

ANNUAL REPORT OF THE  
**COMMISSION FOR  
RACIAL EQUALITY  
IN WALES**

1 JANUARY 2003

TO 31 DECEMBER 2003

# FOREWORD

by Cherry Short,

CRE commissioner for Wales

**A** young child could tell you that there are 12 months in a year, but I will remember 2003 for its last seven, which were punctuated by a series of disturbing racist events. June to December 2003 will be remembered as our wake-up call in Wales.

The two nights of unrest on Wrexham's Caia Park estate in June, provoked by friction between refugees and local people, ended with Iraqi refugees being moved to a secret location, and a mob of around 200 people throwing petrol bombs at the police. The racial element of the violence illustrated the simmering tensions within our communities, and the nature of an emerging racism aimed at asylum seekers and refugees.

In October, the BBC documentary *The Secret Policeman* showed a North Wales police officer donning a Ku Klux Klan-style hood, and making revolting, racist remarks. The mask, for one brief moment, hid his face, but revealed a lifetime of hate, and a malignancy penetrating North Wales Police and beyond. In December, our formal investigation into HM Prison Service found it liable for racial discrimination. This presented a range of problems for the prison system as a whole, but also uncovered overt and sickening racism in HMP Parc, Bridgend. For me, both these reports underlined the way in which racism stubbornly remains at the very heart of Welsh public services, despite new

legislation to eradicate it.

That said, I was heartened to see that the British National Party (BNP), with its racist agenda, failed to gain a significant political foothold in Wales. We should feel proud that Wales continues to be the British nation where support for the BNP is weakest. We should also be proud that, in 2003, the National Assembly for Wales became the first national government in the UK – indeed, the first in the world – with equal numbers of men and women as its elected representatives.

But we must not be complacent. The BNP may have finished last in the election for Flintshire County Council's Aston ward, but they still received 15 per cent of the vote. We must stay on our guard to prevent fascist groups from capitalising on tensions and divisions in our nation. In November, I challenged Wales's political parties to deliver an elected body that was truly representative of Welsh society within 75 months. Such a body, reflecting a diverse, multicultural population, will help us establish a nation where we are all valued equally, no matter what our differences.

There is no place for racism in Wales.



**Cherry Short**

# 1 PROMOTING RACIAL EQUALITY

**M**uch of our work in 2003 involved making sure that public authorities were meeting the duty to promote race equality. We also made good progress in our work promoting racial equality in the private sector.

## Local government and housing

We offered advice and support to a number of local authorities that needed further information on their race equality schemes (RESs). In one case, we were obliged to issue a formal compliance notice against a local authority, the first such notice issued in Great Britain. This was served on Conwy Borough Council in May, as it had failed to produce a RES by the specified date. We met officers from the council's performance and policy review team, gave them information about local racial equality work being done in North Wales, and about consultation methods, and repeated our offer of support with the council's RES. We continue to work with the council to make sure it fully meets the duty.

We continued to work closely with the Welsh Local Government Association (WLGA), particularly its Equalities Unit, and attended meetings of the Equality Bodies Partnership, which includes representatives from the Equal Opportunities Commission, the Disability Rights Commission, the Welsh Language Board, and the National Assembly for Wales.

We built on our relationship with the Audit Commission, and attended meetings with the commission and the WLGA to plan a joint event for staff from all three organisations to discuss the race equality duty, the objectives of each organisation, and the latest regulatory developments.

We also worked with other equality organisations, such as the All Wales Ethnic Minority Association (AWEMA). We attended meetings of AWEMA's external committees, including its Housing Subject Committee, which looks at the requirement on registered social landlords and local authorities to pro-

duce a housing strategy for ethnic minorities and a race equality plan. We organised a workshop on the obligations of local authorities and registered social landlords at the National BME Housing Conference, which we supported along with AWEMA and the Chartered Institute of Housing Cymru. We also continued to contribute to the Welsh Assembly's BME Housing Review Group meetings.

In partnership with the North Wales Race Equality Network (NWREN), we continued to support the work of the NWREP (North Wales Race Equality Partnership), which engaged all registered social landlords in North Wales in a joint programme of race awareness training, and policy and strategy development. The Joint North Wales County Councils project provided an opportunity to develop a common approach to meeting the housing needs of ethnic minorities. We were glad to provide advice and information on consulting people from ethnic minorities, and on how this project could meet the requirements of the race equality duty. We also forwarded a feasibility study to the Housing and Local Government Committee at the National Assembly for Wales, supporting the recommendation of setting up a secondary housing association.

Procurement was a major part of our work with local authorities in 2003, and in July we published two guides – one for local authorities, including police and fire authorities, and one for public authorities in other sectors, including health and education. The guides explain what authorities must do to meet the race equality duty when procuring goods, facilities and services from contractors. The advice covers all stages of the contracting process. The guides also contain advice for potential contractors. During the consultation period, we co-organised a workshop at a meeting of the WLGA's Equality Officers' Network, to highlight the main issues in the draft guides and to encourage feedback. We launched the guides in Cardiff, in partnership with the WLGA, and with support from

Gwenda Thomas AM, chair of the Welsh Assembly’s Equality of Opportunity Committee.

### National Assembly for Wales

During 2003, we focused our attention on the work of the political parties and the policies of the Welsh Assembly Government.

We regularly attended meetings of the Assembly’s Equality of Opportunity Committee to provide advice on racial equality. In February, we presented a paper to the committee on the progress Welsh authorities were making in putting the race equality duty into effect.

We obtained support from the main political parties for our paper, *Politics, Representation and Engagement: Race and political parties in Wales*, which was based on the political compact signed by the four main political parties in the run-up to the 2001 general election, and the two equality clauses of the Government of Wales Act 1998. The paper

described the role of political parties in achieving the vision enshrined in the Act, and asked how parties can embody the founding principles of the Assembly, and the shared values to which a devolved Wales aspires. It also highlighted some of the long-term racial equality issues that the parties need to deal with, and suggested approaches to removing barriers to participation, and promoting racial equality.

We launched the paper in March, and are pleased that there is now a strong, cross-party, long-term commitment to dealing with race issues.

In July, we jointly organised a seminar with the All Wales Ethnic Minority Association on the advantages of mainstreaming racial equality throughout the Assembly’s policy work.

To assist the work of Assembly members, we produced *Mainstreaming Race Equality: A checklist for an AM*, which we sent to all mem-

bers. We also wrote a briefing on the issues facing ethnic minority communities in Wales, the Race Relations Act, and the race equality duty, and launched a newsletter for members and other public officials. We also attended the four main political party conferences.

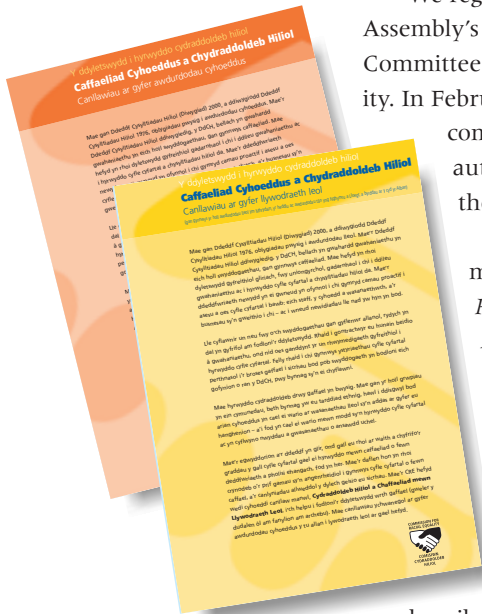
### Education

We continued to build our relationship with Estyn, HM Chief Inspector of Education and Training in Wales, to help us monitor authorities’ success in meeting the race equality duty. We attended Estyn’s Post-16 Education Forum, set up to look at the role of inspectors and the inspection process. We also discussed with Estyn the progress it had made on its own RES, racial equality training for its staff, publication of a common inspection framework document, and a memorandum of understanding.

We took part in a number of education forums and seminars, which gave us the opportunity to explain our role and emphasise the role of the race equality duty in the day-to-day running of schools and other educational institutions. For example, we co-organised a workshop on promoting racial equality in education with Newport and Cardiff local education authorities, and also led a similar seminar for the Higher Education Funding Council for Wales.

We offered advice and assistance to organisations (including Education and Learning Wales) keen to make sure that their revised RESs were of a high standard. We dealt with many enquiries on the application of the race equality duty to independent schools and overseas students, and on ethnic-monitoring forms.

In June, the English as an Additional Language Association of Wales published *Achievements of Ethnic Minority Pupils in Wales*, funded by the Welsh Assembly Government. This important report highlighted the varying levels of attainment of ethnic minority pupils in Wales. We emphasised the importance of this kind of work, and were very pleased that the Welsh Assembly Government subse-



quently committed itself to acting on the report's recommendations.

In partnership with the Equality Challenge Unit, we worked with eight higher education institutions from across the UK, including the University of Wales at Swansea, on a two-year project to help them fully understand what they need to do to meet the race equality duty. In this first year of the duty, we assisted the institutions with their action plans.

### Criminal Justice

Our formal investigations of the police and prison services formed a major part of our criminal justice work in 2003. For details of these investigations, please see p 7.

We launched a criminal justice forum, to identify initiatives that would more effectively promote racial equality in the Welsh criminal justice system. The National Probation Service for South Wales, the South Wales Crown Prosecution Service, the South Wales Magistrates' Court Committee, and Gwent Police all agreed to take part. The forum works with the South Wales Police project, 'Embracing Diversity', to promote the participation of a broad range of public sector organisations in Wales, and to educate their staff on Welsh racial equality issues.

We attended several conferences, such as Gwent Police's Unity Project and Cardiff Crown Court's Open Day, to distribute information on the Race Relations Act. We also took part in a number of training sessions – for example, for new officer recruits at Centrex (the Central Police Training and Development Authority) in Cwmbran, to highlight the disproportionate number of people from ethnic minorities who are stopped and searched.

We also strengthened our relationships with other criminal justice agencies. Following a visit to Cardiff Prison, we were invited to join its race relations management team. We attended meetings of the South Wales Probation Diversity Group, which works to improve the recruitment of ethnic



John Harris / www.reportdigital.co.uk

minorities to the probation service. We also supported the South Wales Police Equality of Service Strategy Group in its work to examine and deal with the number of incidents of stop and search experienced by people from ethnic minorities.

We met North Wales Police, to discuss its community consultation methods, and its plans to set up divisional consultation forums. We contributed regularly to the North Wales Police Diversity Strategy Group, and helped plan the North Wales 'Hate Crimes' conference, where we gave a presentation on the race equality duty. We also organised the race sub-group of the North Wales Area Criminal Justice Committee (since replaced by the North Wales Criminal Justice Board).

### Health

Despite limited resources in 2003, we attended several events to promote the mainstreaming of racial equality in the health sector. For example, we took part in meetings organised by the Children's National Service Framework, the NHS Direct Social Access Inclusion Group, and the Blood Transfusion Service, and also met the NHS Equality Unit, and Jane Hutt AM, the Assembly Cabinet Minister for Health and Social Services. We also attended the Welsh Assembly Government's health conference, and the

▲ During the year we took part in a range of events that allowed us to explain the relevance of the race equality duty for schools.

National Assembly's conference on Welsh in the NHS.

We worked with NHS trusts and other health organisations throughout Wales that were keen to revise their RESs – for example, Wrexham Maelor Hospital NHS Trust, which needed advice on improving its consultation procedures. This work allowed us to distribute information on new approaches, local initiatives, and examples of good practice. We also dealt with many enquiries on various aspects of the race equality duty during the year, including ethnic monitoring, examples of best practice, and training.

We also met the Social Services Inspectorate for Wales to discuss our inspection framework document, and the memorandum of understanding we have agreed with the inspectorate.

### Working with business

In 2003 we strengthened our links with the Confederation of British Industry, the Institute of Directors, the Federation of Small Businesses, and other members of the Business Wales Network.

During the year we began work to revise our statutory code of practice for eliminating racial discrimination and promoting equal opportunity in employment, and to develop a practical guide to help smaller businesses achieve racial equality in the way they employ staff and deliver services. Our links with the Business Wales Network will be invaluable when we distribute these materials to businesses.

In Wales, public organisations have a strong influence on the development of the private sector, and as a result have a particularly strong role to play in promoting racial equality. This was highlighted in July when we launched our procurement guides for public authorities (see p 3). Ethnic Business Support Programme (EBSP) Ltd, the non-profit organisation responsible for steering ethnic minority entrepreneurs towards

the appropriate support agencies under the Welsh Development Agency (WDA)'s Potentia project, was a key contributor to the event, and to the consultation process leading up to it.

In September, EBSP organised the sixth Ethnic Minority Business Conference in Cardiff, where Trevor Phillips, our chair, gave one of the keynote speeches.

We were involved in a number of other WDA initiatives during the year, including:

- Finance Wales (a body, funded by the WDA and the Welsh Assembly Government, to finance start-up companies); we worked with it to make sure that ethnic minority entrepreneurs can access its services;
- the SME Equality Project (which promotes equality in small- and medium-sized enterprises); and
- the Cyfenter Development Partnership (which supports entrepreneurs from disadvantaged groups).

We continued our work with agencies such as Career Wales and the Knowledge Exploitation Fund, to make sure that ethnic minorities can access their services.

The Trades Unions Congress (TUC) was an important partner for us during the year. At its annual conference in May, we held a very successful joint fringe meeting with UNISON, addressed by CRE commissioner Gloria Mills. The issues discussed included the government's proposal for a single equality commission, and the increasing importance of racism as an issue for government. In October, the TUC's Race Equality Committee held a conference on the theme of challenging racism, where we launched *Working Together: Protocol guidelines for working relations between the CRE, TUC and trades unions in Wales*. The guidelines are designed to make sure that trade unionists are properly represented in discrimination cases, and were well received by the conference. Following consultation with affiliated unions, we plan to launch the document in 2004.

# 2 USING OUR LEGAL POWERS

In 2003, we received a total of 42 applications for assistance (compared with 133 in 2002; see Table 1); 24 concerned employment (a fall of 66 per cent compared with 2002), and 18 concerned non-employment matters (a fall of 68 per cent). The principal reason for this fall in applications was that we had only one legal officer in post in 2003, and were consequently able to take on less work.

As Table 2 shows, people of Black African origin lodged the largest number of complaints (eight), followed by applicants from the Black Other (seven) and White (five) groups.

We considered 103 applications during 2003 (not all were received during the calendar year), none of which received legal

representation from us. Nine cases were settled by our legal officer in Wales without a hearing, and 20 cases received representation through other organisations, such as trade unions and racial equality councils.

## Formal investigations

### Police Service

We followed the broadcast of the BBC documentary *The Secret Policeman* in October with our announcement that we intended to launch an investigation into racism in the police service throughout England and Wales. Sir David Calvert-Smith QC, former director of public prosecutions at the Crown Prosecution Service, will lead the investigation, which will be of particular interest in Wales, given the behaviour of officers from North Wales Police shown in the film. We hope to announce our initial findings by the end of spring 2004.

### HM Prison Service

In December, we published the findings of our formal investigation into HM Prison Service. We found the service liable for unlawful racial discrimination in 14 areas, and made two overall findings: first, the service had failed to deliver equal protection to all the prisoners in its care; and second, the service had failed to achieve racial equality in the ways it employs staff and treats prisoners. These failures were found across the board in the three prisons chosen for the investigation, one of which was HMP/Young Offenders Institute Parc, near Bridgend in South Wales.

We drafted a detailed action plan for achieving racial equality throughout the service, and published this alongside our

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

	Total
Bangladeshi	2
Black African	8
Black Caribbean	3
Black Other	7
Chinese	0
Indian	4
Irish	0
Other	11
Gypsy/Traveller	0
Pakistani	2
White	5
Scots	0
English	0
Other	0
<b>Total</b>	<b>42</b>

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

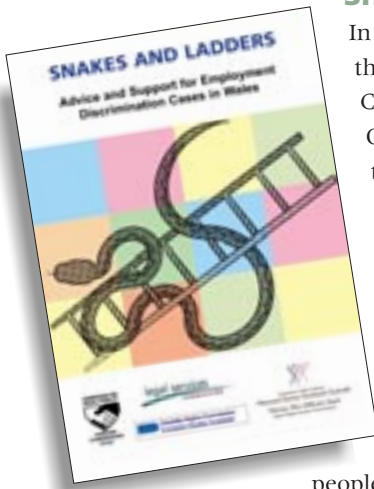
	EMPLOYMENT		NON-EMPLOYMENT		OUT OF SCOPE		TOTAL	
	Jan – Dec 2002	Jan – Dec 2003	Jan – Dec 2002	Jan – Dec 2003	Jan – Dec 2002	Jan – Dec 2003	Jan – Dec 2002	Jan – Dec 2003
Formal applications	71	24	56	18	6	0	133	42



Malcolm Morgan / South Wales echo

▲  
HMP/Young Offenders Institute Parc, one of the three prisons that came under scrutiny in our formal investigation of HM Prison Service.

report. We were pleased that the service committed itself to fulfilling our plan, and we will be working with the service to monitor progress.



### Snakes and Ladders

In March 2003, together with the Disability Rights Commission, the Equal Opportunities Commission, and the Legal Services Commission, we launched *Snakes and Ladders: Advice and support for employment discrimination cases in Wales* at the National Assembly. The report highlighted a significant risk that people in Wales are less likely than people elsewhere in the UK to be successful in challenging unlawful discrimination on the grounds of disability, race or sex. It charted the experiences of those who have suffered unlawful discrimination in the Welsh

‘advice desert’, and described the hurdles individuals have to overcome to obtain appropriate advice and support to enable them to access justice.

The report recommended that:

- the National Assembly should consider providing advice services on discrimination as part of its strategy for addressing social exclusion;
- Welsh statutory and voluntary agencies should improve training for advisors, and coordination among advisory agencies and trade unions; and
- employment tribunals should increase the recruitment of women and ethnic minority members to their panels, and increase the resources available for training members about discrimination.

During the year we discussed how to respond to the recommendations of the report with our partner organisations.

Towards the end of the year we launched a consultation draft of a joint protocol on our responsibilities and those of the Wales TUC when handling complaints of discrimination by trade union members.

### Follow-up work

We persuaded the assistant chief constable of North Wales Police to work with North Wales Magistrates’ Courts Committee to look into our concern that magistrates are failing to give adequate credence to racial aggravation charges.

We also met with the head of schools, achievement and special educational needs at Neath Port Talbot LEA, to discuss how it was meeting the race equality duty, and to improve our understanding of the quality of race equality policies in Neath Port Talbot.



# 3 WORKING WITH COMMUNITIES



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

## Local racial equality work

Towards the end of the year we began strengthening our links with racial equality councils (RECs) in South Wales, and invited them to meet us and discuss issues of concern. We hope that this liaison work will allow us to form a strong, confident lobby for promoting racial equality in Wales. We also strengthened our links with the voluntary sector, in order to explore opportunities for working together.

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

Our close relationship with the North Wales Race Equality Network (NWREN) gave us useful insights into the scale of racism and discrimination in North Wales, and provided us with a model for working in partnership with local racial equality organisations. Following the transmission of the BBC documentary, *The Secret Policeman* (see p 7), and its exposure of racism within North Wales Police, we worked with NWREN to raise awareness of the important issues for Wales arising from the programme, and to offer advice on combating racism within the force.

We also worked with NWREN in the aftermath of the disturbances on Wrexham's Caia Park estate in June. The unrest culminated in a mob of around 200 people throwing petrol bombs at the police, and some Iraqi refugees caught up in the violence had to be moved to a secret location with police protection. As a result of the racial element of the violence, we held discussions with Wrexham County Borough Council, the local member of the National Assembly for Wales, the local



Mike Dean / Eye Imagery

MP, and local community groups, to develop a strategy for dealing with the tensions in the community, and to learn lessons that would benefit other communities in a similar situation. On the basis of information we collected during this period, together with information on the experiences of local Gypsies and Travellers, we included Wrexham as one of the five pilot areas in our Britain-wide Safe Communities Initiative, which will get fully under way in 2004.

## Gypsies and Travellers

In May, the National Assembly's Equality of Opportunity Committee published its review of service provision for Gypsies and Travellers in Wales. One of the review's recommendations was that the Welsh Assembly Government should work with us to develop a strategy for combating prejudice towards Gypsies and Travellers, and to consider whether legislation is necessary. We welcomed the review, and look forward to working with the Welsh Assembly Government on this issue.

Later in the year, we launched a consultation on our three-year strategy for Gypsies and Travellers in Great Britain. We held a meeting in November with representatives from Gypsy and Traveller organisations, local authorities, and other relevant organisations to discuss the discrimination faced by Gypsies and Travellers.

▲ Police on Wrexham's Caia Park estate during the two nights of unrest in June.

# 4 IMPROVING OUR SERVICES

**B**y the end of 2003, we had been joined by three new members of staff, including our new director. We had also resumed Welsh language lessons for staff, seen the work of our new advisory board get successfully under way, and begun to review our work to ensure that we are focusing on our key priorities and delivering value for money.

As the year ended we were also preparing our business plan, and our vision of the kind of progress we want to make on race equality in Wales over the coming two years. We had also begun a programme of outreach meetings with fellow race equality bodies in Wales, and a series of open seminars on good race equality practice, run in our offices in Cardiff and also in north Wales.

Unfortunately our limited resources throughout the year meant that we were unable to engage in some areas of public work that had been an important part of our activity in previous years, such as the National Eisteddfod of Wales.

## CRE WALES ADVISORY BOARD MEMBERS

### CRE Commissioner

Cherry Short

### External members

Graham Benfield

Dr Rose M D'Sa

Catherine Eva

Elizabeth Haywood

Yasmin Hussein

Glen Jordan

David Seligman

Elan Closs Stephens

Fran Targett

Charlotte Williams

Felicity Williams



▲ The staff of CRE Wales with commissioner Cherry Short.

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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