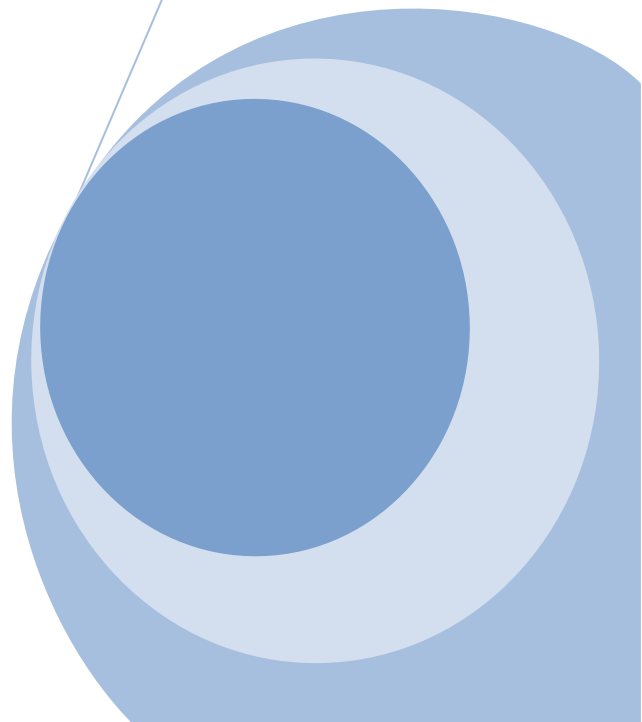


# **PLANNING FOR MULTI-STRAND EQUALITY WORK**

[ THE IMPLICATIONS FOR RACE EQUALITY COUNCILS  
OF THE COMMISSION FOR EQUALITY AND  
HUMAN RIGHTS.]



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Waterhouse Consulting Group is a multi disciplinary management consultancy that brings together the UK's leading experts to deliver services in equalities & diversity, counter-extremism training, research and executive search.

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## **Introduction The Commission for Equality and**

### **Human Rights**

This publication, *Planning for multi-strand equality work*, is an expanded version of a seminar presentation made to the British Federation of Race Equality Councils' annual conference, *Building Bridges*, held in Manchester on 17<sup>th</sup> and 18<sup>th</sup> June 2005. It addresses the issues currently facing race equality councils (RECs) and partnerships (REPs) of how to respond to government proposals to introduce an Equality Bill in the current session of parliament (probably by the end of 2005) to set up a Commission for Equality and Human Rights (CEHR). The new body is intended to replace the three existing commissions: the Equal Opportunities Commission (EOC), the Disability Rights Commission (DRC), and the Commission for Racial Equality (CRE), and will assume their powers and functions, as well as take responsibility for promoting good practice and enforcing the law in respect of new areas of discrimination legislation covering sexual orientation, religion or belief, and age.

## Chapter One

### **Responding to the challenge of the Commission for Equality and Human Rights**

Given current resources and competencies, how might race equality councils reorganise and reposition themselves in relation to the changes likely to be brought about by the creation of the Commission for Equality and Human Rights? In order to answer this question, it is important to recognise the current contribution of the national network of local racial equality councils and to ensure that what is of positive value is preserved and enhanced in any new arrangements. Nevertheless, the unitary structure being introduced at national level is bound to impact on agencies previously part-funded by and legitimised through their association with the Commission for Racial Equality, which, according to the Department of Trade and Industry (DTI), will cease to exist as a separate body in April 2009. Even with a more conservative 'steady-state' scenario, in which RECs are promised continued funding and autonomy, there will be pressure to economise, rationalise services, and enter into joined-up working arrangements with agencies dealing with other aspects of inequality. The new statutory commission is intended, after all, to deliver integrated advice, guidance and support across all equality strands. In this context, it is essential to explore which of race equality councils' current objects of functions must be retained at any cost, and which might most readily be adapted to multi-strand approaches.

Racial equality councils traditionally have dealt only, or mostly, with discrimination on grounds of race (including colour, race, nationality, or ethnic and national origins). The racial category, however, has always been set against a context in which race and ethnicity are delineated, defined, and given a greater substance through reference to culture and religion.

The current objects of racial equality councils are to work for the elimination of *racial* discrimination and to promote (*racial*) equality of opportunity and good relations between persons of different *racial* groups. They fulfil these objects by providing assistance to individuals, participating in policy development, giving support to communities, and raising public awareness.

### **Proposals for the Commission for Equality and Human Rights**

Unlike race equality councils which are concerned with discrimination on grounds of race, the Commission for Equality and Human Rights will be required to deal with discrimination on grounds of age, disability, gender, gender reassignment, race, religion or belief, and sexual orientation. The White Paper, *Fairness For All*, sets out the objects of the new commission as:

- the promotion of awareness and good practice on equality and diversity.
- the promotion of awareness and understanding of human rights.
- the promotion of equality of opportunity between people in the different groups protected by discrimination law.

- the elimination of unlawful discrimination and harassment.
- the promotion of good race relations among different communities and between those communities and wider society.

Discrimination, here, refers to unlawful discrimination in regard to age, disability, gender, gender reassignment, race, religion or belief, and sexual orientation. Awareness, and understanding of human rights and of equality of opportunity, likewise, are to be promoted across these categories. Promotion of good relations among different communities and between these communities and wider society might also be interpreted as extending the field, for example, to sexual orientation (the ‘gay community’). The term ‘different communities’, however, is most likely to continue to mean communities defined along racial, ethnic, ethnic-cultural and religious lines.

In practice, therefore, there may be little difference between the CRE or REC task of promoting good relations between persons of different racial groups and the CEHR object of promoting good relations among and between different communities. Race and faith communities, the DTI claims, will, in any case, be prioritised in the CEHR’s work on promoting good relations.

### **Reasons for the Commission for Racial Equality’s unequivocal rejection of government proposals for the CEHR**

In its response to the consultation exercise on the White Paper, *Fairness For All*, the Commission for Racial Equality subjected the proposal for a CEHR to three tests: is it right in principle, will it work in practice, and is it better than what we have now? The CRE concluded that the White Paper proposals failed all three tests, and went on to make criticisms, chief among which were the following:

- It is simplistic to suggest that all forms of discriminatory treatment are similar, and misleading to suggest that they will all be susceptible to similar remedies.
- The White Paper proposals downgrade existing Commission powers and constitute a detriment to equality.
- The CEHR would provide unequal services because it would have to administer nine anti-discrimination and human rights laws, resulting in the creation of a hierarchy of equality areas.
- The CEHR would be unable to provide an enforceable guarantee of grants for local race equality work.
- The CEHR cannot realistically come into being without first introducing a single Equality Act.
- One important difference between race and religion or belief and other equality strands, is the extent to which the inequality that is experienced arises from the fact that people live in, or are part of, identifiably separate communities.

The CRE commissioners went on to 'unequivocally reject' the proposals contained in the White Paper on the grounds that they would weaken the cause of equality overall and race equality specifically, reduce the CRE and its successor body's impact and authority, and destroy existing capacity to reduce conflict within communities and deal with the rise of racism.

The government has since announced its intention of strengthening the powers of the CEHR in respect of the weaknesses identified by the CRE and has suggested that fears relating to grant aid for local race equality work are unfounded. The key area of concern remains that of the future of work for community cohesion, although, as already suggested, the aim of promoting good relations among different communities and between those communities and wider society is likely to be interpreted as referring in the main to racial and religious communities.

## Chapter Two

### **Six categories of (in) equality and unlawful discrimination**

The Commission for Equality and Human Rights can be viewed as a landmark of New Labour achievement against a wider European background. The integrated legal framework aims to foster equality of opportunity for individuals as employees and consumers. This is an important manifestation of the European social democratic project and contrasts vividly with the fading socialist vision of a collective, egalitarian society under the leadership of the working class in which productive property is held in common and the extremes of wealth are eradicated. The inequalities of social class and wealth go unmentioned. The CEHR was referred to jokingly at the BFOREC conference as New Labour's alternative to Clause Four.

This kind of legislation is intended to deal with the disruption to traditional social relationships arising from rapid technological change, liberalisation of trade, economic development, growth of the work force, demographic changes including ageing, demand for new sources of labour, skill shortages, population movement, and immigration. It aims to remove, where politically feasible, all unnecessary obstacles experienced by the categories of people singled out for legal protection to accessing the labour market or to being treated on equal terms as consumers of goods and services.

The principle is one of equality of access and opportunity, not one of equality of income, wealth, social conditions, outcome, or lifestyle. In this context, so-called 'diversity' or social difference, is to be welcomed or celebrated as long as it does not result in loss of opportunity or choice, infringement of others' rights, social disruption, or a break down of law and order. This is the degree of self-expression and latitude that comes with the free movement of capital and labour within the European Union.

The perspective of individuals who are meant to benefit from equality and human rights is, as might be expected, largely positive, although not without its downside. Many depend for their economic well being on direct access to the labour market and, in Western Europe, all are involved in the cash-based consumer society. Nevertheless, there are considerable numbers of people: the very young and very old, carers of children and the sick, disabled and mentally ill, for whom labour market opportunities are not an option. The problems of these groups cannot be addressed only by labour market regulation in the form of anti-discriminatory employment legislation.

Currently, the six categories of (in) equality and unlawful discrimination are, or will shortly be:

- age
- disability
- gender
- race
- religion or belief, and
- sexual orientation.

In a recent series of Race Equality West Midlands (REWM) induction seminars, newly-appointed race equality workers were asked to draw up a list of other social inequalities that affect people's lives but are not subject to anti-discrimination legislation. They arrived at the following:

- social class
- income
- employment status
- pension
- wealth/poverty
- ownership of property
- caste
- differences in physical attributes (e.g. size, eye sight)
- intelligence
- level of education/literacy
- health status
- nationality
- criminal record

This list is worth bearing in mind when considering the scope of efforts to bring about equality and equality of opportunity and the chances of their success.

The rest of this chapter is devoted to examining in brief the similarities and differences between the six strands of equality promotion, for which the Commission for Equality and Human Rights will assume responsibility. It is against this background that race equality councils must judge their ability to make a contribution to multi-strand equality work. This is why the relationships between the strands, especially between the five other strands and race, are explored and key features highlighted.

## **Age**

### ***Legislation***

The European Union's Employment Directive (2000) prohibits discrimination on grounds of age in employment and vocational training. The Directive's provision in relation to age will become operative by December 2006. The Human Rights Act 1998 could also be used to challenge discrimination on grounds such as age, that are not currently regulated by domestic legislation.

### ***Statistics***

All who survive grow old and were young once. Of the 52 million population of England and Wales, 8.3 million (15.98%) of the population are aged 65 or over. Of these, 1.0 million (1.95%) are aged 85 or over. There are 7.4 million young people (20.17% of the total population) under 16 years of age. Since 1971, the proportion of the population aged 65 or over has increased from 15.9% to 18% for women, and 10.5% to 13.7% for men (*Social Trends*).

The mean age of the population varies from area to area, with clusters of older people in places such as the Isle of Wight, Malvern, East Lindsay, North Norfolk, the New Forest, East Devon, or Dorset. Of people aged 65 or over, one fifth of men and two fifths of women live alone.

### ***Social context***

The young and the elderly, like the unemployed, do not have access to employment or the waged economy which, in contemporary society, is the key to economic self-sufficiency and independence. The demand for a more highly-skilled or disciplined labour force has led to a raising of the school leaving age and the removal of young people from the labour market to enable them to undertake further education or training, and thus prolonging their dependence on parents for support or forcing them to rely on low-paid part-time work or loans.

Older people are excluded from the labour market by age discriminatory, often statutory, retirement and pension arrangements, institutional procedures, and traditional, often internalised, behavioural expectations. Older people may also be infirm, resulting in their experiencing discrimination and disadvantage similar to that experienced by disabled people.

Pay and conditions frequently relate to the age of employees, rather than to their ability or the value they add. As with other sections of the population which are not part of the labour market, the young and the old are poorer and have little political or economic power, thus contributing to their social disadvantage. While older people are excluded from the labour market, they are heavily involved in providing unpaid, informal care to family members, friends, neighbours, and grandchildren, and are active in voluntary organisations. In times of acute labour shortage, such as when the country is at war, or when pension and welfare payments are seen as too heavy a burden on the economy, older people are viewed as a potential reserve army of labour.

### ***Relationship with other categories***

- Everybody ages and older people are found in all of the other categories of equality. Old age is often accompanied by poverty.
- Older people are also more likely to be disabled. Age and disability share the problem of labour market exclusion and the need to promote the means of independent living.
- A higher proportion of women than men survive into old age and, as a result, are more likely to experience the poverty of old age.
- Economic migrants are of working age. Persons of school age or who are retired are unlikely to migrate for economic reasons or to be accepted as economic migrants. Black and minority ethnic groups still have a younger age profile than that of the white population.

### ***Key points***

- Age is not a matter of choice.
- Despite important socio-cultural elements, physiological presumptions about age and ageing are prevalent.
- Age discrimination is perceived mainly as institutional and systemic.
- Age discrimination unnecessarily excludes many older people from the labour market.
- Behavioural expectations of, and towards, people of different ages are cultural and deep-seated.
- The numbers of people of pensionable age, and of those aged 85 plus, are growing.
- Medical and technical support is seen as playing an important part in the solution.
- Although some protection is offered by the Human Rights Act, it has not yet been made unlawful to discriminate against people on grounds of age.

### ***Possibilities for local equality work***

It is possible to envisage a regional or local discrimination advisory service for complainants of discrimination on grounds of age although strategic cases with significant implications for large numbers of people would be pursued by the CEHR.

Local organisations might want advice on employment law affecting employees of a particular age, and to put in place policies and procedures to ensure legal compliance.

Community development relating to opportunities for young and old would continue much as at present with organisations like Connexions or Age Concern playing a lead role. Race equality councils might be involved, as at present, possibly through partnership arrangements, in providing specialist facilities for black and minority ethnic groups of different ages.

It is conceivable that a race equality council might be involved in public awareness raising of race equality issues with the young and old, through, for example, a local oral history project.

### **Disability**

#### ***Legislation***

The Disability Rights Commission has been set up to work towards the elimination of discrimination, to promote the equalisation of opportunity in respect of the provision of services to disabled people, and to keep the Disability Discrimination Act under

review. The Disability Discrimination Act 1995 prohibits discrimination for a reason which relates to a disabled person's disability, unless it can be shown to be justified. The Disability Discrimination Act 1995 (Amendment) Regulations 2003 make amendments to the original act in order to implement the European Union Employment Directive's provision in regard to disability. The Disability Rights Commission has been given new powers in connection with a general duty on public authorities to promote equality of opportunity for disabled people. Further regulations are being introduced in relation to disability in vocational training provided by further and higher education institutions. Public authorities will be required to produce disability equality schemes by December 2006.

### *Statistics*

The term disability is legally defined\*. It includes those with mental illness. Estimates of the number of disabled people vary enormously, depending on definition. Clearly, there are different kinds and degrees of disablement. One estimate puts the number of disabled people at 7.4 million (14.2%) of the population of England and Wales, of whom many are elderly and nearly three fifths are women. Over 90% of disabled people live in the community and are not institutionalised. Unemployment among disabled people is high with over 50% of disabled men under 30 out of work and evidence of widespread discrimination in employment.

\* A person must have an impairment, the impairment must have an adverse effect, the adverse effect must be substantial, the substantial adverse effect must be long term, and the long term substantial effect must affect normal day-to-day activities.

### *Social Context*

There are two approaches to disability. The first treats the current physical, psychological, social and economic fabric of society as objective, inflexible and unchanging, requiring disabled people to accept and adapt to it. The second regards that fabric as socially constructed, plastic and capable of being refashioned to accept and adapt to the needs of disabled people who have objective and inflexible conditions. This second viewpoint holds society, its material constructions, attitudes and institutions, responsible for the creation of 'disability'.

As Brisendon puts it, 'we are disabled by a society that is geared to the needs of those who can walk, have perfect sight and hearing, can speak distinctly and are intellectually dextrous. If society were organised on a more equitable basis, many of the problems associated with not being perfect would disappear' (1986, vol 1, no 2, pp.173-8). This lack of awareness of, and failure to meet, the needs of disabled people are demonstrated by traditional institutional structures and procedures and in the design of buildings, transport, machinery and tools.

The key to understanding disability discrimination lies in the difficulty disabled people have firstly, in accessing and holding down work in the labour market and secondly, in participating in social activity generally, resulting in isolation, loneliness, and often poverty. In employment, disabled people are assumed, often without any objective evidence, to be incapable of undertaking certain tasks and are thus denied job opportunities or promotion. Insufficient attention is paid to making social and

physical arrangements to enable the disabled minority to participate and integrate in the economy or broader society. Like the elderly, in times of acute labour shortage, disabled people's potential for work is looked upon more favourably and those previously thought unsuitable or incapable are inexplicably found work.

### ***Relationship with other categories***

- Disabled people are found in all other categories, but they are most commonly found in older age categories and, like older people, are more likely to be poor.
- More women than men are disabled.
- Black and minority ethnic economic migrants are less likely to have disabilities as people who migrate are usually able bodied. This will not be true of populations that have been expelled en masse and seek political asylum. Even when black and ethnic minority economic migrant populations have settled, there will initially be fewer resident elderly disabled dependants.
- It is thought that disabled people are more likely to hold religious beliefs and to practise their religion. Often, facilities for the disabled are provided by religious bodies.
- There is no reason to believe that disabled people differ from the general population in their sexual orientation, although their sexual needs are frequently ignored and discouraged and go unprovided for, and they may have fewer opportunities to express their sexuality.

### ***Key Points***

- Disability is not a matter of choice.
- There is a strong presumption of disabled people's physiological and often psychological inadequacy.
- Disability discrimination unnecessarily excludes many disabled people from the labour market, making them poor and financially dependent.
- Behavioural expectations of and towards, people with disabilities are cultural and deep-seated.
- The number of disabled people is increasing, mainly as a consequences of a growing elderly population and medical intervention.
- Medical and technical support (with transport and building adaptations) is seen as playing an important part in the solution.
- The Disability Discrimination Act makes it unlawful to discriminate against disabled people in employment and services, but there is no concept of indirect discrimination in disability legislation.

### ***Possibilities for local equality work***

Disabled people might wish to access regional or local discrimination advisory services if they believe they have been discriminated against on grounds of their disability. Already many are members of action groups campaigning for radical changes to the social and physical environment. Currently Citizens Advice Bureaux are often approached and public authorities lobbied to intercede.

Local authorities might want advice on issues of access and employment, but currently are usually able to obtain it from government employees or private consultants.

Sheltered work shops, day centres, educational facilities for children and young people with special needs, and other institutions provide local facilities in the community.

### **Gender**

#### ***Legislation***

The Equal Opportunities Commission was set up under the Sex Discrimination Act (1975) to enforce laws to eliminate unlawful sex discrimination, to promote equality of opportunity between women and men, and to review and propose amendments to legislation. The Sex Discrimination Act prohibits discrimination in relation to employment, education, housing, and the provision of goods, facilities and services. The Equal Pay Act 1970 prohibits discrimination in pay and other terms and conditions between men and women doing work of equal value. The law is reinforced by the European Union's Equal Treatment Directive (1975) prohibiting sex discrimination in employment and vocational training. Public authorities will be required to produce sex/gender equality schemes by 2007.

#### ***Statistics***

As a consequence of their greater longevity, women constitute a majority, or 51.5% of the population, making discrimination against women as a majority population unique. In 2003, 56% of households consisted of a man and a woman living together with dependent or non-dependent children, or no children, 9% of a lone parent with children, and 29% of one person. Approximately half of one-person households was made up of people of state pension age, many of them women.

In 2003, 16.1 million men and 13.5 million women were economically active, with men and women employed in roughly equal proportions in distribution, and financial and business services. Women predominated in service provision and men in manufacturing, transport and construction. Men were more likely to be occupied in the skilled trades as plant or machine operatives, while women were to be found in personnel, administrative, sales and customer service.

### *Social context*

There is an extensive literature on women's inequality, its nature and causes, and the role that male-dominated society and institutions play in it. The sexual division of labour in which women bear children and play a central role in caring for their families, with the result that they are absent from the labour market for prolonged periods, or are forced to work part-time in low paid jobs, is seen as playing a key role in perpetuating their social and economic inequality, with women earning on average a third less than men. The Sex Discrimination Act and Equal Pay Act are both aimed at redressing discrimination against women in work. In modern industrial society, women form an essential part of the labour supply and are increasingly encouraged to enter the labour market and return to work through recruitment drives, training programmes, and laws guaranteeing maternity leave or support for child care. Nevertheless, differences in pay and conditions inflexible hours, maternity leave, cost and quality of child care facilities, pension schemes, promotion, gender stereotyping, and sexual harassment, still contribute to inequality and require effective intervention.

Outside of the workplace, too, women suffer from distinctive forms of discrimination at the hands of men: intimidation and physical violence, including rape, especially in domestic settings.

### *Relationship with other categories*

- The other five categories are made up of men and women.
- In regard to age, women outnumber men at 65 and over in a ration of nearly 3:2, and at 85 or over in a ratio of 7:3.
- Approximately three-fifths of disabled people are women, partly as a consequence of their greater longevity.
- In initial economic migration, men have tended to outnumber women, with this disproportionality remaining a feature of the migrant population. Migrant populations are likely to be fully representative of gender and age if all members are expelled. Men are more likely than women to choose partners outside of their ethnic group. Ethnic groups vary in their propensity to select partners from other ethnic groups, this being a function of both preference and availability.
- Women tend to be more religiously orthodox and devout than men and this is true for most religious communities.
- There is much speculation and dispute as to why and whether men outnumber women in regard to same-sex orientation, as the evidence would seem to suggest.

### ***Key points***

- A person's sex is not a matter of choice, but there is scope for determining (social) gender roles and for gender reassignment.
- The reliance on physiological features to justify traditional gender roles has for some time been under radical challenge.
- Sex discrimination is popularly perceived as personal and cultural, but with significant institutional elements.
- Women's income, both within and outside of the labour market, is less than that of men.
- Women, the victims of sex discrimination, form a majority of the population as a whole.
- Women's political mobilisation is seen as playing an important part in the solution as, too, is institutional change, by ensuring a level playing field in regard to wages, prospects and social benefits.
- Domestic and sexual violence is a distinctive feature of sex discrimination, requiring special intervention.
- Sex discrimination in employment has been unlawful since 1975, but there are still stark differences in income between the sexes.

### ***Possibilities for local equality work***

A regional local discrimination advisory service for women who believe they have suffered unlawful sex discrimination is a possibility. Strategic cases are likely to be taken up by the CEHR.

Most local organisations, particularly in the public sector, already have personnel systems in place to protect women from sex discrimination and sexual harassment at work.

Community projects are often focused on protecting women from domestic violence, supporting victims, providing safe accommodation and improving the safety of women, generally. The women's refuge movement is usually active at local level and is also likely to have facilities for vulnerable black and minority ethnic women. In the past, these projects have often been initiated or run by local race equality councils.

## **Race**

### ***Legislation***

The Commission for Racial Equality was set up under the Race Relations Act (1976) to work towards the elimination of racial discrimination to promote equality and good relations between persons of different racial groups, and to review and propose amendments to legislation. Race discrimination and harassment are made unlawful by the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, and the Race Relations Act 1976 (Amendment) Regulations 2003. The Race Relations Act prohibits discrimination in relation to employment, education, housing and the provision of goods, facilities and services, and in the exercise of other public functions.

The legal framework is reinforced by the European Union Race Directive (2000) prohibiting race discrimination in employment and training, the provision of goods and services, education, and social protection.

### ***Statistics***

Of the 52 million population of England and Wales, 47.5 million (91.3%) are white, and 4.5 million (8.7%) black and minority ethnic (consisting of 0.7 million (1.2%) mixed, 2.3 million (4.3%) Asian, 1.1 million (2.1%) black, 0.2 million (0.4%) Chinese, and 0.2 million (0.4%) other). Much of the black and minority ethnic population is concentrated in the major conurbations and cities of the United Kingdom, especially in all of the inner London boroughs, most of the outer London borough, Blackburn and Manchester in the North West, Bradford in West Yorkshire, Leicester in the East Midlands, Birmingham, Coventry, Sandwell and Wolverhampton in the West Midlands, Luton, Bedford, Cambridge, Forest Heath, and Watford in the East, and Oxford in the South West.

Within these urban areas, the black and minority population is further clustered in particular neighbourhoods or wards, in what have been termed 'ethnic villages' giving rise to concerns about the ethnic cohesiveness of communities. By way of contrast, some rural counties such as Herefordshire, have a black and minority ethnic population of less than 1%.

Certain ethnic groups are concentrated in particular industries. For example, two thirds of Bangladeshi and half of Chinese men in employment work in the distribution, hotel and restaurant industry. Black Caribbean women work in public administration, education, or health.

### ***Social Context***

The demand for labour in the buoyant economy of the 1960s resulted in the first wave of post-war New Commonwealth immigration. Sections of the economy still need migrant labour to fill vacancies and undertake work where no alternative local workforce is available. With the removal of restrictions on labour mobility within Europe, inward and outward migration is likely to remain a significant feature of urban life in the foreseeable future.

The arrival of new workers and their families has often led to a perception by the settled workforce that it is under threat, with migrants competing for jobs, housing and public services.

The hostility from the white population, may lead the new arrivals to seek safety in numbers and to cluster together in particular areas of the city. The lack of contact between ethnic groups in residential areas, places of work, schools and leisure facilities has led to growing concerns over the cohesion of communities.

The government has responded to the electorate's concerns in the past by adopting a tripartite policy of restricting immigration, introducing anti-discrimination legislation to ensure black and ethnic minority workers are treated fairly, and taking social welfare initiatives in areas of high black and minority ethnic settlement. By and large, this policy continues, despite continuing labour shortages in sections of the economy, although the government has announced its intention of adopting an immigration policy based on the need to fill skill shortages and plan future labour needs.

Continued racial discrimination in employment (including in recruitment, promotion and pay) is increasingly seen as an obstacle to labour efficiency and a waste of human resources, while in housing and the provision of goods and services, it could lead to increasing residential separation and community fragmentation.

#### ***Relationship with other categories***

- While issues of age, disability, gender and sexual orientation are of concern to minority as well as majority communities, race seems to share most in common with the category of religion or belief.
- The age profile of black and minority ethnic groups is younger than that of the majority white population. It is also true that older white people tend to be more racially prejudiced.
- Black and minority ethnic groups are affected by disability in the same way as the white majority, but fewer economic migrants are likely to be disabled, as disabled people are rarely in a position to migrate.
- Settled black and minority ethnic groups tend towards gender balance. Men tend to be more heavily represented in the first wave of economic migration, a phenomenon subsequently reflected in the gender distribution of black and minority ethnic age profiles.
- Black and minority ethnic immigration has brought with it religions, cults and sects, unfamiliar in British secular society and a majority population nominally Christian. Islam is the most numerous of these religions. Its adherents, for various reasons, are subject to Islamophobia. It is likely, however, that religious discrimination against Muslims is in most cases a form of racial discrimination by proxy against the ethnic Asian population.

- While traditional white British society is considered homophobic, many black and minority ethnic groups are equally, if not more, hostile to gays and lesbians. This may be partly a function of the strength of traditional religious belief systems.

### ***Key points***

- A person's race or colour is not a matter of choice, but there is scope for assuming, modifying or changing ethnic identity.
- Physiological differences ('visible minorities') play an important role in racial identity and discrimination.
- Racial discrimination is popularly perceived as personal and cultural but there is a growing awareness of its institutional dimension.
- Workplace racial discrimination unnecessarily excludes racial and ethnic minorities either from the labour market or from better-paying managerial and professional positions.
- Whereas the elderly, disabled, women, gays and lesbians are distributed across families and communities, in the main racial and ethnic minorities live in families and communities separate from the white majority population thus leading to the possibility of inter-communal (as opposed to individual) conflict.
- As labour markets are opened up to international competition, there will be increased economic migration and a more racially and ethnically diverse workforce.
- Immigration control, anti-discrimination law, policy and procedures, and improved social welfare are all seen as playing a part in the solution.

### ***Possibilities for local equality work***

Race equality councils have traditionally filled the niche of promoting race equality at local level. They have provided race specific casework, advised and developed race equality policy especially for the public sector, and undertaken community projects of various kinds to promote good relations between ethnic groups.

They are well placed to encourage community cohesion and to assist in diffusing or resolving community tension. They perform an important race-awareness-raising function and are in a position to counteract the divisive propaganda of the far right.

There is scope for establishing stronger working relationships with racial harassment networks, new migration and refugee groups and gypsy and traveller communities, as well as to form partnerships with voluntary groups promoting other equalities.

## **Religion or belief**

### ***Legislation***

The European Union Employment Directive (2000) prohibits discrimination on grounds of religion in employment and vocational training. This provision has been translated into the Employment Equality (Religion or Belief) Regulations 2003, which prohibits direct and indirect discrimination and harassment on the grounds of religion or belief in the fields of employment and vocational training. This legislation, however, does not prohibit discrimination in the provision of goods and services.

### ***Statistics***

Of the 52 million population of England and Wales, 37.3 million (71.75%) stated their religion as Christian, 0.15 million (0.28%) Buddhist, 0.55 million (1.06%) Hindu, 0.26 million (0.50%) Jewish, 1.5 million (2.97%) Muslim, 0.33 million (0.63%) Sikh, 0.15 million (0.29%) other religion, 7.7 million (14.81%) no religion, and 4.0 million (7.71%) religion not stated. While after Christianity, Islam has the largest number of adherents, people claiming to have no religion outnumber Muslims in a ratio of 5:1. Buddhists, Hindus, Muslims and Sikhs are to be found mainly in areas of black and minority ethnic settlement.

### ***Social context***

Generally, discrimination on grounds of religion or belief, or incitement to religious hatred, are seen as being perpetrated by followers of one religion against followers of another. But in England and Wales, the discrimination or hatred described as religious may be directed by sections of the general population against groups perceived to be different or a threat, as in the case of violence expressed towards Muslims in the wake of the 9/11 terrorist attacks. Much so-called religious discrimination may be a form of racism or xenophobia by proxy.

The country's Christian history is reflected in its traditional institutions, festivals and public holidays, which followers of other religions are expected to adapt to. A rational employment policy which aims to make the most of its labour force, should seek to accommodate the religious needs of employees or service users. It is wasteful of human resources to discriminate in employment against people of minority faiths and/or their lifestyles.

### ***Relationship with other categories***

- People with religious and other beliefs are found in the five other categories, although adherence to a particular religion may vary according to ethnicity.
- Women, the disabled and older people tend to be more religiously orthodox and devout and to engage in religious practice.
- Disability has sometimes been regarded as divine retribution for sin.

- Religion is still used as a justification for preserving and fortifying traditional gender roles. Women cannot be Catholic priests or bishops in the Anglican church.
- Black and minority ethnic communities are often dependent on religion and places of worship for material, social and emotional support. Black and minority ethnic groups are more likely to participate in religious devotion than the white majority.
- Some religions teach that same-sex sexual relationships are sinful or unnatural and should not be tolerated. There is anxiety as to whether the CEHR will be able to accommodate the strands of religious and sexual orientation equality simultaneously.

### ***Key points***

- Family and community of origin play a key role in determining a person's religious belief, but socialisation leaves open the possibility of change and choice.
- Religious custom, belief, way of life, or dress, distinguish adherents of one religion from another. Religious discrimination in favour of the state religion is usually seen as cultural but is heavily institutionalised in British society in the long-standing, taken-for-granted arrangements between church and state.
- Religious discrimination (or more exactly, discrimination based on religious labelling) has been a feature of Northern Ireland and, to a lesser extent, Scotland.
- In England and Wales, religion has come to be recognised as a secondary defining feature of racial and ethnic minorities, with 'incitement to religious hatred' appearing to be an alternative means of whipping up racial animosity.
- In England and Wales, the religious minorities most likely to experience discrimination are likely to live in families and communities separate from the white majority population.
- Raising awareness and educating people about different faiths and ethnic diversity, together with laws against religious discrimination and incitement to religious hatred, are commonly seen as solutions.

### ***Possibilities for local equality work***

Religious or faith groups are not necessarily the most appropriate bodies to take on the mantle of action against religious discrimination. Paradoxically, people with a strong religious interest could be those most likely to discriminate on religious grounds. Discrimination ostensibly on the basis of religion, for example, against Muslims, may also be a form of racial discrimination by proxy. It is possible, therefore, that race equality councils could assume the responsibility for religious discrimination casework or resolving local community conflict arising from religious differences.

They might also be able to offer advice to employers on how best to accommodate the religious needs of employees in the work place.

Places of worship and faith groups are often already engaged in community projects and at the forefront of measures to promote community cohesion. Race equality councils are usually in a position to work closely with them on these kinds of project, as well as on cultural and religious awareness-raising exercises.

Where religious groups are opposed to specific measures relating to women's or gay and lesbian rights, race equality councils may be in a position to mediate.

### **Sexual orientation**

#### ***Legislation***

The European Union Employment Directive (2000) prohibits discrimination on grounds of sexual orientation in employment and vocational training. This provision has been translated into the Employment Equality (Sexual Orientation) Regulations 2003, which outlaw direct and indirect discrimination and harassment on the grounds of sexual orientation in the fields of employment and vocational training. They also make it unlawful to victimise persons who have taken action to uphold the regulations. This legislation, however, does not prohibit discrimination in the provision of goods and services.

#### ***Statistics***

Figures are hotly disputed, but a frequent claim made is that 1 in 10 of the population is lesbian or gay. *The National Survey of Sexual Attitudes and Lifestyles* (1999) found that 6.1% of men and 3.4% of women reported some kind of same-sex experience, and 3.6% of men and 1.7% of women genital contact with a same-sex partner in the previous two years. Translated into figures for the post-16 but under 65 adult population, this would amount to 994,000 men and 559,000 women having a same sex experience and 557,000 men and 280,000 women having same sex genital contact. But of men and women who have had a same-sex sexual partner, 90.3% of men and 95.8% of women have also had a partner of the opposite sex.

### ***Social context***

Lesbians and gays are found throughout society but there is some evidence to indicate that they gravitate to the cities and are to be found in greater numbers in London. Possibly, to facilitate the likelihood of same-sex contact, gay clubs and bars have developed in many urban centres. The category is often expanded to include people who are bisexual, transsexual, transvestite and transgender and referred to as 'LGBT'. 'Trans' issues, however, might best be treated as instances of gender discrimination.

Lesbian and gay people are more likely than ever to show public pride in their identity, holding celebratory gay festivals.

Discrimination takes a number of different forms. Lesbians and gays suffer harassment, violence and hate crime and may be discriminated against in employment and service provision. There is insufficient recognition of the needs of same-sex partnerships in institutional arrangements, e.g. marriage and pension provision.

Various psychological and sociological theories purport to explain homophobia and the extreme hostility and violence expressed towards gays and lesbians. The literature is extensive. While the sexual orientation workplace regulations are to be welcomed as a useful means of alleviating this unpleasant form of discrimination and making fuller use of the talents of LGBT people, they do not seem to carry with them the same potential as the laws governing other strands of equality (especially age, disability, gender and race) for contributing to the national extension and use of the labour supply, as mentioned earlier in this chapter.

### ***Relationship with other categories***

- People with same-sex sexual orientation are found in the five other categories.
- It is assumed that the sexual orientation of older people does not differ from that of younger age groups, although there may be less energy or fewer opportunities to express their sexual orientation. The sexual activity of young people, the age at when they can manifest it, and with whom, remain a source of contention.
- More men than women appear to have same-sex sexual orientation.
- It is assumed that people with same-sex sexual orientation are distributed equally across racial and ethnic groups, although some black and minority ethnic communities may exercise more punitive sanctions to suppress or discourage manifestations of gay or lesbian behaviour.
- It is assumed that gay and lesbian people are just as likely to profess religious beliefs, despite traditional religious teaching condemning same-sex sexual contact and behaviour. The Anglican church is divided over whether to accept openly gay clergy or bishops. On a recent gay pride march in London, Stephen Fry pointed out that there were still 'highly

organised groups of right-wing people who want to sweep us into the fires of hell’.

### ***Key points***

- It is now more commonly accepted that a person’s sexual orientation is not a matter of personal choice, although an individual has some measure of control over how that orientation is publicly manifested in lifestyle.
- Certain institutional contexts (such as hierarchical single-sex institutions) may facilitate and channel same-sex behaviour, and lead to the abuse of sexual power.
- Discrimination on grounds of sexual orientation is usually seen as personal and cultural, but often institutionally reinforced by legal sanctions, e.g. law on the age of homosexual consent (now equal), rules on homosexuality in the armed forces.
- The number of people openly admitting that they are gay or lesbian has increased, due possibly to increasing tolerance.
- Public awareness-raising and education, as well as effective action against violence towards gays and lesbians, are seen as solutions.

### ***Possibilities for local equality work***

People discriminated against on grounds of their perceived sexual orientation might wish to access regional or local discrimination advisory services.

Gay and lesbian interest groups already campaign in the community for changes to the law, more facilities, and greater tolerance towards LGBT. Race equality councils may wish to make contact and campaign jointly with them for gay rights and against issues of unlawful discrimination.

Race equality councils could develop common projects with black and minority ethnic gay and lesbian people. Race equality councils might wish to lend their support, as many police forces have done, to the gay pride festivals and marches that are held from time to time in various parts of the country.

Racial harassment networks and reporting centres might provide similar facilities for victims of other hate crimes.

## Chapter Three

### How current functions might be adapted for multi-strand equality work

The functions of many race equality councils still correspond with or can be classified under, the four constitutionally-defined 'modes of operation'. These are assistance to individuals, policy development, community support, and public information.

It is worth examining RECs' current modes of operation and related activities in order to understand how RECs might be affected by the drive for multi-strand equality work, implicit in the development of the CEHR, and how, in the longer term, they might contribute to a new configuration of voluntary organisations working towards equality.

Table 1 sets out eight of the most frequently-mentioned functions of local race equality organisations under the four headings of the modes of operation. Not all organisations undertake the full set of functions. Given the pressure on resources and the recent focus on delivering measurable outcomes, some race equality councils and partnerships have already taken the decision to specialise, for example, in providing legal advice and other assistance to complainants of discrimination, or in managing or participating in community development and regeneration projects.

**Table 1 Common functions of race equality councils**

Assistance to individuals	<ul style="list-style-type: none"><li>• Casework and complainant aid for those who feel they have been racially discriminated against.</li><li>• Support for victims of racial harassment, violence and racially-motivated crime.</li></ul>
Policy development	<ul style="list-style-type: none"><li>• Public authority and partnership race equality policy development.</li><li>• Race equality policy research.</li></ul>
Community support	<ul style="list-style-type: none"><li>• Projects to promote community participation and cohesion and good relations between persons of different racial groups.</li><li>• Projects to improve the health and quality of life of black and minority ethnic groups.</li></ul>
Public information	<ul style="list-style-type: none"><li>• Training in race relations and sound race equality practice.</li><li>• Campaigning for multiculturalism, racial integration, and against the racism of the far-right.</li></ul>

Nevertheless, most local race equality organisations undertake some or all of the listed functions, but usually with a specifically-racial or ethnic slant to their work.

In order to perform the function or deliver a service to any credible standard, these organisations have acquired or trained staff and assembled teams with specialist skills in race relations. Service users approach race equality organisations in the belief that they possess the competences necessary to assist them.

In this respect, race equality organisations not only subscribe to the functions listed in Table 1, but possess core competences to carry them out, that is, expertise that provides them with a competitive advantage over other organisations operating in the same or similar areas. Conversely, these other organisations may be competent in other equality fields, making it difficult for race equality councils to move into new equality areas.

Race equality councils may work to the 1990 Commission of Racial Equality model constitution which includes the standard ‘modes of operation’. Many local race equality organisations however, have grown their ‘modes’ in line with the eight functions set out in table 1. The purpose of this chapter is to explore the extent to which those functions might be augmented or developed to embrace multi-strand equality work. The difficulty, of course, does not lie in changing the wording of the objects or functions, but in evaluating and prescribing the degree to which local *race* equality organisations can proceed convincingly to undertake work relating to the other five strands of equality. The rest of this chapter will explore the feasibility of extending traditional race equality functions to take in gender, disability, religion or belief, sexual orientation, and age.

### **Casework and complainant aid**

Despite funding constraints, many local race equality organisations still provide professional information, advice, guidance, legal casework and representation for persons complaining of *racial* discrimination or harassment. It is easy to change the wording:

- To provide professional information, advice, guidance, legal casework and representation for persons complaining of unlawful discrimination.

In this way, the organisation would be constitutionally equipped to take on casework relating to discrimination on grounds of race, gender, disability, religion or belief, and sexual orientation in employment, as well as race, gender and disability in service provision. The CEHR proposals assist in helping to bring out the similarity between the various laws relating to the different strands of equality, the argument for consolidating those laws, and for rationalising access to, and provision of, legal aid.

This extension of a race equality organisation’s brief seems perfectly feasible providing it already has experience of, and is undertaking, race equality casework. Indeed, the symmetry between race, religion or belief, sex, and sexual orientation employment law may lead to an easy organic development of multi-strand casework services.

It raises, however, the question of race equality councils' specialist status. If they were to take on these other types of discrimination cases, in what way would their services be different from Citizens' Advice Bureaux and local law centres? The answer may lie in their specialising in discrimination law, particularly in regard to employment. CABs and law centres already provide some level of service, but, in general, there is a shortage of free legal advice relating to employment and service discrimination.

It is worth bearing in mind, however, that in recent years, fewer race equality councils have offered legal information, advice, guidance, and case work services, and fewer still help in representing clients at employment tribunal. Complainant aid services have proved so resource hungry that many race equality councils have not been able to sustain them at the level required to satisfy local demand or to achieve optimal outcomes.

In recognition of this, both the Commission for Race Equality and local consortia of race equality councils have begun to consider the possibility of developing specialist legal aid units that concentrate expertise and take referrals from agencies which no longer possess the requisite legal expertise.

In the West Midlands, the West Midlands Discrimination Advisory Service (WMDAS), a partnership between Race Equality West Midlands and the School of Legal Studies, University of Wolverhampton, has been set up to provide a fully-professional region-wide complainant aid and representation service for persons who have been unlawfully discriminated against and who are referred locally by race equality councils and organisations with similar aims. WMDAS focuses on the later stages of discrimination casework, negotiating settlements where possible, but specialising in tribunal and county court representation.

The service is intended eventually to deal with unlawful discrimination on the grounds of race, colour, ethnicity, nationality, national origin, gender, disability, religion or belief, sexual orientation and, at a later stage, age. Currently, however, it is funded only by the Commission for Racial Equality and in the context of CRE funding requirements, only takes on cases of racial discrimination.

As a 'second-tier' organisation, WMDAS needs to establish and build a network of locally accessible 'first-tier' agencies to refer cases to it when they lack the resources to deal with them themselves. Part of the WMDAS brief is to establish a programme for local agencies of training in elementary casework. This might help WMDAS to deal with the anticipated level of demand which is likely to increase if and when it takes on the full range of unlawful discrimination, not just race.

## **Victim Support**

In some areas, networks or voluntary agencies for supporting victims of racial harassment, violence, or racially-motivated crime, have been set up separately from the local race equality council. In others, race equality councils run projects, often in

partnership with the police, to provide support to victims of racial harassment or violence, or are the lead strategic partner in the arrangement.

Race equality councils offering this set of services aim to provide help and support to victims of racial harassment, violence, or racially-motivated crime and, in partnership with criminal justice and other relevant agencies, to monitor incidents of race-hate crime and develop facilities and networks to provide victim support and to improve community safety. Again, if race equality councils are contemplating multi-strand working, the wording is easy to change:

- To provide help and support to victims of harassment, violence and other hate crime.
- In partnership with criminal justice and other relevant agencies, to monitor incidents of hate crime and develop facilities and networks to provide victim support and improve community safety.

But how easy would it be for a race equality agency to provide victim support to victims of violence and hate crime other than those relating to race? There are similarities between hate crimes against black and minority ethnic individuals, members of religious or faith groups, and gays and lesbians.

Significant differences exist, however, between manifestations and patterns of racial harassment and violence and those of sexual harassment and violence, particularly of domestic violence. Provision is already routinely made by other agencies for victims of domestic violence, the vast majority of whom, of course, are women. Nevertheless, race equality councils have an established tradition of running specialist projects, often in partnership with other agencies, for black and ethnic minority victims of domestic violence, for example, shelters for Asian women. Apart from established facilities for victims of domestic violence, voluntary sector 'victim support services' work closely with the courts to provide services not only for those who have suffered harassment and violence, but for victims of a wide range of crimes. While race equality councils may provide some help to victims of racial harassment and violence, they might not currently have the resources or expertise to take on a broader remit. There are other challenges too, such as bullying at school, which are acquiring a higher profile and where race equality councils have become involved, but it is likely that education authorities, schools, and parent associations, will play an increasing role in their resolution.

In short, whereas local race equality organisations already play a part in issues relating to victim support and might be able to broaden their remit beyond race to deal more generally with other victims of discrimination, harassment and violence, they may find themselves duplicating the work of, or in competition with, other agencies. Facilities already exist to provide support to victims of domestic violence. Victim support services have been developed in association with the courts and criminal justice agencies. Age Concern and Help the Aged provide facilities for older people, race equality councils may only be able to play a partnership role in respect to matters affecting their traditionally recognised client group, the black and minority ethnic communities.

## Policy development

Traditionally, race equality councils have played a significant role in developing policy to ensure that people from different racial groups are treated fairly in their dealings with authority, be it in the public, private, or voluntary sector. Often race equality councils have been approached to undertake consultation on behalf of bodies such as educational institutions, the local authority, or the police, to find out the views of black and minority ethnic groups which might be affected by a change of policy or practice.

Since the introduction of the Race Relations (Amendment) Act 2000, which required listed public authorities to undertake general and specific duties to eliminate discrimination and promote race equality, such as producing a race equality scheme or policy, race equality councils have more frequently been involved in advising public authorities, particularly local authorities, on race policy matters.

One object of race equality councils, therefore, is to provide advice on *race* equality policy to public authorities and partnerships. Again, to embrace a multi-strand approach, the wording can quite easily be changed:

- To assist public authorities to comply with duties to promote equality and meet equality standards, including giving help with community consultation exercises and access to services.

Local authorities (a subset of public authorities) already work to an Equality Standard developed jointly by the Local Government Agency (LGA), the Commission for Racial Equality, the Equal Opportunities Commission, and the Disability Rights Commission. Many race equality councils work unremittingly to ensure the public authorities operating in their locality are in compliance with the duty to promote race equality under the Race Relations (Amendment) Act 2000 and, in the case of *local* authorities, operate to the approved Equality Standard and appropriate Best Value Performance Indicators. The White Paper, *Fairness for All*, promises that local authorities will additionally be bound by the law to extend their race equality scheme and action plan to cover gender and disability, too. Some local authorities have already produced generic equality schemes covering race, gender and disability issues and also, in some cases, sexual orientation and religion or belief.

In offering advice to public authorities on race equality schemes and equality standards, race equality councils remain particularly strong on issues of community consultation and the assessment of impact on black and minority ethnic people, and it is now more than ever widely accepted that service users have a key role to play in the improvement drive. The key question for race equality councils is whether they possess the necessary expertise to develop policy or give advice in relation to other policy strands.

The Commission for Racial Equality has not generally been willing to fund race equality councils to assist public authorities in complying with their duties to promote race equality, believing that this legal responsibility and the funding of it should rest with the public authority itself. If funding is not provided by a public authority to the race equality council, however, it is difficult to see how the race equality council can

sustain its work on this aspect of policy development. Despite the development of the Equality Standard jointly by the three commissions, the Commission for Racial Equality is not in a position to fund policy development other than that in regard to race.

Race equality councils' work on policy development extends far beyond assisting public authorities with their race equality duty. Race equality councils should themselves have undertaken local race equality needs analyses and community consultations and developed or coordinated local race equality strategies and action plans. They should be working not only with public authorities, but with the voluntary, community and private sectors, which, particularly in regard to their employment policies, will want to be updated on changes to the law and the move to a generic equality approach.

Race equality councils are already faced with competition. Major public authorities often employ their own in-house equality and diversity officers and the policy field is awash with private consultants marketing specialist professional advice on human resources systems, staff development, and single or multi-strand equality policy. Very few race equality councils have targeted the private and voluntary sectors, or have the resources to take on and deliver contracts to commercial specifications. Race equality councils may have to play to their strengths in community development, consultation, empowerment, and impact assessment.

### **Policy Research**

Although by no means universally the case, some race equality councils have developed expertise in researching the needs of black and minority ethnic communities, race inequality and ethnic relations, including demographic and needs analyses, service impact assessment, and the identification of the sources of community tension and conflict. It is again simple to come up with wording to permit a multi-strand approach to this aspect of race equality council activity:

- To undertake applied research into the needs of local communities, social inequality and community relations, including demographic and needs analyses, service impact assessment, and the identification of the sources of community tension and conflict.

There is, indeed, little reason why race equality councils should not take on a broader applied research remit. The tendency to focus on research into black and minority ethnic needs has sometimes led in the past to the production of research reports flawed by the failure to make use of white-majority comparators. A brief that involved making comparisons between ethnic communities as a whole would avoid this shortfall, but it has to be said that this kind of mistake should not have been made in the first place if the researchers were sufficiently experienced and qualified.

Race equality councils' claim to strength in the field of social research rests in two areas: firstly, in its applied nature, embedded in day-to-day experience of race relations practice, and secondly, in the detailed knowledge of and feel for local, ethnic communities, and an ability to access, or to facilitate access to them. Nevertheless, race equality councils have often had difficulty in convincing others that they possess

the requisite level of research expertise and experience to provide high-quality research into race relations.

Race equality councils may find multi-strand equality research more difficult still to win contracts for or to undertake. A more panoramic approach may lead to poorer insights into specific aspects of inequality and its causes. Investigation of a variety of forms of inequality will require far more detailed knowledge of these research fields as well as a greater ability to undertake multi-variate analyses. Race equality councils might wish to continue to play to their strengths, rather than risk a dilution of their research expertise.

After all, there is already stiff competition in the area of research. Private consultants, university applied social research departments, and local authority regeneration units may be better skilled and technically equipped, even though the questions that they ask may often appear annoyingly detached from the real world of local race relations. The solution may be to establish local research partnerships with universities and local authorities.

### **Community Support**

Various kinds of race equality council project work fall under this heading, of which (i) projects that promote community participation, and cohesion, and good relations between persons of different racial groups and (ii) projects to improve the health and quality of life of black and minority ethnic groups, are frequently distinguished.

Currently, then, race equality councils usually have objects or functions stated as follows:

- To promote community participation and cohesion and good relations between people of different racial groups.
- To improve the health and quality of life of black and minority ethnic groups.

These might easily be transformed for multi-strand equality work into:

- To promote community participation, cohesion and good relations among different communities and between those communities and wider society (as suggested by the White Paper, *Fairness for All*).
- To improve the health and quality of life of all groups in the community (that is, all groups protected by discrimination law).

The function of improving community relations, especially relations between ethnic community groups, has always been integral to British race relations and the work of race equality councils. Race equality councils' antecedents were known as community relation councils, and before them, councils for racial harmony. All these agencies had a primary interest in promoting good relations between different ethnic communities living in a locality.

The ongoing nature of this concern is currently demonstrated by contemporary community cohesion initiatives. The concept of community cohesion, of course, originated in an analysis of the deep racial and ethnic divides besetting certain northern towns. Not until the policy was rolled out nationally, did it acquire its multi-strand diversity dimension and consequent unhelpful shift of focus away from race relations.

Much community tension and conflict continue to be related to perceived differences of colour, race, ethnicity, national origin and religion, thus raising the question of whether race equality councils should continue to concentrate their efforts on race (and possibly religious) relations. As explored in Chapter Two, communities generally are fractured along social class, racial, cultural and, to a lesser extent, religious lines. While considerations of gender, disability, age and sexual orientation may play a part in social exclusion and isolation, women, disabled people, old and young and LGBT alike, are members of all local residential communities. British society can scarcely be said to be fractured, or to run serious risk of conflict, in regard to these last-mentioned dimensions of inequality.

In this respect, relations of race and religion together with the social class differences associated with them, are uniquely in need of attention and intervention. A major criticism of the government's national community cohesion initiative has been its reformulation as a multi-strand programme, with corresponding diffusion of focus and loss of purpose, momentum, and effectiveness.

Race equality councils should consider very carefully any decision to jettison their specialist work on promoting good relations between racial groups, community cohesion, and resolving conflict between different racial and religious communities.

Race councils have a clear competitive advantage over other agencies in the public, voluntary and community sectors in promoting positive relations between ethnic communities. The consequences of relinquishing this advantage in favour of a less specific generic equality approach are crucial.

Race equality councils have traditionally mounted projects, either singly or in partnership with other agencies, aimed at improving the health and quality of life of disadvantaged communities. This work is usually area-based and only occasionally targeted exclusively at specific ethnic groups. Area-based initiatives provide for all ethnicities living in a particular area, and impact on particular ethnic clusters only by virtue of their residency within the area.

Area-based initiatives of this kind could easily be broadened to include projects involving women, young and old, disabled people, faith groups, and LGBT. A variety of projects of this kind was supported by the recent Community Cohesion Pathfinder programmes. But multi-strand area-based initiatives are bound to involve more local agencies with different aims, resulting in resources being more thinly spread and more disparate objectives and outcomes. One criticism of the Community Cohesion Pathfinders was their failure to make a major impact on the 'parallel lives' scenarios that they were originally intended to overcome.

In regard to the drive for service improvement on health, housing, education, crime prevention and the environment, the involvement of black and ethnic minorities in decision-making and consultation on matters that affect their lives remains a priority. Race equality councils have an important part to play in projects which raise expectations and empower local people to make greater demands on public services. The danger remains that community development and regeneration projects will be less effective in their contribution to health and the quality of life, if they lose any specific focus they may have on black and minority ethnic communities.

One reason for funding race equality councils for their work on community development is to improve the involvement of black and minority ethnic groups in the community. Race equality councils need to retain their specialist core competence in this field.

### **Public information and education**

Race equality councils often provide training in race relations and sound race equality practice. This function can easily be extended to cover multi-strand work as follows:

- To provide training on equality promotion and sound equality practice.
- To promote awareness and good practice in work for equality and diversity.
- To promote awareness and understanding on human rights.

Race equality councils might broaden their training remit beyond training in race and ethnic relations and sound equality practice to include diversity issues and human rights, and be well positioned to raise public awareness on these matters. Many race equality councils might claim already to have done so. It is difficult to accept, however, that they have the same knowledge and expertise as other specialist agencies in areas other than race, culture and religion. Other organisations already exist to raise public awareness and change behaviour in regard to issues of age, gender, disability, sexual orientation, and human rights. It might well be argued that race equality councils might be better advised to retain, develop and market their core competence in race and ethnic relations and promoting race equality.

In terms of local competition, a range of voluntary and community organisations already provides information, advice and training for many areas of equality promotion. And public and private trainers market tailor-made courses on race and ethnic diversity. With their current skills, race equality councils are equipped to compete only in the field of race and diversity training and, even here, the competition from private consultants and trainers is likely to be stiff. Much would depend on the availability of funds to subsidise awareness-raising and training exercises.

Race equality councils are expected to be in the forefront of campaigns for a multi-cultural and diverse society, for racial integration, and against the racism of racist far-right political parties. This task might easily be couched in terms that allow for multi-strand campaigning, for example:

- To campaign for diversity, community cohesion, and respect for human rights.

Race equality councils could easily campaign for all of the above objectives. Most campaigns, however, have to be specific and targeted, if they are to be successful in changing behaviour or attitudes. Diversifying the campaigns in which local race equality organisations are involved may make it more difficult, rather than easier to achieve desired outcomes. For example, it might not be helpful when dealing with the specific danger to the community posed by the racism of far-right groups to deal simultaneously with their conservative attitudes to the domestic role of women or to their homophobia, justified as a defence of family values. The campaign message may become too complex or confused. The alternative view, however, is that this cluster of attitudes is best dealt with as a package and is likely to encourage the building of political alliances between campaigners for race equality, anti-fascists, black and ethnic minorities, women, faith groups, and gays and lesbians. The difference of values and opinion between these groups, for example in regard to women's and gay rights, is well recognised.

The problem here is not competition within the voluntary sector over who should take on the campaigning role, but the difficulty of forming active and effective alliances to cope with the racism, xenophobia, anti-liberalism and authoritarianism of the far-right. Campaigning is also expensive. Funding is only likely to be made available and campaigning to be successful for a cause that is specific and clearly defined: not for a general one, such as respect for human rights.

### **Summary**

A number of conclusions can be drawn from this analysis of the functions of race equality councils and their propensity for multi-strand adaptation.

Some functions such as legal casework for complainants of discrimination are more susceptible to the adoption of a multi-strand approach. Other functions in the area of community support, such as the promotion of good relations between racial groups or the improvement of the health and quality of life of black and minority ethnic communities, are fundamental to the work of race equality councils. Attempts to adopt a multi-strand approach in this field are likely to be counterproductive and result in a deterioration of focus on community cohesion and the promotion of race equality, and possibly the eventual demise of specialist agencies able to deal with specifically-ethnic conflict resolution.

Put another way, unless the unique contribution of race equality councils to race equality and inter-ethnic community cohesion is recognised, the introduction of the Commission for Equality and Human Rights, with its emphasis on rationalising the framework of discrimination law, and uncritical attempts to emulate and reproduce structures like it at local level, may lead to the neglect and eventual collapse of the unique, organically-developed, and socially invaluable local race equality movement.

## Chapter Four

### Modelling organisations for multi-strand equality work

What models of organisation could be developed and adopted to accommodate the issues relating to the functions discussed in Chapter Three? Various ways of adapting existing organisations to the change likely to occur as a result of the setting up of the Commission for Equality and Human Rights are examined below. They range from a cautious and gradual extension of current work to the creation of entirely new organisations. Responses can be conceived as unitary and single-tier, or binary and two-tier. Most of these proposals are currently under discussion but, in one or two instances, are in the process of being set up. Table 2 summarises the proposals described here for local multi-strand equality working, which are then explored in more detail in the rest of the chapter.

**Table 2**

#### **ORGANISATIONAL MODELS FOR LOCAL MULTI-STRAND EQUALITY WORK**

##### **Unitary models**

##### **1. Spontaneous partnership arrangements**

A race equality council enters into formal or informal partnership arrangements with other equality interest groups to mount specific projects, e.g. support for black and minority ethnic gays and lesbians, black and minority ethnic elderly.

##### **2. Lead equality agency**

A race equality council takes on the lead role in bringing other single-strand equality organisations together to work in partnership on common projects.

##### **3. Stretched race equality council**

A race equality council gradually widens its remit, taking on, for example, religion or belief casework, or developing joint projects with women's groups.

##### **4. Specialist or focused race equality council**

A race equality council pares its functions to focus on the core business of promoting good relations between different racial/ethnic groups, community cohesion, and community conflict resolution.

##### **5. Future-proofed race equality agency**

A race equality agency conducts business as usual, but simultaneously adopts generic aims and objectives to enable it to undertake multi-strand work as the need for it unfolds.

## **6. Generic legal casework agency**

An organisation specialising in race equality casework and complainant aid services decides to broaden its remit to deal with the full range of unlawful discrimination cases.

## **7. Council for Equality and Human Rights**

A race equality council closes its doors to be replaced by an agency similar in form but with multi-strand objects and modes of operation, modelled on the aims of the national Commission for Equality and Human Rights.

## **Binary Models**

### **8. Second-tier umbrella organisations**

An additional second-tier umbrella forum of equality organisations is set up to coordinate the work of a first-tier of autonomous, single-equality interest groups.

### **9. Second-tier commissioning agency**

A local agency is created proactively and strategically to plan, coordinate, drive and commission work across the six equality strands. It operates to a comprehensive local equality strategy and plan. It might also be associated with the umbrella organisation described above (8).

### **10. Binary arrangement**

A race equality organisation continues to focus on race equality but creates a parallel generic or multi-strand equality body with a separate constitution to develop and accommodate multi-strand projects and approaches.

## **1 Spontaneous partnership arrangements**

For many years now, race equality councils have recognised the advantages of entering into partnership arrangements with other public, voluntary and community organisations to deliver race equality outcomes. In some places, recognition of the value of partnership working has resulted in race equality councils being replaced by race equality partnerships which, by giving more formal recognition to particular partners, embedding the agency in a matrix of continual collaboration, and tapping into new resources, have greatly strengthened the movement. A recent REWM study, however, showed that despite the existence of formal partnerships, there were remarkably few funded projects spanning the public and private sectors, operating between agencies, working on more than one equality strand at a time, providing services focused on single ethnic communities or needs, or building bridges between different ethnic groups. There is clearly ample scope for an expansion of projects conceived of as partnerships between different equality interest groups.

## **2 Lead equality agency**

Existing race equality organisations might choose to play an active part in contacting and bringing together various local voluntary and community sector equality interest groups, with a view to encouraging them to collaborate in joint working. There is opportunity here for race equality councils and their staff to take the lead in drawing together the many disparate groups and collaborating with one or more of them on projects and programmes. Sometimes, race equality councils excuse themselves from doing this, by referring to the racism of the public and voluntary sectors, but there is an even stronger argument for working with them to convince them of the merits of a case and to offer them help and training in best equality practice. While it is inevitable that competition for funding, status and power will continue, race equality councils could be proactive and provide leadership in equality work generally.

## **3 Stretched race equality council**

Like a stretched limousine, a race equality council could make space for some of the previously neglected strands of equality, and to support the victims of discrimination on grounds of, for example, sexual orientation and religion or belief.

Recently, the DTI supported regional conferences on the changes to workplace regulations in regard to sexual orientation and religion or belief, which showed the potential for race equality council involvement with these new strands, and the surprising lack of competition from other local agencies to act as advocates in these matters. Religion or belief has much in common with race. Religious or faith groups may not want to take responsibility for this area of discrimination, preferring instead a neutral arbiter, in a context where they could end up as defendants.

Currently, the Commission of Racial Equality is unable, under the terms of its grant-making powers, to fund work other than that relating to race. How far is it possible to stretch a race equality council, with its standard constitution, to cover other strands, is not obvious. There is, however, scope for expanding the current range of activities. As explained before, much race equality council activity is planned and delivered in partnership. This is another way in which the range of work might be expanded without the need to make radical changes to existing governance arrangements, objects, and modes of operation.

## **4 Specialist or focused race equality council**

Given current inadequate levels of funding, race equality councils have for some time been under pressure to reduce their range of activity and to deliver what remains to a high standard. Increasingly reliant on funding to deliver externally-determined outcomes, they have often had difficulty in developing and working to their core competences.

Bearing in mind the preceding analysis of race equality functions, race equality councils, rather than be persuaded to diversify still further into areas in which they currently have no expertise, experience, or legitimacy, might seek to pursue instead an alternative strategy of specialising more narrowly on their core business of promoting

good relations between different racial/ethnic groups, community cohesion, and community conflict resolution.

Paradoxically, if coupled with the partnership arrangements described in 1 and 2 above, this proposal might strengthen the perception of race equality councils' importance in fostering social stability, and reduce unhelpful competition for influence and resources with black and minority ethnic groups and with those equality agencies dealing with other strands.

With the continued demand for labour, immigration and the movement of population in and out of the inner cities, issues of community instability, fragmentation and social cohesion will remain high on the political agenda. They are also coupled inextricably with difficulties of achieving improvements to floor targets and the quality of local public services. Agencies specialising in this field, which draw communities together with the various public agencies that are meant to serve them, will have an important and recognised role for many years to come.

There is the option, therefore, of specialising in core competences, and reducing involvement in other tasks. Multi-strand work would be engaged in only in as much as it contributed to social stability and the creation of cohesion between ethnic and religious communities.

## **5 Future-proofed race equality agency**

In setting up a new race equality agency, development workers are invariably asked to consider the issue of whether it should specialise in race equality work and link closely with local ethnic communities or reflect the multi-strand purpose of the proposed Commission for Equality and Human Rights. Many black and minority groups are suspicious of the generic approach to equality, fearing that it will result in a diminution of action to promote race equality. They make support for the new agency conditional on its giving primacy to race.

Public authority funders on the other hand are convinced that there are advantages to be gained from a multi-strand approach to equality. Local authorities are already working to a generic Equality Standard. Development workers, nevertheless, have difficulty not in formulating the aims and objects of any new equality organisation, but in setting out the way in which an organisation of this kind would operate in practice and relate to other local equality interest groups, in the context of the complex matrix generated by six equality strands.

Faced with this problem on a number of occasions, Race Equality West Midlands decided to circumvent the issue by proposing that the new organisation be 'future-proofed' in the sense of providing it with an opportunity at any point in the future to take on other equality strands in addition to race. This requires giving it constitutional objects similar to those proposed for the Commission for Equality and Human Rights and ensuring it has a broadly-based board, but specifying that for the time being the organisation will concentrate on delivering race equality outcomes.

## **6 Generic legal casework agency**

As indicated in the preceding chapter, casework and complainant aid functions can be extended beyond work on racial discrimination to other forms of unlawful discrimination and harassment relating to employment and, to a more limited extent, services. It is no accident that the primary focus of the CEHR is on the legal framework. This raises the possibility of those few race equality councils which have specialised in legal advice work relating to racial discrimination, extending their remit with comparative ease to take on other cases of unlawful discrimination.

Currently, such work could not be funded by the Commission for Racial Equality, but funding might be obtained from other sources. A race equality council which chose this path (and many councils would have difficulty in doing so as they now have only rudimentary casework facilities) would have to modify its constitution to take on the broader remit.

From its inception, the West Midlands Discrimination Advisory Service has had the facility to take on cases of unlawful discrimination other than race, but has chosen not to do so, firstly because demand for racial discrimination case work outstrips supply, and secondly because it has not been funded to do so.

## **7 Council for Equality and Human Rights**

The Council for Equality and Human Rights is conceived as a miniature local version of the national Commission for Equality and Human Rights. Race equality councils, by contrast, may have almost identical objects to the Commission for Racial Equality, but they have had a separate history and operate in a unique and different way at local level, having developed their functions and governance arrangements over time in response to local conditions.

Race equality councils and their predecessors, councils for racial harmony and community relations councils, were founded by concerned citizens and members of ethnic communities to deal with frequent manifestations of racial discrimination and hostility towards New Commonwealth immigrants. In this sense, they were 'bottom up' organisations, responsive at that time to the expressed needs of black and minority ethnic communities. A local Council for Equality and Human Rights, on the other hand, would come into being as a response to national legislation aimed at rationalising the enforcement procedures for increasingly complex legislation, much of it European.

While rationalisation of the various laws dealing with discrimination is important, this approach does not deal directly with the social context, for example, urbanisation, the demand for labour, and immigration that resulted in the need for these kinds of legislation in the first place. Conceived as a miniature CEHR, the local Council for Equality and Human Rights, if not carefully considered, would amount to little more than a local legal enforcement agency, stripped of the important community support functions organically developed by its race equality council predecessor.

The two other commissions, the Equal Opportunities Commission and the Disability Rights Commission, unlike the Commission for Racial Equality, have never

developed, nor had the support of, a network of local voluntary anti-discrimination organisations, and these strands do not come with the same experience of local promotional work. This makes it far more difficult to envisage how a local Council for Equality and Human Rights would operate across the six equality stands and do justice to them.

The local voluntary sector is also an intensely competitive environment. Any attempt by a new organisation, formerly identified only with promoting race equality, to take on, or take over, responsibility for anti-discrimination work on gender, disability, or LGBT issues, is likely to be met with fierce resistance from equality interest groups already operating in the field. In those circumstances, winning local support and acceptance for a Council for Equality and Human Rights is likely to prove a difficult task.

Despite some of the categories listed above, it is at least theoretically possible to develop a radical new body along the lines suggested by the name and the national proposals for the CEHR. Some race equality councils are known to be actively exploring the possibility of a total transformation of this kind. The weight and content to be given to the human rights element of the title, however, remains unclear.

## **8 Second-tier umbrella organisation**

There are other solutions to the issue of how voluntary organisations should respond at local level to the implications of the Commission for Equality and Human Rights.

Local equality interest groups, for example, race equality councils, racial harassment networks, refugee support, organisations dealing with older people, illness and disability, women's refuges, gay and lesbian groups, might come together to form a 'second-tier' umbrella organisation mainly aimed at coordinating their respective efforts and campaigns and facilitating the development of collaborative projects.

A second-tier organisation of this kind, if enthusiastically supported, could become a powerful political pressure group for the acquisition of resources and the promotion of equality in a particular district, town or neighbourhood.

In time, such an umbrella might facilitate joined up working between its members and lead to a rationalisation of resources, much like the larger Councils for the Voluntary Sector have achieved. An umbrella organisation which provided a forum for discussion might be the first opportunity many interest groups would have had to discuss the issues they share in common. It would also have the advantage, unlike the proposals for an Equality and Human Rights Council, of not being seen to threaten existing interest groups, with competition, forced merger, or takeover.

## **9 Second-tier commissioning agency**

This is an agency specifically created at local level, proactively and strategically, to plan, coordinate, drive and commission work across the six equality strands. It would be responsible for developing and operating to a comprehensive local equality strategy and plan. It might also work under the auspices of the umbrella organisation previously described at 8, but is distinguishable by virtue of its role as a strategic driver, activator and commissioner.

This model was originally created specially for Walsall as a recommendation arising from the *Walsall Racial Equality and Diversity Audit, Review and Plan*, commissioned by Walsall Borough Strategic Partnership. The proposed agency was intended initially to prioritise race equality work but, as it developed and progressed, to take on further equality strands in line with generic objectives deriving from the White Paper proposals for the Commission for Equality and Human Rights.

The agency would work in partnership with public authority service providers, the private sector, and voluntary and community groups to deliver its objectives and add value to the work of others. It would assist the Local Strategic Partnership in action planning, alignment and inclusion of matters relating to equality promotion and community cohesion. It would assist public authorities by undertaking methodological scrutiny of their equality schemes and embedding equality outcomes in their performance management systems. It would assist the private sector with diversity management, and commission work on equality promotion as necessary. In regard to the voluntary and community sector, the agency would work for community involvement and cohesion, building the capacity of the sector to deliver equality objectives and services and commissioning work from the sector as appropriate.

In its first year of operation, the agency would focus on developing and delivering a race equality and community cohesion strategy and action plan adding, in subsequent years, strategies and actions relating to other equality strands, eventually leading to the production of a comprehensive, borough-wide equality strategy and plan. Through Local Neighbourhood Partnerships and theme groups of the Local Strategic Partnership, the agency would produce an integrated equality and community cohesion strategy and plan to be adopted by the locality as a whole.

The agency would help to coordinate and align strategic partners' race equality schemes, policies and initiatives, drawing out common themes, work strands and joint projects.

With the agreement and support of the authorities, the agency would undertake a methodological scrutiny of public authorities' statutory race equality schemes and policies, ensuring they had in place performance management systems or performance indicators relating to ethnicity or to the satisfaction of ethnic service needs.

It would provide assistance to business on diversity management, marketing, and delivery of goods and services to black and ethnic minorities, and on workforce recruitment and development. And it would support initiatives aimed at improving access to training and jobs.

It would develop a comprehensive strategy for increasing community (especially black and minority ethnic community) involvement in the general democratic process, as well as in specific consultation exercises and decision making to improve services.

The agency would also encourage public authorities to develop and mount projects in partnership with local communities that led to integration and interspersed and built bridges, and resolved conflicts and tension. It would put in place funding, training and other resources to build the capacity of the voluntary and community sector. And it would try to obtain resources for the sector to deliver race equality programmes and projects.

The agency would deliver its services in a variety of ways by:

- Increasing collaboration between major service providers.
- Developing partnerships through the Local Strategic Partnership.
- Increasing community involvement and participation through the Community Empowerment Network.
- Delivering some services through service level agreements with the voluntary and community sector.
- Contracting out work to public, private or voluntary agencies.
- Offering services directly.

The agency would position itself strategically at the centre of the Local Strategic Partnership and Community Empowerment Network, so that it could effectively relate to the work of the public, private, voluntary and community sectors. It would explore various ways of acquiring a suitable complement of high-calibre managers and staff, particularly the possibility of secondments from public authorities. This would greatly assist all concerned in delivering strategic equality objectives.

## **10 Binary arrangement**

Another solution to the dilemma of how quickly and how far to adapt to a future of multi-strand equality is to retain, intact, the existing organisation in the form of a race equality council or partnership, but simultaneously to create a parallel structure with a separate aim of undertaking multi-strand equality work. Such a binary arrangement would avoid the disruption that inevitably accompanies attempts to alter an established constitution or close down one company/charity in order to open another. This is particularly irksome when a race equality organisation has only recently been set up, as with some race equality partnerships. Funding bodies, too, often insist on a new grant application if there is any change to the organisation that they originally agreed to fund.

Any new organisation would have a distinct constitution or memorandum of agreement and articles of association, but could share all or many of its directors or trustees in common with the race equality organisation and be jointly managed and

staffed, with employees seconded either way. Race equality projects would be mounted by the race equality organisation, while other equality initiatives or multi-strand projects could be owned and run by the new generic equality agency. These activities could all occur under unified management control but would avoid the mission drift and diffusion of focus likely to occur in any entirely new organisation such as 7, the Council for Equality and Human Rights.

As multi-strand projects increased in number, there would be a gradual transfer of the work load to the new organisation and the old structure would eventually become redundant. Alternatively, if the continuing value of race equality work in relation to promoting community participation, cohesion and good relations between people of different racial groups is recognised, the binary approach can be continued for as long as it is required.

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