developing the health services they use. *Our National Health: a plan for action, a plan for change*, published in December 2000, committed NHS Scotland to becoming more responsive to the needs of minority communities. In the *Partnership for Care, Scotland's Health White Paper (2003)* we have been working to ensure that the health needs of minority ethnic



populations and refugees in Scotland are being effectively met by implementing *Fair for All*.

176. NHS Scotland took stock of these needs and responded with a comprehensive, evidence-based and resourced programme to achieve real culture change. This *Fair for All* programme, which includes asylum seekers, refugees and travelling people as well as Scotland's resident minority ethnic communities, was launched in December 2001. The report found that NHS Scotland organisations failed to meet the needs of minority ethnic communities and that, although staff were not individually racist, NHS Scotland could be at risk of being accused of institutional racism because it was not recognising the different needs of minority ethnic communities.

177. A conference was held in January 2002 to allow the NHS and ethnic minority communities to discuss the report's findings. At this conference every NHS Scotland Chief Executive signed the Commission for Racial Equality's *Leadership Challenge* as a token of their personal commitment to delivering change in their organisation. A three-year programme of targets for improvement, arising from *Fair for All*, was issued for consultation, and formally introduced in June 2002. It covers five areas of work: Energising the Organisation; Human Resources; Community Development; Access and Service Delivery; and, Demographic Profile. NHS Scotland Chief Executives are held responsible for performance against these targets through NHS Scotland's Performance Assessment Frameworks.

178. The National Resource Centre for Ethnic Minority Health (NRCEMH) was established in April 2002 to support the NHS in policy development, information, training and networking. The *Fair for All* programme was expanded, in partnership with the Commission for Racial Equality, to ensure NHS Scotland delivers the new duties the Race Relations (Amendment) Act 2000 placed on public bodies to eliminate unlawful racial discrimination and promote equality of opportunity. NRCEMH supported NHS Boards in submitting their Race Equality Schemes to the Commission for Racial Equality in November 2002 and November 2005, and they have prepared reports assessing progress across the NHS's Race Equality Schemes and Fair for All Action Plans.

179. The aim of this work is to change the culture of NHS Scotland so that the needs of people from ethnic minority communities are not seen as 'peripheral', but are part of a mainstream, ongoing commitment to providing patient-centred services for all NHS Scotland's patients.

180. The National Resource Centre is now consolidating its policy implementation phase with the development of outcome measures through the *Checking for Change* initiative, the *Ethnic Monitoring Toolkit*, the *Asylum Seeker and Refugee Resource* pack, and the acceptance of the *Gypsy Hand Held Record* are amongst a number of pilot programmes which are now impacting on the development of a culturally sensitive health improvement programme for ethnic minority communities.

181. It is recognised that the NHS still has a long way to go before they can achieve the high standards to which they aspire, however, the commitment to delivering culturally-competent services has seen real change on the ground and in attitudes

towards developing responsive and sensitive services.

182. The *Fair for All* guidance is clear that the NHS must make appropriate provision for food which meets the religious and cultural needs of all patients and to ensure that food preparation is in line with religious and spiritual beliefs. Guidance on Spiritual Care and a Guide to Faiths has been issued to the NHS and a Healthcare Chaplaincy Training and Development Unit/Spiritual Care in the NHS Co-ordinator has been appointed to support this. Each NHS Organisation has developed a spiritual care policy, in consultation with local communities, to ensure that services are sensitive to the spiritual needs of patients, their relatives and staff; this includes issues like facilities for religious worship or meditation, religious counselling and differing approaches to bereavement. In addition, the Executive is committed to making sure that independent advocacy services are available to all those that require them; advocacy services for ethnic minority people have been identified as an area that requires development and this is being addressed.

183. *Fair for All* offers explicit guidance on human resources and the importance of equal opportunities. The Scottish Partnership Forum issued guidance to the NHS on the subject and further requirements have been created by the Race Relations (Amendment) Act on the monitoring of training, grievances, disciplinary procedures, performance appraisals and dismissals. Additionally, the NHS Reform (Scotland) Act 2004 created a new duty upon NHS Boards to encourage equal opportunities in the discharging of all their functions and this applies to the NHS as an employer as well as a service provider.

184. Equality Impact Assessment Guidance was launched across the NHS in 2005, with an expectation that all policies and functions will be assessed for their impact on all equality communities, including ethnic minority communities, by April 2007.



Article 6

- 1 The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.
- 2 The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

185. The promotion of strong, integrated, cohesive communities is a priority of the Government. In January 2005, the Government launched a national strategy to increase race equality and community cohesion, *Improving Opportunity, Strengthening Society*. This Strategy heralds the Government's intention to give greater emphasis to promoting a sense of common belonging among all groups, setting out a vision for an inclusive British society in which new immigrants are integrated, people have opportunities to develop a greater understanding of the range of cultures that contribute to our strength as a country, people from all backgrounds have an opportunity to participate in civil society, racism is unacceptable and extremists who promote hatred are marginalised. A progress report on the Strategy, *Improving Opportunity, Strengthening Society: One Year On*, was published in July 2006.

Northern Ireland

186. In 2005 a Racial Equality Strategy for Northern Ireland was published. The Strategy is intended to provide a framework that will allow Government – and others - to do 3 things:

1. to tackle racial inequalities in Northern Ireland and to open up opportunity for all;
2. to eradicate racism and hate crime; and
3. together with A Shared Future – Policy and Strategic Framework for Good Relations in Northern Ireland (“A Shared Future”), to initiate actions to promote good race relations.

187. The Racial Equality Strategy for Northern Ireland has a vital role to play in helping us achieve our vision of “a society in which racial diversity is supported, valued and respected, where racism in any of its forms is not tolerated and where we live together as a society and enjoy equality of opportunity and equal protection”.

188. The strategy and ‘*A Shared Future*’ Good Relations Policy and Strategic Framework that was published on 21 March 2005 are complementary.

189. For the first time, in *A Shared Future*, we have in place, arguably one of the most important areas of public policy to promote sharing over separation. Key strands include the elimination of sectarianism, racism and all forms of prejudice; the development of shared communities where people of all backgrounds can live, work, learn and play together.

190. Since the publication of the strategy in July 2005, OFMDFM has in consultation with all other Government departments and the NIO developed an implementation plan which will give effect to specific, measurable actions to ensure that the strategy makes a difference to all the people of Northern Ireland.

191. The publication of the **First Racial Equality Annual Implementation Action Plan (REIAP)** was presented to the Racial Equality Forum on 30 March 2006. It contains over 200 actions which have been reviewed against progress in November 2006. The REIAP was published in tandem with *A Shared Future's* first Triennial Action Plan commits Government and others to address the full scope of strategic priorities and headline actions identified in both policy documents.

192. Membership of the Racial Equality Forum, which was set up to help draw up the action plan, support implementation of the strategy and to monitor and review progress has been augmented in the past year to include representatives from the trades unions and from business. Membership of the forum also includes representatives from both the statutory sector and the community/voluntary sector.

193. OFMDFM will also report annually to Ministers, the Northern Ireland Assembly or as in this case the Northern Ireland Affairs Committee, in the absence of devolution, taking account of the Forum's comments.

194. As part of the process of ensuring the strategy's progress the minister David Hanson asked for a report confirming the action taken to fulfil commitments given by Department's in the 'A Shared Future' and 'Racial Equality Strategy' action plans. Copies of the strategies, progress report, the first implementation action plan and the triennial action plan can be accessed on the OFMDFM websites (www.ofmdfmi.gov.uk/index/equality/race and www.asharedfutureni.gov.uk).

Legislation against racist and faith-related crime

England and Wales

195. The Government introduced in the Crime & Disorder Act 1998 nine new racially-aggravated offences which carry higher maximum penalties where there is evidence of a racist motive or racial hostility in connection with the offence. The offences include assaults, verbal abuse, harassment and criminal damage.

196. In the aftermath of the events of 11 September 2001 the Government felt that it was important to legislate quickly to protect those who risk assault or abuse because of their religious beliefs. The Anti-Terrorism, Crime & Security Act 2001 therefore created new religiously-aggravated offences. These expand on the offences mentioned above by affording the same protection against violence to religious groups, such as



Muslims and Christians, as already existed for racial groups (which the courts have deemed to include Jews and Sikhs). Since October 2003 the Attorney-General has been given powers to refer certain cases involving racially- and religiously-aggravated offences to the Court of Appeal where, in his opinion, the sentences handed down have been unduly lenient.

197. There is also the protection provided by the Public Order Act 1986 which outlaws incitement to racial hatred. The Act made it an offence to use threatening, abusive or insulting words or behaviour with the intent or likelihood that racial hatred would be stirred up. For these purposes 'racial hatred' means hatred directed against a group in Great Britain defined by colour, race, nationality (including citizenship), or ethnic or national origins.

198. The Anti-Terrorism, Crime & Security Act 2001 made changes to the above incitement to racial hatred offences, expanding the coverage of the offences to include hatred against groups abroad (i.e. not just in Great Britain) and increasing the maximum penalty for these offences from 2 to 7 years' imprisonment.

199. In June 2005 the Government introduced a Racial and Religious Hatred Bill. This proposed extending to religious groups (such as Muslims and Christians) the same kind of protection against incitement to hatred as is currently provided to racial groups (which, as indicated above, the courts have deemed to include Jews and Sikhs). The Government first proposed introducing this measure as part of its Anti-terrorism, Crime and Security Bill 2001 in order to address acts of violence against Muslims and other religious minorities in the aftermath of the terrorist attacks of 11th September 2001.

200. The Racial and Religious Hatred Bill was passed by Parliament in January 2006. Under the Racial and Religious Hatred Act 2006 it is now a criminal offence to use threatening words or behaviour with the intention of stirring up hatred against a group of people because of their religious belief or lack of religious belief. The Act says explicitly that it must not be read in a way which prohibits or restricts discussion, criticism, ridicule, insult, abuse or expressions of antipathy, of religions or other belief systems, or of the beliefs or practices of their adherents. The wording of the offence makes it clear that it is only those who use threatening words or other behaviour with the intention of stirring up hatred of a group of persons defined by reference to religious belief or lack of belief who might be caught. The Act is expected to come into force in April 2007. The Home Office is preparing guidance to make clear the scope of the offence.

201. The Government takes the view that these incitement to racial and religious hatred offences strike the right balance between guaranteeing freedom of speech and protecting individuals from hatred and violence. The law applies to incitement to racial and religious hatred through the internet as well by other media, such as print. The Public Order Act sets a relatively high criminal threshold matched by high penalties.

202. In an effort to better enforce the law on inciting racial hatred, the police have put in place a mechanism whereby the Metropolitan Police will provide a central



advice point for all forces in England and Wales in relation to possible offences of incitement to racial hatred. That unit will provide guidance on the level of proof required for these offences and liaise with the Crown Prosecution Service.

203. In July 2003 the Crown Prosecution Service published a Public Policy Statement on how it tackles racist and religious crime which gives a commitment to prosecute racist and religious crime fairly, firmly and robustly. The statement sets out the way in which the Crown Prosecution Service deals with cases of racist and religious crime, explains the offences and how the law works, how decisions about prosecutions are made and how these cases are monitored by the Crown Prosecution Service. It also explains policy on communication with victims and witnesses during the life of a case and special measures which can be provided to support particularly vulnerable victims and witnesses at court. The policy addresses the issue of accepting pleas and makes it clear that the Crown Prosecution Service will not reduce the seriousness of an offence by accepting a guilty plea to an offence which is not racially or religiously aggravated when there is evidence available to prove either a racist or religious motive, or that the offence was accompanied by a demonstration of hostility on racial or religious grounds.

204. The Crown Prosecution Service has issued further guidance to staff. All cases of incitement to racial hatred, whether submitted for preliminary advice or as files for prosecution under Part III of the Public Order Act 1986, will be considered by a small team of lawyers within the Casework Directorate at CPS Headquarters, in order to ensure that best practice is followed and that there is consistency in decision making. Local Chief Crown Prosecutors will ensure that Chief Constables are aware of this situation and of the ability of the CPS Casework Directorate to provide advice at any stage of an investigation.

205. The police continue to investigate all allegations of criminal incitement. The police and, where necessary, the security services, are assiduous in monitoring closely and evaluating the words and actions of those who belong to organisations that are likely to incite racial hatred, and take action where appropriate. For example, a cleric was convicted in February 2006 for a number of offences of soliciting to murder and incitement to racial hatred. He was sentenced to a total of seven years' imprisonment for these offences.

Blasphemy

206. The Government notes the Advisory Committee's comments and is keeping the options on blasphemy law under review, but has no current plans to change the law. The Advisory Committee, in its recommendation that the blasphemy law should be extended to other religions does not appear to have taken into account the effect of such an extension on individuals with no religious belief.

Scotland

207. In Scotland the Lord Advocate issued directions to Procurators Fiscal in April 1999 that there is to be a strong presumption that the public interest should be in favour of prosecution where evidence of racial motivation exists. These directions



also state that Procurators Fiscal should not accept pleas of guilty that exclude available and admissible evidence of racial motivation.

208. Procurators Fiscal have a positive duty to bring evidence of racial motivation to the attention of the court and this is reflected in the prosecution manual and in the Crown Office and Procurator Fiscal Service's circulars to staff. The Crown Office and Procurator Service (COPFS) collects and publishes information on the way that racially motivated cases are reported to, and marked by, prosecutors. The most recent survey covers the period from 1 July 2005 to 31 December 2005 in which 902 reports were examined. This can be found on the COPFS website along with previous surveys.

209. In Scotland, in 2003-2004, the police reported 3,414 cases involving racist crime to the Procurator Fiscal.

210. It has already been made clear that a plea of guilty should never be accepted against an undertaking that available and admissible evidence of racial motivation would be excluded.

211. The Scottish Executive set up a working group in June 2003 to look at ways of combating hate crime, focusing on improvements to the criminal justice system. Following consultation, the Working Group published their report in September 2004. The report included 14 recommendations for both legislative and non-legislative measures to tackle hate crime in Scotland. The key legislative recommendation proposes the creation of a statutory aggravation for crimes motivated by malice or ill-will towards an individual based on their sexual orientation, transgender identity or disability. In June 2006, Ministers announced their decision not to introduce such an aggravation, but to consider the options further in the context of the recommendations of the Sentencing Commission for Scotland on the Scope to Improve Consistency in Sentencing. The Sentencing Commission's recommendations were received in September 2006 and Ministers are currently considering them.

212. In October 2002, a man was convicted of inciting racial hatred in an area of Glasgow in the first case of its kind in Scotland. He was convicted of the charge under the Public Order Act because it was found that he targeted one particular race (he was found guilty of sending hundreds of hate filled leaflets to people in the Pollokshields area of Glasgow which contains Scotland's largest Muslim community). The conviction was upheld in the Scottish Court of Appeal in 2005.

213. Since the publication of the Stephen Lawrence Inquiry Report, a great deal of progress has been made in terms of promoting and ensuring equality of service by our public agencies by reviewing and updating relevant legislation. To date, over 70% of the reports recommendations have now been implemented. Work is well underway on the remainder but some of these will take longer to implement due to the large scale of the task.

Northern Ireland

214. On 28 September 2004, the Northern Ireland Office substantially strengthened

the measures available to tackle crime motivated by hatred where the hostility is based on the victim's membership (or presumed membership) of a racial group, religious group or sexual orientation group or due to a disability of the victim through the Criminal Justice (No.2) (Northern Ireland) Order 2004. Where an offence involves hostility based on religion, race, sexual orientation or disability, on conviction the court must take this into account when sentencing. Racial and religious aggravation are now aggravating factors and maximum sentences have also increased for certain specified, mainly violent offences, enabling sentencers to sentence more severely including where racial or religious aggravation is proven.

Racist incidents

England and Wales

Follow-up to Stephen Lawrence Enquiry

215. Since the publication of the Stephen Lawrence Inquiry Report in 1999 a great deal of change has been made to the way in which racist incident cases are handled. The Home Office-led Racist Incident Standing Committee (RISC) published the "Code of Practice on Recording and Reporting Racist Incidents" in April 2000. The aim of the Code is to provide guidelines for local agencies to establish effective procedures for the reporting and recording of these types of crimes. The definition of a racist incident that should be used by all agencies is that given in Recommendation 12 of the Stephen Lawrence Inquiry:

"A racist incident is any incident which is perceived to be racist by the victim or any other person."

216. The Association of Chief Police Officers (ACPO) has published *Breaking the Power of Fear and Hate*, a Guide to Identifying and Combating Hate Crime. This guide draws together lessons learned from previous investigations and provides practical advice for front line officers on how to deal with this form of crime. This live document was first published in September 2000, and was most recently updated in March 2005. (<http://www.acpo.police.uk/asp/policies/Data/Hate%20Crime.pdf>)

217. Section 95 of the Criminal Justice Act 1991 requires the Home Secretary to publish such information as he considers expedient in order to enable those involved in the Criminal Justice System to become aware of the financial implications of their decisions, or to avoid discrimination on the basis of race, sex or any other improper grounds. Published in July 2006, the figures for 2004-5 (the most recent currently available) show that the overall number of racist incidents recorded by the police rose by 7% from the previous year. However, the British Crime Survey shows the number of such incidents is decreasing (from 206,000 in 2003/04 to 179,000 in 2004/05. More information is available at:

www.homeoffice.gov.uk/rds/section951

218. The Criminal Justice System Race Unit, a trilateral unit of the Home Office,

Department of Constitutional Affairs and Crown Prosecution Service, is conducting a comprehensive review of the Race and Criminal Justice statistics published under S95 of the Criminal Justice Act 1991. The review will consider what statistics should be collected, how they should be collected and disseminated, and how they can be developed into a better tool for use. These statistics are one of the main sources of information available on Black and Ethnic Minority groups' experiences across the criminal justice system. However, since they were first published in 1992 the statistics have developed incrementally. The review is the first time there has been a systematic examination of their collection, dissemination and use in the light of policy and legislative developments. Based upon the review the CJS Race Unit will be taking forward a major programme of work to develop the current statistics into a comprehensive set of management information that can be used to drive performance in relation to race issues across the criminal justice system.

219. The Government believes that it is vital that it delivers a criminal justice system which represents everyone, promotes equality and in which all may have confidence, whether as victims, witnesses, defendants, offenders, or as staff working within Criminal Justice System agencies. Black and minority ethnic communities are still most at risk of being victims of crime. The Government is improving victim and witness care through witness care units, a witness charter and a dedicated commissioner to champion victims' rights in a bid to tackle this.

220. In October 2005 the Crown Prosecution Service published its most recent report on Racist Incident Monitoring, covering the period 1 April 2004 to 31 March 2005. This report contains information compiled by the Crown Prosecution Service on prosecution decisions and outcomes in all cases identified by the police or Crown Prosecution Service as racist incidents. The report also includes information on religiously-aggravated offences committed over this period. The Report can be found at:

<http://www.cps.gov.uk/publications/reports/index.html>

Scotland

221. The level of racism and the increased number of racist incidents in Scotland is of great concern to the Executive. The voluntary sector has taken a leading role in developing work in these areas, and, recognising their expertise, we will work in partnership with them to take this agenda forward, in a number of ways:

- ⌚ The Executive will explore the development of a national monitoring system for racist incidents, the development of an appropriate framework to maximise effective intervention at the local and national level, and with others, tackle the under-reporting of racist incidents.
- ⌚ The Executive will work with police services and the CRE in the improvement of police/community relations in the light of the independent review of policing in Scotland.
- ⌚ The Executive will continue its One Scotland Many Cultures campaign, reinforcing the message that there is no place for racism and emphasising the positive contribution made by all communities to Scotland.

⌚ The Executive will continue to work with authorities, youth organisations, teachers and educational bodies to raise the awareness of young people and provide for the development of schools based activities on the promotion of race equality.

⌚ The Executive will convene a network of academics, researchers and practitioners to consider how to improve the public discourse on key race issues in contemporary Scotland. It will hold a major symposium with prominent speakers in 2007 to promote and stimulate wide debate on the key issues.

222. In March 2001, the Lord Advocate issued guidance to Chief Constables in Scotland on the investigation and reporting of racist crime. These guidelines were revised and re-issued in January 2002. These set out clearly the response of the government to recommendation 12 of the Stephen Lawrence Inquiry in directing police officers to identify racist motivation specifically in any reports submitted to the Procurator Fiscal. A police officer can also identify an incident as containing racist motivation even if none of those affected do so.

223. The Guidelines require the police to include certain information in the Standard Prosecution Report (SPR) that is submitted to the Procurator Fiscal for consideration. This includes information about the need for interpreting or translation for witnesses or accused, about language and dialect needs, about the impact that the incident has had on the victim/victim's family/victim's business and about the witnesses' perception as to the motivation for the incident. In 2004 the system for doing this was made electronic and recent studies have shown a far greater level of compliance in providing this information since this happened.

224. Following Recommendation 15 of the Stephen Lawrence Inquiry, the Scottish Executive, through local community safety partnerships with the participation of the police, has progressively implemented racist incident monitoring across Scotland (although it is acknowledged that, in some areas, local arrangements pre-dated this). The purposes of racist incident monitoring are, in essence, to facilitate the reporting of crime, to monitor patterns of crime and to allow support to be channelled to victims, their families and witnesses.

225. On 1st June 2004, the Commission for Racial Equality and Her Majesty's Inspectorate of Constabulary in Scotland agreed on the terms of a Memorandum of Understanding for future co-operation and collaboration. It takes particular account of the duty to promote race equality imposed on public authorities by the amended Race Relations Act (the 'general duty'), and the linked specific duties of the Framework for Inspectorates on the Duty to Promote Race Equality published by the Commission for Racial Equality. The Commission for Racial Equality and Her Majesty's Inspectorate of Constabulary in Scotland share the aim of improving the race equality performance of police forces and common police services. This involves the pursuit of equality of access and equality of outcome for communities and service users, more representative workforces and greater confidence among employees, communities and service users. The Memorandum of Understanding follows the positive relationship that developed post the Lawrence Steering Group in Scotland. National guidance on racist incident monitoring is close to being finalised and will be issued by the Scottish Executive in the near future.

226. In September 2004 the Commission for Racial Equality Scotland, with the support of the Scottish Executive, commissioned an independent review of policing and race relations in Scotland. The report, which was published in July 2005, concluded that all eight forces have met their legal obligations and there is a clear commitment to maximising public confidence and enhancing community relations. While the report makes 73 recommendations, it also makes clear that they should not be seen as reflecting a process that is failing. Although all of the recommendations are for the police to take forward, the Scottish Executive is represented on a steering group established by the CRE to monitor progress in implementing the recommendations.

Northern Ireland

227. Northern Ireland has attracted negative international attention in recent years as its racist crime statistics rose sharply. Relevant factors are deemed to be an increase in confidence and therefore reporting of racist attacks; local tensions and attitudes in specific tightly-knit communities; and a marked increase in the flow of economic and other migrants to Northern Ireland. (See for more detail evidence to the Northern Ireland Affairs Committee in its inquiry into hate crime in Northern Ireland).

228. Government took action on several levels; with particular emphasis on the criminal justice and police response. Legislation was brought in to create 'aggravated' offences where it was perceived that the perpetrator acted from racist, homophobic, sectarian or anti-disability intent. Perception of intent in this context is defined in accordance with recommendation 12 of the Stephen Lawrence report.

229. The Racial Equality Strategy for Northern Ireland commits Government to 'combat racism and provide effective protection and redress against racism and racist crime', its aim of 'Equal Protection'.

230. The Police Service of Northern Ireland (PSNI) maintains Minority Liaison Officers within each police district, established under the Racial Monitoring programme in 1997, who continue to support and advise victims of racial incidents and encourage the integration of black and minority ethnic groups within communities.

231. The Police Service in Northern Ireland (PSNI) continue to develop relationships with various black and minority ethnic groups both locally and corporately within Northern Ireland and maintain regular contact with them. A Multi-Cultural Independent Advisory Group has been established to provide advice to Police in respect of policy and procedure and to assist during the investigation of racially motivated crime. This group also provides a discussion forum for issues important to the black and minority ethnic communities.

232. The Community Safety Unit of the Northern Ireland Office has established an inter-agency group to oversee development of a system for recording hate incidents. The project was be piloted in South Belfast from June 2006 where victims and witnesses of racist incidents will have had the opportunity to report racist incidents to a range of organisations from the statutory, voluntary and community sectors. The pilot ended in December 2006 and will now be evaluated to inform decisions about any further rollout across Northern Ireland. The aim of the project is to provide better



information on the extent and pattern of incidents to assist in the development of preventative measures and provide better services for victims.

233. The Community Safety Unit of the Northern Ireland Office is also working with the Police Service of Northern Ireland and the Northern Ireland Housing Executive to develop a scheme to provide personal and home security measures to victims of hate crimes.

234. The Criminal Justice Inspection Northern Ireland is due to publish a thematic inspection of how hate crime is managed by the criminal justice system in Northern Ireland in January 2007. The recommendations will be considered in detail by the relevant agencies.

Stop and search

England and Wales

235. The figures collated under Section 95 of the Criminal Justice Act 1991 have shown that Black people are six times more likely to be stopped and searched than white people. However, recent research has indicated that resident population figures give a poor indication of the population available to be stopped and searched and thus of officer bias in the use of these powers.

236. Nevertheless, these statistics remain important in describing the overall experience of being stopped and searched among black and minority ethnic communities. The Government remains absolutely committed to ensuring that use of these powers is reformed in a way which will lead to an increase of confidence in the police service by black and minority ethnic communities, a decrease in its disproportionate use and ensure that the stop and search police tactic is used fairly and effectively. Guidance has been issued to all forces to ensure that the powers are used effectively and to assist them in identifying the underlying causes of disproportionality.

237. The Government has accepted in principal Recommendation 61 of the Stephen Lawrence Inquiry Report – that all police “stops” should be recorded. This was implemented successfully on 1 April 2005.

Scotland

238. Scottish Executive-funded research (2001) found that the police use of stop and search of minority ethnic communities was not disproportionate. The research also found overall no general pattern of bias. However it was recognised that perception is all when considering the experience of all young people (both white and black and minority ethnic communities) of stop and search and further work was called on by the police to reassure communities that their practices in this area were effective and fair. As a result of the research and since April 2004 the ethnicity of persons subject to stop and search or stop and interview by Scottish forces has started to be recorded. The method of recording is to be via existing Force recording systems, via an officer’s pocket notebook.



Northern Ireland

239. The Police and Criminal Evidence (NI) Order 1989 and PACE Code of Practice (A) provides the statutory framework under which police officers in Northern Ireland may exercise powers of “stop and search”. Officers are required to ensure that these powers are used responsibly and sparingly and are based upon objective factors and not upon personal prejudice. All searches are required to be recorded unless it is not practicable to do so. A comprehensive review of the Codes of Practice is due to commence early in 2008 and these will be the subject of public consultation.

240. In 2003, the Northern Ireland Policing Board and Chief Constable jointly launched a Code of Ethics, which set the standards police officers must meet in everyday policing. A key aspect of this is that officers shall act within fairness and impartiality when carrying out their professional duty at all times.

The media

241. The UK Government shares the Advisory Committee’s concerns at the publication of racist or inflammatory material, and points out that the laws on incitement to racial hatred apply to all such media. The Government recognises that the print media, particularly at the local and regional level, can help shape opinion in a positive or negative way. The Community Cohesion Unit (based in the Home Office) therefore established a media practitioners group in May 2003 to advise on how the press might help promote community cohesion. The Group includes representatives of broadcasting companies, national, regional and local newspapers, the ethnic minority press, local authorities, the Commission for Racial Equality, the Refugee Council, the Society of Editors and the Media Trust. The Group has produced guidance for local authorities (for example on the production of press releases and how to relate to the media) and is currently working on a booklet to help editors and journalists understand community cohesion, faith and race issues and where to find accurate information on these subjects.

242. A free and vibrant press, that is able to challenge and criticise Government, is an important element of a democratic society. The press in UK has established its own self-regulatory body, the Press Complaints Commission, which will consider complaints from individuals. The Government has no role in the Press Complaints Commission, nor does it wish to do so as that would interfere with freedom of the press. The Commission, in previous adjudications under Clause 1 (Accuracy) of the Code, has underlined the danger that inaccurate, misleading or distorted reporting may generate an atmosphere of fear and hostility that is not borne out by the facts.

‘One Scotland: Many Cultures’ Anti-Racism Campaign

243. Creating the climate for change and shifting attitudes is a critical part of our work to combat racism and promote race equality. Our ‘One Scotland: Many Cultures’ Campaign (www.infoscotland.com/noplace) was launched in September 2002. It sets aspirations about the sort of Scotland we want to live in and raises public awareness of racist attitudes and behaviour, and the negative impact these have on individuals and society in general. It also celebrates the positive aspects of Scotland’s

increasingly culturally diverse society. This ongoing campaign remains an integral part of our work on promoting respect for the different cultures in Scotland, and the elimination of racism and discrimination.

ARTICLES 7 AND 8

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

244. The rights to freedom of expression, association, peaceful assembly, and thought, conscience and religion are all guaranteed under the Human Rights Act.

Census/surveys

245. The United Kingdom is a multi-faith country and the April 2001 censuses collected information on religious identity across the entire United Kingdom for the first time. This provides both central and local government with reliable data on our faith communities, which will help inform the planning and delivery of services sensitive to the needs of faith communities. The latest UK figures are as follows:

UK	Thousands	%
<i>Christian</i>	42,079	71.6
<i>No religion</i>	9,104	15.5
<i>Muslim</i>	1,591	2.7
<i>Hindu</i>	559	1.0
<i>Sikh</i>	336	0.6
<i>Jewish</i>	267	0.5
<i>Buddhist</i>	152	0.3
<i>Other religion</i>	179	0.3
<i>Not stated</i>	4,289	7.3
TOTAL	58,789	100

246. The Scottish Executive commissioned an analysis of the religion data in the 2001 Scottish Census, and an “Analysis of Religion in the 2001 Census - A Summary Report” was published in February 2005. The analysis was widely disseminated both within and without the Executive. The latest Scottish figures are given below. In addition, the Executive’s Core Liaison Group (see further down for information about Group) held a seminar to consider some of the emerging policy issues.

<i>Scotland</i>	<i>Thousands</i>	<i>%</i>
<i>Church of Scotland</i>	2146	42.40
<i>Roman Catholic</i>	804	15.88
<i>Other Christian</i>	345	6.81
<i>Buddhist</i>	7	0.13
<i>Hindu</i>	6	0.11
<i>Jewish</i>	5	0.13
<i>Muslim</i>	43	0.84
<i>Sikh</i>	7	0.13
<i>Another Religion</i>	27	0.53
<i>No Religion</i>	1395	27.55
<i>Not Answered</i>	278	5.49
TOTAL	5062	100

Legislation

247. The legal protection for individuals from religious groups has been considerably increased in recent years. In 2001, the Government brought in legislation amending the Crime and Disorder Act 1998, introducing specific religiously aggravated offences equivalent to the existing racially-aggravated offences. In 2003, regulations were introduced in Great Britain making discrimination on the grounds of religion or belief unlawful in employment and vocational training. These measures also protect people with no religious belief.

248. In July 2004 the Government announced that it would legislate to criminalise incitement to religious hatred in England and Wales (a similar proposal having failed to obtain the necessary support in Parliament in 2001.) The Racial and Religious Hatred Bill was introduced following the May 2005 elections and was passed by Parliament in January 2006. The Act makes it an offence in England and Wales to use threatening words or behaviour with the intention of stirring up hatred against a group of people on the grounds of their religious belief or lack of religious belief.

249. It is important to note that this legislation will not restrict people's freedom to practise their religion and to proselytise. Proselytism is recognised as an integral activity for many faith communities. Indeed, this legislation will protect people's freedom to practise their religion without fear, rather than inhibit it.

250. It should be noted that the legislation contains a freedom of expression provision which says explicitly that the Act must not be read in a way which prohibits or restricts discussion, criticism, ridicule, insult, abuse or expressions of antipathy, of religions or other belief systems, or of the beliefs or practices of their adherents. The wording of the offence makes it clear that it is only those who use threatening words or behaviour with the intention of stirring up hatred of a group of persons defined by reference to religious belief or lack of belief would be caught. The Government is determined to preserve the right to engage in free and vigorous debate about religion, including the right to criticise religious beliefs and practices. This is an entirely different matter from inciting hatred of people because of their beliefs.

251. In Scotland, the Cross Party Working Group on Possible Legislation to Tackle

Religious Hatred published its report in December 2002. Following this, legislation on offences aggravated by religious prejudice was enacted in Section 74 of the Criminal Justice (Scotland) Act 2003 and commenced in June 2003. Where a person commits an offence which has a motivation of religious prejudice, the new statute requires courts to take the religious prejudice into account and also to state any extra element of sentence due to the aggravation. The most recent analysis of charges made under Section 74 can be found at:

<http://www.scotland.gov.uk/Publications/2006/11/24133659/0>

252. The report also included 12 recommendations for non-legislative action covering a number of bodies including the Crown Office and Football Clubs. (www.scotland.gov.uk/library5/society/trhr-00.asp). Scottish Ministers consulted widely on these. An update on the actions that have been taken in response to the 12 recommendations in the initial report was published in June 2004. <http://www.scotland.gov.uk/library5/social/cpwgrh-00.asp>. The Scottish Executive is now addressing the issue of sectarianism as a specifically intra-Christian (i.e. Catholic and Protestant) issue in parallel with work to tackle religious intolerance in its wider context recognising issues faced by all religions and faiths. This ensures that religious tensions which have historically divided Scottish communities are being addressed in tandem with the emerging tensions which reflect a growing multi-faith society.

253. In February 2005 Scotland held its first Summit on Sectarianism which brought together key stakeholders to look at ways of addressing this issue. A record of the event is available at:

<http://www.scotland.gov.uk/Publications/2005/04/2193329/33313>

254. The Summit led to the development of the ‘Action Plan on Tackling Sectarianism in Scotland’ (<http://www.scotland.gov.uk/Publications/2006/01/26134908/0>) and work being taken forward in a range of areas including sport, faith, education and marches and parades. Information on many of the initiatives which are being taken forward to tackle sectarianism in Scotland can be found on the ‘Action on Sectarianism’ website (<http://www.actiononsectarianism.com>). The Summit was reconvened in December 2006 to review the progress that had been made and reaffirm commitments to working in this area. An ‘Update of the Action Plan on Tackling Sectarianism in Scotland’ was published simultaneously:

<http://www.scotland.gov.uk/Publications/2006/12/11133338/0>.

255. In Northern Ireland a cross-departmental review of how government engages with the faith sector across a number of policy areas is currently under way. The overall objective of this work is to create conditions in which faith-based organisations can make a maximum contribution to social cohesion and community regeneration in Northern Ireland. This will result in a policy framework for future engagement with faith-based organisations which will facilitate inter-faith dialogue and activity in Northern Ireland.



256. The Employment (Religion or Belief) Regulations prohibited discrimination on the grounds of religion or belief in Great Britain in the fields of employment and vocational training. Such legislation already existed in Northern Ireland. One of the provisions of the Equality Act 2006 is the prohibition of religious discrimination in the provision of goods, facilities and services.

Faith Schools/Communities

257. The White Paper “Schools: achieving success” made it clear that the Government wants faith schools that enter the state sector to add to the inclusiveness and diversity of the school system. We recognise the need to develop programmes that encourage young people to mix and gain a better understanding about each other's culture. By introducing education in citizenship within secondary schools from September 2002, pupils will be taught as part of the national curriculum about the diversity of national, regional, religious and ethnic identities in the UK, and the need for mutual respect and understanding.

258. Within the field of education, the law in Scotland requires all schools run by education authorities, including faith schools, to be open to pupils of all denominations. The Executive is committed to promoting opportunities for twinning faith schools with other schools, to help to foster friendships between pupils, and to help pupils develop a better understanding of each other's backgrounds

259. The Government attaches great importance to engaging with members of faith communities and in encouraging interfaith dialogue. In February 2004, the Home Office published the recommendations of a steering group reviewing the patterns of engagement between the Government and faith communities in England. This report, entitled *Working Together* recommends how Government departments can engage most effectively with people of faith in developing and implementation policies that will affect them and provides advice on how faith communities can themselves best engage with Government.

(www.homeoffice.gov.uk/comrace/faith/index.html)

260. In Scotland a Core Liaison Group was established to:

- give church and faith groups equality of access to policy and decision makers
- enable open and transparent dialogue between the Executive and church and faith groups
- act as a vehicle for collating and disseminating information
- provide opportunities for participation in policy development.

261. The group also provides an opportunity to inform Government of any issues of concern from the various faith communities and allow for face to face meetings with the relevant officials. The representatives sitting on the group would be able to advise their own communities about: how Government works; new areas of policy and why they should become involved in the democratic process.

262. Members of the group have a responsibility to ensure a broad dissemination of information back into communities and that they are able to appropriately represent



the views of their communities to the group.

Article 9

- 1 The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.
- 2 Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.
- 3 The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.
- 4 In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

263. Individuals in the United Kingdom are free to express themselves in their preferred languages through the print media, on the internet and elsewhere. The UK has numerous minority language newspapers and foreign newspapers are readily available. There are currently 97 television channels registered and licensed by the Independent Television Commission in the UK which broadcast in languages other than English. In addition, the Radio Authority licenses 8 independent local radio stations, about 22 satellite/cable stations and approximately 50 restricted service licences which broadcast a significant amount of output in languages other than English. The public service broadcasters (the BBC, Channel 4 and S4C) are among the bodies subject to the general duty under the Race Relations (Amendment) Act to have due regard to the need to promote race equality in carrying out their public functions.

Northern Ireland

264. In Northern Ireland, the Department of Culture, Art and Leisure (DCAL) ran a broadcasting training pilot project. This scheme, at a cost of around £250,000, trained a group of Irish speakers in TV and film production techniques. Graduates of the scheme have produced work which has been broadcast. After evaluation of the project, it was agreed that the training scheme be included in the remit of the Irish Language Broadcast Fund, which began funding in June 2005.

265. The Joint Declaration by the British and Irish Governments in April 2003 committed the British Government to establish a fund for financial support of Irish language film and television production. Following approval of a business case, and



State Aid approval by the European Commission, DCAL is providing £12 million to the Irish Language Broadcast Fund. The Northern Ireland Film and Television Commission is administering the Fund and more than £5 million had been spent by the end of December 2006. The Fund, which aims to provide an additional 75 hours of Irish Language broadcasting per year by 2008 and also supports training schemes, has the potential to increase significantly the quantity and quality of Irish Language programmes broadcast in Northern Ireland.

266. The Advisory Committee may wish to note that the Gaelic Media Service (GMS) received £8.7 million in 2006-07 to finance the production of Gaelic programmes, training and research and that some 150 hours of television programming are broadcast each year.

267. The Scotland Office, Scottish Executive, Gaelic Media Service, BBC, DCMS and Ofcom are currently finalising certain aspects of funding to allow for a dedicated Gaelic digital television service to be set up. The channel is expected to show 1.5 hours of new programming daily. The BBC and GMS have formed a partnership to run the channel. An announcement on additional SE funding should be made shortly. The channel is expected to launch in the second half of 2007.

Wales

268. BBC Radio Cymru started broadcasting as an entirely Welsh language radio station on 1 January 1977. Other regional and commercial stations also broadcast certain amounts of Welsh language programming. Radio Cymru broadcasts around 140 hours of Welsh language programming per week.

269. S4C, the Welsh language fourth television in Wales first broadcast on November 1982. S4C has created 2 digital television channels, the first of which broadcasts around 80 hours of Welsh language programming per week, and the second, which provides coverage of the proceedings of the National Assembly for Wales, and certain cultural festivals. Viewers possessing the correct digital reception apparatus may choose the language of the soundtrack whilst viewing this second S4C channel.

270. The Welsh Assembly Government launched in 2004 a new Creative Industries Strategy. As part of the Strategy, an Intellectual Properties (IP) Fund has been established to provide gap funding for individual creative IP project, such as a TV series or film, based in Wales. Welsh language projects will be represented in all parts of the Strategy.

271. A large number of news publications are available in Welsh. Y Cymro and Golwg appear weekly, Barn, a current affairs magazine, monthly, and over 50 local (mostly monthly) regional papers, or Papurau Bro.

272. OFCOM (Office of Communications), has established an office in Wales and there is a Welsh representative on Ofcom's Content Board. There is also an Ofcom advisory committee for Wales created so that Wales will have a say in the field of broadcasting, telecommunications and wireless communications. Both Ofcom and the



UK Government have stated its commitment to a sustainable future for Welsh language broadcasting.

273. BBC Cymru Wales makes over 16 hours of English language television programmes a week tailored to a Welsh audience, shown on BBC One Wales and BBC Two Wales and the digital service BBC 2W. It also runs comprehensive online services in both English and Welsh. BBC Radio Wales broadcasts 19 hours every day through the medium of English throughout Wales.

274. ITV1 Wales provides 10 hours a week of programming for viewers in Wales on TV through the medium of English. The TV programmes range from News and Current Affairs to Comedy, Music and Features.



Article 10

- 1 The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.
- 2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.
- 3 The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

275. Individuals throughout the UK are free to express themselves in their own language in private and public, orally and in writing. Hundreds of community languages are spoken in the United Kingdom, and the Government has recognised seven indigenous minority languages under the Charter for Regional or Minority Languages.

Irish and Ulster Scots Languages

276. The establishment of the North/South Language Body with two separate agencies Foras na Gaeilge (Irish Language Agency) and Tha Boord o Ulster-Scots (Ulster Scots Agency) was a major step Government took in the promotion of the Irish and Ulster Scots languages.

277. In Northern Ireland the Government has undertaken a range of provisions under the Council of Europe's Charter for Regional or Minority Languages, Part III Article 10 of which provides for the use of Irish in certain areas of public life. These courtesies will be extended to users of Ulster-Scots where the development of that language allows it. An Interdepartmental Charter Implementation Group with representatives from all Government departments, the Northern Ireland Office, Northern Ireland Court Service, Customs and Excise, Inland Revenue and Departmental Solicitors branch was set up to monitor implementation of the European Charter for Regional or Minority Languages, to provide advice on the preparation of annual Implementation reports, advise on resource implications and develop guidance for Departments.

278. Interim Guidance for Public Servants on implementing the provisions for Irish was issued in July 2001, and final Guidance for both Irish and Ulster-Scots was issued in 2005. DCAL set up a quality controlled Irish translation service and an expert Translation Advisory Committee.



279. With regard to the Ulster-Scots language, in June 2005 the Government set up an Ulster Scots Academy Implementation Group to make recommendations for the establishment of an Ulster-Scots Academy (a Joint Declaration commitment in April 2003). The implementation group forwarded their proposals on governance, staffing and location of an academy to DCAL at the end of August 2006. The recommendations are being examined by officials and the views of a number of experts in the preservation and development of minority languages are currently being sought. Preparations on an Equality Impact assessment of the academy proposals are being made.

280. Government made a commitment in the St Andrew's agreement of 13th October 2006 to introduce an Irish Language bill reflecting on the experience of Wales and Ireland, and to work with an incoming Executive to enhance and protect the development of the Irish language. A consultation paper on the proposed legislation was published on Wednesday 13th December 2006. Deadline for responses is Friday 2nd March 2007.

281. The Northern Ireland (St Andrews Agreement) Act 2006 places a duty on the Northern Ireland Assembly to adopt strategies setting out how it proposes to enhance and protect the development of Irish, and how it proposes to enhance and develop the Ulster Scots language, heritage and culture.

282. The government does not accept that either the Irish or Ulster-Scots language movements suffer unequal treatment, as in line with the Charter for Regional or Minority Languages the Government is working proactively to develop and secure the situation of these languages. The North/South Language Body, with a total budget of £15.837 million in the calendar year 2006, promotes and develops these languages through the Irish Language Agency and the Ulster-Scots Agency. Its formation is an acceptance that these minority languages exist in both Northern Ireland and the Republic of Ireland, and that the political boundary should not act as a hindrance to their development.

Employment Legislation in Northern Ireland

283. The Department for Employment and Learning (DEL) ensures that all Departmental publications explaining NI employment rights legislation are offered in alternative formats. The Department has continued to add to its translated material for minority groups by producing a Cantonese translation of guidance for employers on the resolution of workplace employment disputes; and producing guidance material on new legislation governing the conduct of employment agencies/businesses in Portuguese, Polish, Lithuanian, Russian and Tetum for the benefit of increasing numbers of migrant workers. The Department worked closely with the Department for Trade and Industry in London on the content of its guidance material and organisations such as the Citizens Advice Bureaux network for their distribution.

Translation and Interpretation Services in JobCentres/Jobs and Benefits Offices in Northern Ireland

284. The Department continues to operate its agreed policy with the Social Security Agency to ensure that customers from a minority background whose first language is not English have access to translation and interpretation facilities. Staff in Jobs & Benefits Offices and JobCentres have access to a telephone interpreting service via Language Line, a private company which provides a 3-way telephone-only interpreting service. Face-to-face interpreters and the facility to translate documents are also made available where required. Interpreters are provided by Northern Ireland Minority Ethnic Interpreting and Translation Services (NIMEITS), and translation services by NIMEITS or Bilinguagroup.

285. Statistics for the year April 2005 to March 2006 indicate that Language Line was used by 25 Jobs and Benefit Offices or JobCentres with a total spend of £6,579. The highest users, in order of spend, were Dungannon and Shaftesbury Square. The total spend on face-to-face interpreters in the same period was £17,125. There continues to be little demand for document translation services. The total number of occasions that these services were required in 2005/06 was 868, with Portuguese being the most common language requested (426 occasions) and Polish second with 151 requests.

Gaelic Language

286. The UK Government and the Scottish Executive already have obligations under Parts II and III of the European Charter for Regional or Minority Languages in respect of the use of Scottish Gaelic in private and public life. Within the period of this report the Gaelic Language (Scotland) Act 2005 came into effect. The Act and its accompanying explanatory notes are available online from:

<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050007.htm>

287. The main provisions of the Act may be summarised as follows:

- establishment of the Gaelic language development agency, Bòrd na Gàidhlig, which is required to exercise its functions with a view to securing the status of the Gaelic language as an official language of Scotland commanding equal respect to the English language
- the requirement for the development of a National Gaelic Language Plan to set out a blueprint for future Gaelic development (and within that plan, the development of a national Gaelic education strategy) across Scotland
- the ability for Bòrd na Gàidhlig to require individual Scottish public bodies to prepare and implement a Gaelic language plan which will set out how they will use the Gaelic language in connection with the exercise of their functions
- the ability for Bòrd na Gàidhlig to issue guidance to public bodies on the development of Gaelic education



288. Late in 2006 Bòrd na Gàidhlig undertook a public consultation on its draft national plan for Gaelic and accompanying draft guidance on Gaelic language plans. By early 2007 Bòrd na Gàidhlig is required to submit the final versions of these documents to Scottish Ministers for approval.

289. During the same period, Bòrd na Gàidhlig issued the first round of notices to public authorities to instruct them to produce Gaelic language plans. The authorities notified were: the Scottish Executive; the Scottish Parliament; Highlands and Islands Enterprise; Highland Council; Western Isles Council (Comhairle nan Eilean Siar); and Argyll and Bute Council. These plans must be submitted to Bòrd na Gàidhlig for approval before the end of 2007.

290. Notwithstanding the UK government's and the Scottish Executive's obligations under part II of the European Charter for Regional or Minority Languages, the Scottish Executive recognises and respects Scots (in all its forms) as a distinct language, and does not consider the use of Scots to be an indication of poor competence in English.

Welsh Language

291. The Welsh Language Act 1993 includes provision requiring public bodies to prepare and implement Welsh Language Schemes. Put simply, a Language Scheme sets out how a body intends to provide services in Welsh. In addition a Language Scheme outlines how the public body considers the linguistic dimension to their public functions to ensure that their work facilitates linguistic equality.

292. The process of preparing, implementing and monitoring Schemes is overseen by the Welsh Language Board. In preparing Welsh Language Schemes bodies must have regard to the Welsh Language Board's statutory guidelines (<http://www.bwrdd-yr-iaith.org.uk/cynnwys.php?pid=109&langID=2&nID=63>). Schemes therefore encompass the full range of contact a body has with its public – whether that be correspondence, telephone calls, meetings, corporate identity, signs, printed/electronic material, publicity activities, notices and advertisements. They also set out the administrative measures needed to facilitate the long-term compliance with the Scheme such as staffing, training, guidelines, briefing for staff, monitoring and reporting. The Board ensures that organisations comply with their Schemes. Where disputes occur between the Board and individual bodies, they may be referred to the National Assembly for Wales, who can give directions – empowered by court order if necessary.

293. The Welsh Assembly Government's Welsh Language Scheme has been operational since 2002. The Scheme is subject to an Annual Report on performance and progress against the commitments made in the Scheme. The Scheme is currently being reviewed and a revised Scheme will be in place during 2006-07.

294. Although central government departments are not defined as public bodies for the purpose of the Welsh Language Act, the UK Government gave an undertaking that departments who provide services to the public in Wales will prepare schemes



and comply with the provisions of the Act. If a Crown body decides to develop a Welsh Language Scheme, the Welsh Language Board will approve it in the same way as for public bodies. Many central government departments and agencies do have approved schemes. To date around 350 Schemes have been approved, and more are in the course of preparation (<http://www.bwrdd-yr-iaith.org.uk/en/cynnwys.php?cID=1&ID=109&nID=307>).

295. The Welsh Language Schemes of the four Police Forces in Wales and the British Transport Police have been in place for 7 to 8 years, and updated versions have been adopted or are being proposed. These Schemes include a range of measures for giving effect to the principle of language equality in police work, and for respecting the rights of individuals to choose Welsh in their dealings with the police, including in situations that may lead to legal proceedings. The Welsh Language Board informs us that the Home Office intend to amend PACE (Police and Criminal Evidence) rules of practice which would further facilitate the use of the Welsh language during contact with police officers, for example at times of arrest.

296. The right to speak Welsh in any criminal proceedings in Wales is given by section 22(i) of the Welsh Language Act 1993. Documents in Welsh are permitted by rules of Court.

297. Civil Courts are covered by the Court Service's Welsh Language Scheme. As stated above, this provides that in the administration of justice in Wales the English and Welsh languages should be treated on the basis of equality. The Court Service's Welsh Language Unit will meet the cost of translating documents from English to Welsh so long as the parties or their legal representatives have informed the court of the fact so that appropriate arrangements can be made. If it is possible that the Welsh language may be used by any party or witness, the parties or their legal representatives must inform the court of the fact so that appropriate arrangements can be made for the management and listing of the case. Hearings may be conducted entirely in Welsh on an ad hoc basis and without notice when all parties and witnesses directly involved at the time consent.

Race Relations (Amendment) Act 2000

298. Key public authorities in Great Britain are required to set out in their Race Equality Schemes their arrangements for ensuring public access to information and services they provide. Public bodies were required to publish up to date Schemes in 2005.

Provision of Translation and Interpreting Services in Scotland

299. The provision of translating and interpreting services is an important factor as it cuts across many different areas of life, from access to services and information through to sports and leisure pursuits and business advice. We want to ensure Scotland has consistently high quality services across the country.

300. [The Scottish Translation, Interpreting and Communication Forum Good Practice Guidelines](#) for use by the public sector were published in March 2002 with



support from the Scottish Executive.

301. Since then the Executive commissioned Heriot –Watt University to undertake research on the provision of public sector translation and interpretation services. Research findings are due to be published in February 2006 and will inform policy in this area.

302. The Executive is also funding a three year pilot on the development of “Happy to Translate” logo. The logo is intended to show that organisations will provide interpreting and translation services to non-English speaking customers/service users. The logo will shortly be going “live” with pilot organisations.

Minority languages in the health service

303. NHS Direct is accessible 24 hours a day and any caller may request an interpreter in the language of their choice, who will be available to interpret the telephone consultation. Callers may also request health information materials in languages other than English, and if relevant information does not already exist, NHS Direct will have it translated in order to meet the caller’s specific needs.

304. A multilingual phrasebook, produced and updated by the British Red Cross Society with advice and funding from the Department of Health was recently launched. The phrasebook endorsed by the British Association for Emergency Medicine (BAEM) is translated into 36 languages. It covers over 60 of the most common medical questions and terms to help first contact staff communicate with patients who do not speak English, helping them make an initial assessment while an interpreter is contacted. A link to the multilingual phrasebook can be found at the following site:

http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance/PublicationsPolicyAndGuidanceArticle/fs/en?CONTENT_ID=4073230&chk=8XboAN.

305. There are a number of well-established services which offer face-to-face and telephone interpreting which are accessed by NHS Trusts and organisations. These include Cambridge Interpreting and Translation Agency (CINTRA), Barts and The London. There are also several web-based translation providers providing translation and interpreting services in more than 30 languages. These providers also have computer assisted translation software which translates from English to various other languages. Some of these include HARPweb, Language Line, Bigword, etc.

306. The Scottish Executive’s *Fair for All* guidance requires the NHS to ensure that it has examined the need for translation and interpreting services in their area. All Boards have a policy of ensuring the provision of translating and interpreting services, ensuring adequate coverage and quality. Where internal provision is a problem, for example in rural areas, arrangements must be made with partner organisations. All *Fair for All* policies must also include a commitment to provide information for patients in languages other than English; this should consider the types of information to be provided, the languages to be provided and, to whom the information is provided (families, carers etc). All of this should be developed in consultation with



local ethnic minority community groups and individuals.

307. NHS 24, Scotland's clinical-led telephone advice service, has worked closely with ethnic minority groups to ensure that the service is culturally competent. 'Language Line' is an integral part of the service which has access to interpreters in 107 different languages. NHS 24 are investigating different methods of raising awareness of the service among ethnic minority communities.

Article 11

- 1 The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.
- 2 The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.
- 3 In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

308. There is no restriction on the use of surnames or give names in the UK. Part 3 of this report gives further information on the use of place names in minority languages.



Article 12

- 1 The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.
- 2 In this context the Parties shall *inter alia* provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.
- 3 The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

309. In education, some minority groups in the UK are doing well. For example, 75% of young people of Chinese origin achieved at least 5 A-C grades at GSCE and those of Indian origin also achieved significantly better than the national average. But children, particularly boys, from Black African and Caribbean, Pakistani, Bangladeshi and Gypsy and Traveller groups are less likely to succeed and often do particularly poorly by the end of formal education. The Government's strategy to increase race equality and community cohesion signals its intention to develop more sophisticated, tailored approaches to meeting the specific needs of different minority communities and to focus on those who still suffer disadvantage. The Government has concluded that it is time to move on from a one-size-fits-all approach to meeting Black and minority ethnic needs.

310. In January 2002 the Department for Education and Skills introduced the Pupil Level Annual School Census (PLASC) in schools in England. PLASC allows pupil level data such as gender and ethnic background to be cross-referenced to other data such as achievement data. This applies at school, local education authority and national levels. Revised ethnic background categories that reflect those used in the 2001 national population census were introduced in January 2003. Data on the achievement of pupils by ethnic group and gender are among the data now published annually by the DfES. Published data is at national and local education authority level and includes both primary and secondary phase data. These data directly inform national and local education strategies. All local education authorities have to include in their Educational Development Plans their strategies to raise the educational achievement of minority ethnic pupils including those pupils whose first language is other than English.

Targeted Funding

311. In 2004-2005 the Department for Education and Skills introduced phased adjustments to the Ethnic Minority Achievement Grant (part of the Standards Fund) to introduce a needs-based formula allocation for this grant. The new formula is based on numbers of nationally underachieving minority ethnic pupils and numbers of pupils whose first language is other than English. Pupils who are both bilingual (i.e. have a mother tongue other than English) and from an underachieving group are only



counted once. The majority of the phased changes will begin to apply in 2005-2006. For 2005-2006 EMAG was worth £168.6 million, for 2006-2007 the figure is £173.6 million.

312. From September 1999, head teachers of maintained schools have been under a duty to determine measures to prevent all forms of bullying among pupils. All schools are required to record and report all racist incidents. The Department is currently revising their *Don't Suffer in Silence* guidance to schools, originally launched in December 2000, which offers practical help to tackle all kinds of bullying in schools. The new version, completely rewritten with the latest advice and guidance for schools, and possibly with a new name, will be available on-line from March 2007 and will include substantial sections on tackling racist bullying, including islamophobic bullying. In addition, the Department issued specific on-line guidance on tackling racist bullying earlier in 2007 under the title *Bullying around racism, religion and culture*, which was promoted by a series of successful roadshows around the country.

313. Responding to anecdotal evidence from teachers and heads that faith-based bullying is a growing issue of concern in some parts of the country, Ministers announced during Anti-Bullying Week this year the commission of the voluntary organisation BeatBullying to look into the prevalence of faith-based bullying in schools, and to recommend how it can be addressed as part of a package of measures to tackle prejudice-related bullying.

314. The Department is supporting schools by raising their awareness of the general and specific duties that they have to follow as a result of the amendments to the Race Relations Act. The general duty requires public authorities, including schools and Local Education Authorities, to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good race relations between people of different racial groups. In order to help schools comply with the general duty, they will be subject to statutory specific duties which are, from 31 May 2002:

- to have a written Race Equality Policy
- to assess the impact of all their policies, including the Race Equality Policy, on pupils, staff and parents from different racial groups with the emphasis on the attainment levels of these pupils
- to monitor the impact of all their policies on these groups; and
- to take such steps as are reasonably practicable to publish annually the results of its monitoring under this article.

315. The Department for Education and Skills (DfES) has worked with the Commission for Racial Equality (CRE) and with the Office for Standard in Education (Ofsted) to ensure the Act is implemented in schools. In particular, the Department worked with the Commission for Racial Equality on "Towards Racial Equality", a survey of public bodies' implementation of the Race Relations (Amendment) Act. The survey included a sample of schools, and further and higher education institutions. It was published in June 2003. The survey found that it was still very early days in terms of getting schools to understand and act upon the requirements of



the Act, but that where schools were aware of the Act's requirements, they were able to take purposeful action and to show the way forward to those that followed. The survey also found that there was a crucial role for Local Education Authorities in supporting schools.

316. DFES welcomed the findings of the report and have continued to work with the CRE and Ofsted to ensure that schools are supported in fulfilling their duties. Though the CRE is ultimately responsible for enforcing the Race Relation Act 1976 and Race Relations Amendment Act 2000, Ofsted has a key role to play in ensuring that schools are fulfilling their duties under the Race Relations Amendment Act 2000. From June 2002, Ofsted has inspected schools' race equality policies as part of their routine inspections, and their findings are published in schools' inspection reports. In September 2003, Ofsted introduced a new framework for school inspections that further strengthened their criteria for the inspection of equality policies and issues in schools. In order to provide further support to schools by identifying and disseminating good practice. In 2006, Ofsted published *Race Equality in Education*, the report of a thematic inspection which illustrates good practice in race equality in a sample of schools and LAs surveyed between the summer of 2003 and the spring of 2005.

Support for Bilingual Learners.

317. The Department for Education and Skills is undertaking a range of targeted support for minority ethnic pupils and pupils whose first language is other than English. This work follows a major national consultation in 2003 "*Aiming High; Raising the Achievement of Minority Ethnic Pupils*". Projects that will benefit bilingual pupils under the "*Aiming High*" initiative include the development of accredited training for specialist teachers working with bilingual pupils and developing accredited training for teaching assistants and other support staff. Additional targeted training is being undertaken through the Primary National Strategy to give greater confidence and skills to mainstream teachers working with bilingual primary school children. The Department for Education and Skills is also promoting the development of Advanced Skills Teachers with expertise in working with and planning for educational needs of bilingual learners. The Department for Education and Skills is also developing with the Qualifications and Curriculum Authority additional training to help teachers use a consistent national assessment of English language development in bilingual pupils. This links in with English in the national curriculum levels already familiar to most teachers and will emphasise the teaching and learning benefits of continuous assessment and targeted support for bilingual pupils.

318. It is the responsibility of the Commission for Racial Equality to enforce compliance with the race relations legislation. In the first instance, however, it is the responsibility of the Office for Standards in Education (Ofsted) to inspect schools and Local Education Authorities for compliance with their duties under the Race Relations (Amendment) Act 2000.

319. The Race Relations (Amendment) Act places a general duty to promote race equality on all public bodies, including schools and Local Education Authorities; and



specific duties on schools to ensure that the general duty is met. The specific duties include monitoring and assessing the impact of all their policies on pupils from different ethnic backgrounds to ensure that no policies have an adverse impact on pupils from minority ethnic backgrounds.

320. If a school or local education authority is found not to be in compliance, this is noted in the published report of the inspection, and they must work with Ofsted, and in certain cases, the Department for Education and Skills, to ensure that corrective actions are taken. The Commission for Racial Equality has powers to intervene where it is not satisfied that enough has been done.

321. The Government is wholly committed to promoting equality of opportunity in schools and closing the educational achievement gap that exists between some groups of minority ethnic pupils and other students, although it is important to realise that certain groups of minority ethnic pupils already achieve at the highest levels. The Government's Spending Review of 2004 strengthened targets on reducing racial inequalities in education for the period 2005-10. In particular, the Department for Education and Skills will monitor progress in tackling race inequalities in rates of achievement in secondary school qualifications and in rates of participation in higher education.

322. However, the Department for Education and Skills has not set separate ethnic minority targets as this may be perceived as setting a cap on attainment for some minority ethnic groups, and this would be very unhelpful. Instead, officials are working to develop a performance indicator to underpin the Department's key attainment targets, which focusses on raising the achievement of all low-achieving pupils.

323. The Government is concerned about disproportionate numbers of Black and minority ethnic exclusions, particularly Black Caribbean boys. The latest permanent exclusions statistics (for 2004/05) show that there has been a decrease in the number of Black pupils excluded: from 29 in every 10,000 Black pupils in 2003/04 to 26 in every 10,000 Black pupils in 2004/05. In particular, Black Caribbean exclusions decreased from 41 in every 10,000 Black Caribbean pupils in 2003/04 to 39 in every 10,000 Black Caribbean pupils in 2004/05. However, this still compares unfavourably with the average overall permanent exclusion rate in 2004/05 of 12 in every 10,000 pupils and 13 in every 10,000 White pupils.

324. The Department for Education and Skills has demonstrated commitment to fair treatment of Black and ethnic minority pupils in the revised guidance on exclusions from school, issued in September 2006. It emphasises fair treatment and draws attention to schools' duty to assess the impact of their policies on pupils, parents and staff from different ethnic groups. Governing bodies and independent appeal panels must take into account allegations of racial discrimination when considering exclusions and new training materials will emphasis this.

325. The School Census (SC) is in the process of moving from annual to termly collection (secondary schools, CTCs and academies provided termly data from



January 2006; primary schools and special schools will move to termly collection from January 2007). In addition to the data on permanent exclusions, the termly SC will also collect information on fixed period exclusions (previously sourced from the Termly Exclusions Survey). Findings on permanent and fixed period exclusions which occurred during the 2005/06 academic year are expected to be available in June 2007. The data will be analysed to inform future action.

326. In 2006, the Department for Education and Skills undertook a review to establish the reasons for this disparity and what further action can be undertaken to reduce it. This involved analysis of available research, input from expert practitioners and face-to-face meetings with nearly 100 pupils and families directly affected, reflecting a range of strongly held opinions. The review's findings and recommendations were presented to, and agreed by Ministers in September 2006. To address the disparity, the Department, through the National Strategies, is already working with 20 Local Authorities (LAs) on exclusions of Black pupils. All of the LAs now have a system (or are revising procedures) to track, identify and prioritise this work.

327. Planned measures to build lasting capacity in schools to deliver on race equality and behaviour management include a targeted publicity/communication campaign to raise the status of the issue with schools and LAs, focused work with the National College for School Leadership (NCSL) who will produce proposals to strengthen race equality awareness in its leadership programmes, and focused work with Teacher Development Agency (TDA) looking at improving Initial Teacher Training (ITT).

328. The Department for Education & Skills regularly monitors its policies for their impact on race equality. On 1 August 2006, it launched a consultation that presented the conclusions of its latest assessment for Higher Education. This assessment shows that representation of minority ethnic communities in Higher Education presents a positive picture overall. Participation of minority ethnic communities in higher education has increased in recent years (from 17.2% in 2002/03 to 18.4% in 2004/05). The higher education initial participation rate for minority ethnic communities exceeds that for white communities in every case apart from Bangladeshi females. The assessment shows that black and minority ethnic groups' representation in Higher Education is distributed unevenly by institution type and by subject and that the two main "drivers" of Higher Education participation for black and minority ethnic groups are: prior attainment and educational experiences; and aspirations in and attitudes towards education.

329. The assessment also stated that the Department was undertaking further analysis of data indicating that minority ethnic students tend to achieve lower degree scores than their White counterparts. While much of the apparent under-achievement might be due to such factors as age, subject, institution and, in particular, prior attainment, the analysis will seek to determine whether there might be any discrimination and disadvantage related to being a member of a minority ethnic community contributing to the relative under-performance of some individuals. The Department works with the Commission for Racial Equality and other interested bodies to ensure any differentially adverse effects of its policies on black and minority



ethnic groups are identified and remedied.

Scotland

330. In Scotland, data is similarly collected at individual level for the monitoring of attainment, exclusion, attendance etc. The monitoring of data on school exclusions has likewise revealed higher rates of exclusion for black Caribbean and some other minority ethnic pupils, though other ethnic minority groups have lower than average exclusion rates. The Scottish Executive will continue to monitor any emerging trends.

Recruitment and retention of teachers

331. Funding of £1 million has been allocated in 2006/07 to support providers' efforts to develop and refine sustainable practices that will enable them to improve the recruitment and retention of trainees from minority ethnic communities. By November 2007 the Training and Development Agency for Schools (TDA) aims to build on current recruitment levels by maintaining or exceeding its minority ethnic recruitment target of 10.5 per cent.

332. Providers will continue to be supported in successfully increasing the recruitment of minority ethnic trainees through race awareness training for staff involved in teacher training courses; reviewing and refining recruitment processes; developing targeted marketing of teacher training courses to minority ethnic communities; facilitating application support workshops; updating school mentor training and supporting other activities aimed at improving recruitment and retention.

Scotland

333. In Scotland, there is a Partnership Agreement for a Better Scotland (PABS) commitment to increase teacher numbers to 53,000 by 2007. By increasing teacher numbers we will reduce class sizes at S1 and S2 in English and Maths and also in the first year of Primary school. To help support that commitment we launched a teacher recruitment campaign in January 2005.

334. The campaign is aimed at 3 audiences: graduates, career-changers and those who have left the teaching profession and consists of a series of newspaper advertisements, radio broadcasts and adverts on public transport.

335. We have already seen a notable increase in the number of teachers from outwith Scotland who have registered with the General Teaching Council for Scotland.

336. We also undertake an annual review of the teaching workforce in Scotland which allows for the detailed planning of the required number of teachers required in any one year. This exercise also provides information to allow us to determine the number of places required in the 7 Universities which offer teacher training courses. Funding for these courses comes from the Scottish Funding Council and is also reviewed annually.



Northern Ireland

337. Widening participation in higher education by students from those groups who are currently under-represented is one of the Department for Employment and Learning's key strategic goals, in particular students from disadvantaged backgrounds and students with learning difficulties and disabilities.

338. Since 2000 the Department has been addressing this issue through a number of policy directions and a range of specific funding mechanisms including:

- Foundation degrees – These are new, vocationally-orientated higher education qualifications delivered in Further Education colleges. One of the main purposes behind the new qualification is to widen access to higher education for mature students, students wanting to study part-time, students who want to study close to home, disabled students and students who do not have traditional qualifications.
- Funding Premia – The Department pays the universities a widening participation premium for students from disadvantaged backgrounds and a widening access premium for students with disabilities.
- Special Projects Funding – The Department has provided special project funding, under a widening access special project initiative, specifically aimed at allowing the universities to test their strategies and approaches to making access to higher education available to under-represented groups, and to develop partnerships with schools with traditionally low levels of participation in higher education.
- Widening Participation Strategies – There is a requirement on the part of universities to produce widening participation strategies which detail activities, targets and performance indicators regarding the recruitment, retention and progression of students from under-represented groups.

339. The Department has carried out a review of its policies and initiatives on widening participation. In line with the recommendations of an Expert Group on widening participation, established to inform this review, work has started on the development of structures and processes to support an integrated NI Regional Strategy for widening participation.

340. Variable deferred tuition fee arrangements were introduced by the Department from the academic year 2006/07. As a condition of charging variable fees of a limit of £3,000 for the academic year 2006/07, higher education providers are required to have Access Arrangements in place which include the provision of student bursaries. These Access Arrangements sit within the widening participation strategies which the Institutions continue to produce. These strategies will, in time, link into the Regional Strategy for widening participation.



Gypsy and Traveller education

England

341. The Department for Education and Skills (DfES) is committed to improving the life chances of Gypsy, Roma and Traveller children, within its Every Child Matters agenda. The Children's Services Grant is given to local authorities in England to cover a wide range of children's services. £42 million worth of the grant is aimed at securing improved access to education for vulnerable children. In particular: to provide high quality education for those unable to attend school or whose circumstances make it difficult for them to do so. One such group are Gypsy, Roma and Traveller children. Most local authorities use part of this grant to provide a Traveller Education Support Service (TESS). A key function of TESS is to encourage Gypsy, Roma and Traveller communities and their children to participate in the education system. TESS offer advice and guidance to local authorities and schools, support attendance, integration or reintegration into school; and provide additional educational support to enable these vulnerable children to achieve their full potential.

342. From January 2003 Gypsy/Roma and Travellers of Irish heritage were added as two distinct ethnic minority groups within school census data. Many parents and children from these communities do not identify themselves in the school census data as they fear prejudice and racist bullying. However, the data collected does indicate that Gypsy, Roma and Traveller children are not achieving well at each Key Stage in school.

343. We know that Gypsy, Roma and Traveller children are capable of achieving just as well as any other children. Over the last few years the levels of participation in early years and primary have successfully risen. However, attendance remains generally low; and the gains in primary have not been mirrored in secondary education. There are continued concerns about the number of children who drop out of the education system before transferring to secondary or very early in their secondary school experience.

344. In the 2006 Schools White Paper *Higher Standards, Better Schools for All – More Choices for Parents and Pupils*, the government articulated its concerns and committed the DfES to taking targeted action to improve Gypsy, Roma and Traveller educational performance. DfES, through its Aiming High strategy, is working closely with TESS, local authorities and schools to raise the attendance and achievement of Gypsy, Roma and Traveller children through the following initiatives:

345. Improving the quality, sensitivity and relevance of education for Gypsy, Roma and Traveller children. DfES launched a new programme within its Primary and Secondary National Strategies in September 2006 with 12 local authorities and 50 educational settings to support local authorities and schools to meet the aspirations of Gypsy, Roma and Traveller parents and pupils.

346. Encouraging schools to provide a range of good quality distance learning opportunities for children who travel throughout the school year. We are working with 26 LAs and over 200 Gypsy, Roma and Traveller pupils on the e-learning and



mobility project ELAMP4. Laptops and datacards are used together with learning materials. Children keep in close contact with their teachers and peers. Evidence has shown that motivation increases, achievement is improved and pupils re-integrate far more easily when they return to school. Building on these projects a good practice guide will be published in December 2006 exploring the use of ICT in providing distance learning for all children with interrupted schooling.

347. Ensuring that there is a clear understanding from Gypsy, Roma and Traveller communities of the benefits of school education. DfES officials will work with a number of local authorities to host meetings with parents from Gypsy, Roma and Traveller communities in 2007. The aim is to help parents to have high expectations of their children and motivate them to develop their range of skills.

348. DfES will host a range of seminars during 2007 for headteachers, practitioners and leading experts to explore all the issues and develop the most effective responses. DfES will issue a suite of good practice guidance and host conferences in 2008 to make a step change in improving the life chances of Gypsy, Roma and Traveller children.

Scotland

349. The Scottish Executive's funding of the Scottish Traveller Education Programme (STEP) (referred to earlier under paragraph 133) demonstrates our commitment to providing information and material to help improve state education provision for Gypsies and Travellers.

350. The Scottish Executive takes the problem of bullying in schools very seriously. We have recently announced new Anti-Bullying Services in Scotland. The *Better Futures* organisation will help schools, authorities and communities across Scotland share good practice in tackling bullying and provide training and consultancy services to support them in developing effective anti-bullying strategies. The Executive has also produced a range of resources for schools on the prevention and tackling of bullying, and information leaflets for children, young people and their parents. In addition STEP has published an anti-bullying leaflet with information for Gypsy and Traveller children and parents.

351. The Scottish Executive funds the ChildLine Anti-Bullying helpline which provides support and advice directly to those affected by bullying.

352. We are taking a range of actions designed to support the education of Gypsy and Traveller children. As referred to earlier under paragraph 133, we commissioned guidance on 'Inclusive Educational Approaches for Gypsies and Travellers within the context of interrupted learning: Guidance for Local Authorities and Schools'. The Guidance covered a wide range of education-related issues faced by Gypsies and Travellers, including racism and bullying, barriers to education, supporting access, flexibility in the delivery of the curriculum, support for learning, and liaising with Gypsy and Traveller families. We also commissioned the production of a set of informative leaflets for Gypsy/Traveller parents on the Scottish Education system.



353. We are actively encouraging schools to adopt flexible and innovative approaches to curriculum design and delivery which will provide an education which meets the needs and wishes of all pupils, which will of course include children of Gypsy and Traveller families.

354. A range of national conferences and seminars, and videos provided through STEP has focussed specifically on raising awareness of Gypsy and Traveller cultures and life-style needs among local authorities and schools. This work on raising awareness is continuing through their current work programme.

Northern Ireland

355. The Department of Education has commissioned research into the educational needs and experiences of Traveller parents and children - "Traveller Children's Experiences in Mainstream Post-Primary Schools in NI: A Qualitative Study". Within this, the research has focused specifically on exploring all of the factors that tend to inhibit their access to education, including the admissions criteria used by schools, and the effectiveness of actions taken to date to address these. This research is available on DE's website. DE collects and analyses data on the qualifications and destination of Traveller school leavers. Data is also collected in the summary of Annual Examination Results.

356. Traveller Liaison Teachers in Education and Library Boards (ELBs) visit new Traveller pupils in their respective areas to give advice and support to class teacher and Principals. ELBs ensure new Traveller pupils are placed in the nearest most appropriate schools and ensure family needs are met.

357. The Department of Education will work with education providers, including voluntary groups to identify and expand suitable forms of alternative education provision to be open to all pupils (aged 14+ including Traveller children) from January 2004.

358. In Northern Ireland the Department of Education and the Council for Catholic Maintained Schools fully support the principle of the integration of Traveller children to mainstream schools and there are no segregated Traveller schools in Northern Ireland. DE makes every effort to facilitate the requirement that children should be educated in accordance with the wishes of the Traveller parents, many of whom currently choose that their children should be educated in St Mary's Primary School, Belfast.

359. The legislation to introduce the revised curriculum was in place by September 2006 and phased implementation commenced by September 2007. As part of the statutory curriculum all young people will take Local and Global Citizenship as part of their post-primary education. Local and Global Citizenship aims to develop the capacity of young people to participate positively and effectively in society, to influence democratic processes, and to make informed and responsible decisions as local and global citizens throughout their lives. It is based around investigation of the following core concepts:



- Diversity and inclusion;
- Equality and social justice;
- Democracy and active participation;
- Human rights and social responsibility.

360. In addition, DE has funded the Children’s Law Centre and Northern Ireland Human Right Commission to produce booklets for school managers and teachers addressing Human Rights in Schools and information on a Bill of Rights for Northern Ireland.

361. DE promotes a proactive approach in schools to tackle the issue of bullying and has recently published guidance on the issue.

Citizenship education

England

362. Citizenship became part of the non-statutory framework for Personal Social and Health Education in English primary schools from September 2000. It became a statutory subject in secondary schools from September 2002. Citizenship ensures that for the first time, all pupils will be taught about the diversity of national, regional, religious and ethnic identities in the UK and the need for mutual respect and understanding.

363. Citizenship classes will allow for the opportunity of awareness raising of a number of national, regional, religious and ethnic identities. The concerns of different groups, including those from Gypsy and Traveller communities, are considered seriously by the Department for Education and Skills and these have been supported in a number of different ways. Traveller Education Services, funded through our £15.7 million Traveller Achievement Grant, have an important role to play in providing training and advice to schools with Gypsy and Traveller children. This will include providing displays for schools about the Gypsy and Traveller ways of life and culture, so that children can understand and respect the people from these communities.

Scotland

364. Education for Citizenship is a cross-curricular subject which cuts across various subject areas in the curriculum including Personal and Social Development, Environmental Studies, Social Subject etc.

365. Scottish Ministers endorsed Learning and Teaching Scotland’s (LTS) report “Education for Citizenship in Scotland – A Paper for Discussion and Development” as the basis for a national framework 3-18. LTS has now been charged with taking forward with key stakeholders the promotion and development of education for citizenship for schools in Scotland.



366. The Standards in Scotland's Schools Act 2000 requires Education Authorities and schools to plan, monitor and report on improvement in education. It puts a duty on Education Authorities to prepare an annual statement of objectives, which includes an account of the ways in which they will, in providing school education, encourage equal opportunities and in particular the observance of equal opportunity requirements. One of the 5 National Priorities in Education set under the Act by Scottish Ministers, (NP4 - 'values and citizenship') focuses on promoting self-respect and respect for others and helping every pupil benefit from education. Education Authorities improvement plans and school development plans should show how the Priorities will be implemented in their areas, taking into account the needs of the children they are responsible for.

Wales

367. **Citizenship** – This is not part of the National Curriculum in Wales, but forms part of the Personal Social Education programme for all pupils in mainstream education in Wales.

Northern Ireland

368. Tha Boord O Ulster Scotch statutory function is the promotion of greater awareness and use of Ullans and Ulster-Scots culture. Tha Boord is undertaking a tape survey of Ulster-Scots speakers and the production of a text base for written Ulster-Scots.

369. The Department of Education is introducing a revised curriculum from September 2007 to 2009/10. The revised curriculum aims to better prepare young people for life and work and includes a new strand of citizenship education to enable all pupils to develop attitudes of tolerance and respect. Pupils will look at issues such as diversity and inclusion, both locally and globally, and the causes of racism and ways of managing conflict and promoting inclusion.

Teachers

370. The Department for Education and Skills has agreed targets with the Teacher Training Agency (TTA) to increase the number of students from minority ethnic groups entering initial teacher training - 7.5% in 2001/02 rising to 9% in 2005/06 (the total is currently around 6.8%). The TTA continues to work actively with teacher training providers to ensure that the targets for increasing the number of students from minority ethnic groups are met.

Scotland

371. Equality and inclusion were important components of the second stage of the review of initial teacher education in Scotland. The scope of the review was informed by the outcomes of the National Education Debate. The second stage of the review was launched in September 2003 and the report published in May 2005. The review group, among other issues, recognised the need to widen access to teaching with a view to the profession better reflecting Scotland's gender balance and ethnic diversity.



372. In the Ministerial response it was agreed that action is required to help address the gender imbalance and the importance of attracting more disabled teachers and teachers from ethnic minorities. To action these issues the Scottish Executive has already commissioned research which will look primarily at gender imbalance but also at areas covering disability and ethnicity.

Wales

373. The new Memorandum of Understanding between the Teacher Training Agency and The Welsh Assembly Government includes a requirement to increase the recruitment of BME, Disabled and Welsh medium teachers.

Article 13

- 1 Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.
- 2 The exercise of this right shall not entail any financial obligation for the Parties.

Article 14

- 1 The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.
- 2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.
- 3 Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language

374. The Government is sensitive to, and actively values, cultural and community diversity. Schools are encouraged to value and recognise the language, religious and cultural heritage of all their pupils. Schools have the flexibility to offer additional language subjects that reflect their make-up. Where circumstances and resources allow, schools can offer the teaching of languages that reflect the home languages of the communities they serve. This is a part of their Modern Foreign Language (MFL) provision. However, the Government is also clear that knowledge of the English language is a key element in the integration of new migrants into UK social, economic and political life.

England and Wales

375. The Government recognises the benefits of cultural, religious and linguistic diversity within minority ethnic communities. Many of these communities have set up additional learning initiatives usually called supplementary, complimentary or mother tongue schools. They provide a range of additional support for children in many areas of the national curriculum, cultural and religious instruction, and also in the teaching of home languages outside of mainstream schooling. The benefits of these initiatives have long been recognised by the Government.

Scotland

376. In Scotland, the National Priorities in education outline five broad outcomes of a successful education. Of these five priorities, the third - Inclusion and Equality - stresses the need “to promote equality and help every pupil benefit from education,

with particular regard paid to pupils with disabilities and special educational needs, and to Gaelic and other lesser used languages”.

377. Local authorities in Scotland will be asked to report on progress towards delivering these outcomes of education through an improvement framework. To support the implementation of these national priorities, and to ensure that schools are able to support pupils in meeting their full potential, schools have been encouraged to develop flexible and innovative approaches to curriculum delivery which meet the needs of individual pupils.

378. The Scottish Executive is committed to introducing a national language strategy in early 2007, to guide the development and support of Scotland’s languages, which include British Sign Language and other minority languages.

379. The Education (Additional Support for Learning) (Scotland) Act 2004, which came into force on 14 November 2005, requires education authorities to identify, meet and keep under review the additional support needs of all pupils, including those for whom English is an additional language. The Act also introduces a new framework for collaboration between schools and other agencies to ensure that all needs of the individual child are met.

Northern Ireland

380. In Northern Ireland the language needs of the black and minority ethnic community were considered as part of the ‘Open Space’ consultation process. It is proposed to develop an action plan to address the findings of Open Space under the auspices of a thematic group of the Northern Ireland Race Forum. The Language thematic group of the Northern Ireland Race Forum is currently finalising its report and recommendations to the Racial Equality Forum with a view to informing the development of the Racial Equality Strategy Implementation Action Plan. It is anticipated that the report will be completed in early 2007.

381. The Department of Education for Northern Ireland is developing a policy for EAL (English as an Additional Language) children. Equality issues will be considered during the development of the policy and full and meaningful consultation is planned for 12 weeks from January 2007.

382. The Ulster-Scots Agency (Tha Boord o Ulster-Scots) has funded a programme in Stranmillis Teacher training college to produce materials to allow Ulster-Scots language and culture to be taught within the existing curriculum in English medium schools. Tha Boord has also commenced initiatives to raise awareness of bilingualism among teachers and pupils in Ulster-Scots areas. There has been no significant demand from parents for access to education in what might be termed Ulster-Scots medium schools.

383. An Ulster Scots Future search Working Group which previously had met from 2003/04, was re-established to examine themes of equality, communication, education, communication, internationalism and language. The working group took stock of the issues and identified a number of areas in which substantial progress had



already been made. It was already agreed that there were other areas in which further work was required. The Ulster Scots Agency was tasked with prioritising the needs of the Ulster Scots community and producing outline business cases in areas where it considers that real progress can be made, especially in the event of additional resources becoming available. This is in line with the St Andrew's Agreement where the government reiterated the need to enhance and develop the Ulster Scots language, heritage and culture.

384. The Government in Northern Ireland published a Race Equality Strategy in summer 2005. In addition, a Northern Ireland Race Forum has been set up with representatives from public bodies and members of the black and minority ethnic communities. Among other issues the Forum will increase equality of opportunity for black and minority ethnic people in accessing and benefiting from public services, including training, education and employment opportunities. In addition, the strategy should ensure that structures and services are flexible enough to respond to the needs of minority ethnic people.

385. The Social Security Agency recognises the needs of vulnerable members of the public from minority communities and has made provision for ensuring that information about benefit entitlement is published in a range of languages. It also provides interpreting and language line facilities to customers where appropriate. Interpreting is provided by either a face-to-face service or by use of a language line, based on the needs of the customer.

386. The Department of Health, Social Services and Public Safety (DHSSPS) recognises the language difficulties experienced by people from black and minority ethnic backgrounds and the associated risks in terms of human rights, fair access and the safety and efficacy of health care services. In June 2004 a dedicated interpreting service - the Northern Ireland Health and Social Services Interpreting Service – came into operation and is currently based in one of the Health and Social Services Boards. In its first two and a half years of operation the service has trained and registered approximately 150 interpreters offering 28 languages in total; has provided training for health personnel on how to work well with interpreters, and has arranged almost 18,000 interpreter sessions. This is in addition to a substantial volume of interpreting provision arranged through other providers. The Department is currently working with partner organisations on the further development of the service.

387. To complement this work the Department and its partner bodies have also established an Accessible Formats Project to facilitate the translation of written communications and information, and to provide basic information on access to services, translated into minority ethnic languages. The first product of this project was the establishment of a regional translations contract in March 2006.

388. The Department is currently working with the Equality Commission to produce a second edition of the 2003 publication *Racial Equality in Health – A Good Practice Guide*. This will draw on a wide range of initiatives and policies which have been developed and completed by local health and social services bodies in Northern Ireland.



389. Measures to take forward the Department of Education's duty to encourage and facilitate Irish-medium education include the establishment and funding of the *Comhairle na Gaelscolaíochta* and the co-funding and funding of the *Iontaobhas na Gaelscolaíochta*. Reductions in the viability criteria which schools must satisfy to become eligible for grant-aid has facilitated access to Irish-medium education where there is a parental demand. There has been no significant demand from parents for access to education in what might be termed Ulster-Scots-medium schools.

Teaching in Gaelic

390. There is now in Scotland a significant commitment to Gaelic-medium education. The evidence for this is found in a number of initiatives which are being supported by central government, local authorities and by the main education agencies and bodies. This commitment is linked to the shared aim of creating a sustainable future for Gaelic in Scotland and the recognition that Gaelic-medium education has a key part to play in achieving this aim.

391. The Scottish Executive's annual guidance offered to the Scottish Funding Council on setting intakes to initial teacher education notes that the supply of teachers able to teach in the medium of Gaelic is a priority for Scottish Education Ministers and that the Council assists in promoting provision in this area. The Partnership for a Better Scotland agreement, published in May 2003, made a commitment to invest in the provision of more Gaelic-medium teacher training places.

392. In March 2005, the Minister for Education and Young People established a Gaelic-Medium Education Teachers Short-Life Action Group which would review the following areas of activity and make recommendations:

- Strategies to increase the supply of Gaelic-Medium Teachers
- Existing Teacher Education Opportunities
- Professional Preparation of Gaelic-medium Teachers
- Professional Support for Gaelic-Medium Teachers

393. The Action Group reported its recommendations to Scottish Ministers in October 2005 and was implemented initially by officials in the Scottish Executive. In accordance with the recommendations, a Gaelic Teacher Recruitment Officer was appointed by Bòrd na Gàidhlig in July 2006.

394. In academic session 2004-2005, 17 primary and 6 secondary student teachers graduated and 20 primary and 6 secondary student teachers graduated in 2005-2006.

395. Since academic session 2001-2002 the Scottish Funding Council has allocated additional student teacher places specifically targeted at primary Gaelic-medium provision. In 2006-2007, 17 student teachers are completing the Strathclyde University PGDE (Primary) course. Five students are on campus, while the remaining 12 are accessing the course remotely via their local University of the Highlands and Islands Millennium Institute network.

396. Graduates who have already received postgraduate funding from public funds



would not normally receive additional funding for another postgraduate course. However, they would be entitled to funding if they undertake a Postgraduate Diploma in Education (PGDE) course in Gaelic or if they wish to teach their subject in Gaelic.

397. The Scottish Executive is also aware that there are fluent Gaelic speakers teaching through the medium of English in Scottish schools. A course has been developed to assist teachers transfer to Gaelic-medium teaching. The course – *Streap* – is funded by the Scottish Executive and seeks to support teachers with the language skills, terminology and confidence to deliver their subject through the medium of Gaelic.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Public Sector services

398. All public sector bodies are committed to promoting equality and diversity within their organisations and to becoming representative of the society they exist to serve. Under the Race Relations (Amendment) Act 2000, all the key public authorities in Great Britain must produce race equality schemes to show how they are fulfilling their statutory duty to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

399. In January 2005 we published *Improving Opportunity, Strengthening Society*, the Government's race equality and Community Cohesion Strategy. The strategy sets out our approach to tackling inequality on grounds of race and faith in key policy areas such as employment, education, housing, health and criminal justice as well as action to build more cohesive communities. In July 2006 The Department for Communities and Local Government published its 1st progress report on the Strategy, *Improving Opportunity, Strengthening Society: One Year On*, and will continue to report annually on progress.

400. On the 30th March 2006 the Home Secretary published the sixth annual report on progress towards targets for recruitment, retention and progression for black and minority ethnic staff in the Home Office and its agencies, including the Police, Prisons and Probation Services.

401. In January 2005 the Government published the latest *Race Equality in Public Services* report. The report brings together race equality performance data for the key public service areas and provides the statistical background to the Government's strategy to increase race equality and community cohesion and its Public Service Agreements Targets to tackle inequalities in public services. The Government believes that collecting and presenting clear and meaningful statistical data of this sort is an essential tool in identifying patterns of inequality and for developing effective strategies for tackling it. The Government is committed to continuing to develop robust measuring and monitoring systems.

402. The report shows that minority ethnic communities remain disadvantaged in many of the key areas of life, but that there is marked difference between different ethnic groups. It also shows that in some areas, such as education, some minority ethnic groups do better than the "majority" population.



Scotland

403. The Scottish Executive's Review of Race Equality Work Outline Paper published in November 2005 (referred to in the introduction to this report) provides further information on work being taken forward in Scotland to support the participation of minority ethnic communities in Scotland.

Scottish Police Service

404. The recruitment and retention of black and minority ethnic staff in the Scottish Police Service is improving with increasing numbers. This follows a range of positive actions by Chief Constables, including targeted advertising, presentations and networking. At March 2005 there were 184 regular police officers, 13 Special Constables, and 66 support staff of black and minority ethnic background working within the Scottish Police Service. This represented a rise of 84% in the number of regular police officers since 2003.

405. Her Majesty's Inspectorate of Constabulary routinely examines the recruitment, retention and progress of black and minority ethnic staff within the Scottish Police Service as part of its primary inspection programmes.

406. These issues were considered as part of a thematic inspection of police race relations in Scotland, published in June 2003. Among other things, the report found that the recruitment and retention of black and minority ethnic staff is improving, though employment profiles are still far from reflecting the ethnic profile of local populations. In August 2003 the Scottish Executive Minister for Justice at the launch of the Supporting Ethnic Minority Police Staff for Equality in Race (Scotland) Association (SEMPER(S)) indicated that the Scottish Executive would look to support the newly-formed association, thereby sending a significant signal of support for the role of black and minority ethnic groups in the police service in Scotland. The Scottish Executive is now providing £50,000 per annum to SEMPER(S) to support its activities.

407. Her Majesty's Inspectorate of Constabulary published a report on police race relations in Scotland on 26 June 2003. The Report, entitled *Pride and Prejudice - a review of police race relations in Scotland*. Among other things, the report found that the recruitment and retention of minority ethnic staff is improving, though employment profiles are still far from reflecting the ethnic profile of local populations

Scottish Prison Service

408. The Scottish Prison Service (SPS) has a Secondee to the West of Scotland Racial Equality Council. This is the fourth successive employee who has undertaken the role of Prison Liaison Officer. One of the key objectives of the secondment is to promote the SPS as an employer within black and minority ethnic communities. This has involved arranging visits to prisons for prospective applicants and providing guidance to candidates through the recruitment process.

409. The SPS is currently the Chair of the Uniformed Services Committee. This



Committee comprises representatives from Strathclyde Police, Royal Air Force, Strathclyde Fire Brigade, Royal Navy, Army, Scottish Ambulance Service and Careers Scotland. The purpose of this committee is to promote Uniformed Services as a career option.

410. We have also engaged with Black and Ethnic Minority Infrastructure in Scotland (BEMIS- the umbrella body for the minority ethnic voluntary sector in Scotland) to seek their views and assistance in increasing employees from minority ethnic communities across Scotland.

411. The SPS attends a number of minority ethnic community and recruitment events including Melas and the Ethnic Minority Jobsfair. The organisation constantly reviews its recruitment advertising strategy to ensure a diverse pool of applicants, and most recently has advertised on minority ethnic radio broadcasts.

412. HM Prison Barlinnie have recently appointed a Race Relations Development Manager. The role of the Manager is to develop positive action initiatives for prisoners and employees.

413. The Scottish Prison Service also has a robust complaints system for Racial Incidents, which is available to employees, prisoners and visitors. The Race Equality Monitoring and Integration Team then review complaints on a bi-monthly basis. A member of the Commission for Racial Equality is included in this group.

Northern Ireland

414. In Northern Ireland the requirements of race relations legislation are complemented by the requirements of s75 of the Northern Ireland Act 1998 which affect policy making by all public authorities including Government departments. All public authorities, in carrying out their functions, are required to have due regard to the need to promote equality of opportunity in relation to nine categories including race, and to assess the equality impacts of all policies.

415. “Embracing diversity” is one of three key themes in the Northern Ireland Civil Service’s programme of reform and improvement, which was launched by Minister Ian Pearson late in 2004. In line with this, the service successfully applied in 2005 for the available NI public sector slot in the EU-funded Diversity Works programme, and is now working on developing a new approach to identifying and addressing equality and diversity issues it faces as one of the biggest employers in Northern Ireland. The service has appointed a Diversity Champion responsible for promoting diversity service-wide. A new outreach strategy is being developed, of which a key element is expected to be practical measures to ensure that people from national or ethnic minorities can gain, retain and progress in civil service employment. Consultations are under way with different communities of interest including representatives of national and ethnic minorities such as the Chinese Welfare Association and the NI Council for Ethnic Minorities. The service has produced diversity-awareness training, roll-out to begin early in 2007, which addresses the issues in terms which are practical and meaningful to most staff, particularly new staff and first-line managers. All NI civil service Departments have recently appointed a Racial Equality champion.

416. Equality remains high on the agenda for Northern Ireland Fire & Rescue Service (NIFRS). A Welcoming Statement is included in all job advertisements specifically aimed at attracting applicants from under-represented groups, including black and minority ethnic groups. The statement confirms the principle of equal treatment for all applicants for employment. NIFRS takes every effort to acknowledge diversity amongst applicants from minority ethnic groups and encourages all to apply for entry to the service. An undertaking is also given to make application forms available in alternative language formats.

417. Training in diversity awareness has been provided for all ranks up to Chief Fire Officer. In terms of community engagement, NIFRS has met with migrant ethnic workers and residents through participation on local Community Safety Partnerships. Multi-lingual 'Home Fire Safety Checks' literature has been published and disseminated in liaison with representative groups and disseminated throughout the community. In 2006, NIFRS launched a revamped and accessible website which includes a dedicated area on equality matters and downloadable versions of the multi-lingual fire safety information.

Police Service of Northern Ireland

418. The Government in Northern Ireland carefully notes the view of the Advisory Committee that the UK should continue to implement measures to ensure the necessary reforms in recruitment and retention to provide an even balance of Police Officers from the Catholic and Protestant communities as required under the Police (Northern Ireland) Act 2000.

419. Since the introduction of the temporary provisions within the Police (Northern Ireland) Act 2000 the composition of the police has changed from 8.3% in November 2001 to 13.6% now. It is anticipated that if progress continues at its current rate, the composition will reach 30% by 2010/11. This is in line with the recommendations contained in the Patten report.

420. Under the Police (Northern Ireland) Act 2000, Government is required to review the provisions every 3 years. In deciding whether the provisions should be renewed, the Secretary of State is statutorily required to have regard to progress made towards securing that membership of the police and police support staff is representative of the Northern Ireland community.

421. The first review is now under way, with a focus on the effectiveness of the current provisions. While the Government is not in a position to prejudge the outcome of the review at the time of this submission, it notes that the arguments in favour of a continuation of the temporary provisions are strong.

Scotland: Local Government

422. Following on from the work and recommendations of the Renewing Local Democracy Working Group, the Scottish Executive established the Widening Access to Council Membership Progress Group in September 2003 to 'take forward work on



making council membership attractive to a wider cross-section of the community’.

423. The Progress Group published its report, with recommendations, in February 2005. Whilst most of these were aimed at local government and political parties, the Executive also had action to undertake – such as publicising opportunities to stand for election. This is being addressed by a co-ordinated publicity campaign that is being conducted prior to the elections in May 2007. For example, the Vote Scotland website encourages young people, women and people from ethnic minority groups to consider standing for election. The Scottish Executive has also encouraged councils and political parties to take the report seriously and has received details on how they are implementing the progress group’s recommendations.

424. The Scottish Parliament has already approved legislation which reduced the age at which a person can stand for election to a council to 18 years. The Scottish Executive has also brought forward legislation in the Local Electoral Administration and Registration Services (Scotland) Act that makes voting more accessible to a wide range of groups, including those from minority ethnic groups and those for whom English is not their first language by including provisions for election materials to be supplied in languages other than English. It is anticipated that this will encourage more people from ethnic minority backgrounds to vote in Scottish local government elections.

Wales

425. The Welsh Assembly Government has funded a 3-year programme entitled Right to Vote aimed at increasing awareness of the legislative and political systems amongst the BME communities and aimed at increasing representation at all levels of political representation, including Assembly and Westminster.

426. Part of this programme was to commission a research study looking at BME political views and levels of activity.

Northern Ireland

427. “Race and Racism in Northern Ireland: A Review of the Research Evidence”, a report published by OFMDFM in May 2002, found a significant minority of long-term unemployed among the Pakistani community and high levels of non-participation in the labour market altogether of Irish Travellers. The Report also found that some black and minority ethnic groups tended to suffer from occupational segregation, particularly the Chinese and Bangladeshi communities for whom employment is heavily concentrated in the catering industry. OFMDFM has also commissioned research in 2006 from the Centre for Cross Border Studies on how public authorities provide services for minority ethnic groups within the prescribed legal framework in three jurisdictions: Northern Ireland, Scotland and the Republic of Ireland. The focus of the study was to identify how public authorities in the three jurisdictions can learn from the experience of their neighbours. The research was carried out by the National Consultative Committee on Racism and Interculturalism (NCCRI) in Dublin and various partner organisations.



428. A number of service areas were selected for the research as sample areas of how public authorities provide services to minority ethnic groups. These service areas were: health; education; policing; and employment. The report has now been made available to all the relevant departments on the OFMDFM website. (www.OFMDFMNI.gov.uk/service_provision_final_report.pdf)

429. Co-ordinated efforts to address these issues will, of course, be taken forward through the Race Equality Strategy and the work of the newly established Race Forum. Relevant DETI programmes/activities which will contribute to these efforts include:

Invest Northern Ireland's revised Business Start Programme (BSP)

430. Invest NI continues to promote SABP throughout Northern Ireland. Where demand exists from ethnic minority groupings, training is organised and, on occasions, interpreters have been used. Participants on these courses have been from Latvia, Poland, Slovakia, Philippines, China, Pakistan and India.

From the beginning of 2006:

- 3,684 participants have undertaken a one to one Lead in Assessment, of these 1.6% were classified as being from an ethnic minority background;
- 1,341 entrepreneurs have started their own business; of these 1.3% was classified as being from an ethnic minority background.



Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Article 17

- 1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.
- 2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Article 18

- 1 The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.
- 2 Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

Article 19

The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.



Specific Questions To The United Kingdom For The Second Reporting Cycle

1. Please provide information on the implications under the Framework Convention for the Protection of National Minorities of the suspension of the Northern Ireland Assembly and the Executive and the prospects for their re-establishment.

The Northern Ireland Act 2006 recalled the members of the Northern Ireland Assembly on 15 May with the express purpose of electing a First and deputy First Minister by cross-community vote and forming an Executive (under the D'hondt procedure) by an absolute deadline of 24 November 2006. Following political discussions which took place in October 2006, culminating in the St Andrews Agreement, the Government has legislated to extend that absolute deadline until 26 March 2007, with elections to the new Assembly taking place on 7 March.

If restoration is successful, power would automatically be devolved and all the Assembly's and Executive's functions under the Northern Ireland Act 1998 would be resumed; in addition, the Northern Ireland Act 2000 would be repealed, meaning that the British Government's power to suspend the Assembly would lapse for good. However, if Assembly members do not succeed in forming an Executive by 26 March 2007, there would be no choice but to cancel salaries and allowances for MLAs and defer restoration of the Assembly and Executive until there is a clear political willingness to exercise devolved power. The Government would of course stand ready to facilitate full restoration when all parties indicate such willingness.

The Government remains confident that a power-sharing Executive can be elected, but the ultimate decision whether to take up their mandate rests with the Northern Ireland political parties themselves.

There are no direct implications for the Framework Convention created by the past or future suspension of the Assembly. During the suspension of the Assembly, Northern Ireland legislation in the transferred field is conducted through Orders in Council, which are subject to an extensive consultation process, followed by scrutiny and debate in Standing Committee of the United Kingdom Parliament.

During the passage of the Northern Ireland (Miscellaneous Provisions) Act 2006, the Secretary of State gave a commitment that if devolved Government was not restored, then the Government would quickly introduce measures to increase accountability during Direct Rule, including provisions that would enable Orders in Council to be amended in the light of views expressed by members of both Houses of Parliament. The Secretary of State gave a further commitment that legislation for Northern Ireland would be undertaken by Bill wherever appropriate.



2. Please provide information on the implications of the Anti-terrorism, Crime and Security Act 2001 and the Nationality, Immigration and Asylum Act, upon persons belonging to national minorities.

Part 4 of the **Anti-terrorism, Crime and Security Act 2001** (ACTS Act) allowed for the extended detention of a foreign national whom the Home Secretary has certified on the basis that he suspects the person is an international terrorist and a threat to national security but where removal is not a viable option at present.

This Part of the ACTS Act was repealed on 11 March 2005 following a judgment by the House of Lords in December 2004. The Law Lords quashed the derogation order and concluded that section 23 ATCSA was incompatible with Articles 5 (deprivation of liberty) and 14 (prohibition of discrimination) of the ECHR. The basis for the decision was that detention of foreign suspected nationals was discriminatory and disproportionate in that (a) the measures targeted foreign nationals alone and (b) it could not be said that measures short of detention would not adequately meet the threat posed by international terrorists.

In the light of this judgment, the Government introduced measures that could apply to UK and foreign nationals alike and which did not involve imprisonment. The Prevention of Terrorism Act 2005, which came into effect on the 11th March, provides for the imposition of “control orders” upon individuals suspected of involvement in terrorism-related activity. These preventative orders, which impose one or more conditions upon an individual, are designed to restrict and disrupt further involvement in terrorism-related activity on a case by case basis. This could for example include measures ranging from a ban on the use of communications equipment to a restriction on an individual’s movement. The legislation is applicable to all individuals regardless of nationality or perceived terrorist cause.

The Nationality, Immigration and Asylum Act 2002 was an essential element of the UK Government's comprehensive overhaul of the UK's asylum, nationality and immigration system, ensuring secure borders and efficient management of migration. It included measures aimed at:

- Developing citizenship and nationality policy to create supportive, safe and cohesive community.
- Managing migration through legitimate routes.
- Counteracting organised immigration crime and illegal working.
- Developing a seamless asylum process which is clear from induction to integration or return.

The Act also introduced an expanded Non-Suspensive Appeal (NSA) system for asylum application cases which are clearly unfounded. 14 countries are now designated as in general free from persecution. Cases certified as clearly unfounded can only appeal that decision from abroad. The countries currently delegated are: Albania, Bolivia, Brazil, Ecuador, Ghana (men only), India, Jamaica, Macedonia, Moldova, Mongolia, Nigeria (men only), South Africa, Serbia, and the Ukraine.

3. Please provide information concerning the rules and regulations and practice concerning daily prayers/collective worship in schools in the UK.

England and Wales

All registered pupils attending a community school should take part in daily Collective Worship and it is the duty of the head teacher to secure this. However, parents have the right to withdraw their children from all or any parts of collective worship without stating a reason. Head teachers are expected to comply with any request for withdrawal.

Collective Worship should aim to provide the opportunity for pupils to worship God, to consider spiritual and moral issues and to explore their own beliefs. It should also encourage participation and response and develop a community spirit, promote a common ethos and shared values, and reinforce positive attitudes.

Collective Worship is intended to be appropriate for and to include all pupils, the timing and organisation of which can be flexible, and should take place on school premises as far as possible.

'Worship' is not defined in legislation, and is intended to, in some sense, reflect something special or separate from ordinary school activities. It should be concerned with reverence or veneration paid to a divine being or power.

Collective Worship in community schools is to be wholly or mainly of a broadly Christian character but distinctive of any particular Christian denomination. If this is inappropriate, the school can apply for a determination for the 'Christian' requirement to be lifted for the whole school or a group of pupils.

Scotland

The Education (Scotland) Act 1980, which repeals legislation of previous Acts dating back to 1872, imposes a statutory duty on local authorities to provide religious education in Scottish schools. Scottish Ministers believe that Religious and Moral Education, complimented by Religious Observance, makes an important contribution to the personal and social development of our young people as informed and responsible citizens, effective contributors, successful learner and confident individuals.

Current advice, set out in Scottish Executive Education Department Circular 1/2005, is that religious observance should provide opportunities for the school community to reflect on, and develop, a deeper understanding of the dignity and worth of each individual. It needs to take place sufficiently frequently to have an impact on the spiritual development of the school community. It is, however, the quality of such occasions which is of greatest importance.

The circular suggests that every school should provide opportunities for religious observance at least six times in a school year, in addition to traditional celebrations



central to the life of the school community, and preferably with greater frequency. It also recognises that many primary schools value weekly religious observance and will wish to continue with this.

In recognition of Scotland's Christian heritage, schools are encouraged to use the rich resources of this tradition when planning religious observance. Where there are significant numbers of the school community from faiths other than Christianity or with no faith commitment, this should be taken fully into account in devising the forms of religious observance provided. It is of central importance that all pupils and staff can participate with integrity in forms of religious observance without compromise to their personal faith stances.

However, parents do have a legal right to withdraw their children from religious observance (RO) and religious and moral education (RME). The most recent guidance from the Executive on religious observance makes clear that parents should be informed of this right, and that their wishes should be respected. Parents should be provided with sufficient information on which to base a decision.

Northern Ireland

The Education and Libraries (NI) Order 1986 (Article 21) sets out certain procedures and rules that primary and secondary schools (nursery schools are exempt) are meant to adhere to in relation to collective worship and religious education. The main points are as follows:

- Religious Education (RE) is compulsory in all grant-aided schools. Schools have to provide RE in accordance with the core syllabus specified by the Department. In controlled schools, RE must be non-denominational. In integrated and voluntary schools, RE is left under the control of the Board of Governors.
- Collective worship is compulsory in each school day in all grant-aided schools except nursery in Northern Ireland and is under the control of the managers of the school;
- Collective worship is required to be arranged so that the school is open to pupils of all denominations;
- Pupils may be excused from collective worship and religious education if their parent/s request it.

In accordance with legislation, and in light of their role as trustees and transferors of the majority of schools in NI, the leaders of the four main Christian Churches were asked to review the core syllabus for religious education in 2002 and, in doing so, to take account of the increasingly multi-cultural nature of society and of human rights and equality issues. The church leaders submitted their final proposals to the Department in January 2005 and the Department carried out an EQIA upon them. In November 2006, the Minister announced that the Department had accepted the Proposals as a good common core for the teaching of RE that schools can build upon



in a way best suited to the needs of their pupils and the ethos of the school. The revised core syllabus includes teaching about Christianity, morality and other world religions. There will also be a new requirement for pupils at Key Stage 4 to study The Christian Church from both a Protestant and Roman Catholic perspective. The core syllabus will be introduced alongside the revised curriculum and will be supported by teaching materials developed with the support of an advisory group co-chaired by the NI Council for the Curriculum, Examinations and Assessment and the Churches.

4. Please provide information on the introduction of the Traveller Law Reform Bill.

The Traveller Law Reform Bill was produced by researchers based at Cardiff University and was introduced by a backbench MP in 2 consecutive sessions of Parliament, but did not reach 2nd reading. The Bill sought to amend existing statutory provisions by seeking to ensure appropriate site and educational provision.

The main aims of the Bill were:

- The creation of a Gypsy/Traveller Accommodation Commission with responsibility for assessing the need for sites throughout England and Wales;
- A requirement on local authorities to facilitate site provision i.e. public and private;
- To make eviction of unauthorised encampments and developments more difficult for local authorities who have failed to facilitate the provision of appropriate sites.

Although the Government has not been required to take a view, it would not have supported it in the presented format. However, the Bill raised some interesting points that were subsequently under considered as part of the review of Gypsy and Traveller accommodation policy by the Office of the Deputy Prime Minister. The Government has an ongoing dialogue with the Traveller Reform Coalition about policy development. They are aware of the Government's views on the Bill. The Scottish Executive is aware of the work being done in Scotland by the Traveller Law Reform Coalition. In 2004, The Traveller Law Reform Coalition (TLRC) was awarded a grant from the Rowntree Charitable Trust to draft a Scottish Traveller Law Reform Bill. The TLRC visited Scotland in 2005 to help establish a steering group for the Bill. During this visit, a TLRC representative met with officials to be briefed on Scottish Executive policies on Gypsies/Travellers.

5. Please provide information on the fair employment legislation in operation in Northern Ireland and explain how the right freely to choose to be treated or not to be treated as a person belonging to a national minority under Article 3 of the Framework Convention may be affected by this legislation.

The Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO) which was made on 16 December 1998, makes it unlawful to discriminate against someone on the grounds of their religious belief or political opinion in employment or in the provision of goods, facilities and services. This includes a person's supposed religious belief or political opinion and the absence, or supposed absence of any, or any particular, religious belief or political opinion.

As set out in paragraphs 16 and 17 of this report (and summarised here for convenience), the term “national minority” has no legal meaning in the UK. The UK’s ratification of the Framework Convention was based on the understanding that it would be applied with reference to “racial groups” within the meaning of the Race Relations Act 1976 (and the Race Relations (Northern Ireland) Order 1997), which is to say any groups defined by “colour, race, nationality, national or ethnic origins” – providing of course that they are also in a minority in the UK. It should be noted that the Race Relations (Northern Ireland) Order 1997 specifically provides that “racial group” does not include a group of persons defined by reference to religious belief or political opinion.

FETO is therefore different from the Framework Convention as it refers to members of religious or political groups only. However we anticipate that the Advisory Committee may be interested in the following explanation of how the Order works in relation to Article 3.

For the purposes of the Order direct discrimination is the less favourable treatment of someone on the grounds of their religious belief or political opinion. Indirect discrimination may occur where a provision, criterion or practice, although applied equally to all, would put persons of a particular religious belief or political opinion at a particular disadvantage compared with other persons unless that provision, criterion or practice is objectively justified by a legitimate aim.

Discrimination also includes the victimisation of someone because that person has asserted, or assisted someone else to assert, their rights under the Order.

The Order also covers harassment.

The Order places a number of significant duties on employers including workforce monitoring. All private sector employers with more than 10 full time employees are required by the law to register with the Equality Commission for Northern Ireland (public sector employers are specified by order and are automatically deemed to be registered). Public sector and registered private sector employers are required to submit annually to the Commission a monitoring return giving details of the "community background" of employees, applicants, promotees etc. Failure to submit a monitoring return is an offence. Employers are also required to carry out a review of their employment practices at least every three years in order to determine whether



members of each community are enjoying fair participation in employment and, if not, to determine the affirmative action necessary to secure fair participation. Monitoring information is only used for the purposes identified in the Order and there are strict requirements relating to its release.

"Community background" in this context means belonging to either the Protestant or the Roman Catholic community in Northern Ireland. The focus of fair employment legislation is not only on actual community background but also on a perception of an individual's social and political as well as community background. The historical divisions in the community in Northern Ireland have tended to cleave along a common line of religion and politics, reflecting two broadly different cultures.

The Regulations governing the monitoring provisions require employers to make a determination of community background. The principal method identified by the Regulations for making this determination is to ask an employee, applicant etc the direct question i.e. whether the person is a member of the Protestant, the Roman Catholic or neither community. Where there is no response to the direct question or the response indicates that the person concerned considers himself to be a member of neither community, the employer has the option of making a determination based on written information supplied by the person concerned such as school attended, social activities etc and which tends to show a connection to one of the communities. Employers are encouraged in these circumstances to make such a determination.

Monitoring information is used to assess 'fair participation' of Protestants and Roman Catholics in the workforce, so it is critical that monitoring returns are completed. The Equality Commission publishes each year a Monitoring Report, which gives overall information on the make-up of and trends within the monitored workforce. Monitoring data for individual employers with 25 or less employees are not published in the Fair employment Monitoring Reports because of the potential to identify individuals' community background.

Under the Fair Employment (Monitoring) Regulations (NI) 1999 employers are obliged, for the purpose of preparing their monitoring returns, to determine the community of their employees and applicants for employment. As explained above the principal method of determination is the direct question. Those who reply do so voluntarily and so freely choose to be treated as members of a particular community. The position is not so straightforward where the residuary method of determination is used to determine community background.

A person who is determined as belonging to a particular community is not "treated as such" by the employer, in the sense of being dealt with or subjected to some action on the basis of the determination. The determination for the individual only has statistical consequence, and no disadvantage flows to the individual.



6. Please provide information on the legal framework, policy and practice in relation to the display of traditional local names, street names and other topographical indication intended for the public, in particular in relation to Wales, Scotland and Northern Ireland.

The legislation governing the placing of street name signs is the Town Improvement Clauses Act 1847, the Public Health Act 1925 and (in London) the London Building Acts. These do not specify sign designs in detail. The design and use of traffic signs placed for safe and efficient traffic management is specified in the Traffic Signs Regulations and General Directions (TSRGD).

Wales

The use or adoption of place names and street names in the Welsh language is covered within the Welsh Language Schemes of the responsible bodies.

The vast majority of road signs are the responsibility of local authorities or the Welsh Assembly Government. The accepted and usual practice, in line with commitments in Welsh Language Schemes, is for them to be bilingual. In terms of place names and topographical features, this means that where English and Welsh versions of the names exist, both will be depicted on signs. Many place names and topographical features only have Welsh names and this therefore is the version depicted.

Policies on street names vary from authority to authority. For example, some authorities have adopted a policy whereby all new street names are bilingual; others ensure a 50-50 split between English and Welsh street names; others again have bilingual or Welsh only names. All authorities ensure use of the Welsh language in one form or other.

Provided that the correct address and post code are used, the Post Office will deliver to its normal service standards letters and parcels which bear either the Welsh or English name in Wales officially adopted and displayed by the local authority. To make it easy for customers to find and use the correct Welsh form of addresses in Wales, the Post office ensures that the products it provides to assist addressing allow convenient identification of Welsh official addresses.

The Welsh Language Board can advise organisations about place names, but it is not responsible for them.

The Welsh Place Names Advisory Service transferred from the Assembly Government to the Welsh Language Board in 2001 and is run in partnership with the University of Bangor's Place Names Research Centre. It provides advice to organisations and individuals on the standard forms of place names in Wales.

Scotland

In Scotland, provision of road signs is a matter for the appropriate roads authority who work within the confines of the Traffic Signs Regulations and General Directions 2002. This legislation is reserved to Westminster. Only road signs contained in the

Traffic Signs Regulations and General Directions 2002 can be used by roads authorities in Scotland. However, it is open to the road authority to make application for authorisation of non-prescribed traffic signs, e.g. bi-lingual English/Gaelic directional signs. Such applications are decided by the Scottish Executive on a case by case basis.

Street nameplates come under the auspices of the Civic Government (Scotland) Act 1982.

Northern Ireland

In Northern Ireland, district councils are only responsible for the display of street names. Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995 provides that a council may erect nameplates showing the names of streets, roads, lanes etc. and that such nameplates may be in English or any other language. Article 11 also enables a council, where it has erected a nameplate in English, to erect a second nameplate expressing the name of the street in a language other than English. In exercising the above powers in relation to any street, the only condition applying to a council is that it must have regard to any views on the matter expressed by the occupiers of premises in that street. It is a matter for individual councils to determine, within the scope of the above legislation, their own policy and practice on the erection of nameplates in streets in their areas.



ANNEX A

List of Organisations to which Draft Report was Sent

1990 Trust
African and Caribbean Evangelical Alliance
African and Caribbean Finance Forum
African Caribbean Leadership
Al-Khoei Foundation
Anti-Racist Alliance
Baha'I Community of the UK
Belfast Islamic Centre
Belfast Travellers Education and Development Group
Black and Ethnic Minorities in Scotland (BEMIS)
Black Jewish Forum
Board of Deputies of British Jews
Buddhist Society Council of Churches
Celtic League
Charter 88 Limited
Chinese in Britain Forum
Churches Commission for Racial Justice
Commission for Racial Equality
Committee on the Administrative of Justice, Belfast
Confederation of Indian Organisations
Consortium of Bengali Associations
Cornish Language Board
Cornish Stannary Parliament
Cornish Steering Group, FCPNM
Cornwall County Council
Cornwall 2000
Council of Churches for Britain and Ireland
Council of Ethnic Minority Vol. Sector Organisations
Derry Travellers Support Group
EUROLANG
Forum Against Islamophobia and Racism (FAIR)
Greater Sylhet Development & Welfare Council in the UK
Gypsy Council
Haredim Community
Imams and Mosques Council (UK)
Institute of Jainology
Institute of Race Relations
Interfaith Network
Inter-Parliamentary Council against Anti-semitism
Islamic Cultural Centre



Islamic Foundation
Joint Council for Anglo-Caribbean Churches
Joint Council for the Welfare of Immigrants
Justice
Kent CC
Liberty
Mandarin Speakers Association
Minority Rights Group
Multi-Cultural Resource Centre
Muslim College
Muslim Council of Britain
National Council of Hindu Temples
National Travellers Action Group
Northern Ireland Council for Ethnic Minorities
Northern Ireland Human Rights Commission
Policy Studies Institute
Rastafarian Society
Runnymede Trust
SAI
Save The Children
Sikh Forum (UK)
Sikh Human Rights Group
Society of Asian Lawyers
Society of Black Lawyers
Three Faiths Forum
Trades Union Congress
Union of Muslim Organisations
West Indian Standing Conference
World Zoroastrian Society



ANNEX B

Bodies Submitting Comments on the Draft Report to DCLG

Celtic League
Celtic League (Cornish Branch)
Commission for Racial Equality (CRE)
Cornish Ethnicity Data Tracking Group
Cornish Language Fellowship
Cornish National Minority Group
Cornish Stannary Parliament
Cornish Steering Group, FCPNM
Cornwall 2000
Cornwall County Council
Equality Commission Northern Ireland
EUROLANG
European Bureau of Lesser Used Languages (UK)
European Parliament Intergroup for Traditional National Minorities
Gorseth Kernow
Mebyon Kernow
Northern Ireland Human Rights Commission
Tyr-Gwyr-Gweryn
UK Race and Europe Network
Ulster Unionist Party

DCLG also received responses from 12 individual members of the public and 2 Members of Parliament

