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COMMISSION FOR RACIAL EQUALITY
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Published July 2006
ISBN 1 85442 603 6 (bilingual print)
ISBN 1 85442 604 4 (English pdf)

FOREWORD

**By Cherry Short,
CRE commissioner for Wales**

In matters of race and equality, one has always to be mindful of the way in which new problems arise, even as old problems resurface in new clothing. In 2005, Wales awoke to the extent of the changes brought about by the arrival of new migrants. None of us can be certain of the way in which these new population movements will affect Wales; all we can say is that, as the premier country of inward migration in the UK, it is to be expected that Wales will want to live up to its historic tradition of welcome. Our Croeso initiative in support of good race relations work, launched towards the end of the year, is part of our work to make sure that this aspiration is fulfilled.

Last year also saw the adoption by the National Assembly for Wales of an effective race equality scheme, setting in train a programme of work across the Welsh Assembly Government, which is open to scrutiny. Making sure that public authorities produce effective schemes is part of the regulatory work of the Commission for Racial Equality, so that public authorities in Wales meet the statutory duty to promote race equality.

As I said in my foreword last year, it has continued to be difficult for us to 'establish an authoritative role as a regulator which has to be listened to, and as the champion of legislation whose requirements have to be followed, while at the same time maintaining an open, constructive relationship with bodies who need our advice if they are to progress'. This remains the key challenge for the CRE in Wales over the next three years, before the CRE is absorbed into the future Commission for Equality and Human Rights.

During the years that I have been the commissioner in Wales, I have come to value the support and involvement of countless organisations and dedicated individuals in the work for racial equality. Without their participation, the CRE could not achieve its objectives. I would like to thank them, and in particular the members of our advisory board, for their hard work and commitment. I also offer a special word of thanks to the CRE staff in Wales, who have been consistent in the excellence of their work, and in the loyalty of their commitment to the CRE.

Cherry Short

Cherry Short

Wales awoke to the extent of the changes brought about by the arrival of new migrants



REGULATING FOR EQUALITY

During 2005, we focused on making sure that public authorities in Wales met their legal requirements under the general duty to promote race equality (also referred to as the race equality duty), as set out in the Race Relations Act. Some authorities are also bound by specific duties; for example, to publish a race equality scheme or policy, and to monitor their employment functions.

The National Assembly launched its race equality scheme, setting out realistic goals to work towards in the area of racial equality

NATIONAL ASSEMBLY FOR WALES

In March, the National Assembly launched its race equality scheme (RES), which had been developed by Assembly members and Welsh Assembly Government staff throughout 2004, with advice from CRE Wales. We hailed the RES as being worthy of its responsibilities, and one which could serve as a model for other public authorities across Wales.

The RES and its supporting action plans set out realistic goals for the Assembly to work towards in the area of racial equality. The first stage of the three-year period covered by the RES focuses on developing effective systems for providing services and monitoring areas of employment, which the Assembly needs in order to meet its responsibilities under the race equality duty.

Under the Government of Wales Act, the founding legislation for the Welsh Assembly, the Assembly has a duty to work for equality in the widest sense. Following a White Paper on improving governance for Wales, which proposed various changes to the original legislation, a new Government of Wales Bill was published in December. The White Paper proposed that the current arrangement, in which the Assembly and the Welsh Assembly Government are constitutionally one body, should be replaced by a separate government and assembly, similar to the arrangement in Scotland. It also proposed that, in future, the duty to work for equality should apply only to the government.

The bill responded to proposals from the Assembly's Equality of Opportunity Committee, and the Welsh sections of the three existing equality commissions (the Equal Opportunities Commission, the Disability Rights Commission, and the Commission for Racial Equality), which argued that the equality duty should apply to Assembly members as well as to the government. The equality commissions argued in a joint statement that the current requirement for Assembly members to meet this duty was beneficial, because they took action in response to it, particularly when it came to scrutinising the government's work. We felt this point was vital if the Assembly was to meet the challenging commitments it had set out in its race equality scheme. Our director continued to support the work of the Equality of Opportunity Committee, as a standing invitee.

COUNTDOWN CAMPAIGN

We continued to run our Countdown campaign, to remind chief executives of public authorities bound by the specific duty to produce a race equality scheme that they needed to revise their schemes by the end of May 2005. We sent a regular fortnightly letter to all CEOs concerned, counting down the

working days left until the deadline. The intention was to make sure that leaders, not just equality staff, were aware of what needed to be done, and of the consequences, if they failed to develop and publish an effective race equality scheme.

To encourage CEOs to make this a priority, we surveyed authorities, to see whether they were compliant with the specific duties in employment, as set out in the Race Relations Act. Disappointingly, all the authorities we examined were non-compliant, to one degree or another, and therefore vulnerable to enforcement action by the CRE.

We issued a report on the subject in June, and public authorities responded by drawing up action plans for the systems they proposed to put in place to comply with the race equality duty. In some cases, however, these won't be ready until 2007, as they depend on new, computerised human resources systems.

The three fire and rescue services in Wales responded to the campaign very positively. They all had effective monitoring systems, with high response rates from those staff who were monitored. However, they were not complying fully with the specific employment duty, because they did not monitor all the areas of employment required by the Race Relations Act. They also held different data in separate systems, instead of bringing the information together. In response to our advice, the three services coordinated their efforts to revise their race equality schemes, and to meet the requirements under the specific duties in employment. By December, they had developed new schemes, which focused on two priorities: employment-related issues, and directing fire prevention messages to ethnic minority households.

The response from local authorities was not quite as satisfactory. In November, we set out our concerns in a report to the Assembly's Equality of Opportunity Committee. The report highlighted senior managers' failure to prioritise effectively, lack of staff confidence when dealing with issues related to racial equality, and the absence of any relationship between local authorities' draft race equality schemes and their core management plans.

By the end of the year, we started to work with a small number of local authorities, to help them get more involved in best practice for developing a race equality scheme, and to give us a greater understanding of how to help local authorities change their working practices.



CRE chair Trevor Phillips on his visit in March to the St Fagan's National History Museum of Wales, in Cardiff, where a nineteenth-century school room has been reconstructed, and museum staff recreate the experience of Welsh children forced at school to speak only English. He talked with pupils from a Welsh medium secondary school, Ysgol Plas Mawr, where nearly 10 per cent of students are from ethnic minority backgrounds, about their experience of being Welsh speakers in present-day Cardiff.

HEALTH

During 2005, we concentrated on making sure that the NHS trusts in Wales developed adequate race equality schemes. We also monitored local health boards, following the considerable attention we gave them in 2004. Some progress had been made, as some trust and board managers understood

better why it was important to set clear priorities for racial equality. However, there was still a long way to go to make sure that adequate action plans were being drawn up and carried out. One particular issue was that the management teams responsible for health sector organisations did not seem to work through a central corporate plan, but through competing action plans instead. This meant that it was more difficult to set appropriate priorities for racial equality, and then make sure they were carried out.

However, there was one very positive development: the NHS Wales Centre for Equality and Human Rights on Patient Equality Monitoring started a two-year project, which was up and running by the end of the year, to help NHS trusts in Wales set up ethnic monitoring systems for patients.

HOUSING

In 2005, our work focused on consulting the public about our new code of practice for housing in Wales. We held consultation sessions across Wales, including one in North Wales, which the Welsh language community group, Cymuned, organised for us. We received a lot of helpful feedback, particularly about the relationship between housing and planning policies and the desire among many to see a strong community base for a developing presence of the Welsh language. At the end of the year, we were still revising the code, which we expected to publish in 2006.

EMPLOYMENT

To prepare for the publication of the CRE's revised *Statutory Code of Practice on Racial Equality in Employment*, which was due to come into effect in April 2006, we commissioned research into employment practices in the private sector in the Cardiff region, to assess progress since the CRE's formal investigation in the early 1990s into employment practices across all sectors in the region.

PROMOTING GOOD RACE RELATIONS

At the end of November 2005, we launched our good race relations initiative, Croeso, at the National Assembly for Wales. First Minister Rhodri Morgan took part, along with representatives from public, private and community organisations in Wales.

The initiative is funded by a grant from the Assembly, and will run until spring 2008, in parallel with the Assembly's race equality scheme. Activities under the Croeso banner were due to start in 2006, focusing particularly on developing debate in local communities.



Menna Jones, coordinator of the Croeso initiative, chairing the launch event at the National Assembly for Wales.

USING OUR LEGAL POWERS

Applications for CRE assistance nearly doubled in 2005

During 2005, we continued to work with Stonewall, the Disability Rights Commission (DRC), Age Concern, the Inter Faith Council for Wales, and the Equal Opportunities Commission (EOC), on projects to develop these organisations' ability to carry out discrimination casework. Last year, we reported that, following discussions with the three equality commissions, Cardiff University Centre for Lifelong Learning had agreed to run an accredited course on discrimination law for trade union officials and citizens' advice bureaux workers. The course started in 2005, as planned, covering all areas of equality, and the practicalities of taking a case to an employment tribunal. The Department of Trade and Industry agreed to fund an additional project for trade union representatives, to help them build up their ability to carry out casework, and to understand the requirements of the different areas of equality. This project is due to start in 2006, and will be run from our offices.

As well as providing casework services from the CRE Wales office in Cardiff, our legal affairs officer visited North Wales regularly, to work closely with individuals and community groups in the region. We gave particular attention to outreach work with Gypsies and Travellers, and migrant worker groups. Our officer also attended migrant worker support sessions in the South Wales Valleys.

WORKING WITH THE LEGAL PROFESSION

Along with the EOC and the DRC, we supported the Employment Lawyers Association in setting up a network of lawyers in Wales, to carry out pro bono work on discrimination cases.

2005 saw a substantial increase in applications for assistance over the previous year. This reflected the legal affairs officer's extensive outreach work, mentioned above. One case was given representation, but the tribunal hearing was still being awaited when the year ended.

TABLE 1: APPLICATIONS RECEIVED BY CRE WALES, 2005

	2004	2005
Employment	15	28
Non-employment	11	21
Total	26	49

TABLE 2: APPLICATIONS RECEIVED, BY ETHNIC GROUP, 2005

White	7
Asian	7
Black	19
Chinese	0
Mixed	1
Unknown	7
Other	8
Total	49

Note: The category 'Other' comprises four applications from Gypsies and Travellers, one Greek Cypriot, one Turkish Arab, one Yemeni and one Italian.

WORKING WITH OTHERS

In the light of the forthcoming Commission for Equality and Human Rights (CEHR), the close working relationships between CRE Wales, the Disability Rights Commission and the Equal Opportunities Commission remained extremely important. We also continued to work with different networks that bring together organisations from different equality areas, to create a joint approach to issues that concern us all.

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SECTION 44 FUNDING

In 2005, we funded three racial equality councils (RECs) in South Wales (based in Cardiff, the Valleys and Swansea), together with the North Wales Race Equality Network, and Dypren, a developing network covering Mid-Wales and West Wales.

We worked with all five organisations to help them develop a more strategic approach to their funding, including finding stable funding from other sources. The money that we give to these organisations now represents only a small proportion of their income, but is often regarded by other groups as a stamp of approval by the CRE.

We supported discussions among the organisations on their future, given the development of the future CEHR. During the course of the year, Valleys REC decided to widen its remit to include other areas of equality.

CRE WALES ADVISORY BOARD

Our advisory board met twice during the year, to discuss, among other things, proposals for our Croeso initiative (see p 6), and the relationship between the Welsh language and race relations – for example, the possible discriminatory effects of measures intended to support the language, and the importance of learning from the experience of Welsh as a living language in the context of the dominance of English.

The members of the advisory board are as follows.

CRE Commissioner

Cherry Short

External members

Graham Benfield

Dr Rose M D'Sa

Catherine Eva

Kevin Fitzpatrick

Elizabeth Haywood

Glen Jordan

David Seligman

Elan Closs Stephens

Fran Targett

Charlotte Williams

Felicity Williams

Neil Wooding