

ANNUAL REPORT OF THE

**COMMISSION FOR  
RACIAL EQUALITY  
IN SCOTLAND**

1 JANUARY 2003

TO 31 DECEMBER 2003

# FOREWORD

by Kay Hampton,

CRE commissioner for Scotland



Change and a fast pace of activity characterised 2003 for me – both personally, as a new CRE commissioner, and in terms of the amount of work we have had to contend with in Scotland.

One of the first major engagements I had as a new commissioner was the launch of the code of practice on the new duty to promote race equality in Scotland, a duty that brought with it considerable challenges, and I would argue considerable opportunities, for Scotland's public sector. Just over a year on, in December 2003, we published *Towards Racial Equality in Scotland*, our evaluation of how Scotland's public sector had performed on the new duty during its first year. We were confidently able to say that significant progress had been made, and that all authorities required to do so had published a race equality scheme (RES).

However, the report showed that authorities had some way to go to establish that crucial link between racial equality and core business activity, between policy intention and the delivery of real outcomes for the people of Scotland. Authorities fell into three broad categories: those whose RESs and race equality policies (REPs) had serious weaknesses, and who could be subject to legal action by the CRE in the future; those who, while compliant, needed to make significant improvements; and a small group who had produced good RESs, but needed support to improve in particular areas. Much remains to be done, but the report represents a most encouraging first step. Our challenge as we move into 2004 is to tackle under-performers and those who are complacent about the new duty, and, with partners such as the Scottish Executive, support authorities that are willing to comply but need some extra help to get it right.

May 2003 saw the elections for the second session of the Scottish Parliament. Although the political representation of Scotland's ethnic minorities continues to be an issue, there are good things to reflect on

from the first session, many of which are touched on in this report. Whether it is the scrutinising role of the Equal Opportunities Committee, providing us with the chance to shape debate and influence legislation, or the opportunities offered by Section 5 of the Scotland Act 1998, the Scottish parliamentary process gives us a real chance to achieve a step-change in racial equality. We contributed to this by publishing a second edition of *Racial Equality Matters*, our parliamentary manifesto, setting out what we consider to be the main challenges for the second session. In 2004 we will be moving up a gear, by working with MSPs to promote our ideas and secure their 'buy in'.

While there is much to be positive about and tangible progress to be noted, issues such as the public reaction to the dispersal of asylum seekers in Scotland, the holding of children at Dungavel Detention Centre, and the revelations of the BBC documentary *The Secret Policeman* all serve to underline the importance of avoiding complacency, and the difficulty of making sure that policy is translated into practice on the ground. The importance of confronting racism, promoting equality, and maintaining good relations between all communities must be kept high on every institution's priority list.

The energy injected into the commission by our new chair is infectious. As part of the agenda for modernising the organisation, we established a new style of committee to advise us on our work in Scotland. The Scotland Advisory Board consists of individuals with the expertise to inform and develop our work. We hope this approach will help us to be more interactive in our work, and to make sure our work reflects the wider policy environment.

As part of the same agenda, we reviewed our funding arrangements for local racial equality organisations, placing greater emphasis on the outcomes to be achieved. 2003 saw the first batch of successful applications under this new policy. In Scotland, we successfully extended the range

of services offered, and also ensured that basic provision was more widely and readily accessible.

We also developed and consulted on our new legal strategy, as part of our modernisation programme. This will make sure that our legal work is more strategically focused, and ensure the widest possible effect of any legal action we take.

In looking forward to 2004, there are many opportunities and challenges ahead. We appointed a new director in December 2003, who will be responsible for building on the considerable successes of the past and opening up new opportunities and ways of working. One of her early challenges will be to set out how we intend to follow up *Towards Racial Equality in Scotland*, combining our unique law enforcement powers with supportive methods to ensure that the progress already made is not lost. Cooperation with, and the support of, partner organisations will be critical to our success.

The challenge of the move towards the new Commission for Equality and Human Rights is a considerable one, and we await the report of the government's task force and the publication of its White Paper with interest. In response to *The Secret Policeman*, we are currently engaged in talks with the Association of Chief Police Officers in Scotland to find the best way to address the issues raised by the programme for Scotland. The challenge will be to address these difficult issues in the spirit of partnership, while ensuring independent scrutiny in which the public can have confidence.

So, there is much to do, but I believe there is no more important agenda if we are to realise a socially just and inclusive Scotland, where all communities can feel truly at home.



**Kay Hampton**

# 1 PROMOTING RACIAL EQUALITY

**W**e devoted much of 2003 to making sure that public authorities were meeting the duty to promote racial equality effectively. We also continued to make progress in promoting racial equality in the private sector.

## The duty to promote race equality

We continued to work with the Scottish Executive's Race Equality Scheme Implementation Group, which meets regularly to assess progress on the duty, to share information, and to identify areas of common concern and emerging good practice. In addition to guiding and supporting individual authorities, we strengthened our links with audit and inspection agencies, and began discussions with the main agencies in each sector on how we can work together, and enforce the duty where necessary.

One of our major pieces of work during the year was our survey of 77 public authorities, including local authorities, education authorities, central government agencies, and police forces. The aims of the survey were to get an idea of the nature, extent and quality of public authorities' responses to the race equality duty; to identify and promote more widely examples of good practice; and to inform our plans for promoting the duty. We reviewed published race equality schemes and policies, using a combination of the questionnaires used for our equivalent survey in England and Wales, and a template based on the race equality duty and our published guidance.

The survey revealed that, although a third of the public authorities surveyed had made substantial progress on meeting the duty, just under a third had not responded adequately.

We launched our survey report, *Towards Racial Equality in Scotland: Are public authorities meeting the duty to promote race equality?*, in December 2003, at a conference addressed by Margaret Curran MSP, minister for communities, and our deputy chair and commissioner for Scotland, Kay Hampton. Speaking at the event, the new permanent secretary to the Scottish Executive, John Elvidge, committed the Executive to working with us to make sure the duty is met effectively. We plan to issue compliance letters as appropriate in 2004, in partnership with the executive and the relevant inspectorates.

Complementing our own survey, we helped the National Resource Centre for Ethnic Minority Health to carry out similar reviews on behalf of NHS Scotland and the Scottish Executive, and in partnership with the Scottish Further and Higher Education Funding Councils, contributed to an assessment of college and university policies by the Gus John Partnership. We provided institutions with feedback, and helped them to identify examples of good practice, and areas where they needed further support.

In August, in partnership with the Scottish Executive and the Convention of Scottish Local Authorities, we launched two guides – one for local authorities, including police and fire authorities, and one for public bodies in other sectors, including health and education. The guides explain what authorities must do to meet the race equality duty when procuring work from contractors. The guides provide detailed advice on considering racial equality at all stages of the contracting process, and also contain guidance for potential contractors. During the consultation period, we convened an advisory panel, with representatives from local government, the Scottish Parliament, and academia, to inform our work. At the launch, Margaret Curran MSP, minister for communities, underlined the importance of clear guidance, and the role of public authorities in helping to achieve racial equality.



**Audit and inspection**

During the year, our Audit and Inspection Working Group continued to build good working relationships with individual audit and inspection organisations, consolidated by formal agreements setting out how we will work together. In 2003, we agreed protocols with Communities Scotland, Her Majesty’s Inspectorate of Education (HMI Education), and Her Majesty’s Inspectorate of Constabulary (HMI Constabulary).

We continued to assist inspectorates on their inspection visits, which allowed us to improve our understanding of their work, and of emerging issues within particular sectors. We joined HMI Constabulary on its inspection of Lothian and Borders Police, Her Majesty’s Inspectorate of Prisons (HMI Prisons) on an inspection of HMP Barlinnie, and HMI Education and Communities Scotland on inspection visits. We also worked closely with the newly formed Crown Office Inspectorate.

**Health**

Throughout the year, we helped national and local health organisations throughout Scotland to develop policy and good practice, and made sure that boards and trusts were making effective arrangements to meet the duty, and that NHS Scotland was able to support them adequately.

One of our main concerns was to make sure that central policy was being assessed for its potential effect on ethnic minority groups. During the year, we responded to seven consultations on proposed changes in NHS practice, in areas such as the provision of hospital food, sexual health, and reforms to the NHS complaints system. As a result of this work, NHS Scotland set up an Impact



**AD HOC POLICY GROUPS**

In 2003 we organised a series of policy groups for health practitioners to discuss changes in national health policy. The policy areas covered were guidance on the Carers Act 2003, the Scottish Cancer Strategy, and the Coronary Heart Disease (CHD) and Stroke Strategy. The purpose of the groups was to encourage dialogue between practitioners and the Scottish Executive, and to help us shape responses to government policy.

Discussions at the group looking at guidance for carers led to a number of amendments being made to the existing guidance, and to the general strengthening of the sections on racial equality. Assessors were advised to pay closer attention to the home care needs of ethnic minority carers, whose circumstances may differ from those of white carers, and who may have different needs.

The Scottish Cancer Strategy group looked at the extent to which the current strategy meets the needs of ethnic minority cancer sufferers and their carers. As a result of this and related work, a new partnership project has been set up between Cancer BACUP and the ethnic minority voluntary sector to provide direct support to newly diagnosed cancer patients from ethnic minorities. This work will initially be piloted in southern and eastern Scotland.

The work of the CHD and Stroke Strategy group led to a series of further meetings with the Scottish Executive’s Health Department, to look at the extent to which the NHS can respond to the higher incidence of CHD and stroke in ethnic minority communities. This work complements existing initiatives, and a larger study of the morbidity rate of UK- and non-UK born patients.

Assessment Programme, which will formally screen all policy for its effects on minorities.

We consolidated our close partnership with the newly formed National Resource Centre for Ethnic Minority Health, and worked with it on a programme of joint activity, reflecting the priorities of both the duty to promote race equality and the NHS Scotland initiative, Fair For All.

### Criminal justice

We spent much of the year helping police forces meet the race equality duty. We also advised the Association of Chief Police Officers in Scotland (ACPOS) on strategy development, including its diversity strategy.

In October, we watched the BBC documentary *The Secret Policeman*, and were shocked by the evidence of racism at a police training college. We followed the broadcast of the programme with an announcement that we intended to launch an investigation into racism in the police service throughout

In October, we supported the launch of SEMPER Scotland, the country's first ethnic minority police association, and welcomed its determination to have an active role in dealing with the challenges facing the Scottish police service.

We continued to contribute to the work of the Scottish Prison Service Race Relations Liaison and Monitoring Group, which helped make sure that the recommendations made by HMI Prisons following its inspection of HMP Barlinnie were put into effect. We also met the chief executive of the Scottish Prison Service to confirm our commitment to working together to make sure that progress towards racial equality is made across the service.

### Social work

During the year we responded to a number of Scottish Executive policy consultations, particularly on the guidance on 'culturally competent assessments' associated with the Carers, Community Care and Health (Scotland) Act 2002. We also assisted the Care Commission and the Scottish Social Services Council with their race equality schemes.

### Education

We responded to a number of consultations and policy developments during the year.

The Scottish Executive's Circular 8/03 set out guidance on school exclusions. We emphasised the need for effective monitoring systems, and better support for all staff in order to meet the race equality duty. We also recommended that the guidance should include a section on meeting the needs of pupils, parents and guardians for whom English is not the first language.

In our response to the Scottish Executive's consultation paper and draft bill, 'Ensuring Improvement in Our Schools', we broadly supported ministers having the power to intervene in the running of failing schools, and agreed that these arrangements should be extended to cover grant-aided and



David Cheskin / PA

▲ HM Prison Barlinnie in Glasgow: we joined Her Majesty's Inspectorate of Prisons on its inspection, and helped ensure that its recommendations were acted upon.

England and Wales. Kay Hampton, our deputy chair and CRE commissioner for Scotland, argued that such an investigation could be counter-productive in Scotland, where a partnership relationship has been built up with the eight police forces. At the turn of the year, we began discussions with ACPOS on the joint approach we should take to address the issues raised in the programme.

independent schools. We also recommended that education authorities that are failing to meet the duty to promote race equality should be subject to the same procedure.

We raised four areas of concern in our response to the draft Education (Additional Support for Learning) (Scotland) Bill: the definition of additional support needs; the process of assessment and evaluation; the availability of appropriate interpretation and translation services; and the need for education authorities to report on what they decide is not practicable on the grounds of cost. We also recommended that guidelines should be produced on the assessment of bilingual children with special educational needs, including effective communication with their families, and monitoring.

We worked closely with the Scottish Further and Higher Education Funding Councils on a number of projects (including the assessment of college and university race equality policies; see p 4), and made detailed comments on a range of guidance and planning papers. These included consultations on future funding and priorities for the Scottish Further Education Unit, careers education, information and guidance in further education, and the funding councils' joint corporate plan.

### **Housing**

We provided detailed comments on chapters 5 to 13 of the Scottish Executive's draft code of guidance on homelessness. Our response emphasised the importance of recognising the needs of ethnic minority communities, encouraging applications for social housing, and providing support during the application process.

We urged local authorities to take safety and security into account when considering the type of accommodation they offer to people from ethnic minorities, bearing in mind the potential for racial harassment. In particular, we recommended that assessments of private landlords should include rigorous equality standards, and that equal standards

(comparable with those currently applied to registered social landlords) should be applied to all housing providers.

Our principle recommendation in response to *Stewardship and Responsibility: A policy framework for private housing in Scotland*, the report by the Scottish Executive's Housing Improvement Task Force, was that local authorities should be reminded of the race equality duty when they intervene in matters involving private landlords – for example, in relation to repairs and other works. We were pleased that the task force had mainstreamed equality throughout the project.

### **Working with business**

We worked with a number of private sector organisations during 2003 to promote racial equality.

We worked closely with the Scottish Executive on the Strategy Unit's recommendations on ethnic minorities and the labour market, and we are planning a variety of initiatives in 2004 to look at how we can make sure the recommendations are put into effect. The Scottish Enterprise Network agreed to support our work in this area.

We strongly welcomed the decision by Scottish Enterprise and the Scottish Executive to commission research into the issues facing ethnic minority enterprise in Scotland. This meets one of the key recommendations of the 2001 Race Equality Advisory Forum report. Self-employment among ethnic minorities is higher in Scotland than in England and Wales, but the reasons for this are not properly understood. We commented in detail on the form and content of the research, and helped with the planning of a consultative event, which was held in November. The findings of the research are expected in August 2004.

We worked with Scottish Enterprise Glasgow to commission research on industrial homeworking among ethnic minority women in the city. The research will improve our understanding of women's employment decisions and circumstances, and inform

## SCOTTISH SOCIAL ATTITUDES

We supported NatCen Scotland in its research for the Scottish Social Attitudes survey, together with the Disability Rights Commission, the Equal Opportunities Commission, Stonewall Scotland, and the Scottish Executive. The survey included questions exploring the extent and character of discriminatory attitudes in Scotland towards disability, gender, sexual orientation, and ethnicity. The results of the survey included the following findings:

- The majority of people surveyed (68%) said that Scotland should do all it can to get rid of all kinds of prejudice.
- Some groups are thought to experience more prejudice than others: 56% of people surveyed said they thought there was a great deal of prejudice in Scotland towards people from different racial or ethnic backgrounds, while 49% said the same regarding gays and lesbians, 31% said the same regarding disabled people, and only 20% said this regarding women.

our long-term strategy for supporting homeworkers from ethnic minorities. The research began in November, and we continue to provide advice through the research steering group. Findings are expected in May 2004.

We helped Jobcentre Plus to develop initiatives for increasing the number of ethnic minority jobseekers who find work. We were closely involved in setting up the Diversity Works project, together with Jobcentre Plus, the Scottish Council for Voluntary Organisations, Careers Scotland, ethnic minority employment and training intermediaries, and private sector employers, and advised on ways of improving engagement between employers and ethnic minority clients. Employers in the retail, health, financial, transport and legal sectors have agreed to take part in the project, and an event is being planned for spring 2004 at which clients will be matched with employers.

In November, we responded to the Scottish Executive's report, 'Differences in

New Deal Performance between White Clients and Those from Ethnic Minority Groups', and recommended that it should be supplemented by local research. The Executive agreed to consider funding this study, and will consult us further, alongside partners such as Jobcentre Plus and Careers Scotland, about the form and content of the research.

In December, we renewed our relationship with the Scottish Trades Union Congress (STUC) and agreed to work together to achieve joint priorities. We provided detailed comments on One Workplace, Equal Rights, the STUC's two-year project on promoting racial equality in the workplace. The project will be launched in March 2004, and we will continue to support it through its advisory group. The STUC also agreed to assist us with the consultation for our updated statutory code of practice for eliminating racial discrimination and promoting equal opportunity in employment, and will be sending consultation questionnaires to affiliated unions.



# 2 USING OUR LEGAL POWERS

The development with the most far-reaching effect on our work in 2003 was the introduction of the CRE's new legal strategy. The strategy owed much to the approach already adopted in the CRE Scotland office, which we reported on in last year's report. It emphasised the need to:

- support strategic casework;
- support the transfer of legal expertise to advisory agencies; and
- maximise the effect of the race equality duty through targeted legal action.

We developed a Scottish version of this strategy, to reflect Scotland's separate legal system, and the political and policy context under devolution. We consulted on the strategy, and received a wide range of generally supportive and useful responses.

## Strategic law enforcement

### Advice, assistance and representation

We received 360 enquiries during 2003 (compared with 474 in 2002, and 330 in 2001).

We have always received a small number of enquiries relating to alleged discrimination on the grounds of religion. Following the introduction of regulations prohibiting discrimination on the grounds of religion or belief in employment, we received 18 such enquiries. However we do not take on such cases unless they are also covered by the Race Relations Act.

During the year, we received 77 formal applications for assistance (a drop of 39% compared with 2002), of which 36 concerned employment matters and 41 non-employment matters (see Table 1). None of the applications were outside the scope of the Race Relations Act.

In line with previous years, twice as many applications were from men (52) as from women (25). As Table 2 shows, the largest numbers of applications came from individuals from Pakistani (12) and Indian (10) backgrounds.

We considered 108 applications during 2003 (not all of these were received during the calendar year). Of these, four were granted representation (compared with 13 in 2002), and 10 received representation through a trade union or other organisation (compared with 12 in 2002). Sixty-eight did not receive any further assistance (compared with 86 in 2002).

### Racial equality organisations

In line with our legal strategy, we encouraged greater availability of good legal advice and assistance across Scotland. Of the seven locally funded racial equality organisations in Scotland, six provide casework services to those facing racial discrimination or harassment; the seventh is a newly established partnership, which spent 2003 establishing an effective approach based on a comprehensive consultative exercise with local communities.

The funding for some racial equality organisations began during the year, and in some cases caseworkers were appointed as late as the autumn. For this reason, the figures reported below in some cases represent less than 12 months' work. For some organisations, the funding we provide is only part of the total financial support they receive; this is worth noting particularly for organisations that mainly provide casework services.

Central Scotland Racial Equality Council (REC) reported 16 new enquiries, and handled 17 cases of racial harassment and seven

**TABLE 1: APPLICATIONS FOR CRE ASSISTANCE IN SCOTLAND, 2003**

	EMPLOYMENT		NON-EMPLOYMENT		OUT OF SCOPE		TOTAL	
	Jan – Dec 2002	Jan – Dec 2003	Jan – Dec 2002	Jan – Dec 2003	Jan – Dec 2002	Jan – Dec 2003	Jan – Dec 2002	Jan – Dec 2003
Formal applications	51	36	74	41	1	0	126	77

**TABLE 2: APPLICATIONS FOR ASSISTANCE, BY ETHNIC GROUP, 2003**

	Total
Bangladeshi	1
Black African	6
Black Caribbean	0
Black Other	6
Chinese	5
Indian	10
Irish	5
Other	28
<i>Gypsy/Traveller</i>	6
Pakistani	12
White	4
<i>Scots</i>	1
<i>English</i>	1
<i>Other</i>	0
<b>Total</b>	<b>77</b>

cases of racial discrimination. Although none of these cases led to full representation during the reporting period, one case was settled with an award of £500.

In the final quarter of the year, the Ethnic Minority Law Centre handled 12 new enquiries, and handled six cases of racial harassment and 10 of racial discrimination.

Grampian REC reported 11 new enquiries, 54 cases of racial harassment and four racial discrimination cases.

West of Scotland REC reported 73 new enquiries, and dealt with 14 cases of racial harassment and 14 of racial discrimination. One case it successfully represented attracted an award of £33,000 (see the box on p 11). It also represented cases at three full and three preliminary hearings.

**Scottish Gypsy Travellers**

The largest number of individual casework applications in 2002 came from the Scottish Gypsy Traveller community, and this pattern continued in 2003. This reflects our strategy, agreed with organisations representing the community, of trying to clarify Scottish Gypsy

Travellers’ status under the Race Relations Act (RRA). Although Gypsies and Irish Travellers are recognised ethnic groups under the RRA in England and Wales, there have been no parallel decisions in a Scottish court or tribunal regarding Scottish Gypsy Travellers.

We have for some time proceeded on the basis that Scottish Gypsy Travellers should be legally protected under the Act. During the year we continued to work to find a suitable case that could establish the necessary legal precedent. We have also worked to build relations with the Scottish Gypsy Traveller community, attending meetings and visiting sites to discuss the legal situation and explore the range of legal options. By the end of the year, we had an employment tribunal application outstanding, and one sheriff court case pending further expert reports. We worked with individual complainants, community organisations, leading counsel and academic experts to explore ways of making progress on this issue.

**Building access and expertise**

We continued to develop our links with advisory agencies, to increase their capacity for responding effectively to cases of racial discrimination and harassment, and to promote the transfer of legal expertise between them.

We particularly targeted parts of Scotland where there were no viable local services. We worked with a number of agencies in the Dundee, Perth, and Edinburgh and Lothian areas. We provided initial training sessions followed by continuing support.

Following a model developed in our Birmingham office, we discussed a proposal to pilot a casework link service with a number of trade unions, as a means of supporting victims of discrimination with a more coherent and consistent service. Initially, the scheme will involve UNISON, the Association of University Teachers, the National Union of Journalists and Thompsons, which takes on a lot of trade union representation work.

During the year we also organised a reg-

## The importance of internal complaints procedures

The respondent organisation in this case is a major employer in both Scotland and the rest of the UK.

The applicant was transferred to a new office, and almost immediately started to suffer sexual and racial harassment from a colleague. The applicant's health began to suffer, and she was prescribed anti-depressants by her GP.

The applicant was advised that an internal investigation would be conducted, and that she would be advised of the outcome in a month's time. The investigation was in fact concluded some nine months later, at which time the applicant received a formal apology and was advised that all but one of her complaints of sexual and racial harassment had been upheld.

The respondent organisation agreed a five-figure sum in full and final settlement of her claim, but without admission of liability. A confidentiality clause was attached to the amount awarded. The respondent also agreed to meet CRE staff to review its equal opportunities policies.

The case highlights the importance of using internal complaints procedures. It is also unusual, as the procedure resulted not only in the applicant obtaining compensation for injury to feelings, but also helped to achieve a resolution that was to the satisfaction of all parties concerned.

ular forum for individual caseworkers to share their experiences and expertise, and learn about significant legal developments; produced a number of leaflets outlining people's legal rights; and drafted materials for both caseworkers and clients to improve their understanding of discrimination law and the available remedies.

### Supporting improvements to the legal process

Seeking appropriate changes to the legal process is an important area of our work.

In one case last year, the applicant was granted full representation. Proceedings in the sheriff court had made considerable progress, when the applicant also obtained alternative representation to raise judicial review proceedings. Following discussion with all the lawyers involved, it was agreed with the applicant to put the sheriff court

proceedings on hold, and to pursue the judicial review. The applicant's solicitors cited us as an interested party, and we entered an appearance, stating our wish to intervene in relation to section 71 of the Race Relations Act. This is the first time that CRE Scotland has appeared as an interested party in a case.

Towards the end of the year we had detailed discussions on our legal strategy with officials from the Scottish Executive responsible for the review of Scottish Legal Aid. We pointed out that our quality standards accord with the casework standards introduced in England and Wales by the Community Legal Services Commission. We await the findings of the review with interest.

Together with the Disability Rights Commission and the Equal Opportunities Commission, we set up professional panels of solicitors and advocates during the year to discuss current issues in discrimination law.

# 3 WORKING WITH COMMUNITIES



e extended and deepened our connections with local communities throughout Scotland in 2003.

## Scottish Parliament

In 1999, we produced an agenda for the Scottish Parliament, *Racial Equality Matters*, to draw attention to the main race issues

in Scotland. In 2003, towards the end of Parliament's first session, we reviewed the progress that had been made, and considered where we should focus our attention for the second session.

Progress in the first session included:

- amendments to important legislation, notably the Housing and Education

Bills, strengthening the equality

dimension within them;

- a number of measures to improve the participation of, and engagement with, ethnic minority communities – for example, on public appointments;
- an investigation by the Equal Opportunities Committee into the circumstances and concerns of Scottish Gypsy Travellers;
- an amendment to the Census Order, asking a question on religion for the first time; and
- an all-party investigation into the options for affording greater protection to faith groups against religious hatred.

In general, we were pleased with the commitment to ensuring that equality was considered as an essential aspect of all legislative proposals.

We developed our agenda for Parliament's second session in the light of this review. Our new agenda was also influenced by our assessment of the Partnership Agreement (the joint statement by the Scottish Labour Party and Scottish Liberal Democrats that forms the basis of the Scottish Executive's programme for the next four years). The agenda is summarised in the box

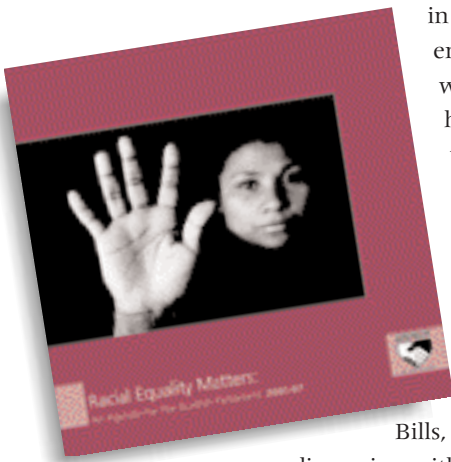
on p 13. We provided a private briefing on the agenda to the Equal Opportunities Committee in September; some of our agenda items – on Scottish Gypsy Travellers, and the government's proposals for a single equality commission – are included in the committee's own work programme. The committee agreed to consider sampling the effect of the public duty in a specific sector in due course. We met Marlyn Glen MSP and Shiona Baird MSP, the race and religion reporters to the committee, respectively, to provide an initial briefing on our work, and to outline how we might work together to make more effective progress in achieving racial equality.

## Legislative programme

Prior to the Scottish Parliamentary elections in May, we produced a guide, *How to Hold an Election Meeting*, in preparation for the election campaigns. This document was targeted largely at those working directly with local communities, and aimed to stimulate greater openness in electoral activity in order to encourage wider participation and representation. The guide detailed practical steps for preparing and managing an election meeting, and included a letter template and a poster, details of local and national political contacts, and a briefing on access issues.

As part of the same programme of work, we produced a paper for MSPs called *Politics, Representation and Engagement: Race and Political Parties*, which encouraged political parties to give more thought to race issues. We held a series of meetings with the main political parties to explore these issues in more depth.

During the year we contributed to the development of a number of important bills. In our response to discussions on the Anti-Social Behaviour Bill, we focused on ethnic minority younger people as both potential perpetrators of anti-social behaviour and potential victims of racial harassment from younger white people. Our response also stressed the need for clearer strategies for tackling racially motivated harassment, and anti-social behaviour generally.



## RACIAL EQUALITY MATTERS: AN AGENDA FOR THE SCOTTISH PARLIAMENT 2003-7

We would summarise the challenges of the second session as follows:

- to assess the effect of key legislative provisions, including the amended Race Relations Act;
- to develop a national language strategy and implementation plan that includes interpretation and translation services;
- to develop and introduce further tools for MSPs and staff on mainstreaming equality;
- to introduce equality statements to accompany all legislative proposals;
- to introduce an offence of religiously aggravated harassment, and extend the law on incitement to cover religious hatred;
- to inquire into the appropriate equality structures and powers for the proposed single equality board in Scotland;
- to encourage the development of an action programme on corporate social responsibility that promotes and includes racial equality outcomes;
- to establish a national ethnic monitoring strategy to meet the needs of communities and the requirements of the law;
- to assess the progress of the review of community legal services in meeting the needs of all communities;
- to promote the benefits of migration and its effect on good race relations as part of future education campaigns;
- to maximise the opportunities offered by devolution to lead debate and practice on asylum and refugee issues;
- to develop a programme of action on the needs of the Scottish Gypsy Traveller community, and begin to consider the needs of new diverse communities settling in Scotland; and
- to develop and test approaches to engaging ethnic minority communities as part of a wider agenda of civic renewal, access and participation.

Our discussions with the team working on the Mental Health (Care and Treatment) (Scotland) Bill resulted in an amendment to the bill introducing a 'diversity principle'. This emphasised that providers need to consider the patient's religion, race, cultural or linguistic background, and ethnicity; and their ability to communicate in English. We also discussed associated guidance, regulations, and the code of practice. We met with a team reviewing the bill to discuss our concerns that it failed to acknowledge issues of access to, and experience of, mental health services for ethnic minority communities. The team accepted evidence suggesting that there are significant barriers to provision of quality ser-

vices for ethnic minorities. Our involvement contributed to the secondment of an officer to the National Resource Centre for Ethnic Minority Health, to carry out an access audit of all NHS mental health provision.

As partners on the Equalities Coordinating Group (see p 17), we successfully lobbied the Health Department to support an amendment to the NHS Reform Bill introducing an equality clause; this would place a duty on all health providers to observe the appropriate equality requirements or legislation.

Our response to the proposals in the Gaelic Language Bill focused on the race equality duties of public authorities. We

agreed that there was a need to preserve and promote Gaelic, and argued that it was appropriate to highlight the needs of those for whom English is not the first language, who can experience social exclusion as a result. We recommended that there should be a national language strategy for preserving and sustaining Gaelic, which addresses issues of bilingualism and identity in all communities, and that the Scottish Executive should introduce legislation to support the development of such a strategy. This could be achieved by amending the current bill, and placing a statutory duty on all public authorities to support and develop languages locally.

### Communities of interest

#### Scottish Gypsy Travellers

In recognition of the particular and often extreme circumstances facing Gypsies and Travellers throughout Britain, we developed a national strategy for dealing with the problems that these communities face. The consultation process for this strategy involved public events in Perth and Edinburgh, at which Gypsies and Travellers, support organisations, local authorities, and other interested parties expressed their views. We then pro-

duced a revised version of the strategy for the Scottish context, taking greater heed of the circumstances and opportunities in Scotland, and continuing to focus on our aim of establishing the legal status of Scottish Gypsy Travellers (the term adopted by the Scottish Parliament and the Scottish Executive) under the Race Relations Act (see p 9 for more on our legal strategy).

During the year, we also provided a detailed response to an enquiry from the European Roma Rights Centre in Budapest, which allowed us to explain in detail how we are responding to the needs of this community through the development of a legal case-work approach.

The third Equal Futures conference (see p 15) featured a contribution from a group of young Gypsy Travellers, who showed videos, ran quizzes, and asked challenging questions to dispel the myths and misconceptions about the way they live.

#### Asylum seekers and refugees

Building on our contribution to the Scottish Executive's Scottish Refugee Integration Forum (SRIF), we held a series of meetings with a number of agencies to discuss ways in

## TOWARDS RACIAL EQUALITY IN AYRSHIRE

The Ayrshire Race Equality Partnership was formed in July 2003 by the three local authorities, the police, the Procurator Fiscal, and the local health board to plan and deliver services to ethnic minority communities in the region.

Ayrshire is a largely rural area with an ethnic minority population of just over two per cent, those of Chinese and Indian backgrounds forming the two largest groups. Overall, however, the ethnic minority population is widely dispersed across the region, and the needs of these communities are not well understood.

Building on research commissioned by the CRE that examined the experiences of populations in rural areas, including North Ayrshire, the partnership assessed the service needs of Ayrshire's ethnic minority population, to clarify how agencies can work together to promote racial equality in the region. This will involve delivering services that are accessible and appropriate, and identifying gaps in service provision and measures to address them.

The partnership has been successful in bringing a greater sense of ownership of the issues to the interested organisations, and improving their understanding of what they want to achieve.

which we might intervene on behalf of asylum seekers and refugees. These discussions will feed into the development of our strategy for work in this area, on which we aim to consult in 2004.

The work of SRIF was affected by the controversy surrounding the Dungavel Detention Centre, and in particular the holding of children for long periods of time as families await decisions on their appeals and deportation. We raised concerns about the education and welfare of children being detained at the centre.

While issues concerning asylum and immigration are dealt with by the Westminster government, many of the services on which asylum seekers rely are a matter for the Scottish Parliament. We have called for further discussion on these issues, particularly in our parliamentary agenda, *Racial Equality Matters* (see p 12).

**Young people**

Children in Scotland, together with the Scottish Executive and the CRE, hosted the third Equal Futures conference in December. The event brought together 630 young people, policy makers and practitioners to raise awareness of racial equality in Scotland, to identify key issues for planners and policy makers, and to exchange ideas and examples of good practice. This had been planned as the final event of the series but, encouraged by its success, we are lobbying the Scottish Executive to fund Equal Futures in 2004 and beyond.

**Local racial equality services**

During the year we completed the transition to our new grant-funding framework, Getting Results, which requires racial equality organisations to base their bids for funding on the planned outcomes of their work. This approach allows us to make sure that the work we fund is clearly focused on outcomes that make a real difference to communities.

We intend to fund a wider range of organisations in the future. One of the



fundamental objectives of reviewing services in Scotland was to increase access to quality services at a local level. We therefore looked specifically at the geographical spread of available services, and began discussions with a range of potential partners.

▲ The Dungavel Detention Centre in South Lanarkshire.

Four new partnerships and three RECs secured funding to provide racial equality services. We continued to emphasise the need to develop effective services for those facing racial discrimination and harassment. Five of the organisations funded provide casework services, the other two are development programmes.

We continued to negotiate with

ORGANISATIONS FUNDED BY CRE SCOTLAND 2003/4	
Organisations	Funding
Ayrshire Race Equality Partnership	£10,000
Central Scotland REC	£76,000
Citizen's Advice Rights Fife	£25,000
Ethnic Minority Law Centre	£30,000
Grampian REC	£85,000
Highlands Alliance for Racial Equality	£10,000
West of Scotland REC	£80,000

local stakeholders and potential funders in Edinburgh, the Lothians and Tayside throughout the year, and we hope to encourage applications from a wider range of organisations in 2004, subject to our funding criteria.

In addition to providing financial support, we worked to widen access to racial equality services, encourage the transfer of legal expertise between organisations, and increase awareness of legal rights in relation to racial harassment and discrimination (for more on our legal strategy, see p 9). We assisted more than 30 advisory services and ethnic minority organisations with training sessions, monthly CRE surgeries, and regular discussion forums. The programme increased the number of places where individuals could access accurate legal advice and information.

**Work with the voluntary sector**

While we continued to maintain links with individual voluntary and community sector organisations, we developed a strategy for our

work in this sector, setting out the race-related outcomes we want to achieve in the next three years.

The strategy aims to make sure that racial equality is mainstreamed in grant-making, policy development and service provision throughout the sector. It also involves informing people about their rights, empowering them to challenge individuals and organisations who are breaking the law, and making sure they are aware of the available support mechanisms, if things go wrong.

As part of the strategy, we developed a range of training materials that will enable any practitioner to distribute information on racial discrimination and harassment, how they can be challenged, and where and how support can be obtained. We will be trying out these materials in 2004 before distributing them through the voluntary and community sector later in the year.

Working with the Association of Scottish Community Councils, we produced guidance for community councils across Scotland on the implications of the duty to promote race equality for them and for their work.





# 4 IMPROVING OUR SERVICES



We did much to improve the quality of our services during the year, and in December welcomed our new director.

## Customer care standards

We carried out an initial evaluation of our recently introduced customer care standards during the year, and this highlighted a number of areas for improvement. We will now be conducting quarterly spot-checks to make sure that standards are maintained and, where possible, improved upon.

The standards cover areas such as written reports, consultation responses, complaints procedures, and the displaying of information and presentations. There are also standards for internet and intranet use, and the use of external communications such as telephone calls, correspondence, e-mails and faxes.

## Volunteering

During the year, we tested a new approach to volunteering. Until now, we have not had the resources or the policy framework to respond positively to requests from individuals looking for voluntary experience of working in the race relations field.

We developed a volunteer policy outlining the principles upon which volunteers can be involved in the organisation, and clarifying the roles, responsibilities and expectations of all parties. The work of three volunteers was agreed with the individuals and colleagues, and a close monitoring and support role developed. During the year, volunteers undertook research in the areas of legal case-work, social work services, and approaches to tackling racist incidents locally. We are now evaluating the trial, to see whether we can follow the same approach throughout the rest of the CRE.

## Work with other organisations in Scotland

Relations with the Disability Rights Commission and the Equal Opportunities Commission remain positive and productive, and we held regular meetings with them during the year to identify opportunities for working together and making progress on the equality agenda. We held a second all-staff awayday, where we reviewed what our joint work had achieved to date, and how staff felt we could best make progress. We continue to work together, particularly on legal affairs, but also on specific joint projects.

The Equalities Coordinating Group often provided a natural forum for discussing practical work on policy and legislation. The group consists of representatives from the three equality commissions, the Scottish Executive and Scotland Office, the clerk team of the Equal Opportunities Committee of the Scottish Parliament, the Convention of Scottish Local Authorities, Age Concern, the Equality Network, and the Scottish Interfaith Council.

The group invited teams working on bills in such diverse areas as anti-social behaviour and health, and played a significant role in coordinating a Scottish perspective on the government's proposals for a single equality commission.

We participated in this group, and also at a number of events and meetings with ministers and Executive officials to ensure that there is appropriate recognition of the implications of devolution in the government's proposals for a single equality body.

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The Commission for Racial Equality was set up by the Race Relations Act 1976. It has three main duties.

- To work towards the elimination of racial discrimination.
- To promote equality of opportunity and good relations between people of different racial groups.
- To keep the Act under review and to make proposals to the Secretary of State for amending it.

The Race Relations (Amendment) Act 2000 introduced far-reaching changes to the 1976 Act.

- It now covers all public functions.
- It gives public authorities a statutory duty to promote race equality.
- It gives the CRE a new power to enforce compliance.

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