

PREM 49 / 892 / 2

Part 2 of 2

File

From: Jonathan Powell
Date: 30 January 1999

FAZ HAKIM

cc: Alastair Campbell
Liz Lloyd
Clare Hawley
Siobhan Kenny
Lucie McNeil
Kate Garvey
Sally Morgan

ETHNIC MINORITY WORK

The Prime Minister was very grateful for your note of 29 January. He has the following comments:

- (a) On the question of whether he should meet the Lawrences on the day of the publication of the report, he is not sure. We need to do some urgent work on the Lawrence report and our reaction to it. Perhaps we should convene a meeting early next week with most of the copy addressees, on how to respond. Could you fix?
- (b) He asks why he did not issue a message on Eid. I assume this was simply an oversight by us.
- (c) He is opposed to the idea of a cross-party event, including Hague and Ashdown.
- (d) He believes the main answer is a lot more in the ethnic press.



JONATHAN POWELL

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From: Faz Hakim
Date: 29 January 1999

PRIME MINISTER

cc: Liz Lloyd
Clare Hawley
Siobhan Kenny
Lucie McNeil
Kate Garvey
Sally Morgan
Jonathan Powell
Alastair Campbell

ETHNIC MINORITY WORK

I understand that you wanted to know what work we are doing with the ethnic minority communities. I therefore attach a note of the main work which takes into account both what is currently happening and issues for the future.

1. Stephen Lawrence

Liz and I attended a meeting at the Home Office yesterday to go through the handling of the Lawrence report when it is published. Current thoughts on timing are that it would be received on 4th Feb, published on 11th Feb with a statement and a full debate would take place on 10th March. The Lawrences would see the report on the morning of publication, when Condon sees it is yet to be decided.

It is thought that the focus on the day of publication will be centred around:

- The particular case itself
- Issues around policing and particularly the Met, Institutional racism
- Condon - should he stay or go
- Who is to blame for no convictions? The Police or their Lawyers?

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It is also clear that there is a possible challenge by the Met as to the validity of the inquiry, a move which would induce complete meltdown.

Obviously a huge amount depends on what is in the report but an educated guess would suggest that both the Police and the Lawrences are unlikely to be completely satisfied, making our position difficult.

The report is being tipped as the most significant since the Scarman report and is being built up in the press. We therefore need to make sure that you are seen to be taking it sufficiently seriously, particularly as there is potential for things to get out of hand. However, we need to maintain balance and not look as though you are exploiting the situation by jumping on the bandwagon.

In terms of your involvement we are therefore suggesting the following:

- You meet with the Lawrences on the day of publication. They will be under a lot of pressure to call for Condon's resignation and to wind things up in the black community. Meeting you will help to make them feel we are not against them and could help to keep things calm. I tend to think you should probably meet them after they have seen the report for maximum effect but others may have different views on this.
- You should be on the bench when Jack makes his statement.
- You should speak at the Lawrence Memorial Trust probably in April.

2. Muslim Community

We have done well to keep the Muslim community on board during the bombing of Iraq and the Yemeni arrests. There is further to go however, on this and therefore we are doing the following:

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You are dropping in to the Eid reception on Feb 3rd in the House. It was noted that you did not say anything when Eid (equivalent to Xmas) took place earlier in January. I will make sure we put something out at the next one. Eid greetings were given by the PM's in France, Germany and by Clinton.

We have managed to get the Muslim Council of Britain to agree to publicly state their opposition to extremist groups and violent protest. (Press cutting attached). They are now going to put out a statement agreed by Muslim scholars and leaders of over 250 national, regional and local Muslim organisations and Mosques along the same lines stating that Islam is not a violent religion and calling on Muslims not to get involved in or condone these type of activities.

They will go through us before the statement is put out to ensure we are happy with it. If we are, I think we would do ourselves an enormous amount of good by welcoming the initiative and making some reference to the ordinary, peaceful Muslims who contribute to British society etc... The statement should go out next week.

Finally you are committed to doing an event with the Muslim Council of Britain in the next few months. This will take the place of an awards type event and Kate is arranging dates.

3. Other Religions

We have agreed to you doing a Sikh event to mark the 300th Anniversary this year. We will also need to think about you doing something later this year for the Hindu community around Diwali.

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4. IPPR events

I am thinking of 2 events with the IPPR. The first would be a conference in late Feb/early March, fitting in between the statement and debate on Lawrence. It would be based around the launch of a book by Yasmin Alibhai-Brown on British racial identity and will also feature a slot on 'celebrity immigrants' who have done well in the UK. Jack Straw should cover this with Trevor Philips in the chair. The aim is to keep the momentum on race issues going in the media.

The second event is an idea for a cross-Party event including you, Hague and Ashdown. You could issue a challenge in your speech to the Lawrence Trust for other Parties to join you to take part in a mature debate on race. This could look at the changing nature of the debate, look at your vision of the Britain of the future - taking account of devolution, look at institutions (what do we do with the CRE?), look at how the Press report race issues (Mail and Standard), and importantly you could lead the way in calling for other Political Parties not to use the race card at election times. The theme could basically be about where we go on race as we approach the Millennium.

This is a big project, but potentially very effective. Rather than rush into things I would envisage this taking place later in the year - either just before the summer or in the Autumn. Matthew will happily organise from the IPPR, but I need an answer on whether you want to do this or not?

5. Ethnic Press

Siobhan and Lucie are working hard on cultivating the ethnic press at present, which is going down very well. As well as meeting individual editors and journalists, there are also plans to get people in together on a mini reception

basis. Articles are being written at opportune times – e.g. Lawrence report and we have responded to written interviews. With no person currently responsible for race issues in the Labour Party, this work is now increasingly important as the media have no other person to contact.

6. Black and Asian participation in Politics

In your 1997 Labour Party Conference speech you talked about the need for more Black and Asian people to be involved at all levels of politics. There are two parts to this and we will need to come up with some results soon.

a) Voter Participation

I am currently trying to get funding from the Home Office for Operation Black Vote who will run a voter registration and turnout campaign for us amongst the Black community. They specifically try and target young black people. They are a cross-party organisation and effective in doing this. If this goes ahead, I would like you to endorse this publicly.

b) Increasing the number of Black and Asian people in Public Life and the Civil Service.

This is more of a Clare and Liz area rather than political, and good work is going on in terms of setting targets and putting pressure on departments. The Home Office are holding a conference on the subject in April, Defence and the Foreign Office seem to be vocal and of course there is the push for more Black and Asian people in the Police. You said you would increase numbers in your speech however, and unless there is an improvement, someone will pick up on your speech and treat it as a broken promise.

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There is a problem with a lack of diversity in terms of Special Advisors. You have none in Downing Street as I am not a Civil Servant and this does get picked up in the media. Whilst not a problem of earth shattering proportions, it does allow claims of hypocrisy.

To re-cap, the following is happening:

Week beg 1 Feb - statement from Muslim organisations. TB to endorse.

3rd Feb - TB at Eid reception in House of Commons.

Week beg 8 Feb - Lawrence Report. TB to meet Lawrences?

TB to be on bench during statement.

Late Feb/early March - IPPR Conference on race - Jack Straw/Trevor Philips

And Yasmin Alibhai-Brown.

March 10th (tbc) - Lawrence debate in the House

April 22nd (tbc) - TB to speak at Stephen Lawrence Memorial Trust.

Spring dates to be found for Muslim awards event and Sikh 300th Anniversary event.

Possible early Spring/Autumn Cross-Party race event.

Decisions needed

1. Will you meet the Lawrences on the day of the publication of the report?
2. Do you want to do the Cross-Party event on race?

Faz

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Liz Lloyd

From: Richardson Peter - BRU1B - [DRICHARDSON@cabinet-office.gov.uk]
Sent: Wednesday, January 27, 1999 5:19 PM
To: Purnell James - No. 10 -; Lloyd Liz - No. 10 -; Hawley Claire - No. 10 -
Cc: Kidd George - BRU1 -; Limb Andrew - BRU1B -; Stanley Martin - BRU -
Subject: FW: Lord Haskins's letter to Straw, Blunkett & Jay

Better Reg

+ Race Rel

files

Importance: High



Haskins Straw v2.doc

Dear colleagues,

I am writing to let you have advance sight of the interim response on the Better Regulation Task Force's review of anti-discrimination legislation. I would be grateful if you could let me know of any concerns you may have by mid afternoon tomorrow (with apologies for the tight deadline). At the same time we are running this past colleagues in DFEE and HO, and within this Department, for comment on any factual inaccuracies. Lord Haskins plans to send this to Ministers by the end of the week.

Answered
Andrew
Limb +
Fed in
Comments

27/1

James ce Clare
Angus

The Task Force had undertaken to provide this interim response to assist Ministers in their development of strategies in this area. Although the public sector is strictly beyond its remit, the Task Force is particularly sensitive to the issues arising from the Stephen Lawrence enquiry.

I don't have major
concerns at some of

the draft in rather

weeks.

We aim to let you have sight of a draft of the full report in Mid February.

Comments to Andrew Limb (x1993) or I please.

Peter
x6016

- 1) eg "major" (possible change)
- 2) What do they mean by 'sexual orientation studies' out as an area needing consultation? are they suggesting legislation? or a new Commission?

> -----
> From: Limb Andrew - BRU1B -
> Sent: 27 January 1999 17:04
> To: Richardson Peter - BRU1B -
> Subject: Lord Haskins's letter to Straw, Blunkett & Jay
>
> Peter
>
> Latest version, for you to send to No 10. I'm sending separately to
> Debbie & Margaret in WU, and faxing to Richard & Jenny.
>
> <<Haskins Straw v2.doc>>
>
>
> Andrew Limb
> 66a/3, GOGGS
> 0171 270 1993
>

4) not another one-stop gateway/shop
we're going to have to build
new walls to accommodate
all new govt shops.
Do they mean telephone
number?

Are you feeding back?

3

- 3) I wouldn't have thought civil service was a model for anything. By way talk a good game but delivery is pitiful.

Better Regulation Task Force

Room 67a/3, Cabinet Office, Horse Guards Road, London SW1P 3AL
Telephone 0171 270 6014 Fax 0171 270 6991

Chairman: Lord Haskins

Rt Hon Jack Straw MP
Home Office
50 Queen Anne's Gate
London SW1H 9AT

January 1999

BETTER REGULATION TASK FORCE REVIEW OF ANTI-DISCRIMINATION LEGISLATION: INTERIM RESPONSE

This letter provides an interim response from the Better Regulation Task Force's review of anti-discrimination legislation to lead policy departments. The focus is on the scope for improving the operation of the existing anti-discrimination regimes through greater transparency and consistency.

TIMING

The Task Force agreed with Home Office and DfEE Ministers in the Autumn to bring forward its report from the Summer to the Spring, with emerging findings in February. We subsequently agreed to compress the work further to provide you with these comments in January. The Task Force does appreciate the present sensitivities and the urgency with which you and colleagues wish to take forward the development of new strategies. Equally I hope you will appreciate our general concern over the need to avoid legislating in haste in response to individual events and our belief in the need to fully assess the impact of policy decisions, including any decision to legislate.

APPROACH

In this review (as with all our reviews) we have tested the regulatory regimes against our template of the principles of good regulation, informed by consultation with stakeholders. In this case we have conducted a wide written consultation, and held meetings with a range of key stakeholders including the National Association of Citizens Advice Bureaux, the Trade Union Congress, Commission for Racial Equality, Equal Opportunities Commission, National Disability Council, small business organisations and the Confederation of British Industry. Although covering the full scope of the existing legislation, the review has focused primarily on employment aspects of race, gender and disability anti-discrimination regimes. The review is being carried out by a small working group chaired by Ram Gidoomal, but the initial findings reported here have been endorsed by the full Task Force.

FINDINGS

The Task Force are strongly committed to improving the fairness and effectiveness of, and public confidence in, race, gender and disability equality law. However, our key message is that early, extensive legislative change in this area would **not** be helpful, and may indeed prove counter-productive. Q

We believe that the Race Relations Act 1976, Sex Discrimination Act 1975 and Disability Discrimination Act 1995 (when fully implemented, and subject to the establishment of the Disability Rights Council) provide a regulatory framework which may need minor amendment in certain specific areas, but which on the whole can be made to work much more effectively without the need for major legislative change. The key to this is for the Commissions to take a more strategic approach, providing greater accessibility to information and redress by putting more emphasis on working through other agencies and networks, and better targeting of investigative activity. A

Equally important is the need for a much greater degree of joined-up working and consistency between the Commissions. We are convinced that the majority of discrimination problems occur through ignorance of the regimes and their provisions and the benefits that valuing diversity can bring, or a lack of clear, simple, readily-available guidance of how to deal with problems when they arise. To make significant progress at this stage is more a case of winning hearts and minds through education and persuasion, and making it easier to comply, rather than imposing new regulatory requirements on top of existing legislation which is still poorly understood. Indeed, we believe that early major legislative change would be counter-productive in this respect. defn?

We believe that simpler, clearer, joined-up guidance, and something approaching a "one-stop" advice gateway would significantly help both ordinary citizens and employers, particularly small and medium-sized organisations, in dealing with the existing regimes. We are not pressing for unification of the anti-discrimination legislation or institutions at this stage, and recognise the need to develop and maintain specialisms and expertise relevant to certain very distinct forms of discrimination. However, we strongly believe that there is a common core of principles and practices that underpin the various regimes. We believe there is considerable scope, and significant need, for greater joined up working. how can this be?

We accept there may be a stronger case for legislating where barriers to the fair and effective operation of the regimes cannot easily be addressed by other means. These might extending the Race Relations Act 1976 to properly cover the police and other service providers, and the removal of any legislative impediments to joined-up working between the Commissions (e.g. that might currently prevent the production of joint Codes of Practice, or joint investigative work). While discrimination can take many forms not covered by the current regimes, sexual orientation stands out as an area needing consideration. We have not studied this issue in detail, but it does seem to be an area where the ambiguous and complex current legal situation clearly falls legislation?
Commissions

short of our principle of transparency, and meets our harm test. We have also heard repeated concerns over the complexity of the law relating to maternity rights. We trust the Government will use the opportunity afforded by the Employment Relations Bill and subsequent guidance to clarify and simplify the law in this area.

this is happening

Anti-discrimination needs to be mainstreamed into the policy-making process, to avoid other areas of Government policy or legislation having discriminatory perverse effects. One example which has been brought to our attention is Section 8 of the Immigration and Asylum Act 1996. This has caused particular concerns in placing a blanket duty on all employers to identify job applicants who may be illegal immigrants. A lack of targeting and transparency has created the potential for well-intentioned employers across all employment sectors to discriminate against ethnic minority job applicants, whereas the problem of illegal working appears largely confined to racketeers operating in a few specific sectors. We are pleased to hear that Home Office Ministers are working with stakeholders to address this issue and hope that a way can be found not just to clarify but to repeal this provision. The Government should aim to build equality measures into other laws rather than bolting on anti-discrimination measures in a piecemeal, burdensome, resented and ineffective manner. A consideration of race, gender and disability equality issues needs to be part of a joined up impact-assessment from the outset of the policy-making process.

We are keen that developments in anti-discrimination regimes should be properly considered in the European context, and will hope to say more on this in the final report

DETAILED RECOMMENDATIONS

Our final report is likely to recommend a range of non-regulatory measures that could be used to promote greater fairness, effectiveness and public confidence in the anti-discrimination regimes. In addition to "one-stop" advice lines and combined guidance and codes of practice, we are likely to recommend consideration of standard-setting (for instance through IiP), accessible complaint mechanisms, targeted investigation, supply chain leadership, and the promotion of monitoring, all on a targeted, proportionate and voluntary basis. We believe that such measures are likely to prove to be powerful levers, and recommend the Government promote them strongly. We will call for the evaluation of such measures (including the uptake of voluntary monitoring) to determine the strength of the case for future legislative measures.

2 outcomes?

In discussing leadership we have been conscious of the critical importance of public sector practices. We have met with officials in the Cabinet Office Development and Equal Opportunities Division, and been much encouraged by initiatives to progress equality within the Civil Service. We commend the renewed and ongoing efforts in this area and fully support their promotion in the wider public sector.

|| explain.

Of course I should reiterate that the Task Force was appointed simply to advise Government on action which improves the effectiveness of government regulation, not to stray into wider policy formulation or prescribe regulatory or policy solutions.

NEXT STEPS

I understand that the working group of the Task Force, chaired by Ram Gidoomal, is currently working on its more detailed recommendations prior to testing these with key stakeholders and experts in mid-February. They then propose to meet jointly with Ministers and senior officials to discuss these findings in more detail in late February/early March, depending on Ministerial availability. We will publish the full report in late April/early May. I trust that in the meantime, this interim response is of some help to you.

I am writing in similar terms to David Blunkett and Margaret Jay, and copying this letter to the Prime Minister, Jack Cunningham, other members of HS committee, and Sir Richard Wilson.

LORD HASKINS

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✓ cc Kate Garvey (see p3)

file

From: Faz Hakim
Date: 22 January 1999

Justin Russell

cc: Liz Lloyd
Clare Hawley
Siobhan Kenny
Lucie McNeill
Sally Morgan

Various ethnic minority work coming up

Following our chat on Friday, I thought I'd put down the items I raised on paper for you. There is a lot going on and I think we need to make sure we are fully co-ordinated.

February looks like a hectic month with the Asylum and Immigration bill and Stephen Lawrence. As well as this there are 2 additional events to add to the equation.

Firstly will be an initiative by the Muslim Community in response to press articles about extremist groups and Yemen. I saw Iqbal Sacranie from the Muslim Council of Britain the other day again. They are currently trying to get a statement/declaration signed by the leaders of all the Muslim groups in the UK and every Mosque which says that whilst the Muslim Community have a right to disagree with what the Government does and protest, they condemn violent protest of any kind and abhor terrorism and tactics such as kidnapping. They want this to be high profile and are talking of buying advertising space in the national press. I think this is very positive and that we should ensure that we welcome this very publicly and are seen to be supporting those moderate Muslims who form the vast majority of the Muslim community. They will check

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the draft of their statement with me so we can be sure we are happy with it. There is not an exact time for the release of this but it will be relatively soon.

Secondly will be the launch of Yasmin Alibhai Brown's book on British racial identity originally planned for the end of February. The IPPR want to make this a big event and I have suggested that they invite Trevor Phillips to chair the launch which will take the place of a morning seminar. As discussed I am also keen on the idea of Jack going to this.

I think the launch of Yasmin's book could be a good way to tie things up and an opportunity for us to say where we are going next in terms of a wider race platform. I have now spoken to Matthew who says that they are happy to be flexible and the launch can be delayed until early March. In which case do you think Jack would be able to go?

I also raised with you an idea from Simon Wooley and Lee Jasper of Operation Black Vote. They are keen to do work targeted at the black community on voter registration and participation, using educational material (leaflets, posters etc), a mobile bus tour, and possibly launching a radio station - OBV FM. They will target all the elections this year but in particular are keen on elections in London. Their main problem is a lack of resources and it strikes me that this is one area where Government funding for them to be able to use their expertise could be very effective and helpful for us. It would also mean that we could have some control over their material. It is a cross party operation so there should be no problems and it probably has been the most effective unit targeting the black community in elections that I have come across. Do you think there is a chance of the Home Office agreeing to this? I think it would be very good for TB to be

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seen to be publicly endorsing this in terms of something positive the Government is doing to encourage black participation in politics but obviously there needs to be something to endorse. This also ties in with on-going work to try and increase the number of black and Asian people in the civil service and generally in public positions.

The final part to add to the equation is the things that Tony is due to do. Firstly is a speech on race sometime in March which is obviously going to be high profile and again should be used to look forwards. As well as this we also have diary commitments for him to go to a Sikh event in April and at some point a Muslim event (Muslim Council of Britain awards type event).

Siobhan Kenny and Lucie McNeill are doing a lot of work in No 10 in terms of meeting with the ethnic press and getting them on board which should be very helpful in the run up to all this. As you can see there are however a number of different elements to take into account and we need to make sure we are fully co-ordinated. Perhaps we can discuss all this on Thursday.

*Y
Jaz*

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10 DOWNING STREET
LONDON SW1A 2AA

From the Assistant Private Secretary

19 January 1999

RACE EQUALITY

The Prime Minister was grateful for the Home Secretary's minute of 20 December on Race Equality.

The Prime Minister considers the promotion of race equality in this country as a vital part of the Government's programme, and is looking for an opportunity to make a key note speech on this subject in the spring, as the Home Secretary has suggested.

The Prime Minister is not yet minded to support a White Paper until further work has been done to consider in detail what it might contain and achieve. However, he does believe extending the anti-discrimination provisions of the Race Relations Act to the police and immigration service to be extremely desirable. He also favours the suggestion of recasting of the CRE into a more proactive organisation. However, care needs to be taken not to raise expectations that regulation in this area would be a panacea, as legislation has not yet been shown to be the best route of action given the burdens that it will impose. The Prime Minister is not at all attracted to ideas of imposing contract compliance and compulsory monitoring for large firms.

Key to the Government's race equality strategy must be sending a clear message to central Government, along the lines of the Home Secretary's actions on targets for recruitment and retention. All Departments should look to the Home Office example of setting targets in this way, and this initiative should be integrated into the forthcoming Modernising Government White Paper to emphasise its importance. However, the proposed "Race Equality Contract" and "Race Equality Champions" look like duplication of the Civil Service Charter that Sir Richard Wilson is preparing and the CRE's own Leadership Challenge.

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Further elements of the race equality strategy that the Prime Minister would like to see developed include creative ways of opening up British institutions to Black and Asian people, and bringing those groups into contact with policy makers. Increasing dialogue with Black churches and other religious groups – and particularly the Muslim community is also a priority. In addition, the Strategic Communications Unit is working with your Department on a communications strategy.

The Home Secretary also sent the Prime Minister a letter on 22 December about the Global Cultural Diversity Congress in March 2000. The Prime Minister would be happy, in principle, to open the Congress, but unfortunately he is never able to make commitments to events so far in the future. He will be happy to reconsider the invitation around the beginning of next year.

I am copying this to Private Secretaries of members of HS Committee, and to Sebastian Wood for Sir Richard Wilson.

CLARE HAWLEY

Mara Goldstein
PS/Jack Straw

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FROM RICHARD CABORN MP
MINISTER FOR THE REGIONS, REGENERATION AND PLANNING

Top - CA file
cc - AL
PJ



DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

The Rt Hon John Prescott MP
Deputy Prime Minister & Secretary of State
for the Environment, Transport & the Regions
Department of the Environment, Transport & the Regions
Eland House
Bressenden Place
London
SW1A 0AA

TEL: 0171 890 3013
FAX: 0171 890 4539

REF: IDC No: (98) 00304

14 JAN 1999

Dear Deputy Prime Minister

RACE EQUALITY

The Home Secretary wrote to the Prime Minister on the 20 December outlining his proposals for addressing the aspirations and frustrations of young Black and Asian Britons noting the issues arising from the publication of the Stephen Lawrence Inquiry Report.

I share the Home Secretary's sense of urgency and his insistence that government action must be relevant, and **seen** as relevant, by at least some alienated Black and Asian youth - while bearing in mind that factors underlying disadvantaged experienced by young people are also relevant to all generations in these communities.

The points that follow are intended to add value and strengthen our approach. If the issue is "Race Equality", the Government must take account of recent concerns about the Irish and Gypsies. Good work has been done here. New thinking must proceed in step with our broader focus on mainstreaming, and preserve gender, disability and religious discrimination as important issues worthy of our continuing concern. (Many of the most alienated young people identify themselves with a **religious** rather than a racial group).

Any key speech should indicate our understanding that not all Black and Asian origin groups are heavily marginalised. Some are **very** successful, and some of those suffer racist attacks precisely because they are so successful. Similarly, a group such as the Chinese-Vietnamese community, while enjoying appreciable levels of affluence and educational achievement, contains pockets of disadvantage and exclusion which should not be ignored.

JH 15/1

It is important that any speech by the Prime Minister should relate particular racial disadvantage to the policies we are implementing in addressing broad disadvantaged in schools, the workplace, housing and through regeneration programmes. It would be counter-productive if positive action by the Government aggravated racism among alienated white youths by suggesting that such steps were the **only** ones being taken.

Of course there are significant regional variations in Race Equality, and the Prime Minister and Home Secretary may wish to indicate that we will ask the Regional Development Agencies to be strong partners in this work.

I am strongly supportive of this new thrust; our respective officials enjoy good contact, and I trust this note will strengthen the overall approach on this issue.

I am copying this letter to members of HS, *the Prime Minister and Sir Richard Wilson.*

*Yours sincerely,
Ewan West*

PP RICHARD CABORN

*Approved by the Minister and signed in
his absence*

RESTRICTED - POLICY

file Top CH
set. RR
PU



The Rt Hon Margaret Beckett MP

PRIVY COUNCIL OFFICE

68 WHITEHALL LONDON SW1A 2AT

11 JAN 1999

Dear Jack,

RACE EQUALITY

Thank you for sending me a copy of your note to the Prime Minister of 20 December, about your proposals for effecting real change in race equality.

I agree with a great deal of what you say. It will not surprise you, however, that I must sound a note of caution about para 14 of your note, in which you mention that you are considering bidding for a Bill, to include proposals on the future role of the Commission for Racial Equality, for the 1999/2000 session. I have also seen your letter to me of 23 December, which refers to this bid. It is clearly much too early for any real assessment of the Bill's chances to be made, and I understand that more perhaps needs to be done before expectations should be raised about legislation of this type. Indeed, it seems to me that raising expectations of legislation which we may not then be able to follow through promptly may be particularly unhelpful, and counter productive, in this area. The competition for places next Session will be extremely tough, even for those Bills where policy is well advanced.

I am copying this letter to the Prime Minister and to the Chairman and members of HS, and to Sir Richard Wilson.

Regards
Margaret

MARGARET BECKETT

The Right Honourable Jack Straw MP
Home Secretary

RM 11



cc AL
R
THE SCOTTISH OFFICE
DOVER HOUSE
WHITEHALL
LONDON SW1A 2AU

The Rt. Hon. Jack Straw MP
Home Secretary
50 Queen Anne's Gate
London
SW1H 9AT

8 January 1999

from Jack,

RACIAL EQUALITY

I write to support the proposals which you make in your minute of 20 December to the Prime Minister. I know that much progress has already been made in creating a more sensitive environment within Government and that this in itself helps to promote the cause of good race relations across the country. It was for this reason that I was pleased to sign up to the Commission for Racial Equality's Leadership Challenge last year. It would be wrong however not to press ahead with more practical measures.

Race equality legislation is of course a reserved power in the Scotland Act but I am sure that the Scottish Parliament will want to take an interest in these matters so that devolved functions are delivered in a way which recognises the equal rights of all sections of society. In Scotland, the small numbers of people from an ethnic minority background and the predominance within the group of people from the Pakistani community create distinct problems which need to be addressed within a Scottish setting. I am therefore very supportive of your drive for a more co-ordinated approach across Government which will set the framework and yet let us respond to particular needs as we perceive them. I hope the Commission for Racial Equality will have an important role to play in this work and I agree that it will be important to review its role and shape, not least in the context of the new devolved structures which are being putting into place.

I am pleased that we have begun to make progress in Scotland in recognising the particular needs of ethnic minority communities in some of our key policy areas such as the New Deal and Social Inclusion. We have also given some consideration to Departmental recruitment and progress. I am aware however that more work needs to be done and a ten year agenda seems a realistic timescale.

Jab00401

CH 11/1

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I therefore look forward to working with you as we take forward this important agenda. It would be particularly helpful to see an early draft of the White Paper in due course. I am sending a copy of this letter to the Prime Minister, the Deputy Prime Minister, members of HS Committee and Sir Richard Wilson.

Yours sincerely,

Donald

DONALD DEWAR

Jab00401

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TOTAL P.12



FILED

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The Rt Hon DAVID BLUNKETT MP

RESTRICTED - POLICY

Clare Hawley
Assistant Private Secretary
10 Downing Street
London SW1A 2AA

6 January 1999

Dear Clare,

Thank you for your letter of 18 December about my Secretary of State's proposal for a joint race and sex equality Bill, which he has seen. He has asked me to make clear his position and the reasons for it.

My Secretary of State would not be prepared to accept a single issue race equality Bill without consideration being given to incorporating the necessary and modest measures relating to sex discrimination, which he has proposed. Consistency between the related elements of the equality legislation is essential if we are to underline our commitment to equality for all; reduce the potential to confuse employers with different requirements; and be seen to be taking a strategic approach.

We have been able to proceed separately on the single issue Bill to establish the Disability Rights Commission without receiving criticism from the lobby groups because it essentially delivers an equivalent statutory basis to that which has existed in gender and race equality for over 20 years, and fulfilled a manifesto commitment. In addition, Ministers here expressly agreed to the business manager's request not to include certain extensions to the Disability Discrimination Act in our amending legislation contained in the DRC Bill in order to allow that legislation to go through on non-controversial terms.

My Secretary of State believes that the key reason why the Government has not been pressed to date on sex and race equality is precisely because the EOC's own review of, and consultation on, the legislation have raised expectations that we would take some form of concrete action, including for example, modernising the Commission's powers in the way the DRC Bill anticipates. If we fail to take action on some issues in the forthcoming legislative period however, my Secretary of State believes we will be opening ourselves to strong criticism.

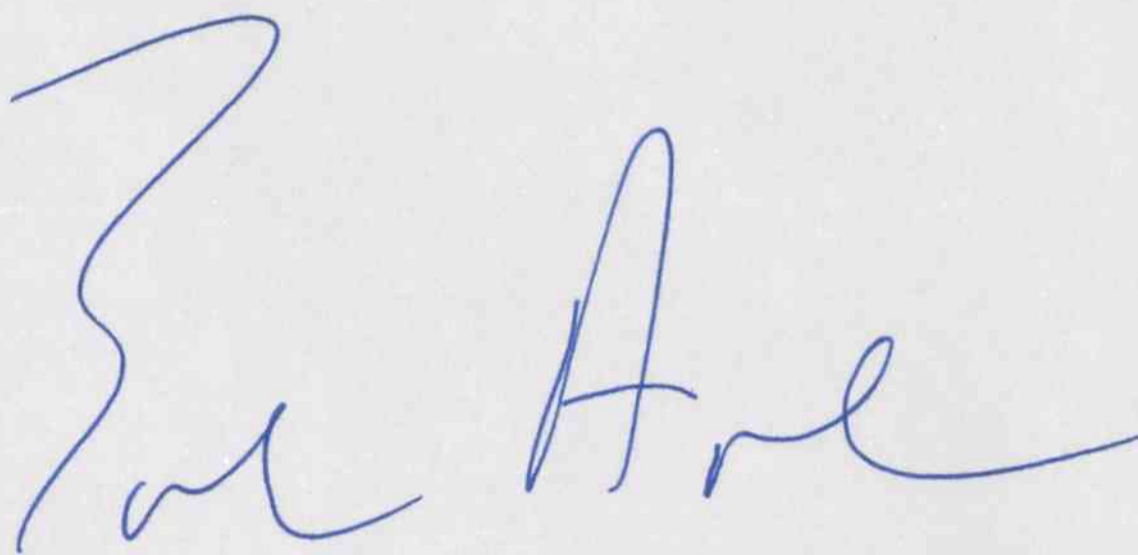
My Secretary of State is in no doubt that this a complex and sensitive area and this is precisely why he believes that it is important to highlight the need for the legislative programme to



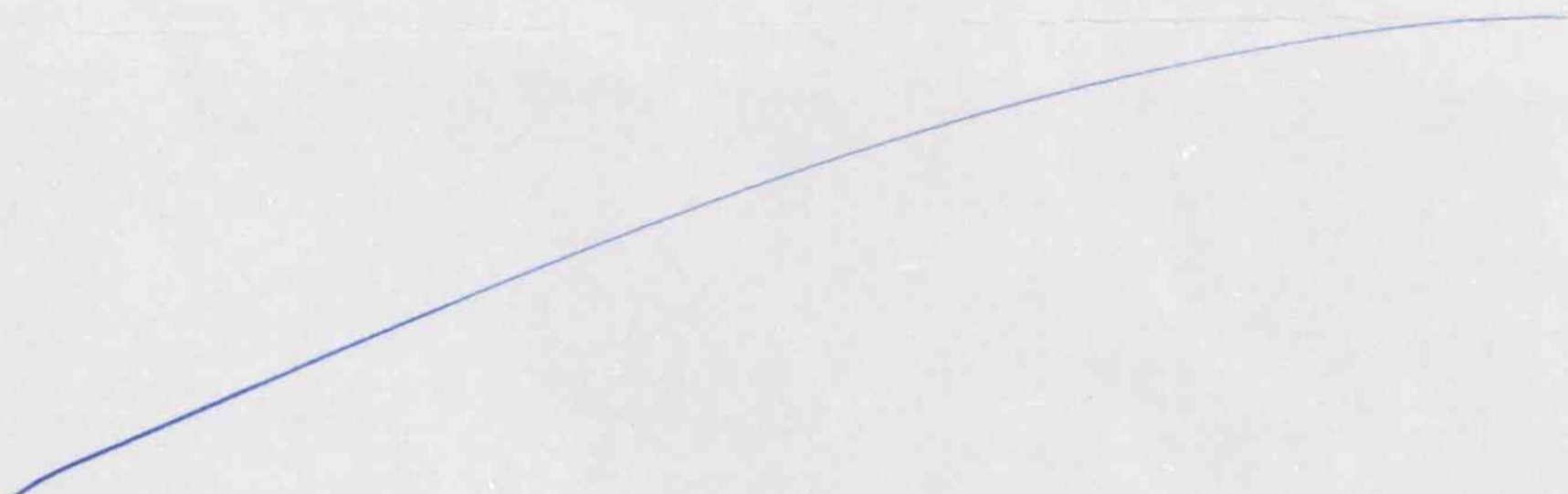
proceed jointly on race and sex, and certain associated disability issues. There is, of course, further detailed work needed, including the linkage to the work of the Better Regulation Task Force with whom we are in close touch at official and ministerial level.

The proposals that my Secretary of State will be discussing with the Home Secretary reflect our priorities and would in any case have to be accompanied by a carefully judged package of non-legislative action to underpin equality, for example, on family friendly employment and the promotion of equal pay.

I am copying this letter to the Private Secretaries to Jack Straw and Margaret Jay and to Sir Richard Wilson.



GRAHAM ARCHER
(ACTING) PRINCIPAL PRIVATE SECRETARY





GARY CHISHOLM
MINISTERIAL SUPPORT UNIT

DEPARTMENT OF THE ENVIRONMENT
TRANSPORT AND THE REGIONS

ZONE 6/D5
ELAND HOUSE
BRESSENDEN PLACE
LONDON
SW1E 5DU

DIRECT LINE: GTN 3533-4304
FAX: GTN 3533-4873

OUR REF: IDC/304

24 December 1998

Ken Sutton Esq
Private Secretary
Home Office
50 Queen Anne's Gate
London
SW1H 9AT

Dear Ken,

RACE EQUALITY

The Home Secretary wrote to the Prime Minister on 22 December concerning race equality. The letter was copied to HS Committee.

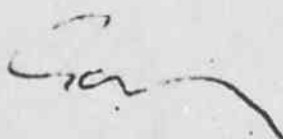
To conform with Cabinet Office convention the Home Secretary should have written to the Deputy Prime Minister as Chairman of HS Committee, copying the correspondence to the Prime Minister, members of HS Committee and Sir Richard Wilson. Unfortunately, Sir Richard was not copied the correspondence. I would be grateful if you could arrange for this to be done, and if other recipients of this letter would note the need to add Sir Richard to the copy list of any letters on this subject.

I should be grateful if you would ensure that replies, or nil returns, are received from all the members of the Committee. Recipients of this letter should note that, if their Ministers wish to respond, they should do so by 8 January.

Once all comments or nil returns have been received, you should inform the secretariat (on 270 0242 or 0135), which will then prepare the reply from the Deputy Prime Minister, as Chairman of the Committee. The aim is to issue a letter summing up the correspondence by the following working day. A decision should not, however, be assumed until the Deputy Prime Minister has replied.

I am sending a copy of this letter to the Private Secretaries of the Prime Minister, members of HS Committee and Sir Richard Wilson.

Yours sincerely


GARY CHISHOLM
Ministerial Support Unit

TOP - CH
e. AL
PU



we shouldn't
commit yet.
Too early
to say
TOP GH
C. AL
PU
Liz/Kate/Anji ditto
Bill
This looks like a possible
base but could we ever
commit to a March 2000 date?

Clare

Prime Minister

I am writing to inform you of a major conference on racism due to take place within the United Kingdom in the year 2000 and to seek your agreement to open this event.

2. The Global Cultural Diversity Congress will commence on 21 March 2000, hosted by the Commission for Racial Equality. This has been planned to coincide with the International day for the Elimination of Racial Discrimination and will be a significant element of the United Kingdom's contribution to that initiative.

3. The CRE has already secured a considerable amount of support and sponsorship for the Congress, most significantly from the Australian government. The CRE is currently in the process of setting up the International Strategic Steering Committee which will ensure that the issues addressed by the Congress maintain a global perspective. Mike O'Brien will sit on this Committee alongside his Australian counterpart, Philip Ruddock.

4. I should be grateful if you would consider opening the Congress on 21 March 2000. I will also be speaking at this event and hosting the official Congress dinner. The key themes to be discussed will be diversity and multiculturalism in 21st Century and the focus will be on positive solutions for tackling racism. This approach is central to our policy on race relations and provides you with an opportunity to address an international audience about your vision of an inclusive and diverse society.

22 December 1998

RR 23/12

From: Liz Lloyd
Date: 23 December 1998

Prime Minister

cc: Jonathan Powell
David Miliband
Clare Hawley
Jeremy Heywood
Faz Hakim
Siobhan Kenny
Alastair Campbell
Geoffrey Norris
James Purnell
Sharon White

Taking forward Race Equality

Jack Straw has now written to you proposing how to take this forward.

The key elements are

- White Paper on Race Equality mid 1999
- That you do a big One Nation speech
- All departments should have targets for recruitment, retention and progress of staff from ethnic minorities
- Ministers take more of a public lead in promoting equality in their departments and in policy making and nominating champions.

They are also looking at

- extending the anti-discrimination provisions of the Race Relations Act to the police and immigration service
- contract compliance *W*
- a more proactive CRE
- compulsory monitoring for large firms *no*

Whilst it is a good start, I think we need to ask some questions about this approach.

- 1) Is a White Paper the most appropriate way of taking this forward? I prefer a different approach - for example a series of consultations around the country culminating in a statement about what needs to be done for 2000.
- 2) They are pinning their hopes on legislation. I do not think in respect of monitoring or targets they have yet made a robust case, a) because the public sector has not yet got its house in order and b) because they have not shown why this is the best route given the burdens it will impose.

Jayne!

There are also some other areas which we should explore and are exploring, and which should be added into the strategy.

1. We need a more nuanced approach: the Home Office are still approaching this in a homogeneous way. I think we need to start to distinguish between types of different discrimination and the diversity which makes up our population.
2. We should integrate some of this into the Better Government White Paper to send a clear message to central government that this matters.
3. Siobhan is working up a communications strategy with the Home Office

Involving:

- a) Research to outline where problems are (People's Panel, pulling together existing research)
- b) Definition of target audiences
- c) Forging better links with key opinion leaders and media contacts within those audiences
- d) Following the pattern of the Women's magazine strategy
 - initial contacts from SCU, small reception at No10 hosted by TB and CB for key media contacts and selected Ministers.

Follow up in the same way with regular contacts, articles, interviews and so on.

4. Continue to press the Civil Service to make more progress in its own recruitment and progress targets.
5. Thinking about how we open up British Institutions to Black and Asian people - e.g. more open days for schools, using Black and Asian MPs and Lords more.
6. Working out how we can bring people into contact with policy-makers - e.g. Muslim groups who feel very excluded. The Foreign Office is thinking about how to take this forward.
7. Increasing dialogue with Black churches and other religious groups - again in particular the Muslim Community

Do you agree we should broadly welcome this approach subject to the above points?

*L- } Yes but I really
Don't want a population
right move out of this.*



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

22 December 1998

Dear Clare,

The Prime Minister has asked me to thank you for your letter of 7 December regarding the Home Secretary's suggestion that he make a speech on Race Relations in March or April next year.

Although the Prime Minister would like to consider the possibility, I am afraid we are not yet able to make a firm commitment. Perhaps you could contact me at the beginning of February when I will have a better idea of his plans for the March/April period, and we will do our best to accommodate this speech into his programme. - but he will not be doing it in Oxford.

Yours ever

Kate

MISS KATE GARVEY

Ms Clare Sumner
Home Office



file Top CA
cc: AL or
PU

RESTRICTED - POLICY

Prime Minister

RACE EQUALITY

Summary

Our agenda to deliver a real change in race equality to deliver your stated objection of making Britain a beacon as a successful multicultural society has to be firmed up quickly. This will place us well in front of our European colleagues. We need to move beyond the anti-racist and immigration agenda of the 70's and focus on the aspirations and frustrations of young black and Asian Britons who question whether our vision of one nation includes them.

2. In light of the forthcoming Stephen Lawrence Inquiry Report the Government's actions in this area will be under more scrutiny than ever before. We need to make sure that everyone recognises the enormous commitment we have to a racially diverse society.

3. I will be writing to you separately on my proposals for handling the immediate aftermath of the Stephen Lawrence Inquiry report early in the New Year. My understanding is that the report will be published in February.

4. Main proposals

- A White Paper on Race Equality in mid-1999 setting out how we will create our vision of an inclusive and diverse nation, a ten-year agenda but with real progress in this Parliament. It will have a clear vision with benchmarked narrative on what we can achieve over a decade. Moving participation by black and Asian Britons from the margins to the mainstream of public policy and service delivery. Setting out a coherent approach to race equality across government; with modernised race equality laws and public, private and voluntary sectors working together to set clear standards and monitor them;
- That you set out the Government's vision on Race Equality and creating One Nation with real equality for black and Asian Britons. You could flag up the forthcoming White Paper at a speech to a suitable audience in an event before Easter;

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RAU/12

RESTRICTED - POLICY

- That all departments set targets for recruitment and progress in their own services – I have already committed the Home Office to taking this forward and the Ministry of Defence and some other departments are already well advanced on this agenda and I understand Sir Richard has been examining this issue for the Civil Service;
- For Ministers to sign up to a “Race Equality Contract” as proof of their commitment to the Government leading the way;
- And for us to recruit “Race Equality Champions” to promote positive action within their own sectors and to win the hearts and minds of the people.

Consideration

Background

5. At the extreme, black and Asian youngsters have observed their grandparents and parents suffer discrimination, harassment and racial violence and are developing very hardened attitudes against the white community. We have to win back their confidence in the institutions of British society. People from minority communities are frustrated by discrimination in recruitment and blockages to promotion. They deserve a fair chance and I am convinced we can deliver it.

6. Too often racism is perceived as just a city issue; but racist crime in rural areas is proportionately higher. Black people and people of mixed race origin are fewer in number, more visible, isolated and vulnerable.

7. If we are to instil a sense of really belonging in all our people, we need a new, inclusive national identity for the new millennium. I suggest we start that debate soon, consult young people in particular, capture their imagination and develop responsible citizenship.

Targets

8. I believe that if we do not seize the moment now to compel change we may find ourselves at the end of our second term no further forward in real terms on equality. That is why I have decided to set targets for recruitment and progress in my own departmental services. Promotion targets are already operating within my own department and I am developing with the local services for which I am responsible a challenging approach to recruitment and retention targets. Challenge funding may offer an incentive and I shall chair a police conference about this in the spring.

Public Sector Lead

9. Tackling racism will of course be a benchmark of my work on policing after the Lawrence Inquiry reports. That needs to be part of a major push forward on race equality in the public sector. We need to challenge the complacency of policy makers and those

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who shelter behind bland statements and treat equality as an optional extra. Race equality needs to be integral to policy. [Our initiative on 'Better Value' did not mention race equality.]

10. Reviving pride in public service and in values like respect, courtesy and dignity will be important for all our people, particularly so in some of my own services like police, prisons and immigration. These values are equally important in the private sector. A benchmark by which our success will be measured by black and Asian Britons will be the quality of individual interactions and decisions, the evidence of courtesy and professionalism, whether on the street, in our shops and offices, or in the boardroom.

11. Involving people from minority communities from the outset in this work is essential. The Race Relations Forum is my sounding board and I am keen that similar groups who are advising colleagues should work in joined up ways on the race equality agenda.

Setting clear standards

12. We need greater clarity in the way we set out standards of service and mechanisms for ensuring standards are met. We must be firm about taking action when standards are not met. Incentives are needed to encourage good performance and we must secure much wider commitment to monitor by ethnicity and demonstrate the practical value of doing so. I have already asked my Youth Justice Board to ensure that their arrangements for monitoring outcomes will include ethnicity and many managers in the business community are beginning to understand the value of monitoring.

Changing culture

13. All of this requires a significant shift in the culture of public services and needs to be linked to our public sector reforms like Better Government. We also need to engage business. Some big businesses have already signalled informally that they want to contribute to a strategy which will deliver practical improvements in race equality. I want to bring together public and private sector representatives along with bodies like the CRE to work together in a partnership, time limited, to achieve sound, sensible and practical outcomes. For example we might invite a leading retailer like Stuart Hampson to lead on development of race equality service standards. The voluntary sector are likely to react helpfully to a positive and coherent strategy.

Modernising race equality laws

14. To underpin these efforts we need to modernise race equality laws so they work for the next decade or more. Some provisions may need to be more robust. But this needs to be balanced by more conciliation rather than litigation. I would expect government departments to get their house in order and avoid the tribunal cases that we have seen in the past. I shall bring forward proposals for discussion with colleagues - these will include looking at the shape and future role of the Commission for Racial Equality - and bid for a bill in 1999/2000.

Conclusion

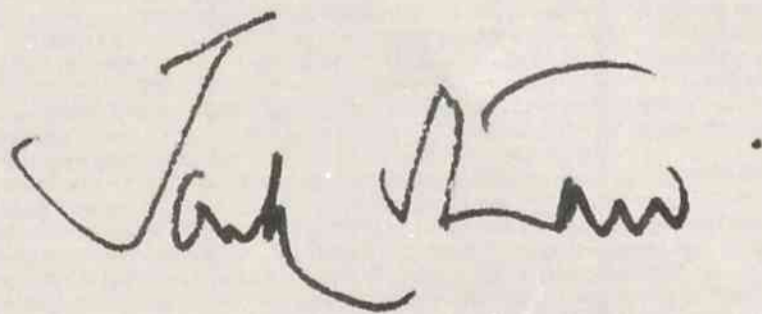
15. My officials are in discussion with other departments to develop our approach. I would like us to take stock of progress by early February - by which stage I should have Sir William's report - and I would like to test our ideas, in outline, with my Race Relations Forum which meets on 16 February. I suggest the priority areas are education and employment, health, the regions and local government, criminal justice and policing, enterprise, culture and sport, and defence who have already taken a high profile initiative. But the issue goes wider and we need to develop an all-embracing commitment by Government to do better on race equality. It could be a 'contract' which all colleagues sign up to publicly with clear aims for the next decade and benchmarked improvements year on year to create a new Britain.

16. You could play a crucial role in signalling this fresh approach by taking the message to the heart of government, business and society calling for "commitment plus" from them in effecting change. Your leadership here will be vital and, if you agree, I propose that you give a speech to an invited audience before Easter setting out our agenda and signalling a white paper to be published shortly after the event. I suggest we let it be known that you are going to do so before Sir William's report is published. We can arrange a suitable platform for the speech.

17. To back that up I believe we need to recruit "Race Equality Champions" to support our cause and to promote the message within their own sectors. More generally, we need popular champions who can win public support, the hearts and minds argument, for a stand against racism and energise practical action in local communities to reject racism and build an equal and inclusive society.

18. Targeting our message will be important and I have tasked officials to work up ideas with the Strategic Communications Unit for early in the New Year.

19. I am sending a copy of this minute to members of HS.



20¹⁵
December 1998

FILE

RESTRICTED - POLICY



10 DOWNING STREET
LONDON SW1A 2AA

From the Assistant Private Secretary

18 December 1998

Dear Mike

RACIAL AND SEXUAL EQUALITY

The Prime Minister has seen your Secretary of State's letter of 16th December to the Home Secretary putting forward proposals for a joint race and sexual equality Bill.

This is clearly a very complex and sensitive area and one where much detailed consideration will be needed on the long term goals for the policy and regulatory framework. The proposals also open up issues on the long term role of the CRE and EOC themselves. At a time when the reviews of race relation and sex equality legislation have not finished, and the Better Regulation Task Force is still looking at anti-discrimination law, it therefore seems premature to plan a legislative strategy. The argument that lobby groups will fiercely oppose a single issue bill seems tenuous considering the separate action that has already been taken on disability and age discrimination without opposition on those grounds. The best way forward therefore seems to be for further detailed work to be done to formulate a longer term strategy for both the equality issues.

The first stage needs to be a full mapping out of what the Government's proposals might be both for reform of the race equality legislation and for equal opportunities legislation, including cost benefit analysis for these measures, and a consideration of the implications for the relevant Commissions. In particular it is unclear what success monitoring of workforce has actually had in practice. Once it is clear where the priorities lie, it will be possible to look at where those proposals do fit together and might best be dealt with jointly. In the meantime it would of course be unhelpful to raise expectations of legislation of this type.

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RESTRICTED - POLICY

- 2 -

I am copying this letter to the Private Secretaries to Jack Straw and Margaret Jay, and to Sir Richard Wilson.

Yours

Clare

CLARE HAWLEY

Mike Wardle
PS/David Blunkett

RESTRICTED - POLICY

From: Clare Hawley
Date: 18 December 1998

PRIME MINISTER

cc: Liz Lloyd
Sharon White

RACIAL AND SEXUAL EQUALITY LEGISLATION

David Blunkett has written to Jack Straw suggesting that they should put forward a joint Bill of reforms to the Race Relations Act and Equal Opportunities Act. His reasoning is that there are common elements that should be treated consistently between the two, and that the lobby groups would oppose and disrupt a single issue Bill as they want action on both of the Acts.

The latter justification seems extremely tenuous – there is continuing pressure for action from the lobby groups but it would be odd for them to work against getting some of what they want because they haven't got all of it.

There may, however, be a case for having a coherent package – particularly for employers who at the moment have a number of different regulatory frameworks to comply with. However, the current reviews of legislation by the CRE and EOC have not reported, and the Better Regulation Task Force is undertaking a project to look at all anti discrimination laws from the “consumer” angle. We are not yet at the point where it is clear what our longer term strategy is for the regulatory framework – are we moving more towards integration, possibly even a joint Equality Commission, or is there a stronger case for keeping the frameworks separate, though as consistent as possible?

Our view would therefore be that it is premature to start talking of joint Bills; we need a proper strategy on the priorities we have for reform of the legislation and the wider framework before we start offering Bills in this way.

Are you content for the attached letter to be sent?

Clare



FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG

HOUSE OF LORDS,
LONDON SW1A 0PW

9 December 1998

The Rt Honourable
Baroness Jay of Paddington
Leader of the House of Lords and Minister for Women
House of Lords
London SW1A 0PW

Dear Margaret,

**GOVERNMENT STRATEGY FOR RACE RELATIONS
AND EQUALITY OF OPPORTUNITY**

I have seen your letter of 16 November to Jack Straw. I note your comments and I understand the point about target setting and merit based systems.

However, I am not persuaded that there is a convincing argument for setting targets in judicial appointments. You refer to the targets for public appointments and suggest that, if we are doing everything in our power to redress the imbalance, we have nothing to fear from making our commitment public. Judicial appointments, however, are very different from general public appointments. This is already recognised in the way we construct our annual plan to increase the proportion of NDPB appointments held by women. The goals I set relate to non-judicial appointments held by women: the goal does not apply to any judicial appointments. In any event, without the need for setting specific numerical targets, I am already doing a great deal to increase the number of women and ethnic minority judges. Target setting would not of itself increase my commitment to this.

For some public appointments there may be an overriding consideration to select people who are representative of the population which they will serve. In judicial appointments I will only appoint the candidates who best measure up against the criteria for appointment, from a limited field of suitably qualified lawyers. The skills and qualities I am looking for are highly specialised, competition for the limited number of vacancies is intense and it would not be in the public interest to select other than those who are the best. A member of the public who complained about a second rate judge would not be comforted to be told that he or she was there to maintain gender balance.

Public appointments cover a broad range of types of function in connection with a wide variety of institutions where large numbers of appointments are made often for a limited time. Thus the "turnover" of appointments is great. In judicial appointments "turnover" is relatively slow. Full-time judges are appointed until retirement and the number of vacancies is comparatively small.

I am personally and directly accountable to Parliament for judicial appointments. Target setting by government could be seen to encroach on the principle that Government collectively should not be involved in individual judicial appointments.

I have taken a number of steps and I have made my commitment abundantly clear. For example, I made the keynote address to the Ethnic Minority Lawyers' Conference on 29 November 1997. On that occasion I included the following in my speech:

"Appointments must be made on merit - irrespective of ethnic origin; sex; marital status; political affiliation; sexual orientation; religion; or disability. These are not just words. They are firm principles. I would not tolerate any discrimination. Discrimination has no place in the judicial appointments process.

I am determined to modernise the judicial appointments process further - to make it more open and more transparently fair.

There is no place for bigotry in the judicial appointments process. I want to reassure you that, if a consultee were to display any discriminatory tendencies when discussing an individual, that would not get past me, and I would not tolerate that.

There is no room for complacency. I want to see more people from ethnic minorities coming forward for appointment.

I am anxious that people do not exclude themselves because they think, for any reason, that they are not from the kind of background which produces judges.

Let me say it clearly - I am determined to see more applications for judicial appointment and Silk come from ethnic minority lawyers. I have instructed my officials to do everything they can to provide help and information to people who are considering whether a judicial career might be for them.

I will do all I can to ensure that ethnic minority lawyers have the same opportunities for appointment as their white peers."

On 12 March 1998 I followed these words with action, by writing to every Head of Chambers in England and Wales urging them to encourage more ethnic minority practitioners to apply for Silk. I enclose a copy of that letter.

At the Women Lawyers' Conference on 25 April 1998, I called for greater equality of opportunity in the judicial appointments system. I said there:

"The system needs to be flexible enough to cope with the needs of those able lawyers who may have had an untypical career, perhaps because they have had a career break to bring up young children.

I believe that our judicial appointments system is basically sound. But any system can be improved. I intend to improve it. I want to oversee a judicial appointments system which is open, fair, effective, and - just as importantly - accessible. Everyone who is eligible for appointment and who wants appointment should have a fair chance to win appointment.

All eligible applicants must have equality of opportunity whether they are men or women, young or not so young, black or white, heterosexual or homosexual. Everyone who wants a judicial appointment should have an equal chance to demonstrate that they have what it takes to be a judge.

I have said this before, but it bears repeating. Prejudice or discrimination has no place in this system. If I were to encounter it, it would not be tolerated.

I have also instructed that a senior official should devote the majority of her time - not just a small part, as at present - to equal opportunity issues in judicial appointments. Her duties will include developing the many initiatives I have already announced, for example, block sittings; work shadowing; and appraisal of part-timers. This demonstrates that promoting equality of opportunity has become a core activity in the judicial appointments process.

I have been surprised that so few women apply for Silk - and even more surprised that so few women have been successful in the past in achieving it. This year, I remain surprised on one front. Only 9% of applicants to this year's Silk competition were women. Yet women make up 14% of barristers of over 15 years call. Why aren't more of you applying? I ask this question against a background of good news for women lawyers. Of the 46 women who applied for Silk this year, 10 - that is 22% - were successful. This is the highest proportion and the highest number of women Silk ever.

I will do everything in my power to ensure the judicial appointments and Silk process is fair and open."

In the last Silk round I appointed on merit ten women and four of ethnic minority origin - in both cases the highest numbers ever on one single occasion. I spoke at the annual Silks Ceremony on 1 May 1998. On that occasion, whilst addressing the considerations for determining the award of Silk, I said:

"There is no mention of universities or chambers, sex or ethnic origin. Each one of you is here on your individual merits alone.

I received a special brief containing all the comments and assessments of every female and ethnic minority applicant, and every solicitor applicant. I wanted to reassure myself that all of the special circumstances faced by members of these groups were taken fully into account by me.

I am delighted that this has worked - many women and members of the ethnic minorities have this year been able to win through and demonstrate that they are worthy of Silk. The improvement over the last few years has been slow, but now seems to be well in place."
My activities in this field continue. I will be addressing the Minority Lawyers' Conference again in March 1999; I have commissioned research into the factors that affect decisions among ethnic minority and female lawyers about judicial appointment and Silk; I await the report of the joint working party on equal opportunities in judicial appointments and Silk. As you can see, as I hope

others do, I am unequivocally determined to make progress in equal opportunities and judicial appointments, but would steadfastly resist the setting of targets. My commitment is to equality of opportunity for all and to appoint on merit and I do not believe that targets will enhance that public commitment.

You have made various points about the advantages of target setting, including that it encourages transparency. Much has been done to make the judicial appointments process transparent. Vacancies are advertised in the national (including ethnic minority) press and in legal journals. Candidates are assessed against objective criteria which are openly available. I have explained in my speeches and elsewhere how the system works. My officials see individuals about applications and they also speak to groups of lawyers about the procedures generally. They liaise with the Bar and the Law Society on a range of judicial appointments issues, including equal opportunities. Literature is available on how the procedures operate and statistics on applications and appointments are available. I have said that I am willing to investigate any claims of discrimination in the appointments process. I do not see how the setting of targets could contribute to making the system more transparent.

The number of female and ethnic minority judges is a reflection of the numbers in the profession with the appropriate levels of seniority. It is not possible to make an accurate comparison between the numbers in the profession and at various levels in the judiciary as the data from the professions is either incomplete or does not readily read across. However, it is heartening that we are seeing a gradual increase in their numbers in the judiciary. Since May 1997 the percentage of women in the main tiers of the judiciary has risen from 9.8% to 10.6 % and the percentage of ethnic minority judges over the same period has increased from 1.5% to 1.6%. I accept that the increases are small, particularly in relation to the appointment of people from minority ethnic communities. However, if all of my exhortations bear fruit, and the culture of reticence is broken down, I should have a better story to tell in the future. Indeed, I am already able to report that the percentage of female and ethnic minority applicants for Assistant Recordship has risen. In the current competition 18% of applicants are women, an increase of 2% over last year's competition, and 7% have declared they are of non-white ethnic origin, an increase of 3%.

I am copying this letter to Cabinet colleagues, to David Milliband at No.10 and to Sir Richard Wilson.

Yours *ever,*
Devry

Kate

From: THE PRIVATE SECRETARY



Kate Garvey
Diary Secretary
10 Downing Street
London
SW1A 2AA

ATT - what do you think?
we've already got AA's bid

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

7 DEC 1998

for Oxford.
KG 8/12

KG & CH.
TB does not to do a speech -
sort of New Britain, inclusive etc
Oxford is good dec basket of Englishness
+ opposite of deprived conical estate re severe rivalry held.
Goes against pre-conception.

However, we
should ask for
other
alternatives
too.

cc. CH
Why Oxford?
Do we want to do a CH
speech on race relations? PU

Dear Kate,

GR

Can you send a
pending letter.
KG 15/12

RACE RELATIONS SPEECH IN EASTER

8/12
K
P.T.O.
15/12!

The Home Secretary has asked me to draw to your attention that he feels it would be a good idea for the Prime Minister to make a speech on Race Relations in March or April, possibly at Oxford University. I understand our officials here have already spoke to Liz Lloyd about this but I would like to pursue whether there are any dates available which we could then start working on. Thank you very much.

DM
KG → Good to do a
speech; not Oxford.
speech by good
This was not a bid.
Are you keen?
Clare

NO - NOT
Oxford. As it is,
we have Butler's
welfare speech, @
'div. Coll. Oxford
& then Andrew/Jenkin's
educational one.
That is one to many
already.

KG 8/12

CLARE SUMNER

ATT - see DM's
comments.

KG 14/12.

And who has agreed
to shed make a R.R.
speech @ easter? Does
David M know? /
9/12. AM

I think prob this or hold. I
can see why do R.R. -
midst of election campaigns...

file



CABINET OFFICE
70 Whitehall, London SW1A 2AS
Telephone: 0171-270 1250

Minister of State,
Cabinet Office

Clare Hawley
APS/Prime Minister

30 November 1998

Dear Clare,

L: LL (PJ)

UK ANTI-DISCRIMINATION LEGISLATION

Lord Falconer met Lord Lester on 26 November on the Prime Minister's behalf. Liz Lloyd and you were also present.

Lord Lester's main purpose in seeking a meeting was to put the case for the creation of a unified anti-discrimination agency on the basis of a single "Equality Act". He proposed replacing the existing Commissions for Racial Equality and Equal Opportunities with a single agency, headed by a figure similar to the Director-General of Fair Trading. This agency would be able to take a more coherent and pro-active approach to enforcement of anti-discrimination legislation. A similar approach had been taken in the Irish Republic, covering not only discrimination on the basis of gender and race, but also religious belief, sexuality, age and disability.

Lord Lester had worked up a research proposal for an independent review of the enforcement of UK anti-discrimination legislation which would also take into account the requirements of EC and international human rights law. The work of the Better Regulation Unit on anti-discrimination legislation was noted and it was suggested that Lord Lester may wish to meet Lord Haskins.

Whilst recognising the practical difficulties of amending this area of the law, Lord Falconer acknowledged that Lord Lester's proposals had attractions.

Lord Lester also briefly lobbied Lord Falconer on UK acceptance of the First Optional Protocol to the International Covenant on Civil and Political Rights. Lord Falconer noted that this was currently being dealt with by Lord Williams at the Home Office.

I am copying this letter to David North (PPS/Minister for the Cabinet Office) and Liz Lloyd in the Policy Unit.

Yours,
Stephen Ward

STEPHEN WARD
Assistant Private Secretary

**BRIEF FOR LORD FALCONER'S MEETING WITH LORD LESTER
4PM THURSDAY 26 NOVEMBER**

- Lord Lester wrote to the Prime Minister on 19 October requesting a 20 minute meeting to "discuss the Government's equality agenda".
- Clare Hawley rang him to find out what in particular he wished to talk about. He said that he wanted to highlight the need for co-ordination across the gender, race and disability spectrum. His criticism was that at present the agenda is too Departmental and fragmented. The Government needed to prepare now in order to implement the manifesto after the next election
- Lord Lester suggested that perhaps he should see Lord Falconer rather than the Prime Minister
- Liz Lloyd and Clare Hawley will be attending the meeting from No 10.

Points to bear in mind

- there are reviews underway of both the Race Relations Act and Equal Opportunities legislation. It would be worth waiting the outcome before moving on this.
- The Better Regulation Taskforce is also undertaking a review of all discrimination legislation. It will look amongst other things at the consumers' perspective - can the legislation be made more "user-friendly" in any way?
- The discrimination/disadvantage experienced by women, members of ethnic minorities and those who are disabled cover a very wide spectrum.
-
- Legislation has been in place for many years in some cases, and is new in others - what added value would a more co-ordinated approach bring to this area?

Political Office:
18-20 Outer Temple
222 Strand
London WC2 1BA

Tel. 0171 353 4612
Fax. 0171 353 4696



AL

JFH

Anthony left. W.D. Den.

21/10

By an human
rights + race rel.

I wd have

1. DM

flight

2. JF

AL SW

3. AH

my hour + ask friend? 9

what it is about. NOT a priority

The Rt Hon Tony Blair MP
Prime Minister
10 Downing Street
London SW1

19 October 1998

Dear Tony,

I should be very grateful indeed if you were able to spare me 20 minutes sometime during the next few weeks to discuss the Government's equality agenda.

Warmest regards and best wishes,

Z eve

Anthony

when he is
about to go
ballistic.

DM

DM/4/SW

NOT going ballistic, and would understand a refusal. Wants to highlight the need for co-ordination across the gender, race, disability spectrum - 'the N.I. approach is preferable'. Feels it's too departmental + fragmented - 'needs a parophic view from the top.' He was in HO drafting the legislation under the last Labour + sees the problems with it. Preparation now in order to implement manifesto after next election. He thought he might see Charlie Falconer if not PM.

Not right, of course, if one was going to do it properly - but it's much too difficult + piecemeal is our preferred way. Could be one for Jack Cunningham once he/we are clear on his role for equal opps? Though we don't want him rushing off + trying to do everything either!

Clare

W3, Clare + Charlie SW see him + SW interested

The Lord Lester of Herne Hill QC

file Equal Opps

Political Office:
8-20 Outer Temple
222 Strand
London WC2 1BA



Tel. 0171 353 4612
Fax. 0171 353 4696

*C. Clare Hawley
c: Liz Lloyd*

The Rt Hon the Lord Falconer of Thoroton QC
House of Lords
London SW1A 0PW



25 November 1998

Dear Charlie,

In preparation for our meeting at 4pm on 26 November I thought you might find it useful to glance at a lecture I gave some time ago about the mess of our existing discrimination legislation. I also enclose a funding proposal which bears on the subject.

I much look forward to our meeting.

Warmest regards and best wishes,

*Lester
ALT*

UNIVERSITY OF CAMBRIDGE

FACULTY OF LAW

10 WEST ROAD

CAMBRIDGE CB3 9DZ



CENTRE FOR PUBLIC LAW

Director Professor J. Beatson Q.C.

Assistant Directors Dr C. F. Forsyth

Mr I. C. Hare

November 1998

**APPLICATION FOR RESEARCH FUNDING
BY THE CENTRE FOR PUBLIC LAW IN ASSOCIATION WITH THE JUDGE
INSTITUTE OF MANAGEMENT STUDIES, UNIVERSITY OF CAMBRIDGE.**

**AN INDEPENDENT REVIEW OF THE ENFORCEMENT OF U.K.
ANTI-DISCRIMINATION LEGISLATION**

1. Description of Research

The *general aim* is to conduct an independent review and evaluation of proposals for the reform of the enforcement and remedial aspects of U.K. anti-discrimination legislation, taking into account the requirements of EC law and international human rights law. This will be based on an assessment of the experience of users of the legislation, and of the factors which may lead them to adapt to new enforcement mechanisms in different ways. There will be consideration of relevant experience in other EU Member States and in countries with comparable legislation, in particular the USA, Canada, Australia, and South Africa.

2. Principal researchers (see Appendix 1 for CVs)

Professor Bob Hepple QC, Professor of Law in the University of Cambridge, and Master of Clare College; and *Mary Coussey*, Senior Associate, Judge Institute of Management Studies, University of Cambridge. An Advisory Committee will be established to comment on all stages of the research, under the chairmanship of *Lord Lester of Herne Hill QC*. Use will be made of *consultants* on certain legal issues.

3. Amount requested : £68,078 (see Appendix 2 for financial statement).

4. Duration of research: one year (see Appendix 3 for timetable).

5. Aims of research

The Government is committed to introducing a number of changes in existing anti-discrimination legislation. There is a multiplicity of proposals by many different interest groups (see Appendix 4 for summary). These proposals, and other possible changes, are being considered in several Government departments, including the Home Office, the DfEE, the Better Regulation Task Force and the Women's Unit in the Cabinet Office. There are already provisions for a unified Equality Commission in Northern Ireland in the current Northern Ireland Bill. The Government has indicated that it would like the proposed Parliamentary Committee on Human Rights to consider the need for a Human Rights Commission or Commissioner, and the relationship between such a body and the existing EOC and CRE in Great Britain. At the same time, the Government proposes to establish a Disability Rights Commission with more extensive powers than the National Disability Council. A Code of Practice on age discrimination is to be introduced, and there is continuing pressure for legislation on other grounds such as religion and sexual orientation. There is a serious risk that any legislation will be fragmented, inconsistent and inadequate.

Accordingly, there are three *major issues* for consideration.

- Whether existing anti-discrimination legislation could be made more effective and accessible by rationalisation into a single Equal Rights Act. Although the general definitions of discrimination will be relevant, it is not proposed to consider substantive matters specific to each form of discrimination (e.g. rights in respect of pregnancy and maternity or child care) and appropriate exclusions, but rather to concentrate on the common questions of enforcement and remedies.
- Whether there should be a single Equality Commission or Commissioner in Great Britain, the relationship between such a body and the EOCs and CRE, and the proposed Disability Rights Commission, the effects of devolution in Scotland and the establishment of an Equality Commission in Northern Ireland, and the relationship of these bodies to a general Human Rights Commission, which may be set up to enforce rights under the Human Rights Act.
- How the procedures for individual and strategic enforcement of anti-discrimination legislation, and the remedial provisions, could be made more effective and consistent.

The *specific objectives* are to propose-

- a simple, accessible, and cost-effective legislative framework for ensuring equality of opportunity in the UK.
- provisions necessary to comply fully with the UK's obligations under EC law and international human rights law.

6. Research questions

The various proposals made for the reform of anti-discrimination legislation raise a number of complex legal problems, under U.K. law, the law of the EC, the European Convention on Human Rights and European Social Charter of the Council of Europe, and international human rights law. Moreover, some proposals (e.g. on equal pay) have been modeled on the practice in other countries (e.g. Ontario), and this raises the question whether these models can be effectively transplanted into the different social and legal context of the U.K. Within the U.K. questions arise as to the "read across" implications of the Fair Employment legislation in Northern Ireland and how measures under the revised Article 119 and the new Art. 13 of the EC Treaty will be applied. The Irish, French, Danish, Dutch and German models are likely to form a particularly useful source of comparison with the U.K. Experiences in Australia and the USA are relevant because of the proposals in the U.K. for a single enforcement agency. The extensive provisions for statutory monitoring in the new Employment Equity Act in South Africa are also of interest.

There will also be an assessment of the experience of the users of the legislation and of the factors which may lead employers to adapt to new legislation and new enforcement mechanisms in different ways. It is proposed to send a questionnaire to about 50 representative firms which have experience of the current legislation, and this will be followed up by structured interviews with about 20 of these firms. These firms will be identified from published information, and will be selected so as to give a fair representation of different types of employer (e.g. public and private sector, manufacturing, services, large and medium-sized). There will be interviews with about six trade unions and a number of other organisations which have experience in representing victims of discrimination and with the EOC and CRE. There will be interviews with the President and some Chairs of Employment Tribunals who have experience with discrimination cases.

The legal questions and the responses from users will be analysed and on this basis a report will be drafted containing an outline of the main proposals for reform with a commentary and statement of options (the "Green Paper"). This will be widely circulated, and then discussed at a Consultative Conference in Cambridge, to which about 60 participants from government departments, Commissions, employers organisations, trade unions and other organisations will be invited, as well as specialist practising and academic discrimination lawyers and equal opportunities experts. Some overseas experts will also be invited. Following the conference, a final report containing recommendations will be drafted and published.

7. Potential impact of the project

The immediate impact will be to stimulate discussion, particularly through the Green Paper and consultative conference, of proposals for the reform of anti-discrimination legislation, on the basis of solid evidence as to whether or not such changes are workable. Hopefully this will lead to a measure of consensus as to changes which are both desirable and achievable.

The medium-term effect will be to produce a final report setting out principles which will provide the basis for new equal rights legislation in the United Kingdom, which is simple, accessible and cost-effective, and is also in full conformity with international human rights law and EC law. It will, of course, be a political decision for Government as to whether and when such legislation should be introduced.

The longer-term effect will be to provide, in effect, model anti-discrimination legislation which will be of considerable interest in other European countries, and also to the European Commission when considering proposals for the Council to legislate under Art. 13 of the amended EC Treaty. Such a model will also be of interest as an international benchmark for anti-discrimination laws.

9. Government co-operation and access

A meeting has been held with the Rt. Hon Jack Straw MP, Home Secretary (whose Department has responsibilities for some aspects of equal opportunities). He has confirmed that the Government would be interested to see the results of this project, although it is not in a position to fund it. While making it clear that the Government cannot be bound by any findings or recommendations, he has indicated that officials will be as helpful as possible towards the project within the constraints of normal rules and their workloads (see Appendix 5). Access is also being sought from the DfEE and the statutory agencies. It is not anticipated that there will be any difficulty in this respect. Contact has been established with the Women's Unit in the Cabinet Office who have offered co-operation.

There has also been a meeting with the Better Regulation Task Force in the Cabinet Office, which is conducting a short-term review of anti-discrimination legislation expected to be completed by April 1999. The Task Force Review is concerned with the access, transparency, consistency and accountability. It is not an in-depth study of enforcement and remedies, is mainly concerned with small employers and lacks any comparative dimension. The civil servants conducting the review agreed that our independent, and more far-reaching review would complement their work, and they offered us their co-operation.

APPENDIX 1:

CVs and RESEARCH CONTRIBUTION

Bob Hepple, QC (Hon), LL.D (Cantab.), LL.D (Hon., Witwatersrand), is Master of Clare College and Professor of Law in the University of Cambridge. He was a member of the Commission for Racial Equality for nearly 5 years (1986-90), and a Chairman of Industrial Tribunals (full-time 1977-82, part-time 1975-77, 1982-93). He has served as an independent expert on labour law for the European Commission (since 1974) and the ILO, and, in recent years, has drafted and advised on labour and discrimination legislation in several countries including South Africa, Namibia, Hong Kong and Russia.

He is the author inter alia of *Race, Jobs and the Law in Britain* (1968, 2nd ed., 1970), the first study of racial discrimination and the law in Britain. His recent publications in the field of discrimination include "Equality and discrimination" in P. Davies et al. eds., *European Community Labour Law: Principles and Perspectives* (Oxford, 1996) pp. 237-259, "Equality: a global labour standard" in W. Sengenberger and D. Campbell, eds., *International Labour Standards and Economic Interdependence* (Geneva, 1994), pp. 123-132; and "Have Twenty-Five Years of the Race Relations Acts in Britain been a failure?" in B. Hepple and E. Szyszczak, eds., *Discrimination: the Limits of Law* (London, 1992), pp. 35-49.

Hepple's previous work has examined the reasons why anti-discrimination legislation has had limited success in changing patterns of racial and gender disadvantage.¹ This has focussed on the difficulties of translating concepts such as "discrimination", "equal opportunities", and "fair participation" into legal terms of art, and the problems associated with selecting specific social causes in the well-known "cycle of disadvantage" for legal prohibition. He has emphasised the important educative role of clear and effective legislation, and the function of enforcement agencies in promoting social integration. He has analysed in detail both the shortcomings and potential of EC legislation in respect of gender and other forms of discrimination. He has also shown the legal and political interactions between the different Acts on race and sex discrimination. In particular, while the EOC has been able to use test cases in the European Court of Justice to extend the law on equal treatment and equal pay for women, no such avenue was open to the CRE, prior to the recent amendment of the EC Treaty, and the different legal strategies of the two Commissions have had mixed results. He has raised the question, which the present research proposal aims to address, whether a single code of anti-discrimination law enforced by a single agency would help or hinder the distinctive movements for gender equality, racial equality, rights for disabled people and victims of other forms of

¹ See esp. B. Hepple, "Have Twenty-Five Years of the Race Relations Act in Britain been a failure?" in B. Hepple and E. M. Szyszczak, *Discrimination: the Limits of Law* (London: Mansell, 1992), pp. 19-34; and B. Hepple, "Equality and Discrimination" in Paul Davies et al., eds., *European Community Labour Law: Principles and Perspectives* (Oxford: Oxford University Press, 1997) pp. 237-259.

discrimination. The strategic objectives and tactics of each of these movements do not always coincide.

His consultancies and research-related appointments include (bold type indicates ongoing)-

- | | |
|-------------------|---|
| 1968 | Consultant UN Institute for Training and Research (on racial discrimination) |
| 1973 | Visiting Scholar, Nuffield College, Oxford |
| 1974- | Independent expert to the Commission of the EC (various Labour Law and industrial relations directives) |
| 1977-80
& 1988 | Rapporteur for UK on Model European contract of employment (EEC) |
| 1978 | Consultant, Polish Academy of Sciences (on Labour code) |
| 1977-87 | Director of Studies, Law Society of Scotland, (Industrial Law Group) |
| 1976-80 | Member Social Sciences and Law Committee, Social Sciences Research Council |
| 1979-83 | Chairman, Monitoring of Legislation Panel, SSRC |
| 1978- | Editor and member of European Labour Law Research Group on The Making of Labour Law in Europe |
| 1982-86 | Member Bureau, International Institute for Temporary Work, Brussels |
| 1982-83 | Invited witness to House of Lords Select Committee on the European Communities (proposals for a Directive on Part-Time Work, 19th Report, Session 1981-82, HL 216; proposal for a Directive on Temporary Work, 6th report, Session 1982-83 HL 65) |
| 1982 | Rapporteur for the UK and Director of Colloquium on the Protection of Workers in the Event of Rationalisation (European Commission). |
| 1983- | Overseas correspondent, National Academy of Arbitrators, USA |
| 1985 | Director of Study visit by 8 British judges to the USA on the handling of discrimination cases (German Marshall Fund of the United States). |
| 1985-96 | Rapporteur for the UK on Legal and Contractual Limitations on Working Time (European Foundation for the Improvement of Living and Working Conditions). |
| 1985-86 | Rapporteur for the UK on Labour Law and Industrial Relations in Small and Medium-sized Enterprises (Pastore Foundations, Rome for EEC). |
| 1987-88 | Research contract Commission of the EEC on the problem of harmonisation of employment protection by the UK. |
| 1987 | Visiting Professor, Faculty of Law University of Leuven, Belgium |
| 1987 | Visiting Professor, Institute for Law and Public Policy, University of Leiden, Netherlands |
| 1988 | Rapporteur for the UK on Collective Bargaining in the EEC (UGT, Portugal) |
| 1988-97 | Rapporteur for UK on The Regulation of Working Conditions in the EEC |

- (Commission of the European Communities).
- 1989 Expert witness on Freedom of association in Canadian Guards Assn case (Ontario Labour Relations Board)
- 1990 Research contract Commission of EEC on revision of Acquired Rights Directive.
- 1990-91 ILO Expert to advise Government of Namibia on Labour Code and Labour Courts
- 1992 Invited evidence to House of Lords Select Committee on European Communities (Human Rights Re-examined, 3rd Report Session 1992 93, HL 10, pp. 41-6)
- 1992 ILO Expert to advise Government of Russian Federation on restructuring of labour relations, labour law and labour courts
- 1992 Member Laws Panel HEFC Research Assessment Exercise
- 1993 Report on Freedom to Join and not Join Trade Unions for Council of Europe Seminar on Freedom of Association, Reykjavik.
- 1994-95 ILO Expert to advise South African Ministerial Task Force on draft Labour Relations Bill (enacted 1995)
- 1995-97 Invited evidence to House of Lords Select Committee on EC on Directive 77/187 (Sessions 1995-96, second submission 1997)
- 1996 ILO Expert to advise South African Government on draft Employment Standards Bill
- 1997 Expert to advise South African Government on draft Employment Equity Bill
- 1997 ICFTU Expert to draft Employee Representation Bill for Hong Kong
- 1997-98 Research contract EC on aspects of acquired rights directive
- 1998 **Research contract UNCTAD on Employment and Social Issues in Multilateral Investment Agreements**

Mary Coussey, B.A. (Bristol), Dip. Personnel Management (LSE), is a specialist researcher, adviser and consultant in equal opportunities and diversity. She is a Senior Associate of the Judge Institute of Management Studies, University of Cambridge, and was previously Director of Employment (Grade 5) CRE (1988 -94) and Head of Branch in the Cabinet Office responsible for equal opportunities policies for ethnic minority people in the Civil Service and for people from different community backgrounds in Northern Ireland (1987-88). She is the U.K.(Home Office) representative and Chair of the Council of Europe's Specialist Group on the Integration of Immigrants. She has undertaken research and consultancy projects for a variety of organisations including the ILO, European Commission, Cabinet Office, Office for Public Service, the [then] Department of Employment, BBC, Law Society, TUC, and private sector employers.

Her recent publications include *Making a Difference: the contribution of ethnic minorities to the EU* (awaiting publication, 1998); *Cultural Diversity and Equality between Women and Men* (with Wuokke Knocke) (Council of Europe, 1997); *Ethnic Minorities in Central and Eastern Europe* (with Elena Nesperova) ILO-CEET Report No.19, 1997); *Decentralisation and Devolutioin: the Impact of Equal Opportunities at Work* (with Rachel Beddingfield and Judith Foreman) (Wainwright Trust, 1997); *A Study of Double Disadvantage: Ethnic Minority Women in the Civil Service* (TMS Consultants for the Office of Public Service, 1996); *Integration of Immigrants: towards equal opportunities* (Council of Europe, 1996); Hobson's *Ethnic Minorities Casebook* (1994-97); "How Employers use the Ten Point Plan" *Employment Gazette*, August 1995; *Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equal Opportunities at Work* (European Human Rights Foundation for the European Commission, 1994) [adopted and issued by the social partners as a joint declaration October 1995]; *Making Equal Opportunities Work* (with Hilary Jackson, 1991); "Strategic Enforcement" in B.Hepple and E.M.Szyszczak, eds., *Discrimination: the Limits of Law* (London, 1992).

Coussey's previous work,² based on her extensive practical experience in enforcing anti-discrimination law, and working with employers to achieve equal opportunities, has led her to postulate six conditions which are necessary in order to create the perception by employers that it is in their interests to take voluntary action to achieve equal opportunities. The first is that there must be clear standards established by law. Secondly, there must be a vigorous enforcement programme, one in which there is a significant risk to employers who flout the standards. Thirdly, the results achieved must be objectively measurable. Fourthly, the law must provide for liability to individuals, so that even when an organisation claims to be carrying out an equal opportunity programme, individuals who suffer discrimination remain free to litigate. Fifthly, employers should be better off after voluntary compliance; this involves the use of incentives for self-regulation subject to external monitoring. Finally, there must be sufficient and organised public concern. The proposed research will provide an opportunity to explore these questions with representative employers and others.

² See esp. M.Coussey, "The Effectiveness of Strategic Enforcement of the Race Relations Act 1976" in B.Hepple and E.M.Szyszczak, eds., *Discrimination the Limits of Law* (London: Mansell, 1992), pp.35-49.

ADVISORY COMMITTEE

This will be chaired by *Lord Lester of Herne Hill QC*, leading human rights counsel (2 Hare Court), was Special Adviser to the Home Secretary (Roy Jenkins) and was responsible for drafting the White Papers which led to the Sex Discrimination Act 1975 and Race Relations Act 1976. He was Special Adviser to the Standing Advisory Committee on Human Rights in Northern Ireland, and has advised the CRE, EOCs and FEC as well as arguing many leading discrimination cases. He is a Visiting Professor at University College London, and has written extensively on human rights in general and discrimination law in particular.

The other members will be drawn from the relevant government departments and equality agencies, representative employers and trade unions, the Centre for Public Law and the Judge Institute.

CONSULTANTS

The following may be invited to contribute on specialist topics:

Dinah Rose, Barrister of Blackstone Chambers, on employment tribunal practice in discrimination cases of which she has extensive current experience.

Rabinder Singh, Barrister of 4 Gray's Inn Square, on the enforcement of possible legislation on religious discrimination.

Evelyn Ellis, Professor of Public Law in the University of Birmingham, and author of *EC Sex Equality Law* (OPU, 2nd ed., 1998), on EC equality law.

Stephanie Palmer, Fellow of Girton College and University Lecturer in Law, Cambridge, on international human rights law.

Other specialists in the Centre for Public Law, Cambridge, including Professor *Professor Jack Beatson QC*, *Dr Christopher Forsyth*, and *Mr Trevor Allen*, and in the Centre for European Legal Studies, Cambridge, including *Catherine Barnard*, may be invited to contribute as required.

APPENDIX 2

FINANCIAL STATEMENT

(1) Salaries (£)

	<i>Grade</i>	<i>Salary</i>	<i>Sup. & NI</i>	<i>Total</i>	<i>Adjusted</i>
Mary Coussey	SRA (10)	29048	4067 & 2248	35363	35,363
AN Other	RA (3)	17570	2460 & 1330	21360	22213
Pooled secretary	CS3 (6)	12,909	130 & 1004	14043	14461
Pooled administrator	AO (III)	23651	3312 & 1756	28719	28719

Above posts as allocated to project

	<i>%</i>	<i>Months</i>	<i>Cost to project</i>
Mary Coussey	50%	9	13261
AN Other	100	12	22213
Pooled secretary	20	12	2892
Pooled administrator	10	12	2872
			41238

(2) Consultancy fees

5000

(3) Equipment

2 desk-top pcs (one-third of £3000)	1000
Cassette and tapes	180
	1180

(4) Survey and interviewing costs

UK travel for interviews (50 x £90)	4500
Subsistence for above (10 x £50)	500
Travel to 6 centres in Europe (6 x £350)	2100
Subsistence for above (6 x £75)	450
Travel to USA and Canada	1000
Subsistence USA and Canada (7 days x £75)	525
Printing questionnaires	250
	9325

(5) Direct administration and office expenses

Postage	500	
Photocopying	100	
Telephone	200	
Stationery	100	
Research materials	1000	
		1900

(6) Dissemination and publication

Consultative conference		
UK delegates' travel (30 x £90)	2700	
Overseas experts travel (6 x £350)	2100	
Subsistence for 30 delegates(x £62.50)	1875	
Light lunches, teas etc (60 x £10)	660	
Room hire	100	
		7435

Contribution to cost of publication of report 2000

TOTAL 68078

*Notes:**(1) Salaries*

Bob Hepple will have general direction of the project. He will negotiate access, interview some of the users, and contribute to the Green Paper. He will have primary responsibility for the legal and comparative analysis and for the writing of the final report. He is a HEFCE-funded university teacher whose contract permits research time. He will devote approximately 20% (1 day per week) for the first six months and 50% (2.5 days per week) for the second six months. He has been granted study leave by the University for two Terms and will have no teaching or administrative duties nor duties as Master of Clare College. No claim is made on this project for any part of his salary.

Mary Coussey will be employed as a half-time Senior Research Associate (point 10). She will be responsible for drafting the questionnaire/consultation paper, setting up and

conducting the interviews with employers and various organisations, and for the analysis and writing-up of these, and will contribute to the equal opportunities aspects of the final report. She is a non-stipendiary Senior Associate of the Judge Institute for Management Studies and a self-employed Equal Opportunities Researcher and Consultant. She will give 2.5 days per week (18.75 hours) for nine months.

A research assistant (yet to be identified), probably a recent law graduate, will be employed for the duration of the project. He or she will be responsible for carrying out the library work, collecting and analysing U.K., EC and international laws and foreign legislation, case law and reports, assisting with some interviews, and organising the consultative conference.

A clerical/secretarial assistant will be required (20% or one day per week for 12 months under pooled labour arrangements in the Faculty of Law) to undertake routine clerical work and typing some correspondence and reports, although most of this will be done by the researchers on their PCs.

An *Administrator* will also be required for general administrative supervision, accounting etc. (10% of half-day a week under pooled labour arrangements in the Faculty of Law).

The salaries have been adjusted for incremental awards but not for National Pay Awards.

(2) Consultancy fees

See Appendix 1 for details. The estimate is based on standard fees for writing of research papers.

(3) Equipment

The equipment will be dedicated to the project. A life-span of three years has been assumed.

(4) Survey and interviewing costs

See para.6 of the application for details. There will be a questionnaire to about 50 medium- and large-scale employers in the UK. The travel and subsistence costs relate to interviews with about 20 of these, plus about 6 trade unions, some employers' organisations, the Commissions, government departments, tribunals etc. Costs are based on the average of £90 for 50 visits (mainly within 150 mile radius of Cambridge) and subsistence for 10 of these involving an overnight stay. Costs of travel outside the UK are based on an estimate of 6 return flights (Dublin, Paris, The Hague, Berlin, Copenhagen, Strasbourg, Brussels) plus subsistence for overnight stay. The USA visit will be to Washington DC, New York and Toronto,

with 7 night stay. Printing costs of the questionnaire have been included under this head.

(5) Direct office and administration costs

These are standard items. There is provision for research materials i.e. reports, foreign materials etc. not available in libraries. A great deal of relevant information is of this character.

(6) Dissemination and publication

It is an essential part of the project that there should be a one-day consultative conference and that the final report should be published (see para.6). There will be about 60 invited UK participants representing the various stakeholders and up to six foreign experts. Some of the UK participants may be expected to pay their own travel and subsistence costs, but allowance has been made for travel costs of 30 participants whose attendance is essential but who cannot find such expenses, plus subsistence for 30 persons (this includes the foreign experts). Previous papers by the Centre for Public Law have been published by Hart Publishing with the help of a subsidy. It is proposed to do this with the final report (although no arrangements have yet been made with a publisher).

APPENDIX 3:

TIMETABLE

(i) Preparation of questionnaire and initial library research	1 month
(ii) Structured interviews in UK and overseas Collection and analysis phase of legal aspects	5 months
(iii) Analysis phase of interview responses and legal materials	3 months
(iv) Consultative conference and writing final report	3 months

APPENDIX 4:**PROPOSALS FOR REFORM OF ANTI-DISCRIMINATION LEGISLATION**

The EOCs for Great Britain³ and Northern Ireland,⁴ and the CRE⁵ have in the past recommended amendments, and in 1998 the EOC for Great Britain⁶ and the CRE⁷ have published fresh proposals. In March 1998 the Government responded to recommendations made by the Standing Advisory Commission on Human Rights (SACHR) for changes in Fair Employment legislation in Northern Ireland.⁸ A number of other bodies and individuals have also proposed changes. Shortly before the 1997 General election, Justice and the Runnymede Trust published a paper,⁹ by Bob Hepple QC and other specialist discrimination lawyers setting out strategic options for an incoming Government.

These proposals, and other possible changes, are being considered in several Government departments, including the Home Office, the DfEE, the Better Regulation Task Force and the Women's Unit in the Cabinet Office. The Government has already accepted the case for a unified Equality Commission in Northern Ireland,¹⁰ and provisions to this end are included in the current Northern Ireland Bill. The Government has indicated that it would like the proposed Parliamentary Committee on Human Rights to consider the need for a Human Rights Commission or Commissioner, and the relationship between such a body and the existing EOC and CRE in Great Britain.¹¹ At the same time, the Government proposes to establish a Disability Rights Commission with more extensive powers than the National Disability Council.¹² Consultations are taking place on a Code of Practice on Age Discrimination.¹³

³ EOC, *Equal Treatment for Men and Women: Strengthening the Acts*, March 1998; *Equal Pay for Men and Women*, November 1990.

⁴ EOC for Northern Ireland, *The Sex Discrimination Legislation: Recommendations for Change*, June 1997.

⁵ CRE, *Second Review of the Race Relations Act 1976*, 1992.

⁶ EOC, *Equality in the 21st Century: a new Sex Equality Law for Britain*, November 1998; EOC, *Making Equality Work: the challenge for government*, Annual Report 1997, published June 1998; and *Equality in the 21st Century: a New Approach*, Consultation paper, January 1998.

⁷ CRE, *Reform of the Race Relations Act 1976*, June 1998

⁸ White Paper, *Partnership for Equality*, Cm 3890, March 1998, responding to SACHR, *Employment Equality: Building the Future*, June 1997.

⁹ Bob Hepple QC, Lord Lester of Herne Hill QC, Evelyn Ellis, Dinah Rose, Rabinder Singh, *Improving Equality Law: the Options*, Justice and Runnymede Trust, March 1997.

¹⁰ *Partnership for Equality*, paras.4.12-14.

¹¹ White Paper, *Rights Brought Home: the Human Rights Bill*, Cm 3782, October 1997, paras.3.8-12.; and HL Deb, vol.585, 5 February 1998, cols.826-7 (Lord Williams of Mostyn in response to Lord Lester's amendment proposing a Human Rights Commissioner to review inter alia discrimination legislation); and see proposals by Sarah Spencer and Ian Bynoe, *A Human Rights Commission: The Options for Britain and Northern Ireland* (IPPR, 1998).

¹² White Paper, *Promoting Disabled People's Rights - creating a Disability Rights Commission fit for the 21st Century*, Cm.3977 (1988).

¹³ *Action on Age: Report of the Consultation on Age Discrimination in Employment* (DfEE, August 1998); *Consultation on a Code of Practice for Age Diversity* (DfEE, November 1998).



QUEEN ANNE'S GATE LONDON SW1H 9AT

27 MAY 1998

The Lord Lester of Herne Hill
House of Lords
LONDON
SW1A 0PW

Sean Anthony,

PROPOSAL OF NEW ANTI-DISCRIMINATION LEGISLATION

Thank you for your letter of 5 May enclosing an outline of a suggested review of the United Kingdom's anti-discrimination legislation.

I have no doubt that any project carried out under the auspices of the Centre for Public Law at Cambridge would be a good piece of work. If the originators of the research can secure funding to carry it out, we would of course be interested to see the results. I can confirm that officials in the Home Office would be prepared to help the researchers subject to the normal rules which apply to these matters. I shall add, however that those concerned are already under considerable pressure working on the Human Rights Bill, for example.

I am well aware of the background to the development of our current separate legislation and enforcement arrangements. However, a major overhaul of separate pieces of legislation, with a view to replacing them by a single Act and perhaps new enforcement machinery would be a big exercise.

This Government already is fully stretched in carrying through a number of big exercises, notably the Incorporation of the European Convention on Human Rights. A lot of political and official energy is going into this area of work in Northern Ireland. There is a limit to what the Government machine can tackle at any one time.

When we met in March and discussed this issue I said that the views of the business and industry on this issue would be important. So far I have been unable to detect any real groundswell of concern from that sector about difficulties caused by overlapping or inconsistent anti-discrimination legislation. DTI and DfEE



SANCTUARY BUILDINGS GREAT SMITH STREET
WESTMINSTER LONDON SW1P 3BT
TELEPHONE 0171 925 5000

The Rt Hon DAVID BLUNKETT MP

Ale
CH
C: AL
✓ PU

The Rt Hon Jack Straw MP
Home Secretary
50 Queen Anne's Gate
LONDON
SW1H 9AT

17th November 1998

Dear Jack

THE RACE RELATIONS ACT

I am replying to your letter of 9 November to John Prescott, copied to Cabinet colleagues.

It appears that your office did not receive my Private Secretary's reply to your letter of 6 August. The letter sought the removal of the proposal from the Institute of Public Policy and Research suggesting the establishment of comprehensive ethnic monitoring in schools. The other area of concern, the establishment of a Human Rights Commission, has been removed as a proposal.

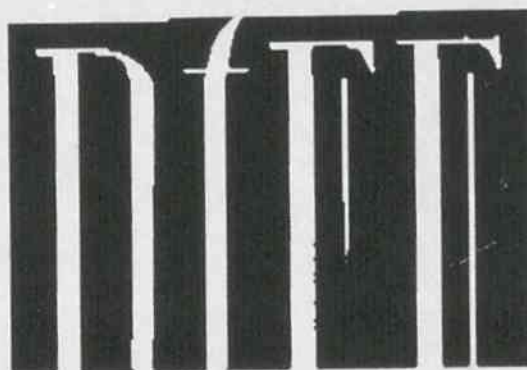
The proposal about ethnic monitoring in schools does not include a specific reference to changing the legislation and is therefore, in our view, inappropriate to the Digest. In any case this Department already collects ethnic data on school pupils through the annual school census. The 1997 White Paper "Excellence in Schools" promised that we would "consult on how best to monitor ethnic minority pupils' performance... and implement effective plans of action where monitoring reveals under-performance", which we did through a public consultation exercise last December. There are thus two good reasons why this proposal should be dropped from the digest, and I would be grateful if you could arrange this. Otherwise I am content with the draft.

Copies of this letter go to Cabinet colleagues and to Sir Richard Wilson.

Best wishes

David Blunkett

DAVID BLUNKETT



PA 17/11

Ian McCartney MP
Minister of State

*a Liz Lloyd
Anij Hylle
Kate Garvey
Something we
should try & do
next year?
Alex*



**Department of
Trade and Industry**

1 Victoria Street
London
SW1H 0ET

Direct Line
0171-215 6196

DTI Enquiries
0171-215 5000

Fax number
0171-215 6908

E-Mail
TLO.McCartney@tlo.dti.gov.uk

Rt Hon Tony Blair MP
Prime Minister
10 Downing Street
London SW1A 2AA

16 November 1998

*file Top AC CH
CH
PO.
Pres*

Per Tony

Earlier this month I attend the Fourth Annual British Diversity Awards (BDA) on your behalf. Chris Smith also attended.

The BDA works with both public and private sector organisations to raise awareness on equal opportunity issues especially those of racial equality. The organisation has substantial support from the private sector and Government Departments - the audience for the awards totalled some 400 people. Government Departments did well in the awards and were finalists in almost all the categories.

I was sufficiently impressed by BDA and the calibre of those attending that I think that next year's ceremony would provide an ideal opportunity to promote the Government's policy on equal opportunities. It would give us the chance to influence ethnic minority community leaders and other key opinion formers. I strongly recommend that, if invited next year, either you or John Prescott attend the awards.

I am copying this letter to John Prescott and David Blunkett.

Ian McCartney

04-12-98 12:37 FROM:0

01712156908

TO:01718392905

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P.02

TEL:0628 481581

BDA Winners - 1998**CATEGORY Q1 - EQUALITY INNOVATION****GOLD STANDARD WINNER (A)**

BBC Asian Network
Kamlesh Purohit/Vijay Sharma 0116 253 8888
The BBC Asian Network News Service

GOLD STANDARD WINNER (B)

The Littlewoods Organisation
Surinder Sharma - Tel: 0151-235-2900
The Dignity At Work Development Programme-

SILVER STANDARD WINNER (A)

British Medical Association
Rosemary Weston - 0171 383 6064
Racial equality working party

SILVER STANDARD WINNER (B)

Inland Revenue London
Neil Spencer - 0171 438 6473
"Culture 2000" Development Programmes

Highly Commended

Government Communications Headquarters
Linda Copland - 01242 221 481
GCHQ Dyslexia Support Group

**CATEGORY G2 -
EQUALITY AWARENESS****GOLD STANDARD WINNER (A)**

Inland Revenue Nottingham
Beverly St. Quinton - 0115 235 2900
Your Equal Opportunities Pack

GOLD STANDARD WINNER (B)

Ministry of Defence
Andy Gray - 0171 218 3023
Establishment of The Tri-Service Equal
Opportunities Training Centre At Shrivenham

SILVER STANDARD WINNER (A)

John Ruskin College
Linda Dunwoodle - 0181 651 1151
An Educational and Cultural Exchange Programme
Between English and Indian Students.

SILVER STANDARD WINNER (B)

Greenwich Council
Harcourt Alleyne - 0181 312 5248

Greenwich Council/Charlton Athletic Race Equality
Partnership

BRONZE STANDARD WINNER (B)

The Littlewoods Organisation
Surinder Sharma - 0151 235 2900
The Dignity at Work Development Programme

Highly Commended (A)

Home Office Immigration and Nationality Directorate

Shirley Horton - 0181 760 8022
Hidden Disability-Dyslexia

Highly Commended (B)

Sheffield City Council
Val Bernard - 0114 273 6351
Breakthrough Minority Management Exchange

CATEGORY G3 - EMPLOYMENT**GOLD STANDARD WINNER**

Manchester City Council
Eve Martin - 0161 234 1820
Management Development Project for Black Staff

SILVER STANDARD WINNER

The Royal Navy
Captain Andrew Cameron - 01706 727 814
Ethnic Minority Recruitment Project

BRONZE STANDARD WINNER

London Borough Of Enfield
Carolyn Bibby - 0181 379 4151
WOMEN INTO EMPLOYMENT

CH

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HIGHLY COMMENDED

Asian Women's Project
Navrita Atwal - 01908 200 186
Milton Keynes Hong Kong Chinese Intergration,
Training and Employment Project

CATEGORY S1 - LEADERSHIP CHALLENGE

GOLD STANDARD

Inland Revenue, Nick Montagu
Neil Spencer - 0171 438 6473

SILVER STANDARD

Littlewoods Organisation, James Ross
Gerry Ibbatson - 0151 235 2900

BRONZE STANDARD

Ministry of Defence, Sir Charles Guthrie
Andy Gray - 0171 218 3023

HIGHLY COMMENDED

Lloyds TSB, Peter Ellwood
Fiona Cannon - 0171 204 5261

0936 252491

CATEGORY S2 SOCIAL & COMMUNITY

GOLD STANDARD

The Littlewoods Organisation
Surinder Sharma - 0151 235 2900

SILVER STANDARD

BBC Asian Network
Kamlesh Purohit/Vijay Sharma - 0116 263 8888

CATEGORY S4 ENHANCING RACE ISSUES

GOLD STANDARD

Norwich and Norfolk REC
Anne Main - 01603 617 241

SILVER STANDARD

Grampian REC
Barney Crockett - 01224 625 885

HIGHLY COMMENDED

Leicester REC
Dave Purdey - 0116 254 6918

CATEGORY N2 BEST DIVERSITY PRACTITIONER

GOLD STANDARD

Littlewoods Organisation
Surinder Sharma - 0151 235 2900

SILVER STANDARD

British Telecom
Lorna Beckford - 01908 356 262

BRONZE STANDARD

Lloyds-TSB
Fiona Cannon - 0171 204 5261

HIGHLY COMMENDED

Foreign and Commonwealth Office
Christine Lufkin - 0171 238 4422

HIGHLY COMMENDED

McDonalds Restaurants
Susan Lax - 0181 700 7000

CATEGORY N3 NATIONAL DIVERSITY AWARD OF DISTINCTION

GOLD STANDARD

Sir Herman Ouseley
Press Office, Commission for Racial Equality -
0171 828 7022

SILVER STANDARD

Birmingham City Council
Press Office - 0121 295 2265

04-12-98 12:37 FROM:0
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press release

November 7, 1998

The Journal
Impact

LITTLEWOODS SWEEPS THE BOARD IN DIVERSITY OSCARS

(AND NICK MONTAGU OF THE INLAND REVENUE SHINES AS THE FIRST CRE LEADERSHIP CHALLENGE CHAMPION)

The Littlewoods Organisation, based in Liverpool, today swept the board in the fourth annual **British Diversity Awards** taking 3 Gold Standards, 2 Silver Standards and a Bronze in all six categories they entered. Littlewoods proved so strong in their promotion of equality of opportunity, particularly their *Dignity at Work* programme, they annihilated worthy opposition such as the **Ministry of Defence, Lloyds TSB, Inland Revenue, Foreign and Commonwealth Office, British Telecom, the BBC, the Royal Navy, Carlton Television** and **Manchester City Council** who were all in the running for top Awards. Staged by **NEW IMPACT** Journal, the prestigious black tie event was enjoyed by a capacity audience of 400 guests at the **Royal Lancaster Hotel**.

Other victorious winners included the **BBC Asian Network** who won the *NatWest Award for Innovation* for their multicultural News Service, **Inland Revenue, Nottingham**, for their user friendly and very effective *Equal Opportunity Pack* and **Manchester City Council** for their innovative *Black Managers Development Programme*.

Nick Montagu became the first ever winner of the **Commission for Racial Equality's Leadership Challenge Initiative** for hands-on involvement by a leader in Britain. A very deserving winner, it was very clear that equal opportunity policies within the **Inland Revenue** started from Nick, who is Chairman of the Board, and percolated downwards with him firmly monitoring progress.

Elaine Sihera, Founder of the Awards said, "At a time when race is on the agenda, and the **Met Police** is denying institutionalised racism, the fact that many people are genuinely trying to make the workplace more equal, means that organisations like **Littlewoods, the Inland Revenue** and the **Armed Forces** offer hope for substantial change in how we value each other and work together as a nation."

Sir Herman Ouseley, architect of the Leadership Challenge said, "Though we will be doing an in-depth audit of the Challenge Initiative, we are

THE BRITISH DIVERSITY AWARDS 1998

BDA 98, Anser House, Courtyard Offices,
3 High Street, Marlow, Bucks. SL7 1AX.
Tel/Fax 01628 475570 Email: NuImpact93@aol.com (queries only)

Founder: ELAINE SIHERA
Patron: Baroness
SHREELA FLATHER

press release (2)

delighted to see the progress being made by the Inland Revenue in achieving their stated objectives and congratulate them on being the first Leadership Challenge Champion "

In the light of current problems faced by other sectors of the community, in achieving genuine equality of opportunity, the very positive British Diversity Awards are a beacon for good diversity practice and clearly show how it should be done. The Awards are not only timely, but very significant in what they have achieved since their launch in helping organisations to manage diversity more effectively as a natural part of their bottom line business achievement and progress. Through the Awards, organisations throughout Britain are examining their individual practices and improving them, some dramatically, over a short time. In fact, for the first time there was a European contingent at these unique Awards to observe 'how the British do it' on diversity matters!

Over the three years, many large organisations - which can make a difference to the status quo - have won Gold Standards from the BDAs. They include establishments like the **BBC** and **Homepride** (the award of *Best Diversity Advertiser*); **Littlewoods** and **Shell International** (*Equality Innovation*); **The Cabinet Office** and **Midland Bank** (*Equality Practice*); **Saatchi & Saatchi** and **Marks & Spencer** (*Raising Equality Awareness*), among many others.

Contact numbers for the Winners are attached

For interviews relating to the British Diversity Awards, contact the Founder, **Elaine Sihera** at NEW IMPACT (01628 481581) or the Patron, **Baroness Shreea Flather** at the House of Lords 0171 219 3000.

For interviews relating to the Leadership Challenge: contact either **Sir Herman Ouseley**, **Colin Hahn** or **Sue Ollerearnshaw** at the CRE on 0171 828 7022.

Notes for Editors

1. The BRITISH DIVERSITY AWARDS were launched at the House of Commons in October 1995 by Elaine Sihera, Editor and Publisher of NEW IMPACT JOURNAL (which deals with positively promoting diversity), as well as a consultant on diversity issues. The Awards, the only one of their kind in Europe, aim to publicly recognise organisations which show greater commitment to the equality ideal. Having caught the public's imagination in a major way, the Awards have been a catalyst for significant change within many organisations, large and small, throughout the UK. In fact, they are now being dubbed the British 'Oscars' because of their high profile among industry and government establishments and mark a significant annual date in the business calendar.

The Journal
Impact

Founder: ELAINE SIHERA
Patron: Baroness
SHREEA



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FROM THE LEADER OF THE HOUSE
HOUSE OF LORDS

16th November 1998

Jack,

**GOVERNMENT STRATEGY FOR RACE RELATIONS AND EQUALITY OF
OPPORTUNITY**

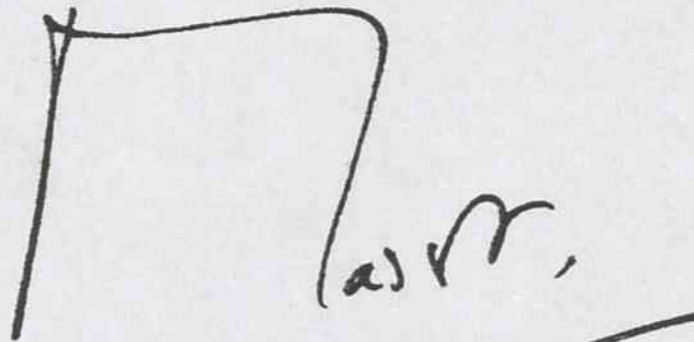
I have seen the recent exchange of correspondence between you and Derry Irvine on the question of setting targets for judicial appointments.

As you know, the Government has made a public commitment to the principle of 50:50 representation of women and men and a pro rata representation of ethnic minority groups in public appointments. In support of these commitments, the Public Appointments Unit in the Cabinet Office has asked Departments to produce annual plans with targets for increasing the under-represented groups on public bodies. These plans include details of the measures being taken to achieve these targets. The most recent plans cover 1998 to 2001 and were published in 'Quangos : Opening Up Public Appointments'.

I do not believe that setting realistic targets with sensible timescales within which to achieve them militates against the principle of appointment on merit. The Commissioner for Public Appointments takes the same view. As you say, the setting of targets encourages accountability and transparency. If we are confident that we are doing everything in our power to redress the current imbalances of race and sex, then we should have nothing to fear from making our commitment public. We all recognise that it may take some time to reach the targets we set, particularly where the pool of qualified candidates is, as is often currently the case, overwhelmingly male and white. But targets encourage us to address the problem.

There are some differences between judicial appointments and other types of public appointments. But to exclude the judiciary altogether from a commitment which covers the rest of Government would send the wrong message, and leave us open to the accusation that we are less committed in this area.

I am copying this letter to Cabinet colleagues, to David Milliband at No 10 and to Sir Richard Wilson.

Yours ever


**THE RT HON THE BARONESS JAY OF PADDINGTON
MINISTER FOR WOMEN**

The Rt Hon Jack Straw, MP
Secretary of State for the Home Department



Top: EAJ/APS
File
cc PU
HA/PS

Richmond House 79 Whitehall London SW1A 2NS Telephone 0171 210 3000

From the Parliamentary Under Secretary of State

The Rt Hon Jack Straw MP
Home Secretary
Home Office
Queen Anne's Gate
London
SW1H 9AT

16 November 1998

Dear Jack,

RACE RELATIONS ACT 1976, CRE PROPOSALS FOR AMENDMENT

I have seen your letter of 9 November addressed to John Prescott.

I note that you have extended the deadline for public comments to 18th December and that a new proposal from CRE to amend the Act is being circulated for comments.

I welcome the revised draft and the covering letter inviting public comments and I am agreeable to the consultation starting as soon as possible.

I am copying this letter to the Prime Minister, Cabinet colleagues and to Sir Richard Wilson.

Yours,

JOHN HUTTON



THE SCOTTISH OFFICE
DOVER HOUSE
WHITEHALL
LONDON SW1A 2AU

Top: HA/PS
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The Rt. Hon Jack Straw MP
Secretary of State
Home Office
Queen Anne's Gate
LONDON
SW1H 9AT

16 November 1998

Dear Jack,

(P)

THE RACE RELATIONS ACT

Thank you for copying to me your letter of 9 November to John Prescott.

I am content that the digest of proposals put forward by various bodies for amendments to the Race Relations Act 1976 (RRA) be published as part of the current public consultation on the review of the RRA.

I am copying this letter to Cabinet colleagues and to Sir Richard Wilson.

Yours sincerely,
Donald Dewar
DONALD DEWAR

RRAX2LET.DOC

SKP 17/11/98



Northern Ireland Office
Block B, Castle Buildings
Belfast BT4 3SG

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AK
PK

The Rt Hon Jack Straw MP
Secretary of State for the
Home Department
50 Queen Anne's Gate
LONDON
SW1H 9AT

16 November 1998

Dear Sir,

RACE RELATIONS ACT - PROPOSALS FOR AMENDMENT

Thank you for copying to me your letter of 3 November 1998 to the Deputy Prime Minister including a revised Digest of proposals for amending the Race Relations Act which you propose to publish for consultation. I have no objection to consultation on the Digest or the additional proposal put forward by the Commission for Racial Equality in Great Britain.

I understand that officials from the Home Office and the Department of Economic Development are liaising closely on all proposals for amendments to the Race Relations Act.

I note from earlier correspondence between the Lord Chancellor's Office and the Deputy Prime Minister's Office that consideration is being given, in Great Britain, to the possibility of extending legal aid to tribunal cases. Extension of legal aid to tribunals could be costly and add to the length and legalism of hearings. I would be pleased if such deliberations would take into account the Northern Ireland viewpoint. That may involve consultation with the Assembly Minister whose Department is responsible for the administration of the Tribunals in Northern Ireland.

I am copying this letter to Cabinet colleagues and Sir Richard Wilson.

MARJORIE MOWLAM



QUEEN ANNE'S GATE LONDON SW1H 9AT

- 9 NOV 1998

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cc: AL
PU
Pms

The Rt Hon John Prescott MP
Deputy Prime Minister and Secretary of State
for the Environment, Transport and the Regions
Eland House
Bressenden Place
LONDON
SW1E 5DU

Liz/ This seems OK to me now it is clear these are not Govt suggestions/explanations

clear I agree, &
But it is now unclear why the Govt is proposing / distorting these ideas. Liz

Dear John,

THE RACE RELATIONS ACT

Your letter of 24 June 1998 recorded colleagues' broad agreement to my proposals for public consultation on the Commission for Racial Equality's proposals for amending the Race Relations Act 1976. You will recall that an element of the proposals involved subsequent publication of a Digest of other ideas received at the Home Office for amending the Act.

Basically what I suggested to them on 7 Aug!

My Private Office duly wrote to yours on 6 August seeking comments on a draft Digest. Comments were made by a number of departments, culminating in Derry Irvine's Private Office suggesting that the draft be amended to exclude all comments which are not attributable to the organisations making the relevant recommendations. A revised draft on these lines is attached, edited also to remove proposals which strictly speaking do not require an amendment to the Race Relations Act or to remove duplication.

... A draft covering letter to invite public comments on the Digest is also attached. You will note from this that I have extended the deadline for comments on the CRE's proposals to 18 December 1998; and that the CRE have submitted a new proposal for amending the Act, comments on which are also being sought.

I am keen to start the consultation as soon as possible and would be grateful, therefore, for further comments on the drafts by ~~Wednesday~~ **FRIDAY** 13 November 1998.

I am copying this letter to Cabinet colleagues and to Sir Richard Wilson.

Yours ever,

JACK STRAW

R9/12

RACE RELATIONS ACT 1976: DIGEST OF PROPOSALS FROM LIBERTY, THE SOCIETY OF LABOUR LAWYERS (SLL) AND THE INSTITUTE OF PUBLIC POLICY RESEARCH (IPPR) FOR AMENDING THE ACT

SCOPE OF THE ACT

1. Service provision : *"Set standards for local services for minority customers, tied to government incentives" (IPPR)*

The IPPR's aim is to set a standard for local service quality in terms of access, appropriateness, consultation and delivery, and establish equality performance indicators to enable success to be measured. The IPPR argues that such standards would bring equality performance into existing quality assurance systems for local services and that they would remove the unevenness of quality of provision between authorities. The IPPR suggests that, between the Audit Commission and the CRE, there is already expertise in this area.

2. Ethnic monitoring in schools : *"Establish comprehensive ethnic monitoring of pupils in primary and secondary education" (IPPR)*

The IPPR's aim is to enable good and bad practice to be identified in the education of minority children. The IPPR argues that schooling has a crucial role to play in promoting equality. They feel that record keeping and monitoring have been useful equality tools in other fields and that, in the educational setting, they would enable equality performance and educational good practice to be measured.

CRE POWERS

3. Evidence of discrimination : *"Give the Commission for Racial Equality powers to take evidence of employment discrimination of any kind direct to a tribunal" (IPPR)*

The IPPR's aim is to allow the CRE to pursue discrimination cases without the lengthy and expensive process of a formal investigation. The IPPR considers that the CRE should be able to act on any cases of discrimination that come to its notice and that it should not have to resort to the complexity and expense of a formal investigation in simple cases. They argue that this would be in the public interest.

TRIBUNALS

4. Legal aid : *"Legal aid should be available in tribunal cases" (Liberty); "We would urge that legal aid should be available" (SLL); "Make applicants to tribunals in race cases eligible for legal aid" (IPPR)*

Liberty has flagged up that the Royal Commission on Legal Services believes that legal aid should be available for industrial tribunal cases and that a complainant is more likely to be successful if represented by a lawyer or skilled layperson. The SLL has said that discrimination law brings up some of the most complex issues of employment law and that many are far beyond the capability of litigants without legal advice and assistance. The IPPR has argued that complainants without legal representation or assistance stand little

chance of success particularly when respondents can usually afford legal representation. They add that the current system is inconsistent as discrimination cases pursued through county courts (ie non-employment cases) are eligible for legal aid.

WIDER ISSUES

5. Religious discrimination : *"Extend the protection of the Race Relations Act to victims of religious discrimination" (IPPR); "Legislation to outlaw discrimination on grounds of religious belief" (SLL); "No coverage of religious discrimination in the RRA" (Liberty)*

Liberty point out that religion does not come within the scope of the Race Relations Act - only certain religious groups which have been established under case law as constituting an "ethnic group". The IPPR suggests that some complaints of discrimination are falling outside the scope of the Race Relations Act and cannot be pursued legally.

6. Review of equality legislation : *"A general review of discrimination legislation to consider the introduction of a single legislative scheme and discrimination commission" (SLL); "Establish a single Equality Commission, embracing race, sex, disability, religion and any other unlawful discrimination" (IPPR); "Harmonise UK equality legislation" (IPPR); "Liberty is also in favour of this proposal"*

The IPPR is calling for the establishment of common enforcement provisions among the anti-discrimination statutes; the bringing together of the functions of the existing equality commission into one; and the extension of its remit to all unlawful discrimination. They feel that this would allow for greater coherence of strategy, easier access to help for victims and economies of scale. Their preference, however, is that equality bodies should be brought under the umbrella of a Human Rights Commission. The SLL argues that the establishment of a single discrimination commission would allow cross fertilisation of ideas in all areas of discrimination law.

7. Fair Employment : *"Incorporate into the Race Relations Act the same positive obligations on employers that are demanded by Northern Ireland's Fair Employment Act 1989" (IPPR)*

The aim of this proposal is oblige employers with more than ten employees to monitor the composition of their workforce and applicants, to make this data available to the CRE, and to adopt equality programmes to remedy problems that are revealed.

DRAFT LETTER FROM HOME OFFICE OFFICIALS TO INTERESTED PARTIES

Dear Sir/ Madam

RACE RELATIONS ACT 1976: PROPOSALS FOR AMENDMENT

1. On 23 June 1998, the Home Secretary announced a public consultation on the Commission for Racial Equality's (CRE) recent proposals for amending the Race Relations Act 1976. Letters were subsequently sent to interested parties inviting their comments on the proposals by 6 November 1998.
2. You will wish to note, if you are not already aware, that the Home Secretary has extended the deadline to 18 December 1998. This follows representations from a number of organisations who asked for more time.
3. You will also wish to note that the CRE has written to the Home Secretary with a further proposal for amending the Act, namely "*to give the Commission for Racial Equality a statutory role in relation to the new protections provided under the Human Rights Act where an alleged breach of the European Convention on Human Rights (ECHR) included discrimination on racial grounds.*" In short, the proposal would give the Commission additional powers under Section 66 of the Race Relations Act to provide assistance to an individual in relation to proceedings where the individual is alleging discrimination in contravention of Article 14 of the ECHR.
4. In commenting on the CRE's published proposals, you may also wish to comment on this new one. You may wish to comment too on the proposals attached which have been made by Liberty, the Society of Labour Lawyers and the Institute of Public Policy Research. Other proposals made by them for amending the Act, which coincide with or are similar to those published by the CRE, have not been included for the sake of brevity.
5. I should stress, however, that none of these proposals necessarily reflect the Government's position. Our aim, at this stage, is to ensure that comments are drawn in from all sides on the main ideas that have come forward.
6. All comments on the CRE's proposals (including the one in this letter) and those attached should be sent to the following address **by Friday 18 December 1998:**

*Ian Cheeseman
Race Equality Unit
Room 1273
Home Office
50 Queen Anne's Gate
London
SW1H 9AT*

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG



HOUSE OF LORDS,
LONDON SW1A 0PW

30 October 1998

The Right Honourable Jack Straw MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
London
SW1H 9AT

File
~~EA/APS~~
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GA
HA/PS

Dear *Jack,*

GOVERNMENT STRATEGY FOR RACE RELATIONS AND EQUALITY OF OPPORTUNITY

Thank you for your letter of 15 October about target setting.

I understand why you think that targets are not incompatible with a merit based system. My view, however, is that numerical targets are unwise within the judicial appointments system. I adhere to what I said in my letter of 31 July. To express targets in the judicial appointments area is to fashion a stick with which we are at real risk of being beaten in the future. The best that can safely be said is that, as the number of female and ethnic minority lawyers with the appropriate level of seniority continues to rise, the number of judges from those groups will also increase.

I am determined to modernise the judicial appointments process further and to make it more open and transparently fair. I also am active in encouraging more people from ethnic minorities to come forward for appointment. I plan to develop a judicial "work shadowing" scheme and a mentoring scheme; and I intend to work with the judiciary to develop more effective appraisal mechanisms for part-time judges. I am ready personally to investigate any claim of discrimination in the judicial appointments process. I support the joint working party on equal opportunities in judicial appointments and I hope to learn more from their deliberations about how the system is viewed and what may be done to improve it in practice. I am firmly committed to doing everything in my power to increase the number of female judges and judges of ethnic minority origin.

You also refer to my comments on public appointments. I think there may be a misunderstanding. In my letter I meant only to refer to members of the ethnic minorities, when I said it had not been the practice to make goals public, or to give figures for current position in individual departments. I was not referring to the area of sex discrimination where, as you say, goals and figures have been published for several years.

Yours *ever,*

Devry

Copies of this letter go to all Cabinet colleagues, to David Miliband and to Sir Richard Wilson.

h 30/10



Top 2/4
cc: SWH
hle PU

Treasury Chambers, Parliament Street, SW1P 3AG

Ailish King-Fisher
APS/Home Secretary
Home Office
Queen Anne's Gate
London
SW1H 9AT

7 October 1998

Dear Ailish,

THE RACE RELATIONS ACT

Thank you for your letter of 6 August to Peter Unwin about the proposed publication of a digest of proposals to amend the Race Relations Act which were not contained in the Commission for Racial Equality's Third Review of the Act. The Chief Secretary has also seen the response on behalf of the Lord Chancellor of 28 August, which proposed the inclusion of some comments on the Government's current views on the proposals, including the statement that the Government is considering extending legal aid to tribunals.

2. The Chief Secretary would have no objections in principle to the publication of the digest of proposals, or inclusion in the digest of government thinking on the proposals, as suggested by Derry Irvine (PS/Derry Irvine to PS/DPM on 28 August). However if a digest is to be published along these lines, he agrees with Peter

Q




Mandelson (PS/SoS DTI to PS/Home Secretary on 30 September) that it would not at present be helpful to say that the Government is considering extending legal aid to tribunals. This proposal would have significant implications for those departments which run tribunals, and would be likely to cost several million pounds to implement. Before collective agreement on these proposals is reached and a public announcement made, the effected departments would need to agree how to meet any costs arising from within their Departmental Expenditure Limits.

3. I am copying this letter to Angus Lapsley, Private Secretaries to Cabinet Ministers, and to Sebastian Wood.

Yours sincerely

A handwritten signature in cursive script that reads "Jacob Nell".

JACOB NELL
Assistant Private Secretary

 Rt Hon Peter Mandelson MP
Secretary of State for Trade and Industry

Top of file
a RR
LPU



Ailish King-Fisher
Private Secretary to
the Home Secretary
Home Office
Queen Anne's Gate
London
SW1H 9AT

Secretary of State
Department of
Trade and Industry

1 Victoria Street
London SW1H 0ET

Direct line
0171 215 5430

DTI Enquiries
0171 215 5000

e-mail
TLO.Mandelson@tlo.dti.gov.uk

30 September 1998

Dear Ailish,

THE RACE RELATIONS ACT

You wrote to Peter Unwin on 6 August about the proposed publication of a digest of proposals to amend the Race Relations Act which were not contained in the Commission for Racial Equality's Third Review of the Act.

The Secretary of State agrees that the digest of proposals should be published. He has also seen the response on behalf of the Lord Chancellor which proposes that reference should be made to the Government's current views and in particular his suggested contribution with regard to the provision of legal aid for employment (formerly industrial) tribunal cases.

Preparation for a recent judicial review of a decision not to grant legal aid for an employment tribunal hearing revealed differences of view between departments. The judicial review was abandoned, following an offer of support by the Equal Opportunities Commission, officials in DTI and LCD are having discussions to try and resolve the different Departmental viewpoints on this issue. Accordingly the Secretary of State believes that while these differences exist it is not helpful to try to give an indication of Government thinking.

I am copying this letter to all Private Secretaries to Cabinet Ministers and to Sebastian Wood.

Yours,
Chris

CHRISTOPHER WOOLARD
Private Secretary

CM9280

dti

Department of Trade and Industry

11/10

FROM THE OFFICE OF THE DEPUTY PRIME MINISTER

*File
Top/CH
cc: PU*



DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

Ailish King-Fisher
Home Office
Queen Anne's Gate
LONDON
SW1H 9AT

TEL 0171 890 3011
FAX 0171 890 4399

OUR REF: PT/PSO/15871/98

16 SEP 1998

Dear Ailish,

THE RACE RELATIONS ACT

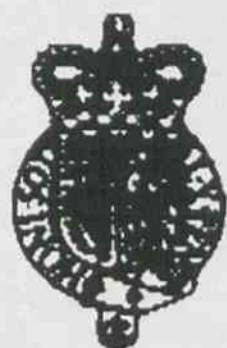
Thank you for your letter of 6 August about extending the consultation process on the Race Relations Act to encourage proposals made by other bodies in addition to the CRE.

We agree that it makes sense to consult on these additional proposals at the same time as consulting on the proposals from the CRE.

Colleagues here have spoken to your colleagues about the proposal on Religious Discrimination, where we feel the argument requires some clarification. On the wider question of a more general approach to all discrimination, we think it worth exploring.

I am copying this letter to Private Secretaries of the cabinet and to Sir Richard Wilson.

P. PETER UNWIN
Private Secretary



① cc Peter Hymans

② File

F A C S I M I L E

FROM: Pauline Robertson
Race Equality Unit
Home Office
Room 1275
50 Queen Anne's Gate
London SW1H 9AT

Tel: 0171 273 3992
Fax: 0171 273 3771

TO: Clare Hawley
No. 10

FAX NO: GTN: 839 9044

DATE: 12 October 1998
No of pages to follow: 5

Deborah Crewe has asked me to fax the attached letter to you as advised by Mara Goldstein, Private Office.

P. Robertson

Pauline Robertson
Secretary to Deborah Crewe

17 SEP 1998

From: THE PRIVATE SECRETARY

RESTRICTED - POLICY



Clare Hawley
10 Downing Street
LONDON
SW1A 2AA

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

16 SEP 1998

cc: MR O'BRIEN
Perm Sel
MISS SINCLAIR
MRS ATKINS
MS CROWE
MR GILBERT
MR DAVIS
MR HOPLEY
MS MCFARLANE
MS PEARCE
MR WRIGHT
MR JONES
MR WARNER
MR OWEN

16/9

①

Dear Clare,

I was grateful for sending a copy of your letter of 7 September to Isobel Hopton seeking information about progress that has been made within the Civil Service and wider public sector on race relations initiatives over the past year. I understand that the Cabinet Office is responding in relation to the Civil Service and public appointments.

As you know, Home Office Ministers are firmly committed to working to promote good race relations and equal opportunities. The Home Secretary wrote to Cabinet colleagues with the agreement of the Prime Minister on 16 June, proposing that the Government should develop a more co-ordinated approach to race relations and equality of opportunity, and suggesting that as a first step all the existing good work in this area should be drawn together.

Colleagues have responded very positively to the idea of a more co-ordinated approach and the Home Secretary will be coming to the Prime Minister shortly seeking to explore with him how he might be personally involved in its launch and implementation.

The Home Secretary's view is that employment within the Civil Service and the wider public sector will be a very important aspect of race equality strategy. This is not only because the Government needs to lead by example in promoting equality of opportunity, but also because of the need for key public institutions to reflect Britain's multi-cultural and multi-ethnic society, and for ethnic minorities to be a visible part of the country's power structure.

The under-representation of people from ethnic minorities in the police, the judiciary, the army and the Civil Service was highlighted by the Prime Minister last year in his Labour Party Conference speech. Since then, a good deal of

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effort has been put into improving an unacceptable situation. However, this is a long-term project and twelve months on there are still no black or Asian Permanent Secretaries, High Court judges, Chief Constables, or army officers above the rank of Colonel. Clearly there is a lot more work to be done. But some progress has been made over the past year in an area where there are very few opportunities for quick wins. Listed below is progress in specific areas. The Home Secretary is convinced that serious improvement is unlikely without the setting of specific targets for recruitment, retention and promotion.

Armed Forces

- The highest ranking ethnic minority officers at 1 August 1998 were: Naval Service Commander (8); Army Colonel (3) and RAF Group Captain (5). Overall numbers in the Armed Forces also remain low at 1.0% although a statistically significant increase in numbers of ethnic minority applicants (from 1.5% in 1996/97 to 1.9% in 1997/98) give some cause for optimism.
- In January 1998 challenging, stepped recruiting goals were announced, rising to 5% in 2001/02.
- Outreach activities to encourage ethnic minority recruitment include the forging of contacts with key community leaders in Sandwell (West Midlands) and Newham (East London), and a marketing pilot in Brent.
- A new Tri-Service Equal Opportunities Training Centre was established in April 1998, aimed at senior military officers (Brigadier and above) and their civilian equivalents.
- The Chief of Defence Staff, individual Service Chiefs and the Ministry of Defence's Permanent Under Secretary have all accepted the Commission for Racial Equality's (CRE) "Leadership Challenge".
- The MOD Services signed a "Partnership Agreement" with the CRE in March 1998, following the CRE's decision to lift the threat of a Non Discrimination Notice in recognition of the improvements made in the policies and practice by the Services.
- Sir Herman Ouseley, Chairman of the CRE, referred in March 1998 to the commitment shown by the Armed Forces as "a model for leadership in action".

Judiciary

- There remain no ethnic minority judges at High Court level or above and only 1& of Circuit Judges are Black or Asian.

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- However, the Lord Chancellor has used public platforms to encourage lawyers from ethnic minority backgrounds apply for judicial appointment and Silk.
- Increasing numbers of lawyers are from ethnic minority groups (8.3% of barristers with 5-10 years call and 15% of last year's new entrant solicitors).
- 3.4% of assistant recorders - one of the main entry points into the judiciary - are now from ethnic minority groups. In the 1996/97 assistant recorder and circuit judge competitions around 4% of successful applicants were from ethnic minority groups. And about 3% of the judges in Industrial Tribunals and the Tribunals making up the Independent Tribunal Service are from ethnic minorities.
- In this year's Silk competition, the declining trend in applications from ethnic members of minorities was reversed. The success rate for ethnic minority applicants was higher than in previous years (four this year against one in each of the previous six years) and the overall success rate for ethnic minority applicants was significantly higher than the overall success rate.

Police

- There are still no Black or Asian Chief Constables: and there is only one Asian Assistant Chief Constable, in Lancashire. The position is not much better at the other managerial levels: only four superintendents and 57 inspectors and chief inspectors are from ethnic minorities. The overall proportion of police officers from an ethnic minority is 2%.
- Research has been commissioned to look at whether and in what way the career profile of ethnic minority officers differs from that of white officers, and aiming to identify any structural, cultural or attitudinal factors which might influence that.
- The results of that research will be presented to a major seminar on the recruitment, retention and development of black and Asian officers to be chaired by the Home Secretary early next year.
- In addition, forces will be assessed on how far they have implemented recommendations of Her Majesty's Inspectorate of Constabulary report *Winning the Race* which are directed towards similar ends.

The Home Secretary is also taking a lead within his own Department.

- Representation of ethnic minority staff within the non-prisons Home Office is good - it has been at 12.5% for the last three years. However, ethnic minority staff are concentrated in junior grades and there has been

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a lack of promotion prospects for all staff but especially those in junior grades in recent years.

- The Home Office, under the auspices of an Ethnic Minority Monitoring Group set up last Autumn, is taking positive action to promote equality of opportunity for ethnic minority staff. A staff survey undertaken last year and a subsequent focus group report gave cause for concern and a race equality plan was agreed and sent to all members of staff in July. It commits the Department to a number of initiatives over the coming months including a new complaints procedure; a Harassment Contact Officer scheme; a network of Equal Opportunities Liaison Officers and a network of ethnic minority staff. These will follow a special one-day training event for the Home Office Management Board in October that will allow board members to demonstrate their personal commitment to equality and to develop action plans to promote it.

There have also been a number of significant policy initiatives in the field of race equality over the past year.

- The Government has met a manifesto commitment by introducing into British criminal law specific offences of racially aggravated violence and harassment. These will come into effect at the end of September.
- The Government has established a Race Relations Forum to advise on policy, giving ethnic minorities a voice at the heart of Government.
- By consulting ethnic minority organisations on design and implementation, involving them in local New Deal partnerships and engaging local minority and majority employers, the New Deal for Young People is targeting getting Black and Asian youths into jobs. New ethnic monitoring of claimants of Jobseekers Allowance will enable outcomes to be assessed and barriers identified.
- The Government has acted to reverse the reduction (of £40 million in 1998/99) in the previous administration's expenditure plans for the payment of "section 11" grants to support the cost of employing staff to help disadvantaged members of ethnic minorities to overcome language and cultural barriers.
- Following wide consultation, the administration of this funding for education purposes is to be transferred to the DfEE [to be announced by the DfEE later this month] and a new grant programme is to be administered by the Home Office. Consultations on the scope of the new grant are taking place but it is expected to go wider than the section 11 grant in tackling racism, racial discrimination and racial harassment as well as racial disadvantage, and that funding will be available to voluntary organisations as well as local authorities.

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- The Government is targeting members of ethnic minorities in its campaigns to encourage people to register to vote and participate in the electoral process.

I am copying this letter to Seb Wood in Sir Richard Wilson's Office and Liz Lloyd at Number 10.

Yours ever,

Ailish

AILISH KING-FISHER
Assistant Private Secretary



cc: PU (gen)
✓ LL
press

Secretary of the Cabinet and Head of the Home Civil Service

From the Private Secretary

file

CLARE HAWLEY

INFORMATION ON RACE RELATIONS INITIATIVES

You asked for information for the Prime Minister, from the Cabinet Office and Home Office on the progress that has been made within the Civil Service and wider public sector on race relations initiatives over the past year. I am responding on behalf of the Cabinet Office.

--- I have attached a briefing note which concentrates on progress in this area in the Civil Service, and includes a section on Public Appointments. I have agreed with the Home Office that they will address the wider public service.

There have been no dramatic changes in the figures over the last twelve months, and indeed we could not have expected any, and there have been no high profile ethnic minority Civil Service appointments during that period.

--- You specifically asked for a list of good examples from the Home Office trawl of Departments for ethnic minority initiatives. The significant issues that have emerged from this tend to link with Service wide initiatives outlined in the attached note. I suggest you concentrate on these.

I am copying this to Isobel Hopton in the Home Office and Liz Lloyd at No10.

SEB WALKER

16 September 1998

RB 16/9

INFORMATION ON RACE RELATIONS ISSUES

Progress made within the Civil Service

Ethnic Minority figures

Ethnic minority representation across the Civil Service has increased to 5.7% in 1997 from 4.2% in 1989. In the Senior Civil Service, the proportion of ethnic minority staff has increased from 1.4% in 1989 to 1.6% in 1997.

The table below shows the proportions of ethnic minority staff at each responsibility level in the Civil Service. It indicates that there has been some improvement from 1996 to 1997 in the levels of ethnic minority staff at most responsibility levels.

Non Industrial Staff at 1 April
1996
and 1997
(1)

Responsibility Level	Ethnic Minority (%) 1996	Ethnic Minority (%) 1997
SCS Level	1.5	1.6
Grade 6	2.9	2.9
Grade 7	2.5	*1.9
SEO	2.2	2.8
HEO	2.4	2.6
EO	4.4	4.8
AO	6.9	7.2
AA	7.9	*7.6
Total	5.5	5.7

(1) Data Summary
1997

* The Grade 7 and AA responsibility levels show falls in ethnic minority staff proportions, which we believe is due to revisions in the allocation of departmental grades to responsibility levels during 1997.

Senior Civil Service

The Prime Minister has agreed in principle to launch the joint Civil Service/CCSU charter. The Charter has been agreed by all Permanent Secretaries and we are working to identify a suitable date for the Prime Minister to launch the Charter. We hope that the Charter will be launched, jointly with the civil service unions, before the end of the Autumn.

An inter-departmental Senior Civil Service Equal Opportunities Working Group was established in 1997. The group will be setting benchmarks or targets for ethnic minority people in the Senior Civil Service (SCS) for the year 2005.

To support all aspects of its work, the SCS Equal Opportunities Working Group has commissioned quantitative and qualitative research which will look at what factors have enabled people from under represented groups to progress into the SCS and what factors, if any, might have blocked or hindered such progress. The research will concentrate on those inside the SCS, the feeder grades and the fast stream development programme; it will also identify good practice and the perceptions of those surveyed, based on their experiences.

It is expected that the research will be finished towards the end of the year and that the results will be made widely available. It is hoped that these findings can be used to support the work both of the group and of individual departments.

The Leadership Challenge

The Prime Minister has accepted the CRE's Leadership Challenge. The Challenge invites those in positions of influence to give a personal lead in promoting the principles of racial equality and taking the personal action that will make it a reality.

Sir Richard Wilson, seventeen Permanent Secretaries and Agency Chief Executives, the Chief of Defence Staff and individual Service Chiefs of Staff have signed up to the Challenge.

Windsor Fellowship

The Civil Service is the largest provider of work experience for Windsor Fellows. Cabinet Office is developing its links further by, for example, use of fast stream management game on, and arranging general assessment centre training for, its graduate programme. This is part of the Cabinet Office's aim to increase the understanding among Windsor Fellows of the work of government and to present a positive image of the Service through active involvement in training and events.

Departmental Initiatives

Development Programmes

Both the DfEE and DSS have personal development programmes for their ethnic minority staff: "Equal Chance" in the DfEE, and "Realising Potential" in the DSS. A number of other departments are considering introducing similar schemes. Such schemes often involve working with a senior mentor, which is a very effective way of developing staff.

Foreign and Commonwealth Office

The FCO appointed the first Minority Ethnic Liaison Officer in Whitehall to increase the number of minority ethnic staff in the Diplomatic Service. In January 1997 the FCO adopted and began to implement the strategy "Bridges into the Future".

As part of the strategy a target was set to recruit 10% of all new entrants to the Diplomatic Service from minority ethnic groups in 1998/99.

In the 1998 Executive Officer competition the FCO received double the number of minority ethnic applicants compared to 1997.

Ministry of Defence

MoD is working with the Windsor Fellowship to promote civilian careers amongst African, Caribbean and Asian undergraduates. Internally, annual meetings are held between MoD Ministers and senior staff and the Department's ethnic minority steering committee to discuss issues of concern to ethnic minority staff.

Public Appointments

In September 1996, 1,310 (3.3%) of appointments were held by ethnic minority people. In September 1997, the figure stood at 1,377 (3.6%).

A new initiative to encourage the increased participation of under-represented groups in public life was launched on 29 June. The paper **Quangos: Opening Up Public Appointments** gives details of the Government's plan of action.

A central feature of this plan is the commitment, in principle, to a pro-rata ratio of ethnic minority groups (that is, increasing the proportion of appointments held by members of the ethnic minorities to a level which more accurately reflects their representation in the adult population as a whole). In support of this, all departments have drawn up individual plans which contain specific goals and objectives.



CABINET OFFICE
 70 Whitehall, London SW1A 2AS
 Telephone: 0171 270 0400
 Fax: 0171 270 0196

Minister for the Cabinet Office

From the Principal Private Secretary

KbO 65647

Ailish King-Fisher
 APS/Home Secretary
 Home Office
 Queen Anne's Gate
 London, SW1H 9AT

Dear Ailish,

File
Have
 ① helpful
 ② I am
 very worried
 about this
 it is really
 stepping into big
 politics & policy rather
 no better regulation of
 not careful. For instance
 we do not want to
 harmonise
 age & sex
 discrimination.

✓
 Another
 helpful
 comment
 clear

TOP-CH
 C: JFH
 ✓ PV
 RR or

September 1998

cc: Jones
15/9
②
15/9

RACE RELATIONS ACT 1976

Thank you for copying me your letter of 6 August to Peter Unwin seeking agreement to include and make public a digest of proposals put forward by other bodies as part of the consultation process on the Commission for Racial Equality's (CRE) proposals, following their review of the Race Relations Act.

①

We agree it is important to underline that the digest of proposals does not represent the Government's view. Even so, we believe it may be premature to consult on proposals to legislate on religious discrimination before the current research programme has been completed. The Prime Minister has made clear that research on religious discrimination has to be kept low-key in order to avoid raising expectations too highly.

②

Officials here also wonder whether it is right to consult on wide-ranging proposals to integrate anti-discrimination legislation in advance of a full analysis of the issues and options. We recognise that such proposals may offer benefits to businesses and ordinary citizens in providing better one-stop access to advice on discrimination issues. But, as your Ministers are aware, the Better Regulation Task Force will shortly be starting its own review of anti-discrimination legislation, examining regulations in this area against its principles of transparency, accountability, targeting consistency and proportionality. It would be better to co-ordinate our approach in the light of this, and any other, initiatives.

NM
 14/9

I understand that the Home Secretary is working towards a White Paper on the Race Relations Act in the New Year. As raised in the previous Ministerial correspondence, it is important that it should be accompanied by a full assessment of the impact of regulatory proposals on business and the voluntary sector, as well as society as a whole. This Department has recently launched new guidance on Regulatory Impact Assessment (RIA), which highlights the importance of using early consultation exercises, such as that on which you are about to embark, as a means of generating information on costs and benefits. The suggested RIA format provides a helpful way of structuring your questions. The information generated can then be used to inform the development of a more robust RIA to accompany the White Paper.

I understand that officials from the Cabinet Office Better Regulation Unit are already in touch with Home Office officials on this and, along with your own Departmental Better Regulation Unit, will be happy to advise on the preparation of a Regulatory Impact Assessment.

I am copying this letter to the Private Secretaries to the Prime Minister, members of HS, members of QFL and Sir Richard Wilson.

Yours sincerely,

David North

DAVID NORTH
Principal Private Secretary

~~4/3~~
Very uninspiring suggestions I feel.
We really must try & find
something positive we can do
on race relations. If the
advice is that he shouldn't
do the Charter at the conference
perhaps we could make a
separate event out of it
& strengthen it to be
CLARE HAWLEY *re: script?*

file
Clare

From: Alison Schofield
Room 53b/3
Horse Guards Road
Tel: 270 6316
Date: 9 September 1998

Copy: PS/MCO
PS/Mr Kilfoyle
PS/Sir Richard Wilson
PS/Mr Mountfield
Mr Fox
Mr Barker
Ms Leeming
Mr Sutlieff

Clare
I think this
is all fine.
TB would call
it making
race relations
part of an
"core script"
lg

THE CRE'S LEADERSHIP CHALLENGE

Issue

The Prime Minister's recent acceptance of the CRE's Leadership Challenge.

Recommendation

2. The suggestions at Annex A are actions the Prime Minister, as Minister for the Civil Service, could take as part of his personal commitment to the Leadership Challenge.

Timing

3. Routine.

Background

4. On 12 May 1998 the Prime Minister accepted the CRE's Leadership Challenge. The Challenge invites those in positions of influence to give a personal lead in promoting the principles of racial equality and taking the personal action that will make it a reality. The CRE suggests three areas in which commitment could be demonstrated: the public profile, acknowledging and celebrating achievements, and commitment to action (see Annex B).

Argument

5. Because the Leadership Challenge is for individuals, the focus is on the actions that are personally driven or taken by the individual. The Prime Minister has already clearly signalled in speeches his personal commitment to achieving racial equality. In his speech on 12 May the Prime Minister said that he joined Sir Richard Wilson in his commitment to ensuring that the heads of all Government

Departments and Agencies join the Leadership Challenge. The Prime Minister has also agreed to launch, with the General Secretaries of the Civil Service Unions, the Joint Charter for Action to redress the under-representation of ethnic minorities in the Senior Civil Service. This is separate from the CRE Leadership Challenge, and originated as a union initiative. It will, however, provide a good and high profile demonstration of the Prime Minister's commitment to racial equality in the Civil Service.

6. The actions suggested at Annex A relate primarily to the Prime Minister as Minister for the Civil Service. The Home Office will be able to advise specific action the Prime Minister might take in the wider context of Government policy on racial equality. I understand colleagues there have spoken to you.

7. At Annex C is an brief outline of some of Sir Richard Wilson's current equality initiatives, together with a list of Permanent Secretaries and Agency Chief Executives who have taken up the Leadership Challenge.

8. I understand that Sir Herman Ouseley will be writing to individual signatories in early 1999 to ask for an account of their personal progress.

Alison Schofield

ALISON SCHOFIELD
Head, Development and Equal Opportunities Division

LEADERSHIP CHALLENGE: SUGGESTIONS FOR PERSONAL ACTION FOR THE PRIME MINISTER

- to provide a "quotable quote", based on the statement he provided for the CRE event on 12 May, but specifically in relation to the Civil Service. For example: "I passionately believe that we can build a nation which respects diversity and provides social cohesion. As Minister for the Civil Service I am committed to ensuring that the Civil Service, which must provide a high quality and effective service to the people of this country, properly reflects, at all levels, the diversity and richness of our society."
- to raise the issue of race equality with his Cabinet colleagues in relation to the responsibilities as Ministers for Government departments as employers. To encourage them to ensure that departments set a good example to the wider public sector and the business community on race issues.
- to ensure that he is kept abreast of equal opportunities issues and the progress made by departments towards achieving the Government's aims.
- to use mainstream speeches to emphasise key messages about the priority the Prime Minister gives to race issues. The keynote speech that the Prime Minister is due to make at the Senior Civil Service conference on 13 October is one opportunity to do this.
- to encourage departments to work with Civil Service unions on ethnic minority issues - the Prime Minister could do this when he launches the Joint Charter for Action this autumn.
- to offer to support Sir Herman Ouseley's drive to reach leaders who have not yet signed the Challenge - for example by attending a recruitment drive aimed at business leaders.

same old thing

could be a possibility

Richard Wilson's office would be some problem with putting this Charter launch with the conference event I am in a bit of a mess whether there is a problem.



✓ Clave to should help us share progress too.

✓ if only need to be a reference

that's really what he did in May.

THE LEADERSHIP COMMITMENT

The Public Profile

Leaders can:

- use their position on committees and boards to put racial equality issues high on the agenda
- raise racial equality issues and report on achievements in their annual reports, public statements and speeches
- extend their personal support and endorsement of racial equality to mainstream events and campaigns where the issue would not otherwise be raised

Acknowledging and celebrating success

Leaders can:

- ensure that they and their organisations are at the forefront of best practice in their sectors
- encourage leadership among their colleagues, contemporaries and counterparts
- take pride in promoting the success of their racial equality programmes

Commitment to Action

Leaders can:

- build racial equality measures and strategies into their organisations' decision making and planning processes
- call for regular progress reports
- steer the development - setting performance goals and milestones - of programmes of practical action that will help eliminate discrimination and unequal participation.

SIR RICHARD WILSON: EXAMPLES OF CURRENT ACTION

- ensuring that permanent secretaries and agency chief executives draw up and implement strategies to achieve equality of opportunity in their organisations
- holding regular monthly meetings with Cabinet Office officials (Mr Mountfield, Mr Barker, Mr Fox and Mrs Schofield) to review progress on equal opportunities issues
- exploring with people inside and outside the Civil Service what else should be done: e.g. on 20 July Sir Richard held a reception to meet and consult senior and fast stream ethnic minority staff
- taking forward the recommendations of the Advisory Panel on Equal Opportunities in the Senior Civil Service: on 17 September Sir Richard and a group of permanent secretaries will meet Usha Prashar, Chair of the Advisory Panel and another Panel member, Bert Massie.

CIVIL SERVICE SIGNATORIES

Michael Bichard	Department for Education and Employment
Dame Ann Bowtell	Department of Social Security
Chris Kelly	Department of Health
Sir John Kerr	Foreign and Commonwealth Office
Leigh Lewis	Employment Service
Dame Barbara Mills	Crown Prosecution Service
Peter Matheson	Benefits Agency
Nick Montagu	Inland Revenue
Sir Richard Mottram	Department of the Environment, Transport and the Regions
Robin Mountfield	Cabinet Office
David Omand	Home Office
Sir Hayden Phillips	Lord Chancellor's Department
Michael Scholar	Department of Trade and Industry
Valerie Strachan	HM Customs and Excise
Richard Tilt	HM Prison Service
Andrew Turnbull	HM Treasury
Sir Richard Wilson	Secretary of the Cabinet and Head of the Home Civil Service
Robin Young	Department for Culture, Media and Sport

RESTRICTED - POLICY



10 DOWNING STREET
LONDON SW1A 2AA

From the Assistant Private Secretary

7 September 1998

Dear Sebastian

INFORMATION ON RACE RELATIONS INITIATIVES

The Prime Minister would be grateful for information from the Cabinet Office and from the Home Office on the progress that has been made within the Civil Service and the wider public sector on race relations initiatives over the past year.

In his speech to the Labour Party Conference last year the Prime Minister noted the lack of representatives from ethnic minorities in senior positions in areas such as the police force, civil service, judiciary etc. He would now like to see any figures on what the situation is one year on.

I am also aware that the Home Office has been trawling Departments for the initiatives that they have themselves put in place for improving ethnic minority representation within the civil service. I would be grateful for a list of good examples from that trawl, which does not need to be comprehensive, but should certainly include Home Office, DfEE, Cabinet Office and MOD.

I would be very grateful for this information by close of play on Monday 14 September.

I am copying this to Isobel Hopton in the Home Office and Liz Lloyd at No 10.

Yours

Clare

CLARE HAWLEY

Sebastian Wood
PS/Sir Richard Wilson

RESTRICTED - POLICY

Top EAT/PS

FROM THE PRIVATE SECRETARY

file cc HA/PS
PUHOUSE OF LORDS,
LONDON SW1A 0PW

Peter Unwin Esq
PS/Deputy Prime Minister and Secretary of State
for the Environment, Transport and the Regions
6th Floor
Eland House
LONDON SW1E 5DU

28 August 1998

Dear Peter,

THE RACE RELATIONS ACT

Ailish King-Fisher wrote to you on 6 August about the proposed publication of a digest of proposals to amend the Race Relations Act which were not contained in the Commission for Racial Equality's Third Review of the Act.

The Lord Chancellor recognises that he and colleagues agreed in principle to the publication of a digest of further proposals, and that there should be no commitment to a Government position at the time of publication. He is, however, concerned that the draft, as it stands, is likely to be unhelpful to consultees and essentially unproductive because it gives no indication at all of Government thinking and current action in the areas mentioned. If a digest is to be published on these lines, the Lord Chancellor considers that some reference should be made to the Government's current views and actions so that the proposals can be seen in that broad context. The following examples illustrate the point.

- The complaint that legal aid is not available for tribunals is a long standing one and everyone in the field is familiar with it. Subject to Cabinet colleagues' views, the document might note that the legal aid reform programme will allow the Government to secure better control of the cost of legal aid, enabling it to target resources to areas of priority such as social welfare, and allowing it to consider in due course extending legal aid to tribunals (among other possibilities).
- Similarly, the draft digest contains proposals that a single Human Rights Commission be established which would embrace all types of discrimination, as well as upholding the rights in the European Convention. There seems little point in consultation on this point, without further explanation, when the Government has already decided in the context of the Human Rights Bill not to establish a Human Rights Commission at this stage.

SKP 28/8/98

The Lord Chancellor has also made clear in previous correspondence that he feels that public consultation on religious discrimination (included under the heading 'wider issues' in the draft digest) ought to be kept separate from racial discrimination. Mr Straw's letter of 16 February to Mr Prescott proposed that the way forward was to commission research to assess the scale of the problem. Mr Straw agreed that this was a sensitive issue and that a cautious approach was needed, until the extent of the problem was known. The Lord Chancellor would want to maintain that approach and exclude any consultation on religious discrimination from this exercise. Reference could, however, be made to the research exercise to confirm the Government's recognition of the issue.

I am copying this letter to Ailish and to Private Secretaries to other Cabinet Ministers, and to Sebastian Wood.

Yours ever
Jey

JENNY ROWE

Top - AL
cc JHM
PJ

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Tŷ GWYDIR
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Peter Hain MP

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Oddi wrth yr Is-Ysgrifennydd Seneddol

From The Parliamentary Under-Secretary

Ref: CT/13636/98

11 August 1998

Dear Jack,

(P)

THE FUNDING OF ADDITIONAL SUPPORT FOR DISADVANTAGED MEMBERS OF ETHNIC MINORITIES: SECTION 11 GRANT

I have seen a copy of David Blunkett's letter to you of 22 July in which he indicated that DfEE officials would be liaising with Home Office and DETR officials about the handling and presentation of the announcement of the transfer of section 11 funding.

As you know, there will be a consequential transfer to the Welsh Office for administration of the grant in Wales. It is important, therefore, that my officials are also involved in any discussions on this issue to avoid any delay between the English and Welsh announcement. I should be grateful if you would keep me in touch with developments.

Copies of this letter go to the Prime Minister, David Blunkett, John Prescott, Alistair Darling, Frank Dobson, Donald Dewar and Sir Richard Wilson.

The Rt Hon Jack Straw MP
Home Office
Queen Anne's Gate
LONDON SW1H 9AT

The Rt Hon Peter Mandelson MP
Secretary of State for Trade and Industry



The Rt Hon Jack Straw MP
Home Secretary
Home Office
Queen Anne's Gate
London
SW1H 9AT

Department of
Trade and Industry

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TLO.Mandelson@tlo.dti.gov.uk

7 August 1998

faxed?

✓ CH or
C: AL
PU

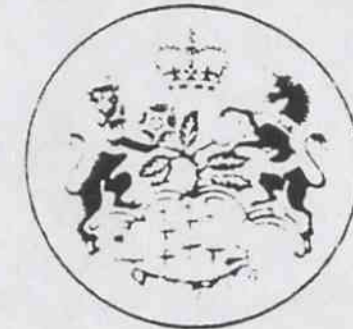
Mr Jack,

Thank you for copying to Margaret Beckett your letter of 15 June to John Prescott seeking colleagues' help in developing a more co-ordinated approach across Government to race relations and equality of opportunity for people of ethnic minorities. I am replying as the new Secretary of State.

I fully support this proposal. I think that it is important to develop a co-ordinated strategy for the reasons you outlined in your letter. I am keen that my Department should contribute as fully as possible.

It is clear that there is a great deal of work across government relating to equality of opportunity. As you point out, it is important to ensure that the range of initiatives is carefully focused and presented to demonstrate our commitment. The revised mainstreaming guidelines, developed by the Ministers for Women, together with DfEE and your Department should help to ensure a more inclusive, consistent and consultative approach to policy development.

We maintain regular contact with representatives of ethnic minority groups and non-government organisations. Kamlesh Bahl, Chairwoman of the Equal Opportunities Commission, visited DTI last month for a fruitful discussion with Permanent Secretary, Michael Scholar, and his senior colleagues on equal opportunities in the areas of employment, service delivery and policy development.



We held an Ethnic Minority Businesses Seminar on 21 July to explore if there are specific barriers to growth and start-up of ethnic minority businesses and what actions might be taken to help overcome any barriers. We see this kind of activity as a first step in a two-way process which will enable us to find out how we might promote our initiatives more effectively to the ethnic minority business community as well as learn from the many success stories of ethnic businesses. As you may know, we also produce publicity material in ethnic minority languages; a recent example is the summary of the Low Pay Commission report.

As an employer this Department is strongly committed to racial equality. It is about to put in place a Programme for Action for Racial Equality, which seeks to address issues of under-representation of ethnic minorities at certain levels within the Department. An Advisory Group for Racial Equality has been established to advise and support the Department's senior management in achieving racial equality in the Department. This Group has contributed to the preparation of the Action Programme and will help monitor and evaluate its implementation.

My Department's goal for increasing the participation of people from ethnic minorities in public appointments is to reach 4% overall by the year 2000 (from the present position of 3.6%). This information is contained within the Whitehall-wide action plan published recently by David Clark, and considered by HS(W). In support of this we are actively considering ways in which we can encourage more applicants from ethnic minorities in each recruitment exercise. For example, we will seek potential candidates from the Public Appointments Unit database, the Campaign for Racial Equality and the Equal Opportunities Commission and other representative organisations. We will also consider targeting advertising or employing search consultants to identify ethnic minority candidates.

I support your proposed next stages of producing a summary of where we are, examples of best practice and information on good initiatives, together with a Strategy to provide a context for future work. I want DTI to be fully involved in this process. I have asked Barbara Roche to act as the Ministerial contact point, to work with Mike O'Brien. Ken Warwick, a Director in this Department's Economics and Statistics Directorate, will be the senior official contact (tel: 215 6042).



I am copying this letter to Cabinet colleagues,
David Miliband at No. 10 and to Sir Richard Wilson.

Julian, please,

[Handwritten signature]
Peter

From: THE PRIVATE SECRETARY



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

06 AUG 1998

Peter Unwin Esq
PS/Deputy Prime Minister and
Secretary of State for the Environment,
Transport and the Regions
Eland House
Bressenden Place
London SW1E 5DU

File
CH 01
AL
RR
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Dear Peter,

THE RACE RELATIONS ACT

The Home Secretary wrote to Ann Taylor on 4 June with his proposals for carrying out a consultation process on the Commission for Racial Equality's (CRE) Third Review of the Race Relations Act. Mr Prescott's letter of 24 June recorded colleagues' broad agreement to those proposals.

We are now proceeding with the consultation. As part of this we have, as suggested, produced a digest of proposals which have been put forward by other bodies (Liberty, the Society of Labour Lawyers and the Institute of Public Policy Research) but which do not feature in the CRE Review. A copy of the digest is attached. For each of the proposals in it we have provided a commentary which summarises the reasoning of the body or bodies which put the proposal forward. In the covering note we have made it clear that these commentaries do not represent the views of the Government and that they do not commit the Government to any particular view. Some of the proposals would be difficult, for example, those relating to legal aid.

We think that it is important that they are included in the digest, first so that we do not appear to be sweeping them under the carpet, and second because they will resurface in further debate about the future of the Race Relations Act and it would be better to respond to them explicitly on the basis of consultation than to be ambushed by them at a later stage. However, the Home Secretary would be grateful for the Deputy Prime Minister's and cabinet colleagues views on this.

We appreciate of course that it is not convenient to be raising this now but it would be helpful to have colleagues' agreement as soon as possible to making public the digest as part of the consultation process.

Yours ever,
Ailish

AILISH KING-FISHER
Assistant Private Secretary

THE RACE RELATIONS ACT 1976

Digest of proposals for amending the Race Relations Act not contained in the Commission for Racial Equality's Third Review of the Act

On 9 June 1998 the Commission for Racial Equality (CRE) published its Third Review of the Race Relations Act 1976. The Home Secretary is publicly seeking views on the Review's proposals. He has also received detailed proposals on many areas of race equality from three other organisations: Liberty, the Society of Labour Lawyers and the Institute of Public Policy Research. Attached is a digest comprising the proposals from these organisations which relate to areas covered by the Race Relations Act 1976 and which were not put forward in the CRE's Review.

As far as possible, we have sought to set out the proposals in this digest in roughly the same format as the CRE's review. The proposals themselves have been taken verbatim from the documents submitted and have been attributed to the organizations. The commentary beneath the proposals seeks to summarize the views of those organizations as an aid to discussion. Where more than one organization has put forward a proposal in any one area, the commentary attempts to encompass the views of all the organizations concerned.

The Home Secretary wishes to consult publicly on these proposals alongside the consultation on the CRE's Review. The cut-off date for comments for both is 6 November 1998. The Government is seeking to use both documents to consider the possible future shape of legal protections against racial discrimination. As such, therefore, the views in neither document should be taken as reflecting the Government's views.

Comments on the proposals should be sent to:

Ian Cheeseman
Community Relations Unit
Room 1273
Home Office
50 Queen Anne's Gate
London
SW1H 9AT

by 6 November 1998.

SCOPE OF THE ACT

Service provision

"Set standards for local services for minority customers, tied to government incentives" (IPPR)

The aim is to set a standard for local service quality in terms of access, appropriateness, consultation and delivery, and establish equality performance indicators to enable success to be measured. Such standards would bring equality performance into existing quality assurance systems for local services. The aim being to remove the unevenness of quality of provision between authorities. Between the Audit Commission and the CRE there is already expertise in this area. There would, however, be an extra administrative burden on local authorities, and technical details of performance indicators would need to be worked out and agreed.

Ethnic monitoring in schools

"Establish comprehensive ethnic monitoring of pupils in primary and secondary education" (IPPR)

The aim is to enable good and bad practice to be identified in the education of minority children. The IPPR argues that schooling has a crucial role to play in promoting equality. Record keeping and monitoring have been useful equality tools in other fields and, in the educational setting, it might enable equality performance and educational good practice to be measured. It should be noted, however, that this might place administrative burdens on schools; there could be fears about ethnic labelling; and, as with all educational data, care would need to be taken in drawing conclusions because of the numerous other variables which contribute to individual and school performance.

CRE POWERS

Evidence of discrimination

"Give the Commission for Racial Equality powers to take evidence of employment discrimination of any kind direct to a tribunal" (IPPR)

The aim is to allow the CRE to pursue discrimination cases without the lengthy and expensive process of a formal investigation. The IPPR considers that the CRE should be able to act on any cases of discrimination that come to its notice and that it should not have to resort to the complexity and expense of a formal investigation in simple cases. They argue that this would be in the public interest. The CRE itself supports this proposal.

TRIBUNALS

Legal aid

"Legal aid should be available in tribunal cases" (Liberty)

"We would urge that legal aid should be available" (SLL)

"Make applicants to tribunals in race cases eligible for legal aid" (IPPR)

The Royal Commission on Legal Services has pointed out that a complainant is more likely to be successful if represented by a lawyer or skilled layperson. Discrimination cases are often complex and, it is therefore argued, beyond the capability of litigants without such representation. Respondents are usually in the position of being able to afford legal advice and this put could the litigant at a disadvantage. Discrimination pursued through county courts (ie non-employment cases) are eligible for legal aid and these organisations believe this is an inconsistency within the discrimination field. Such an extension of legal aid would add considerably to the legal aid bill. It would also create another inconsistency within employment law: cases brought to tribunals under other jurisdictions (eg unfair dismissals) are not eligible for legal aid.

Separate discrimination division in Tribunals

"Establish a specialist discrimination division within the tribunals" (IPPR)

The aim is to ensure that discrimination cases are heard by tribunal members with the right expertise. The IPPR's view is that experience is spread too thin and that there are insufficient numbers of discrimination cases coming before tribunals to produce sufficient expertise amongst members. In-depth training on equality issues might be one solution. While the CRE previously supported such an approach, it was deliberately omitted from their Third Review.

WIDER ISSUES

Religious discrimination

"Extend the protection of the Race Relations Act to victims of religious discrimination" (IPPR)

"Legislation to outlaw discrimination on grounds of religious belief" (SLL)

"No coverage of religious discrimination in the RRA" (Liberty)

Religion is not covered by the Race Relations Act, although case law has established that certain religious groups do constitute an ethnic groups. It is argued that this is an anomaly which has grown up over time and which should be addressed. Some complaints of discrimination which could be based on religion fall outside the scope of the Act and cannot be pursued legally. It can be difficult, however, to define legally religions and

religious affiliation. There is the danger of a change in the law leading to exploitation by social, political and other movements which choose to call themselves religions.

Review of equality legislation

"A general review of discrimination legislation to consider the introduction of a single legislative scheme and discrimination commission" (SLL)

"Establish a single Equality Commission, embracing race, sex, disability, religion and any other unlawful discrimination" (IPPR)

"Harmonise UK equality legislation" (IPPR)

Liberty is also in favour of these proposals. The aim here is to examine the range of existing anti-discrimination legislation. The result could be to establish common enforcement provisions among anti-discrimination statutes; unite the anti-discrimination commissions; and extend the remit to all unlawful discrimination. This should allow greater cross fertilisation of ideas in all areas of discrimination law. It would allow for greater coherence of strategy, easier access to help for victims and employers, and economies of scale. A combined Commission might also have a higher profile than the current individual bodies. The IPPR suggests, however, that the existing Commissions have expressed reservations about such a move. Also, it has been argued that different responses might be required to different types of discrimination, however, and such specialisation may be lost or made more difficult to achieve. Unpopular areas of discrimination could become marginalised.

Human Rights Commission

As a possible alternative to proposals above relating to a single equality commission the IPPR have also made proposals relating to a Human Rights Commission:

"Establish a single Human Rights Commission, embracing race, sex, disability, religion and any other unlawful discrimination, and with responsibility for upholding human rights, in particular those in the European Convention on Human Rights" (IPPR)

The aim would be to bring together responsibility for promoting and enforcing all human rights within one organization, including those areas of equality legislation where no rights as such currently exist. It is argued this would lead to a greater coherence of strategy and implementation, a simplicity of route for victims of human rights abuse, ease of access for employers, and economies of scale. A single commission would have a high profile. The IPPR suggests, however, that the existing Commissions have expressed reservations about such a move. As with the previous suggestion, different strategies might be required for different types of discrimination. Unpopular issues might be marginalised in a large commission.

UN Convention on the Elimination of Racial Discrimination (CERD)

"The concerns raised by CERD should be considered with a view to inclusion in

legislation" (Liberty)

In the report of its 50th session, and in its previous reports, CERD has criticised aspects of the UK's race relations policy - for example, the lack of religious discrimination legislation; the subordinate nature of race relations legislation; and the absence of a Bill of Rights which enshrines a fundamental right to equality. CERD also has concerns about the under-representation of ethnic minority groups in public and political life and their over-representation in cases of police brutality, deaths in custody and unemployment statistics. Liberty's proposal is that these concerns be taken into account in any amendments to the legislation.

gill

**From: Lois Leeming
Room 57a/3
Horse Guards Road
Tel: 270 6313
Date: 5 August 1998**

CLARE HAWLEY

**Copy: PS/Chancellor of the
Duchy of Lancaster
PS/Sir Richard Wilson
PS/Mr Mountfield
Mr Fox
Mr Barker
Mrs Oppenheimer
Mrs Schofield
Mr Griffith
Mr Sutlieff
Mr Gillespie (HO)**

THE CRE'S LEADERSHIP CHALLENGE

We spoke about the Prime Minister's recent acceptance of the CRE's Leadership Challenge. (As you may know, Sir Richard Wilson and Robin Mountfield have also taken up the Leadership Challenge.)

2. Here at the Cabinet Office we can provide general information on equal opportunity progress across the Civil Service and suggest and support Leadership Challenge actions which the Prime Minister might take as Minister for the Civil Service. The Prime Minister has already agreed to launch the Charter for Action to redress the under-representation of ethnic minorities in the Senior Civil Service (your note of 30 July to Sir Richard Wilson's PS). We will consult and come back to you in September with further suggestions.

3. As the Home Office takes the lead on race relations work across Whitehall, you may want to talk to Mike Gillespie at the Home Office (273 3268) about what Government is doing more generally and about the Prime Minister's Leadership Challenge commitment as Head of the Government.

4. I understand that Sir Herman Ouseley will be writing to individual signatories in early 1999 to ask for an account of their progress. In the meantime, we agreed at a recent meeting with the CRE to sound you out informally about the following: whether the Prime Minister might be willing to host a reception at No.10, to help Sir Herman reach out to business leaders who have not yet taken up the Leadership Challenge; whether the Prime Minister might provide a "quotable quote" for use in the CRE's literature. Could you let me have your initial view?

No.
Yes

Lois.
LOIS LEEMING

FROM THE DEPUTY PRIME MINISTER



The Rt Hon Jack Straw MP
Home Secretary
Home Office
50 Queen Anne's Gate
London SW1H 9AT

DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS

ELAND HOUSE
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FAX 0171 890 4399

OUR REF: PT/PSO/11804/98

- 3 AUG 1998

file
CH/r
C: AL
PU
Press
SCU

Dear Jack

Thank you for your letter of June 15 about developing a more co-ordinated Government Strategy for Race Relations and Equality of Opportunity.

I strongly support your initiative in this important area of work. I am nominating Alan Meale as my Department's Ministerial contact point. John Roberts, head of Regeneration Division One, will be the official contact for the Department in the first instance, though any particular issues will need to be pursued with the relevant part of the Department.

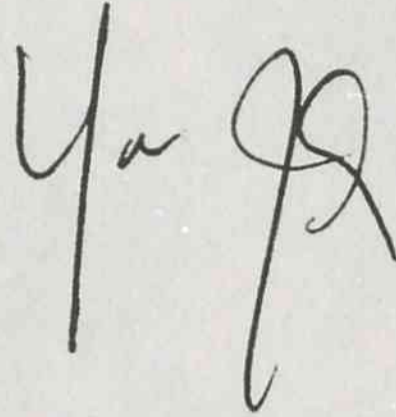
Your letter asked, in particular, about four areas. In broad terms, we try to ensure that ethnic minorities and equal opportunity policies are incorporated in all relevant work areas. Our policies on 'mainstreaming' require assessment of the impact of proposed or current policies and programmes on different groups, including race, gender, disability and religion, to ensure that everyone is treated fairly and that there is no unlawful discrimination. As the work of my Department is wide-ranging, I attach a detailed annex summarising our current activities to support equality of opportunity policies internally and policies affecting minority ethnic communities externally.

The recent formation of my Department, from DoE and DoT, means that the number of posts is still being reduced and recruitment is therefore negligible. At present, it is therefore unrealistic for us to set targets. Staff reduction has also resulted in limited promotion opportunities, although I am pleased to say that a representative proportion of the promotions that are taking place are of minority ethnic staff. You also made specific reference to employment aspects in the local government sector. In answer to this, information taken from the 1997 Labour Force Survey on the ethnic make-up of local authority workforces may be useful. It found that 4.4% of local government employees were classified in minority ethnic groups compared to 4.6% for the broader economy; further details are included in the annex.

ra 4/8

I support your proposals for the future, the statement of where we are, ideas on good practice and the Government Strategy that will provide a context for further work. I would appreciate it if you could keep me informed of developments and look forward to seeing the comprehensive results of this exercise.

/ A copy of this letter goes to all Cabinet colleagues, David Milliband and Sir Richard Wilson.

A handwritten signature in black ink, appearing to read 'John Prescott', written in a cursive style.

JOHN PRESCOTT

ANNEX - RACE RELATIONS & EQUALITY OF OPPORTUNITY

DETR OVER-ARCHING POLICY

Personnel

As far as responsibilities as an employer are concerned DETR has a dedicated equal opportunities team working to promote and ensure equality of opportunity for all our employees. The team produces an Action Plan each year which is endorsed by the DETR board, and produces an annual progress report. Initiatives in respect of race include the setting up of a minority ethnic staff network and also a network of harassment contact officers for all staff who feel that they may have suffered harassment or discrimination on grounds of their race, religion, gender or sexual orientation. New publicity is in hand for in-house documents and electronic information systems. The team will also be running a major seminar on equal opportunities later this year, the theme of which will be race issues, and will be open to all within DETR with an interest in equal opportunities. There are no recruitment targets included in this year's action plan - post-merger 'downsizing' of DETR means that they would be unrealistic at this stage. The reduction in the overall number of posts also has the knock on effect of limiting promotion opportunities, although it is pleasing to note that a representative proportion of the promotions that are taking place are of minority ethnic staff. DETR also sponsors a number of fellows through the Windsor Fellowship.

Appointments to Sponsored Bodies

On appointments, DETR is committed like other departments to increasing the representation of people from ethnic minorities on the public bodies it sponsors. As part of plans for addressing the problem of under-represented groups, DETR proposes to increase the proportion of appointments held by people from minority ethnic groups from 3% at present to at least 5% within the life of the present Parliament. The Chancellor of the Duchy of Lancaster announced to parliament service wide plans, including DETR's, on June 29. DETR want to see early progress towards this goal. To this end, DETR officials have contacted organisations, including the CRE and EOC, for the purposes of identifying a good stream of individuals from minority ethnic groups with the appropriate skills for appointment. This is closely monitored by both Ministerial colleagues and officials.

Publications

DETR has no official policy on publication translation at the moment, but the whole question of translations and producing publications in braille, large print and audio cassette is being looked at. Translations of leaflets are considered at the moment on a case by case basis by Information and the policy division involved. DETR tries to ensure that translations are considered for major documents with a wide target audience and particularly relevant publications. They would certainly be very seriously considered for publications covering race relations/equal opportunities. Distribution can be a problem. So when translations are produced, it is important to ensure that they are distributed effectively to the target audience (rather than being stored by local authorities and our own distribution house). The summary of the London consultation and White Paper on the Greater London Authority, for example, were translated into Punjabi, Urdu, Bengali, Hindi, Gujarati, Chinese, Turkish and Greek.

Mainstreaming

DETR is committed to mainstreaming (or 'policy appraisal for equal treatment'). This is the process of assessing the impact of proposed or current policies and programmes on different social

groups to ensure that everyone is treated fairly and that there is no unlawful discrimination. Assessments are made by consulting with users of services and the use of disaggregated statistics. A new video highlights the issues of policies that may have a differentiated impact on key groups and communities; minority ethnic groups as well as religious communities are covered in the video. Guidance issued to all staff underlies examining the implications of policy for all groups in society, including those from minority ethnic communities.

Good Practice & Research

DETR was a main sponsor and funder of 'Diversity and Disadvantage - the Fourth National Survey of Ethnic Minorities'; Policy Studies Institute; Tariq Modood et al 1997. The report highlights the disadvantage suffered by the Pakistani, Bangladeshi and Afro-Caribbean communities, although it did not extend its research into African origin communities. It draws attention to the blend of disadvantage due to race, gender, religion and will also provide the foundation for the Runnymede Commission on Multi-ethnic Britain. DETR is in correspondence with the Commission for Racial Equality (CRE) on racial disadvantage and is seeking regular meetings with the CRE to enable DETR to engage more effectively with racial disadvantage.

SERVICE AREAS

Regeneration

Public Statements - Public statements/key objectives are included in the text of the bidding guidance for each round of the Single Regeneration Budget (SRB). SRB Challenge Fund Partnerships must meet at least one of the key overall objectives, one of which is to promote initiatives of benefit to minority ethnic people. In Round 4 of the SRB more than 50% of approved bids have clear targets relating to minority ethnic communities. This, however, fails to do justice to the impact of regeneration programmes, as they all now relate even more closely to the needs of disadvantaged communities, which means that black and minority ethnic communities are more frequently involved. All relevant outputs are subdivided to show benefits accruing to these groups, such information appearing in the regular monitoring returns. Partnerships are also required to keep records on the participation of people from minority ethnic groups by eight categories (White, Black-Caribbean, Black-African, Black-Other, Indian sub-Continent, Chinese-Vietnamese, Other Ethnic Group and Not Specified). A subset of aggregated outputs for the people based programme measures are forwarded to Government Offices annually. A number of SRB programmes have been aimed specifically at racial harassment. Others have aimed to get minority ethnic people into jobs, provide capacity building advice and help minority ethnic voluntary groups. We are seeking improved involvement of minority ethnic communities in the design and delivery of these services.

Forums - All Government Offices have a Home Office secondee and there has been a strengthening of links with the police and with the voluntary, community and minority ethnic sectors, including faith communities, particularly in relation to the preparation of SRB Challenge Fund bids.

GOs all work closely with minority groups. In London the GO has also formed an Ethnic Minorities Opportunities Group, (EMOG), to advise on issues affecting ethnic minorities. Sir Herman Ouseley is a member of this group which includes major players and figures on the London scene like Trevor Phillips of LWT and the Runnymede Trust. The group has helped on a number of fronts. Bodies representing ethnic groups are on the mailing lists for all new

developments, are represented on the many partnerships delivering SRB programmes, are invited to training events for such partnerships and have helped in the roll out of the New Deal. Organisations like Operation Black Vote gave valuable assistance in raising awareness of the referendum on the plans for new London Governance. The newly formed London Development Partnership, the agency set up in advance of arrangements for a Regional Development Agency in London, benefits from Black Training and Enterprise Group representation on its board.

Securing appointments from minority ethnic groups has been adopted as a key task area for EMOG. The work is on two fronts, using the London First members to secure a target of 10 ethnic minority members on the board of major private sector companies, and all members to help in getting people interested in and ultimately onto boards of NDPBs. A recent letter to all 150 SRB partnerships working in London resulted in 20 good quality names being added to the Public Appointments Unit's central list. GOL with the SRB partnerships will continue to work to ensure that those people are made aware of and consider applying for particular vacancies as they arise. Details of forthcoming vacancies will be circulated to EMOG members to ensure as far as practicable that real connections are made. Departmental targets, published on 29 June, will also be widely publicised.

Other Actions - With regard to the SRB Challenge Fund, consultation takes place with the Home Office and the Commission for Racial Equality in the preparation of guidance to Government Offices and the Partnerships.

Regional Development Agencies

The Secretary of State's statutory guidance to Regional Development Agencies (RDAs) will address racial equality issues. DETR is in discussion with the Commission for Racial Equality about the form and content of the guidance. The Equal Opportunities Commission (EOC) have written to the Deputy Prime Minister about the procedures that the Department has adopted for appointing RDA Boards, commenting that they see them as being successful in encouraging appointments from a broad cross section of people.

Inner Cities Religious Council

The inner Cities Religious Council (ICRC) was relaunched by Ministerial colleagues in 1997 to provide the Government and the faith communities with a means of working together to consider and tackle the problems facing inner cities and deprived urban areas. The secretariat of the ICRC are DETR staff. It brings together members of the Christian (including Black Christian churches), Hindu, Jewish, Muslim and Sikh faiths whose members have substantial presence in inner cities.

Housing

Public Statements - Under the Housing Investment Programme (HIP), local authorities are assessed on their efficiency and effectiveness in meeting local housing need. This assessment is used to vary the allocation of resources to local authorities. The Policy Context annex to the 1998 HIP Guidance Note, sent to all local authorities in May, draws attention to the importance to equality of opportunity in housing provision across all sectors. It also mentions that the Housing Corporation has drawn up and consulted on a new black and minority ethnic housing policy. The new policy will focus on the needs of the black and minority ethnic communities and emphasise the role Registered Social Landlords (RSLs) can play in meeting them.

On the allocation of social housing, the Code of Guidance on Homelessness and the Allocation

of Housing (which is due to be issued later this year) will remind authorities of their responsibilities under the Race Relations Act 1976 in relation to the allocation of housing. Authorities are commended to have regard to the CRE's 'Code of Practice in Rented Housing' which they first published in 1991. DETR has consulted the CRE about relevant aspects of the revised Code.

Under the Rough Sleepers Initiative, DETR in allocating single homelessness grants to voluntary organisations under Section 180 of the Housing Act 1996 requires that the voluntary organisation, or anyone acting on its behalf, shall comply with the Sex Discrimination Act 1975 and the Race Relations Act 1976. DETR asks the voluntary organisation, or anyone acting on its behalf, not to discriminate on the grounds of colour, race or sexual orientation in the provision of accommodation or other services, even when such discrimination would be lawful.

In terms of the management of existing social housing the former DoE published a research report in 1996 on the response of social landlords to racial attacks and harassment. The report provides guidelines for social landlords on how to deal with racial harassment in their housing stock and encourages social landlords to "monitor and evaluate the response to racial harassment". The Chartered Institute of Housing (CIH) Housing Management Standards Manual includes guidance for local authorities on tackling Racial and sexual harassment (last updated September 1996). DoE Circular 2/97 "Part V of the Housing Act 1996 - Conduct of Tenants: Introductory Tenancies and Repossession for Secure Tenancies" encourages local authorities to be aware when investigating complaints against tenants of the possibility of discrimination or victimisation on the grounds of "race, sex, disability or creed". The Council Tenant's Charter includes a section on good service. It states that Housing Department's should ensure that everybody is treated equally, regardless of their sex, colour or creed. Councils are also encouraged to follow the Code of Practice in Rented Housing produced by the Commission for Racial Equality.

In some instances tenants have taken on major representational or management responsibilities for their housing. Where this has occurred equal opportunities and race relations is a key area in their participation activity. The issues are fully reflected in the material DETR produce (Right to Manage (RTM) Regulations, good practice guidance etc.) or that which is produced on DETR's behalf.

DETR also recognises that relations between Gypsies and the settled population can be difficult, perhaps due to a lack of understanding on both sides, and a perception that Gypsies often bring trouble and rubbish with them. Former DOE Circular 18/94 "Gypsy Sites Policy and Unauthorised Camping" reiterates long-standing advice that local authorities should consider tolerating the presence of Gypsies on council land if they are causing no nuisance. It advises on how they might ameliorate any nuisance, for example, by providing tolerated sites on council land, with refuse collection and sanitary facilities, which may deter Gypsies camping on more unsuitable public and private land near to residential or business premises. Former DOE Circular 1/94 "Gypsy Sites and Planning" seeks to facilitate further private provision of Gypsy sites by saying that local authorities should include policies in their development plans to meet the special accommodation needs of Gypsies, and should offer Gypsies help and advice with planning procedures. Ministers repeatedly make it clear in correspondence that the Government has no quarrel with those who pursue a nomadic way of life, provided they do so peacefully and without causing problems for their settled neighbours. Proposed DETR good practice guidance will stress the need for inter-agency working, both within local authorities and between authorities and other

agencies, to ensure that unauthorised camping can be dealt with effectively whilst taking account of considerations of common humanity.

Forums - The Chartered Institute of Housing (CIH) consulted the Commission for Racial Equality (CRE) when the section in their Housing Management Standards Manual on tackling racial and sexual harassment was first drafted in 1993. DoE consulted the CRE when the Council Tenant's Charter was last revised in 1995 as well as when DoE Circular 2/97 was drafted.

Groups representing Gypsy and Traveller interests are routinely consulted on policy developments affecting them (for example current DETR project to consolidate existing good practice on unauthorised camping). Four separate representative groups have met DETR Ministers in the last year to discuss their concerns.

Other Actions - DETR is a member of the Racial Incidents Standing Committee and the Racial Attacks Group. A series of reports tackling racial violence and harassment were produced in 1989 which emphasised the importance of consulting the community in developing policies to tackle racial violence and harassment. Follow up surveys on progress were published in 1994 and 1996 and reiterated good practice advice.

A high priority is also given to ensuring that tenants' groups incorporate and deliver effective policies, practices and procedures. Measures intended to prevent discrimination on the grounds of racial origin, gender, sexuality, disability or religion are included in the Right To Manage (RTM) Regulations. Only those groups which have a suitable constitution can exercise the RTM and receive S16 grant. This requirement is well policed through the RTM process by DETR's approved agencies, and, when the Tenant Management Organisation (TMO) is formally functioning, by the local authority who will have a duty to enforce equal opportunity policies. DETR's Section 16 grant programme has funded a number of tenant participation publications which include advice and good practice about equal opportunities and discrimination. In 1995 DETR funded the publication of good practice guidance "Altogether Now - involving black tenants in housing management". Funding was also given to the Federation of Black Housing Organisations. This ceased because of DETR's changed policy on the use of grant.

The Housing Corporation has a national Black and Minority Ethnic advisory group which will receive reports on the Corporation's monitoring of the impact of their policy. The Corporation has also funded various research projects and good practice guidance on race issues and their performance standards for Registered Social Landlords (RSLs) include non discriminatory allocation of housing and tackling harassment.

Local Government

Employment in local government

Specific reference was made in Jack Straw's letter to the Deputy Prime Minister of the need for information on the employment aspects of local government. In this respect the following information should be useful. A Local Government Management Board (LGMB) report published in 1997 entitled *Flexible Working - Working patterns in local authorities and the wider economy* included information taken from the 1997 Labour Force Survey on the ethnic make-up of local authority workforces. It found that 4.4% of local government employees were classified in minority ethnic groups compared to 4.6% for the broader economy; 70 % of local government

minority ethnic employees were working as non-manuals, compared to 62% for white employees: and compared with white employees, minority ethnic people in local government were under-represented in the education sectors and over-represented in social services and to a lesser extent the rest of local government.

Public Statements - In addition to the general requirements of the Race Relations Act applying to all organisations, local authorities are under a specific duty to promote good race relations. Most local authorities will therefore have adopted policies in response to this duty. The Local Government Association (LGA), for example, includes within its structure a panel for dealing with equalities policies. Many local authorities have now moved away from having a separate committee dealing with these issues, and instead aim to 'mainstream' equalities issues into the work of various other committees. Many local authorities have adopted effective policies, although, as always, there are some authorities which are less good.

Forums - Many local authorities are involved with the local network of race equality committees, organised by the CRE. The CRE reviewed this structure last year and is now applying the lessons learnt. The CRE has also drawn up with the Local Government Association (LGA) an 'Equality Standard' which includes check lists of procedures and internal standards which local authorities may choose to adopt. Roughly a third of authorities have done so. The Audit Commission has also developed performance indicators in this area.

Other actions - The Local Government Association (LGA) has subscribed to the CRE's 'leadership challenge', as have many individual local authorities. At the LGA conference in early July, there will be further promotion of the challenge, with the aim of getting more authorities to sign. Those who do sign are expected to adopt the 'Equality Standard', as a tangible sign of their commitment. This standard covers: the basic case for racial equality in local government; what local government should aim to achieve in its work to develop racial equality; what the key measures are for translating policy and procedure into progress; and finally, how this progress can be measured.

Current legislation (part II of the Local Government Act 1988) prevents local authorities from having regard to non-commercial matters in procurement and contracting, though in recognition of their particular responsibilities under the Race Relations Act, local authorities are allowed to ask contractors six specified questions on race relations. The CRE and others have long argued that this is not satisfactory. Hilary Armstrong has said that she is willing to consider amendments to Part II where there is broad agreement that any changes will improve local authority contracting and providing value for money considerations are not adversely affected. The Social Partners - the local authority, private sector and trade union coalition that is considering the case for amending Part II - have looked at equal opportunities, amongst other matters, and have consulted the CRE. The Government supported a Private Members Bill which would have given the Secretary of State the power to bring forward amendments to Part II, but the Bill was blocked and the Government is now considering other legislative opportunities. The local Government Management Board, working with the CRE, has drawn up advice for local authorities on how they can use their existing procurement practices to promote equality. The advice is published under the title 'Racial equality and council contractors'. It presents a framework for pursuing racial equality through contracts, examining key issues of organisation, the role and content of contract conditions, and the use of standards and criteria for evaluation and monitoring. Guidance is given on evaluating contractors' responses, while the implications for local authorities' internal

arrangements and for their relationships with contractors are discussed.

The Government proposes to abolish Compulsory Competitive Tendering (CCT) and replace it with a duty upon local authorities to achieve best value in provision of local services. 37 authorities have been selected to trial best value in pilot projects. Under best value local authorities will be expected to undertake fundamental service reviews, set targets for improvement in consultation with local people and consider the best ways to deliver services, including partnerships with the private sector. The Commission for Racial Equality (CRE) and others are interested in how equal opportunities can be incorporated in the Government's best value proposals. In recent correspondence with Sir Herman Ouseley, Hilary Armstrong made a number of positive statements on how best value will enable local authorities to fulfill their obligations under the Race Relations Act. Because local authorities will be required to consult with their community this will allow all sections of the community to make their views known on how local services are being delivered. Authorities' performance will be measured against indicators and targets and there may well be a place for equal opportunity indicators in this framework. DETR hope to be able to consult on proposals for the role of performance indicators in best value in the near future and have also recognised the importance of understanding the impact that best value may have on equal opportunities. Warwick Business School are studying the best value pilot authorities and are collecting data which will help with this.

Integrated transport policy

Social inclusion is one of the overarching objectives of integrated transport policy - identified in the consultation document and running through the policies which are outlined in the recently published White Paper. Transport is essential in providing access to employment, goods and services. High quality public transport that is accessible to everyone will improve quality of life. The Government has made it clear that their aim is to provide services which take full account of all sectors of society. The integrated transport White Paper sets out an agenda to achieve this. DETR has also carried out research on the fears of ethnic minorities using public transport.

Road Safety

A new research project under development is identifying innovative evaluation techniques and evaluating road safety interventions targeted at various groups of young road users including minority ethnic children. It will start in the autumn and take three years to complete.

Driving Tests

It is important that the driving theory test should only discriminate between candidates based on their knowledge and understanding of the subject matter. Arrangements can be made to meet a range of special needs. Candidates who can speak but not read English can have their test paper read to them. For candidates who do not speak or read English - test papers are available in languages recommended by the Commission for Racial Equality - Hindi, Bengali, Urdu, Gujarati, Punjabi and Chinese. There are also papers in Welsh. For Candidates who cannot read one of these languages or speak English the Driving Standards Agency (DSA) maintains a list of approved translators who can read the test to them. The interpreter must be nominated and approved by the DSA as independent and properly qualified.

Construction

The Construction Industry Council, one of the main representative bodies in the industry, recently launched an Equal opportunities Task Force. Its purpose is to continue to carry forward the

recommendations in Sir Michael Latham's 1994 report to the Government on the UK construction industry. It will be pursuing the benefits to the industry which can only be secured through a thorough commitment to equal opportunities. The Task Force aims to cover a broad range of equal opportunity issues, including gender and racial issues. Amongst the key issues identified by the Task Force is the need to transform the perceptions of construction held by those inside and outside the industry.

Health & Safety Executive

Public Statements - HSE's dealings with its many clients are covered by the due standards of service and of openness of the Citizens Charter and Open Government. These are described in simple free leaflets such as "The Health and Safety Executive and You". HSE have no overarching statement on how to meet the sensitivities of ethnic groups, but can cite a range of practical initiatives, including the translation of some guidance into minority languages, and inspection campaigns for industries with a strong ethnic component to their workforce such as the construction and the textiles industry. Careful attention is given to Sikhs in relation to the wearing of protective equipment (hard hats). A revised system for collecting information on gender, race and disability has been devised to enable HSE to monitor and track success at various points in the process. The whole exercise will be reviewed and evaluated to develop policy and practice for all future recruitment.

Forums - HSE is represented on many consultative forums. One example is the Bradford Occupational Health and Safety Forum which has identified the special needs of the Asian business community and has sought Asian representation. However HSE keep no central records of such fora (and would not wish to) so they cannot readily give a more formal account of how they address the special needs of ethnic groups through direct consultation with them. Inspectors are of course under obligation to contact representatives of the workforce during visits. No doubt many such representatives are from ethnic groups - HSE keep no records of this aspect. No formal arrangements exist for consulting ethnic groups. HSE have invited minority ethnic staff to focus groups and consultancy interviews to elicit their views and to test proposed changes in subjects such as their career progression, including staff appraisal and vacancy filling.

Other Actions - Promoting equality of opportunity and improved relations between racial groups are not really part of HSE's remit, but are of course incidental benefits from their work to consult ethnic groups and to provide key guidance in their languages. The Office for Public Management (OPM) carried out a study of the career progression of minority ethnic staff in HSE, the findings of which were presented to the HSE Board. As a result 'Ethnic Minority Issues in HSE: An Agenda for Action' was developed containing a programme of initiatives aimed at improving the recruitment and progression of minority ethnic staff and their working environment. This has included piloting the use of seminars for line managers, ethnic minority and white staff to prompt discussions and raise awareness of cross-cultural barriers to improve ways of communicating and working together. A project is also underway to re-address HSE's equal opportunities policy to reflect changes in equal opportunities law and best practice, particularly the concept of valuing everyone's individual contribution to HSE's work through 'managing diversity'. Already HSE are issuing revised guidance on reporting and dealing with sexual and racial harassment and are well advanced in a project to produce guidance for managers and staff in tackling unacceptable behaviour in the workplace.

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG



HOUSE OF LORDS,
LONDON SW1A 0PW

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31 July 1998

TOP - CA

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The Right Honourable Jack Straw MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
London
SW1H 9AT

Dear *Jack,*

**GOVERNMENT STRATEGY FOR RACE RELATIONS AND
EQUALITY OF OPPORTUNITY**

In your letter of 15 June to John Prescott, proposing a Government-wide strategy for race relations and equality of opportunity, you asked what is currently being done to promote equality of opportunity and access for ethnic groups in those areas of activity where the Government has responsibility and influence. The schedule attached to this letter sets out the position for my Department.

You also sought views on the setting of targets for recruitment, retention and promotion within the public service. I would not set specific numerical targets for judicial appointments and Silk. I hope to see a substantial increase over time in judicial appointments and promotion to Silks from the ethnic minorities, but there are major difficulties both of principle and practicality in the setting of specific targets.

Judicial appointments and Silk are made strictly on merit. I appreciate that targets are not to be regarded as quotas, but the only guarantee of achieving them would be quotas which are incompatible with a merit based system. A member of the public, dissatisfied with the quality or performance of a judge, would not be comforted to be told the judge was in post to satisfy a quota requirement. Further, to announce targets, which cannot have a rational foundation within a merit based system, would be to fashion sticks with which we could be beaten in the future.

The number of ethnic minority judges is, in part, a reflection of the number of ethnic minority practitioners with the required level of seniority. The Bar estimates that 4.4% of barristers over 15 years call are of ethnic minority origin (from an 82% response). According to Law Society statistics only 2.6% of solicitors with between 10 and 19 years post qualification experience are of ethnic

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minority origin. These figures compare to 3.3% of Assistant Recorders (who would usually be appointed after at least 15 years in the profession) who are of ethnic minority origin.

The number of ethnic minority judges is also, more specifically, a reflection of the number of ethnic minority practitioners who apply to be considered for judicial appointment and/or Silk. It is here that I have taken active steps to encourage applications from ethnic minority and women lawyers and to attack the culture of reticence among those groups. In a recent speech I said "...the pool of talent is growing larger. However, that by itself will not increase the number of black lawyers achieving judicial appointment. That outcome can only be achieved if black lawyers take an active role in applying for appointment... Don't be shy, apply". I hope that in time this message, and other initiatives, will bear fruit.

I was pleased that in this year's Silk competition of the 511 applicants, 18 - about 3.5% - were from ethnic minority groups. This reversed the trend of earlier years when the proportion of applicants for Silk drawn from the ethnic minorities had been falling. Of the 18 that applied this year, four were awarded Silk and their success rate was significantly higher than that of white applicants. There was also good news for women lawyers. Of the 46 women who applied for Silk this year, 10 (22%) were successful. This is the highest number ever. I have told ethnic minority and women lawyers that they should find this encouraging because their success was due to merit. I have urged practitioners to have confidence and apply, not only for Silk, but for judicial appointment. At the same time I have made it clear that competition for appointment is intense and that appointments are on merit. My clear impression from all those ethnic minority and women lawyers that I speak to is that they do not seek positive discrimination. I am satisfied that targets would undermine, not benefit, my actions on equality of opportunity.

The picture for the appointment of lay magistrates is more encouraging. In both 1996 and 1997 6.5% of those appointed were from an ethnic minority. A survey of serving lay magistrates this year showed that 4.1% classed themselves as belonging to an ethnic minority (94% of magistrates responded).

When it comes to considering the setting of targets for non-judicial public appointments presumably you have in mind an overall target for Whitehall. While departments will have their own plans for increasing the percentage of their appointments held by members of the ethnic minorities, it has not been the practice to make any goals public or to give figures for the current position in individual departments. When, last November, Keith Vaz asked Ministers across Whitehall what percentage of the appointments they had made had been of members of the ethnic minorities, David Clark provided the information for all departments in an aggregated form, leaving individual Ministers to answer that "the information about ethnic origin cannot be provided since to do so would risk identifying individuals without their consent".

The progress of staff of ethnic minority origin in LCD headquarters and associated offices is monitored and published to all staff in an annual report. Our overall record is good: at 30 June 1998 14.85% of staff were of black or asian origin. The distribution of these staff is uneven, and I would prefer to see more at a senior level. My officials will be addressing this in the coming year.

You asked if I could provide a picture on ethnic equality of opportunity in the legal profession. In 1995 and 1996 respectively the Law Society and the Bar Council adopted equality codes. These codes were approved by the then Lord Chancellor (in accordance with the provisions of the Courts

and Legal Services Act 1990). I have urged the Bar Council and the Law Society to improve their monitoring of the impact of the equality codes and to identify the priorities for action. There is a link with judicial appointments and Silk as ethnic minority practitioners must be given equality of opportunity within the profession in order to ensure that they all are given a fair chance to gain the experience and expertise to demonstrate that they meet the criteria for judicial appointment or Silk.

Since 1993 the Bar has monitored the ethnic origin of those called to the Bar. It currently estimates that 13% of pupils and squatters are of ethnic minority origin, and 8% of barristers in independent practice. This compares with figures of 12% and 6% respectively, from an independent survey in 1988. According to the Law Society Statistical Report 1997 there were then 3,206 ethnic minority solicitors with a practising certificate (i.e. 4.5% out of a total of 71,637). The vast majority of solicitors from ethnic minority groups had less than 10 years post qualifying experience. Of trainee solicitors registered in 1996-7, 12.5% were of ethnic minority origin.

I should be grateful if further Ministerial correspondence on this subject could be addressed to me. The contact at official level will be Richard White (0171 210 1414).

I am copying this letter to all Cabinet Colleagues, David Miliband at No 10 and to Sir Richard Wilson.

Yours *ever,*
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Public statements and the arrangements for monitoring performance in the delivery of such statements, and other actions taken which have a direct impact on improving relations between racial groups and promoting equality of opportunity

The Court Service:

- will issue the revised Charter for Court Users, in September, which will state that the purpose of the Court Service is 'to promote the impartial and efficient operation of the courts';
- conducts local surveys, in each court, at least once every two years and if the surveys show that court users are not obtaining fair and equal treatment then local managers will take action to remedy this. In addition, the Court Service customer services unit analyses complaints in order to identify any particular difficulties;
- has issued a policy statement on the provision of signposting in ethnic minority languages. Court Managers are responsible for establishing the needs of the local community and guidance on implementing the policy was issued in 1997;
- will publish leaflets, this month, about the small claims procedure in 7 minority languages, ie Gujarati, Punjabi, Hindu, Chinese, Arabic, Urdu and Bengali;
- will provide holy book covers to comply with advice from the Equal Treatment Advisory Committee at the Judicial Studies Board, on the handling of holy books in court.

Magistrates' courts:

- the Department is preparing a model draft charter to enable those magistrates' courts that do not have a charter to prepare one. The draft charter recommends that "all court users will be treated with respect and in a courteous manner by all court staff irrespective of ethnic origin, sex, age, disability or religious conviction";
- a 'Handbook on Ethnic Minority Issues', originally produced by the Judicial Studies Board for members of the judiciary, will be distributed to each magistrates' court over the next few months, with the agreement of the Magistrates' Association, the Justices' Clerks' Society and the Chief Metropolitan Stipendiary Magistrate. The Justices' Clerks' Society issued a handbook called "Black People in Magistrates' Courts" to all magistrates and magistrates' courts staff, setting out guidance on good practice in providing services to people from ethnic minorities. Magistrates' courts' staff training officers have also worked with NACRO to identify where training initiatives might be helpful;
- a study was carried out at Leicester Magistrates' Court in 1995 to establish the feasibility of procedures for ethnic monitoring which could be applied across the country; and to allow specific monitoring of ethnicity for bail and sentencing decisions. The study, published in December 1997, revealed problems with the capture of data. These difficulties are being explored by the Home Office. Lessons learned will feed into the design of new information technology systems for the magistrates' courts;

- there has been local training to provide staff with a better understanding of the needs of court users from ethnic minorities. For example an event known as "the Peopling of London" was arranged for the Outer London courts and cascaded to all 600 staff and magistrates in the region in the autumn of 1996;
- My junior Minister will launch a guide promoting good employment practices and policies in magistrates' courts at the Conference of the Central Council of Magistrates' Courts' Committees in November. HM Magistrates' Courts Service Inspectorate will look for policies and monitoring provisions.

Judicial Studies Board. The Board has an Equal Treatment Advisory Committee, which includes a number of ethnic minority representatives. The committee's principal term of reference is to advise the Judicial Studies Board "to ensure that all who appear before the courts and tribunals are treated on a basis of equality". This formulation is intended to cover all groups who might be disadvantaged before the courts and obviously includes ethnic minorities. There have been sessions on ethnic minority and equal treatment issues at JSB seminars since 1992. Between 1994 and 1996 the JSB organised a programme of 24 hour seminars on ethnic minority issues for all members of the circuit judiciary, District Judges and Stipendiary Magistrates.

LCD as employer.

- has a *programme of action*, reviewed annually, to achieve equality of opportunity for staff of ethnic minority origin. We sponsor students each year under the Windsor Fellowship Scheme and provide mentors for the National Mentoring Consortium. My Permanent Secretary has signed up for the Commission for Racial Equality's Leadership Challenge and, accepting that challenge, he has personally supported ethnicity awareness workshops held recently for staff and senior managers. Officials will also be undertaking a review of Equal Opportunities, to include work on management development and mentoring, along with focus groups of ethnic minority staff to give them an opportunity to report to management on their experiences of working in the Department and to make recommendations about where policy and practice might to be improved;
- is working towards Investors in People accreditation, where staff development is a key factor. This includes a review of induction procedures, competence-based appraisal and selection systems for staff, and work on linking training and development to the business objectives and key competencies. In all of these developments, equality of opportunity has been a key objective.

Arrangements for consulting ethnic groups about policy and service developments

The Department does not have specific arrangements for consultation with ethnic minority groups about policy developments: this has been arranged ad hoc depending on any issues seen to be arising. Arrangements in relation to judicial appointments and Silk are described in the section below.

Last winter I met the 1990 Group and members of other black people's organisations to discuss their concerns about the Human Rights Bill, particularly as they affected my Department. I was

able to assure the 1990 Trust that the seminars for judges, magistrates and tribunal chairmen in preparation for implementation of the Bill would cover the cultural changes brought about by the new Act, including the implications of Article 14 of the European Convention on Human Rights in respect of discrimination.

The Court Service, as part of its review of the Courts Charter, consulted a number of organisations representing ethnic minority interests on the proposed content and format of the document. Those consulted include the Commission for Racial Equality, the Joint Council for the Welfare of Immigrants, the Refugee Legal Centre and the United Nations High Commissioner for Refugees.

Public appointments of people from ethnic minorities

Judicial appointments and Silk. I have taken steps, summarised below, to promote equality of opportunity for practitioners of ethnic minority origin. All appointments are made on merit against the published criteria for appointment.

- I have addressed ethnic minority lawyers and students directly; I gave the keynote speech at the Minority Lawyers Conference in November and spoke to law students at Guildford in May.
- I support a joint working group on equal opportunities in judicial appointments and Silk; the working group includes members of the Bar and the solicitors branch of the profession who are of ethnic minority origin. I await their report and recommendations.
- I have transferred resources within the Department so that officials may spend more time on developing equal opportunities policies in judicial appointments and Silk.
- I have written to Heads of Barristers Chambers seeking their assistance in encouraging suitably qualified ethnic minority practitioners to apply for Silk and judicial office.
- I am reviewing, for the longer term, the possibility of the appointment of an ombudsman to examine fully complaints from anyone who feels unfairly treated by the appointments process. In the meantime I have said that I am personally ready to investigate any claim of discrimination in the judicial appointments process.
- I have asked officials to develop a scheme whereby an individual can "work shadow" a judge to find out what it would be like to sit judicially and to bring forward a mentoring scheme in which more senior members of the judiciary would advise and guide their more junior colleagues.
- I have increased the upper age limit for appointment as an Assistant Recorder from 50 to 53 and will continue to apply the upper age limit flexibly. This should have the effect of opening up opportunities for more practitioners who have come to a career in the law later than is usual. This is a factor which applies to some ethnic minority practitioners.
- Officials have attended an event for ethnic minority lawyers to encourage them to apply and to provide information about the appointments that are available and how the selection process works.

In terms of securing more appointments, I was able to appoint more ethnic minority applicants to Silk this year. (Four candidates of ethnic minority origin were awarded Silk, as against one in each of the previous six years). The number of judges (in the main categories) of ethnic minority origin (where ethnic origin is recorded) has increased since 1 May 1997. My hope is that the policies I am promoting will lead to a greater number of applications for judicial appointment and Silk from practitioners of ethnic minority origin, and that this in turn will result in a greater number of appointments. Trends will have to be measured over years, rather than months, given the relatively small number of ethnic minority lawyers currently in the field of eligibility for appointment.

Non-judicial public appointments. The percentage of non-judicial public appointments to my non-Departmental public bodies held by members of ethnic minorities has increased slightly from 2.1% in September 1996 to 2.4% in September 1997. I assume that if such statistics are to be made public they will be in an aggregated form as is customary and that your officials will contact OPS who hold the figures centrally.

July 1998



Foreign &
Commonwealth
Office

London SW1A 2AH

Sir John Kerr KCMG

The Permanent Under Secretary of State

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29 July 1998

David Omand Esq
Permanent Under Secretary of State
Home Office
50 Queen Anne's Gate
London SW1H 9AT

Dear David,

Thank you for sending me a copy of your letter of 15 July to Richard Wilson about Race Relations initiatives.

I was interested to hear about the establishment of the Race Relations Forum. We envisage establishing similar, but smaller, groups to maintain regular contact with representatives of particular minority ethnic groups; and have already established a Caribbean Advisory Group, to provide an independent source of advice and ideas, from the viewpoint of the UK Afro-Caribbean community, on relations with the Caribbean and issues affecting the region. So I look forward to hearing about the Forum's programme of future work. There may be a case for it looking, from time to time, at a foreign policy-related issue.

Scott Wightman, Assistant Director responsible for Personnel Policy (238 4402) will be our lead official on Carolyn Sinclair's inter-departmental group. He will be happy to report on the success of Linbert Spencer's work for us, as Whitehall's first Minority Ethnic Liaison Officer, and progress on his plan "Bridges Into The Future", as described in my Secretary of State's minute of 1 July to yours.

I am sending copies of this letter to Richard Wilson, Moira Wallace and Liz Lloyd.

Yours sincerely,
John Kerr
John Kerr

29/07/98

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Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Jack Straw MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
London
SW1H 9AT

28 July 1998

Dear Jack,

**GOVERNMENT STRATEGY FOR RACE RELATIONS AND EQUALITY
OF OPPORTUNITY**

Thank you for copying to me your letter of 15 June to John Prescott.

2. I strongly support your initiative to develop a more coordinated Government-wide approach to race relations and equality of opportunity for members of ethnic minorities.

3. My officials are arranging for Inland Revenue and Customs and Excise officials to provide a contribution in respect of these two departments. In general, the Treasury have no direct role in consulting particular groups over the development of policy. We would look to the relevant Departments to undertake such consultations, along with other impact analyses, when developing policy proposals. However, we fully support measures which lead to better coordination

RLR



in Government, and better measurement of success in implementing policy and improvements in service delivery. I agree that it will be very helpful to pull together a composite picture of what we are doing on equality of opportunity, to help us identify what more could be done.

4. The Treasury, like all other departments, is subject to the requirement to recruit on the basis of merit under terms of fair and open competition. We are doing very little permanent recruitment at the moment, other than in the fast stream entry. If we are able to recruit in any great number in the future, we will need to consider our strategy with a view to increasing the numbers of under represented groups, wherever possible. On retention and progression, we regularly monitor the performance and progression of Treasury staff with the aim of identifying any bias. Unfortunately, since the numbers of ethnic staff in the Treasury are quite small, it can be difficult to draw meaningful comparisons or conclusions from statistical analyses.

5. In respect of public appointments, we undertake annual statistical analyses (as well as those required for reporting to OPS and the Commissioner for Public Appointments) of all the appointments made, recommended or approved by Treasury Ministers. At present, more than 4.5% of such appointments are held by appointees who have declared themselves as being from an ethnic minority. Although this compares well with the numbers of ethnic minorities in the economically active population, the appointees are concentrated in just 20% of the bodies to which Ministers make or approve appointments. We have set an ambitious target that each of the Chancellor's Department's public bodies should aim to include at least one appointee from a member of the ethnic minorities by 2003, and that ethnic minorities should account for a minimum of 4% of appointments to larger



bodies. We will monitor progress towards these targets annually.

6. The Economic Secretary to the Treasury would be happy to act as the Treasury Ministerial contact for the work you are planning. Peter Brook, Head of the Treasury's Home and Legal Team will be the relevant official.

7. A copy of this letter goes to all Cabinet colleagues, David Miliband at No 10 and Sir Richard Wilson.

Yours,

Stephen

STEPHEN BYERS

DEPARTMENT OF SOCIAL SECURITY

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From the Secretary of State for Social Security

The Rt Hon Jack Straw MP
Home Secretary
Room 754
Queen Anne's Gate
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27 July 1998 ✓ EA/PS

Dear Jack,

**GOVERNMENT STRATEGY FOR RACE RELATIONS AND
EQUALITY OF OPPORTUNITY**

Thank you for sending me a copy of your recent letter to John Prescott. I am delighted to have the opportunity to add support to a more co-ordinated Government-wide approach to equality of opportunity for people from ethnic minorities. As you know my Department is very interested to take forward any developments which will reflect our commitment to a multi racial and multi cultural society. Indeed I was pleased to see you refer to the DSS Bursary Scheme "Realising Potential".

You ask for information about what we are currently doing to promote equality of opportunity and access for ethnic groups in areas of activity where we have some responsibility and influence. A wide range of activities already take place across my Department, in HQ and all our Agencies - Benefits Agency, Child Support Agency, Information Technology Services Agency, Contributions Agency and War Pensions Agency. And we have other plans too.

In terms of public statements about service delivery provision the Benefits Agency issues to staff a service delivery guide to ethnic minority customers. They are also planning a survey for ethnic monitoring of their customers in order to properly assess the quality of service provided to ethnic minority groups. Almost all our public information is available in a range of languages through a variety of mediums such as leaflets, audio tapes, software packages and interpreter services. And there are a number of local community links across the country which seek to ensure that services are accessible and effectively targeted.



CELEBRATING THE PAST
LOOKING TO THE FUTURE



Recycled Paper

PA 277

E.R.

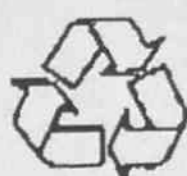
We consult with ethnic groups in a number of ways. DSS policies on pensions and womens issues for example, have specifically looked at ethnic issues in terms of policy development, including using the ethnic minority press to publicize the Pensions Review. The Women's Unit has identified as a particular need the "double disadvantage" of ethnic minority women. It is one of their goals to seek ways of better addressing the needs and aspirations of these women. Through their work on the Sex Discrimination legislation the Womens Unit are keen to emphasise the links with the current review of the Race Relations Act. They are also encouraging active dialogue throughout the process of the review of both the Race Relations Act and the Sex Discrimination and Equal Pay Acts. As part of this dialogue Joan Ruddock and I have met many ethnic minority groups. In addition two member organisations of the Womens National Commission are ethnic minority organisations. (The WNC is a formal advisory and consultative body.)

Turning to our own staff we have a number of ethnic minority focus groups which look at issues which affect the workplace and make recommendations for improvement. The Contributions Agency Multi Advisory Group is one of five within the Agency and they look at issues facing both ethnic minority staff and customers. The Benefits Agency has, following the publication of the Double Disadvantage Report, recommended the setting up of local and Area forums aimed specifically at staff who are women from ethnic minorities. The Benefits Agency have also signed up to Race for Opportunity, which will make available to managers regionally the expertise and networking opportunities within the initiative.

Other actions to improve relations between racial groups and promoting racial equality of opportunity include (as you mentioned) the launch of "Realising Potential" a Departmental development programme for ethnic minority staff which is a positive action initiative. All business units are signed up to the programme and are contributing resources to cover the bursaries. The setting up of the Realising Potential programme demonstrates the commitment at Permanent Secretary level, following Ann Bowtell signing up to the Commission of Racial Equality "Leadership Challenge" initiative. Peter Mathison (the Benefits Agency Chief Executive) is also signed up to the Challenge and he has stressed to all staff and managers the importance of equality training. Both Ann and Peter are thinking about other ways that they can demonstrate their personal commitment, too.

Meanwhile the Department also sponsors the Windsor Fellowship scheme which is a positive action initiative to help ethnic minority under graduates compete successfully in the labour market. We currently sponsor four Windsor Fellows per year on a two year programme. Across the Department we have a range of equality training with some of the focus on cultural awareness. There has also been some research into appraisal markings which has resulted in training for managers who manage culturally diverse teams.

So far as our public bodies are concerned, we have recently published targets for increased representation in the numbers of people from ethnic minorities as well as for women. The Department currently has 6.5% ethnic minority representation and our target is to increase this figure to 7.5% by 2001. To achieve this target we will be more proactive in targeting people from ethnic minorities for appointments and will publicise our successes so that we can be seen to really mean what we say.



E. R.

We are planning a number of initiatives to support this objective. They include:

- * wider publication of available appointments in specific ethnic minority media
- * more regular monitoring of ethnic minority representation
- * developing network and contact lists to include ethnic minority professional associations
- * reviewing selection criteria, wording of advertisements and literature to ensure there is no narrow focus, discrimination or outdated skills

You asked for our view on targets in relation to recruitment, retention and promotion of staff. Targets can be very positive in focusing attention on actions that need to be taken to achieve them and in principle I favour using them. But there are issues to consider in setting targets. For example targets would need to take account of current reduced levels of recruitment and promotion; and that the distribution of ethnic minority groups varies across the country.

I hope you find this information helpful. You asked for a Ministerial and senior official contact here in order for you to take this work forward. Keith Bradley will be the Ministerial contact. Nicola Bastin, joint head of Personnel and Departmental Equal Opportunities Officer will be our senior official contact.

A copy of this letter goes to all Cabinet Colleagues, David Millband at No 10 and Sir Richard Wilson.

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Harman*

HARRIET HARMAN





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The Rt Hon DAVID BLUNKETT MP

cc Liz Lloyd
Ann Ward

Do we have any
thoughts on X?

CH

The Rt Hon Jack Straw MP
Home Secretary
Queen Anne's Gate
LONDON SW1H 9AT

22 July 1998

Dear Jack,

**THE FUNDING OF ADDITIONAL SUPPORT FOR DISADVANTAGED MEMBERS OF
ETHNIC MINORITIES ; AND SECTION 11 GRANT**

Thank you for your letter of 22 June about the next steps in making financial provision to help members of ethnic minorities who face disadvantage as a result of language or culture.

I confirm that, in principle, I am content with the main findings of the report and with the proposal that responsibility for the education element of Section 11 grant in England should be transferred to my Department. I believe this will be an important step in ensuring that the education service fully meets the needs of ethnic minority pupils.

Our offices have been in touch about the arrangements for announcing these changes. As you know, I decided not to include this in my own statement on 15 July, because I did not want it to be overshadowed by the other outcomes of the Comprehensive Spending Review. I am grateful to you for similarly refraining from including it in your 21 July statement. Since the future of Section 11 will be a significant announcement, it is worth careful planning to ensure this is a good news story - which I believe it is. The news that your Department will also undertake its own initiatives to tackle disadvantage more generally among ethnic minority communities will help to reinforce that message. I suggest that these two strands be announced together at a time for maximum impact in the early autumn, perhaps in conjunction with other social exclusion measures. I am happy for my officials to liaise with yours and John Prescott's over the handling and presentation of the announcement.

[Handwritten mark]

I am copying this letter, as you did yours, to the Prime Minister, John Prescott, Alistair Darling, Frank Dobson, Ron Davies and Donald Dewar, and to Sir Richard Wilson.

Best wishes

David Blunkett

DAVID BLUNKETT

FROM THE DEPUTY PRIME MINISTER

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OUR REF: PT/PSO/12312/98

The Rt Hon Jack Straw MP
Home Office
Queen Anne's Gate
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17 JUL 1998

**FUNDING OF ADDITIONAL SUPPORT FOR DISADVANTAGED MEMBERS OF
ETHNIC MINORITIES AND SECTION 11 GRANT**

Thank you for copying to me your letter of 22 June to David Blunkett, in which you sought agreement to move forward on the basis of the conclusions of the study report attached to your letter.

I am content with what you propose, on the basis that the CSR has now settled the financial arrangements.

I note that you have asked your, and David's, officials to work together in producing further advice on handling and presentation. Given my over-arching responsibility for local government finance, I would be grateful if my Department could be kept informed.

/ I am copying this letter to recipients of yours.

JOHN PRESCOTT



file

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The Rt Hon Jack Straw MP
 Home Secretary
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The Rt Hon DAVID BLUNKETT MP

July 1998

Dear Jack,

GOVERNMENT STRATEGY FOR RACE RELATIONS AND EQUALITY OF OPPORTUNITY

Thank you for copying me your recent letter to John Prescott about the need to develop a more co-ordinated Government-wide approach to race relations and equality of opportunity for people from ethnic minorities.

I warmly endorse your initiative. The Government must set out a vision of a decent society, where equality of opportunity exists for all irrespective of race or ethnic origin. I look forward to playing a full part in the development of a coherent race relations strategy which needs, of course, to take into account the wider Government interest in equality for which I have a major responsibility.

Together with my Ministerial team, we have made a public commitment to make race equality integral to all DfEE policies and programmes. This commitment also extends to membership of Race for Opportunity and visible support for the CRE's Leadership Challenge. Leadership from the top is vital to the Government's race strategy.

I am determined to improve the quality and impact of our services delivered to ethnic minority clients. To ensure that this commitment is translated into action we have developed a Race Equality Strategy, which provides a framework for action across the whole Department. It demands a vigorous approach to mainstreaming race across the whole range of our policies and programmes and has at its heart involvement of and consultation with ethnic minority communities, and monitoring and evaluation of progress. The way we built equality into the development of our New Deal for Young People, as detailed in the annex, exemplifies our commitment.

Mainstreaming has been established for some time in DfEE, requiring Directorates to report progress and plans which are reviewed annually. Michael Bichard has commissioned a review

DfEE

of what more might be done to embed mainstreaming in the Department and the Board will shortly be considering its recommendations.

We are currently looking at taking forward the CRE's recommendations on amending the Race Relations Act. As you know, I have a keen interest in the way forward here, given my responsibilities on the employment and education provisions of that Act as well as for the whole of the Sex Discrimination Act and for disability rights legislation. Our Departments will need to stay in close touch as the respective reviews of these important statutes proceed over the coming months.

You specifically asked for views on the setting of targets for recruitment, retention, and promotion within the public service. As a Department we have set benchmarks for 2000 and 2006 which show what the expected distribution of ethnic minority staff across the organisation should be if there were no discrimination.

To assist us in delivering equality of opportunity to all our staff we have recently appointed Bernadette Hillon, formerly with USDAW, as Senior Equal Opportunities Adviser. Bernadette's role will include working with Directorates and Divisions to develop action plans and review progress at mid and end year review.

My Department has made some good progress, set out more fully in the annex. We are determined to build on this.

A copy of this letter goes to Cabinet colleagues, David Milliband and Sir Richard Wilson.

Best wishes



DAVID BLUNKETT

ANNEX

**GOVERNMENT STRATEGY FOR RACE RELATIONS AND EQUALITY OF OPPORTUNITY-
DFEE ACTION**Race Equality Strategy

1. In January 1997 the DfEE Board approved the establishment of a Race Strategy Group to oversee the development of an overall Departmental race equality strategy. The Board also agreed that race equality should be "mainstreamed" into Directorate and ES Business Plans for 1997/98 and beyond, at the formulation and end-year review stages.

2. The work of the Race Strategy Group has developed and strengthened thinking on mainstreaming and race and resulted in a statement of DfEE's Race Equality Strategy, agreed by the Board and Ministers in Autumn 1997. The Strategy's overarching aim is:

"In all its policies, programmes and spheres of influence the Department will actively promote equality between all ethnic and racial groups and to this end seek to achieve year on year measurable progress".

3. In practice this means that the Department will:

- take steps to address barriers faced by ethnic minorities in education and in the labour market and to evaluate regularly the effectiveness of those steps;
- employ the most effective levers in influencing intermediary bodies to promote racial equality in the implementation and delivery of policies and programmes;
- set out in operating plans the actions it will take in meeting the needs of ethnic minorities;
- involve ethnic minorities in internal and external consultations and in the development and review of policies and programmes.

4. The Race Strategy Group continues to operate as an important network of expertise from across the Department, sharing and developing thinking and practical guidance in areas such as which ethnic minority organisations to consult and key points to consider on target setting. They have also contributed to a current review of what might be done to reinforce efforts across the Department on mainstreaming, whose recommendations the DfEE Board will shortly consider.

New Deal

5. The principles of the Race Equality Strategy were exemplified in the approach to the design and implementation of New Deal. This entailed actively promoting equality of opportunity for all ethnic and racial groups; involving ethnic minority organisations in local New Deal partnerships, and ensuring that they are consulted on implementation and development of the programme; and, the introduction of ethnic monitoring for all new claimants of Jobseeker's Allowance to enable the Employment Service and New Deal partnerships to identify barriers to equal opportunity and assess racial equality outcomes. Specific action included:

- joint meetings between officials from DfEE and the Employment Service and officials from the Commission for Racial Equality to ensure representatives of ethnic minority organisations were involved at local and national level. This included consultation on the introduction of ethnic monitoring for all Job Seekers Allowance claimants and New Deal participants from April 1998;
- a clear requirement in the New Deal Design Document that ethnic minority organisations should be involved in the design and delivery of New Deal where appropriate. Good practice in local partnerships included involving Racial Equality Councils in strategic planning.
- establishment of an Ethnic Minority Business Advisory Group to help ensure that ethnic minority employers are fully engaged with New Deal, and that majority employers contribute to the support of ethnic minority participants to New Deal.
- current consultation on a draft ethnic minority strategy document, designed to ensure all young unemployed people benefit. It includes hard impact measures against each aim of the strategy to help local partners to ensure that the needs of young people, employers and providers from ethnic minority groups are met.

Race Employment and Education Forum (REEF)

6. Minister's are establishing a new race advisory body, the Race, Employment and Education Forum (REEF), chaired by Alan Howarth, to replace the former Race Relations Employment Advisory Group.
7. Its remit is: "To consider and advise on matters relating to the progress of ethnic minorities in the labour market, including the interface between employment and education and training". This new Forum will incorporate Further and Higher Education issues but Estelle Morris chairs a separate advisory group on ethnic minority achievement in schools (see para 16 below).
8. Membership will be drawn from representatives of industry, education, trade unions, the CRE and voluntary bodies. The first meeting will take place in the Autumn.

Schools: ethnic minority pupils

9. The Education White Paper, "Excellence in schools" included a specific section on ethnic minority pupils. This recognised that some are particularly at risk of under-achievement. While the achievements of some ethnic groups are exceptional, others are under-performing, and there is an unacceptable and growing gap in performance. The White Paper:

- recognised that targeted action is required to break the cycle of disadvantage and create genuinely equal opportunities for all, and therefore committed the Government to take specific action in various areas.

- announced the Government's intention to use the Advisory Group on Raising Ethnic Minority Pupil Achievement, to help forge a new partnership at national and local levels under the chairmanship of Estelle Morris. Four sub-groups of the Advisory Group have been established, on resources, social exclusion, standards, and teacher training: these will bring expert outside advice to help policy development, implementation and monitoring in these fields.

- made clear the Government's commitment to the principle of the widest possible public consultation. As part of that process, the Department's Schools Communications Unit maintains a central list of consultation groups which policy teams can choose to include, as appropriate, in any school focused consultation exercise. This list contains a range of leading ethnic minority bodies. Ministers and officials have also met with a range of organisations, and individuals linked to, or representing, the views and concerns of ethnic minorities.

10. Action that the Department has taken which has had a direct impact on improving relations between racial groups and promoting racial equality of opportunity in relation to schools, includes:

- commissioning of a qualitative research project, undertaken by the Open University, to look at the teaching and learning strategies in successful multi-ethnic schools which will highlight a range of important issues in relation to good practice in these schools;

- taking forward the recommendations contained in the recent Social Exclusion Unit report, "Truancy and School Exclusion" in relation to action to address the disproportionate exclusion of African-Caribbean pupils, and the need to promote community mentoring in ethnic minority communities;

- in collaboration with the Bangladesh High Commissioner, a leaflet and audio cassette, aimed primarily at Bangladeshi parents about the adverse effect on their children's education of extended absences from school, designed to discourage visits abroad in term-time.

11. More generally, we can also point to other policies contained in the Education White Paper, which we believe will be of particular benefit to ethnic minority pupils, alongside other children. For example, implementation of new national literacy and numeracy strategies; the requirement for LEAs to produce Education Development Plans (EDPs) which will require the approval of the Secretary of State, and the adequacy of proposals to raise the performance of underachieving groups will be a significant factor in considering submitted EDPs; and the development of Behaviour Support Plans to support pupils with behavioural problems, and those excluded from school.

12. Taken together, these measures, linked with the work of the Advisory Group, will we believe over time impact upon the education of ethnic minority pupils, and thereby affect relations with, and between, racial groups and help to promote racial equality of opportunity and support the Government's overall aim of raising standards and achievements for all.

Further Education

13. Participation in general in FE among ethnic minorities is good but achievement is more variable. A range of current action will support improvement.

14. The Government has endorsed the vision of the Kennedy Report (which the Government set out in "*Further Education for the New Millennium*") which is to engage and draw back into learning those who have traditionally not taken advantage of educational opportunities, in particular, those with no or inadequate qualifications.

15. The Secretary of State has allocated some £100 million of additional funding for FE for the forthcoming academic year. This will provide for up to 80,000 extra students in FE, with the great majority to be drawn from the educationally disadvantaged population. The Further Education Funding Council (FEFC) is committed to equality of opportunity for all students in

FE. For 1998/99, the FEFC is using a funding model based on "postcoding" to ensure that students from the disadvantaged population are targeted for inclusion and the Council will be considering the use of prior educational attainment as a future measure.

16. The FEFC's funding methodology also helps students who are undertaking a course for English for Speakers of Other Languages.

17. Ministers are concerned about improving the quality of provision in further education. "The Learning Age", the Government's consultation paper on lifelong learning, sets out plans for a rigorous approach to standards in FE, with systematic annual target setting for both retention and achievement, along with the publication of results. Various departmental groups have been established to look at FE quality issues across the board including retention and achievement rates. We have specifically asked FEFC to consider guidance on target setting in relation to underperformance by certain ethnic minority groups (eg, Afro-Caribbean males) where this is relevant.

Higher Education

18. Ethnic minorities are in general well represented in HE at undergraduate level despite having lower average entry qualifications. African Caribbean men are slightly under-represented in the 18-21 age group, but this is offset by better representation among mature students. Pakistani and Bangladeshi women are still under-represented but there has been rapid improvement recently. DfEE will be monitoring closely the effect of the new student support arrangements on participation by different social and ethnic groups.

19. There remain important disparities in entry to HE, particularly between different socio-economic groups. Ensuring wider participation in HE is a key policy aim of DfEE. The Department has asked the Higher Education Funding Council for England to take account of institutions' access strategies when providing resources for extra places. HEFCE has also allocated £2 million for the next academic year to support projects aimed at raising aspirations and widening participation by under-represented groups. DfEE and HEFCE will be considering further measures.

20. The Commission on University Career Opportunities, a non-Government body, helps HE institutions on a range of issues, including advice on provision for people from ethnic minorities.

Employment Service (ES)

21. The key principles of the Race Equality Strategy are being built strongly into ES programmes most notably via the introduction of ethnic monitoring of all Job Seekers Allowance claimants and ES's front line role in the New Deal programme, described fully in para 5 above. Ethnic monitoring has been developed in collaboration with ethnic minority stakeholders nationally and particularly the Commission for Racial Equality. Looking more broadly, the developing ethnic monitoring strategy is intended to build in mainstreaming into ES programmes and will indicate the levels of participation in such programmes by jobseekers from different ethnic groups. If disparity from the general norm is highlighted, then local remedial action can be taken where necessary.

TEC Equal Opportunities Strategy

22. The Department has put in place an equal opportunities policy for Training and

Enterprise Councils. As a condition of their licence to operate, all TECs must have a strategy to address equal opportunities in terms of access to, treatment on, and outcomes from, all their activities. Last year TECs were required to update their strategies to reflect a new equal opportunities framework, guided by a national minimum standard outlining the Department's expectations of TECs' strategies. Both have been developed in consultation with CRE, among others. The CRE also forms part of the Equal Opportunities Advisory Committee of the TEC National Council. This group meets quarterly to work on TEC equal opportunities policy. Recently, a TEC evaluation strategy has been devised and put in place recently which the Department believe will raise TEC performance and increase the profile of mainstreaming.

23. Each TEC's annual business plan must include targets for participation and outcomes by people from ethnic minorities in youth and adult programmes, wherever there is a gap. Among the full range of targets, a number are designated Minimum Performance Levels - three for youth programmes and four for adult programmes - and one each of these must be for equal opportunities. In agreeing these MPLs it is expected that TECs will focus upon outcome rates. If appropriate targets or MPLs can be set for more specifically-defined groups, such as Afro-Caribbean young men. Failure to meet agreed MPLs results in a TEC losing flexibilities to switch between funding lines until objectives are met. Where a TEC fails significantly to deliver performance targets Government Offices (GOs) have discretion to withhold up to 10% of money due and refuse access to the TEC Discretionary Fund.

24. The Department sponsored an award at the British Diversity Awards last year. The aim of the award was to promote innovation in equality of opportunity in training and employment. The event was organised by New Impact Journal, a high quality, well connected journal which promotes diversity in training and enterprise.

Promoting equal opportunities externally

25. Race for the Future is a new DfEE initiative promoting the message to employers that racial diversity in the workforce is essential for good business practice and that, in today's Britain, ethnic minority people play an increasingly important role in helping businesses compete and prosper. Working in partnership with others, such as the Commission for Racial Equality and Race for Opportunity, Ministers have led a series of conferences aimed at local business leaders. Other events during coming months will be aimed at specific business sectors.

Non-Departmental Public Bodies (NDPBs)

26. DfEE has agreed a challenging action plan with the Public Appointments Unit (PAU) and the Women's Unit, to increase the levels of membership on Executive NDPBs for women and members of ethnic minorities by the year 2001. The main targets for the inclusion of members of ethnic minorities is that all Boards should have a minimum of one representative from an ethnic minority group (but aim for two).

27. Similar targets have been set for Advisory Bodies and Tribunals where the Department will attempt to raise the proportion of appointments from ethnic minorities to 4%.

28. DfEE is taking several positive practical steps to increase the numbers of applications received from members of ethnic minorities. Steps taken so far include:

- * encouraging members of ethnic minorities to put their names forward for inclusion on the DfEE list of potential candidates, and aims to increase the representation of ethnic

minorities on the list from 9% to 15% by 2001;

- * seeking applications from as wide an audience as possible; advertising appointments in the national and ethnic press which specifically welcome applications from ethnic minorities; approaching the PAU for potential candidates;
- * ensuring that each public appointment process includes an element of independent scrutiny, as recommended by the Office for the Commissioner of Public Appointments (OCPA).

DfEE as employer

29. DfEE has been a member of Race for Opportunity, the Business in the Community campaign, since February 1997. As part of its commitment to RfO membership, DfEE has undertaken a variety of initiatives in striving for continuous improvements in its position as an employer of ethnic minority staff:

- the Department established an Ethnic Minority Advisory Group in 1996. This Group is comprised of staff from different ethnic minorities, all grades and sites in the Department. The Group acts as a forum for discussion of any issue concerning ethnic minority staff and to investigate best practice in other organisations. The Group has a sponsoring DfEE board member who reports directly to the Board Sub-Group for Equal Opportunities on issues which the Group agree should be raised at this level. The Group provide a focus for all the ethnic staff networking groups in DfEE and they are also consulted on HR policy development within DfEE.

- holding annual equal opportunities conferences. The second held on 23 September 1997 was attended by 125 delegates comprising representatives from Directorates, the Department's advisory groups, the TUS, Board members and the Employment Service, chaired by Cecilia Wells, an Equal Opportunities Commissioner. The main objectives were:

- to consider what is meant by diversity, the implications of managing diversity and how it complements equal opportunities;
- to provide an opportunity for line managers to look at managing a diverse workforce; for staff to review their rights and responsibilities under the equal opportunities strategy; and to consider the context in which equality of opportunity operates in the Department;
- to identify action which can be taken by Directorates and Divisions to manage diversity and implement the equal opportunities strategy.

- a personal development programme, Equal Chance, for ethnic minority staff in DfEE including the Employment Service. It was launched following the successful pilot project Career Forward (1995) with 27 participants who started a year long programme in April 1997. The first programme is now reaching its conclusion and we are about to begin recruiting for a second intake in July 1998. The DfEE Board identified as a priority the need to ensure that people from ethnic minorities have the same opportunities to develop as everyone else. Equal Chance is part of the Department's Equal Opportunities Strategy which works towards this goal, and is offered under the positive action provisions of the Race Relations Act 1976. At present, ethnic minority staff are under-represented at all grades above EO across the Department. Participants are encouraged to set and implement an action plan over a 12 month period. The programme offers support for a wide range of training and development activities, such as

identifying individual development needs and exploring the opportunities available, tailored training and development, attachments within the organisation and external education.

30. Benchmarks for 2000 and 2006 have been set for ethnic minority staff within our organisation. These show what the expected distribution of ethnic minority staff across the organisation should be if there were no discrimination. Benchmarks are one way of assessing whether in practice there is equality of opportunity for ethnic minority staff.

31. A problem that was identified with setting the Benchmarks in DfEE was that the low base and limited opportunities for recruitment and promotion meant that the Benchmarks for 2000 and 2006 do not show a significant increase.

32. A mentoring programme for ethnic minority staff was launched in 1997 to help towards improving the personal development of ethnic minority staff. The aim of the scheme is to provide ethnic minority staff with a mentor outside of their line management reporting chain.

33. The Department is using innovative forms of training, including theatre workshops, to provide opportunities for discussion of issues of concern to ethnic minority staff and for all participants to examine their own behaviour.

34. The Department continues to support the Windsor Fellowship and the National Mentoring Consortium by providing work placements and mentors for participants on the various programmes.

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D.Graham 10/7/98

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Oddi wrth yr Is-Ysgrifennydd Seneddol

Peter Hain MP

From The Parliamentary Under-Secretary

Our ref: CT/98-11737

16 July 1998

Dear Jack,

THE FUNDING OF ADDITIONAL SUPPORT FOR DISADVANTAGED MEMBERS OF ETHNIC MINORITIES: SECTION 11 GRANT

Thank you for copying to Ron Davies your letter of 21 June to David Blunkett.

The study appears to have demonstrated well the need for continuing provision of section 11 and the report has clearly set out the options which are available for its administration.

Subject to the satisfactory resolution of the amount of funding and agreement on the transitional funding arrangements which the Home Office intend to put in place, I am content for the administration of the education element of section 11 grant to be transferred as you have proposed to the Welsh Office and DfEE. Please keep me in touch with developments.

Copies of this letter go to the Prime Minister, David Blunkett, John Prescott, Alistair Darling, Frank Dobson, Donald Dewar and Sir Richard Wilson.

The Rt Hon Jack Straw MP
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cc. Clare Hester
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David Omand

Permanent Under Secretary of State

15 July 1998

Jim Richard,

RACE RELATIONS INITIATIVES

I am writing to bring you and colleagues up to date on various initiatives which the Home Secretary is launching to improve race relations.

I also want to seek your help in finding a new head for the Race Equality Unit in the Home Office (formerly known as the Community Relations Unit).

Race Relations Forum

This body has been set up to help the Home Secretary in his understanding of the views of ethnic minorities across a range of issues. The forum is chaired by the Home Secretary, and has a membership of 28 prominent members of ethnic minority communities. It should allow members of those communities an opportunity to discuss the implications for ethnic minorities of a whole range of Government policies.

We expect the Forum to meet three times a year. The Home Secretary wrote to his colleagues on 16 May asking them to bring to the Forum's attention matters which are likely to be of interest. Ministers from other departments will be invited to make presentations to the Forum on the implications for ethnic minorities of policies in their areas.

Inter-departmental Ministerial Group on race relations

The Home Secretary minuted the Prime Minister and colleagues on 15 June proposing the establishment of machinery to enable the totality of Government effort to improve race relations to be monitored and presented effectively. He has proposed that Mike O'Brien, the Home Office Minister responsible for race relations and immigration should pull together, in consultation with colleagues, a strategic account of actions which will take forward the Government's goal of a fair and inclusive society. The Home Secretary expects that keeping such an account up to date and developing the Government's story on improving race relations will lead to a need for regular meetings of an inter-departmental group of Ministers.

Such a Ministerial group will need to be underpinned by a group of officials. I intend to ask Carolyn Sinclair, the Home Office Director for Constitutional and Community Policy to call together such a group. I would be grateful if each of you could nominate a senior colleague in

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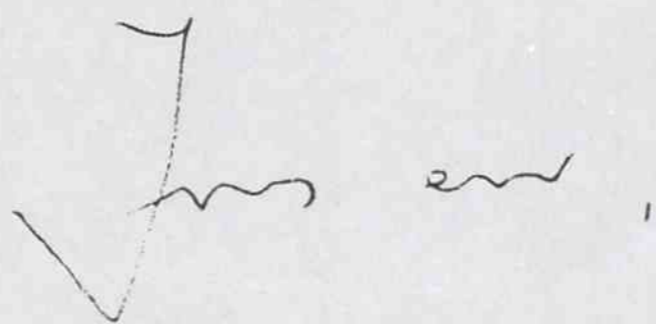
your department to liaise with Carolyn and her team. Her group will aim to give Ministers a clear picture of the excellent work which is being done in many departments to improve and promote good race relations within the UK; as well as the scope for improvement.

Head of the Home Office Racial Equality Unit (SCS post JESP score 10)

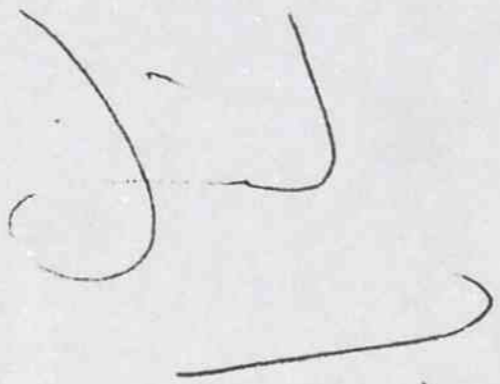
One way of demonstrating that equal opportunities in the UK are a reality is for more and more members of ethnic minorities to be visible in key positions in public life. We are about to appoint a new head of the Home Office's Racial Equality Unit. This will be a particularly demanding job over the next few years. The post-holder will have to continue the work of putting in place the pieces of machinery described above and of developing them in a way which satisfies the Home Secretary's high expectations for progress in this area. He/she will also need to engage closely with colleagues both in the Home Office and in other departments to help and encourage the development of new responses in areas where the Ministerial Group identifies weaknesses in Government action. The post-holder will have a significant representational role in presenting Government activity to ethnic minority communities themselves. It is also likely that the post-holder will have to lead on primary legislation to amend the Race Relations Act, and will have a significant role to play at the European level when the Amsterdam Treaty comes into effect and community competence on racial discrimination develops.

We believe that the post is best suited to an experienced civil servant, not least because of the legislative and EU aspects of the work. I have a very good internal candidate in mind already. But given the significant under-representation of the ethnic minorities in the SCS, the particular nature of the post and the high profile which the Home Secretary is giving to this whole area of work, it occurred to me that it could be an excellent developmental opportunity, and that it would send a very positive signal if it could be filled by someone suitably qualified from an ethnic minority background who would come on loan for a period of, say, 2-3 years. I would be very grateful to know whether you or colleagues have any suitable staff whose name you would like to propose to us. In principle we are looking for an SCS member on level transfer, but we would not rule out a particularly able candidate on (temporary) promotion. There will be no formal trawl.

I am copying this letter to other Permanent Secretaries, to Moira Wallace in the Social Exclusion Unit and Liz Lloyd in the Number 10 Policy Unit.



DAVID OMAND



Sir Richard Wilson
Cabinet Office



Ministry of Agriculture, Fisheries and Food,
Nobel House, 17 Smith Square, London SW1P 3JR

Top: FA/APS
CA/APS
HA/APS
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Re

From the Minister

The Rt Hon Jack Straw MP
Home Secretary
Home Office
Queen Anne's Gate
London
SW1H 9AT

14 July 1998

Dear Jack,

GOVERNMENT STRATEGY FOR RACE RELATIONS AND EQUALITY OF OPPORTUNITY

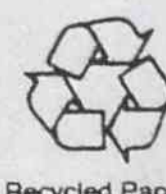
Thank you for sending me a copy of your letter dated 15 June to John Prescott. -A more co-ordinated approach is to be welcomed given the large number of initiatives in this area.

The nature of the work of this Department is such that race relations are seldom an issue, and we have made no public statements on service delivery. However, I have had cause to consult ethnic groups on the religious slaughter of animals for meat. My officials will be happy to provide yours with further information on this sensitive issue.

I am very keen to obtain improvements in the representation of ethnic minority candidates on the public bodies for which this Department is responsible and this is reflected in my Departmental Plan which was published very recently.

As an employer, the Department has made some progress in increasing the representation of ethnic minorities at the intermediate management levels up to Grade 7. In common with most other departments, the real challenge is to improve representation within the SCS, but this will be a difficult task that will inevitably take some time to achieve. Again, my officials will be happy to provide yours with detailed figures. We also participate in the Windsor Fellowship and have consultation mechanisms, through a Joint Departmental Equal Opportunities Committee, to ensure that minority views are represented and covered in the development of our personnel policies.

/I am willing ...



Recycled Paper

I am willing to consider setting targets and discussing how they would work in practice.

As far as contacts are concerned, I would like to nominate Bernard Donoghue as the Ministerial contact and Dr Mandy Bailey, the Head of Establishments Division as the official contact.

I am copying this letter to the Prime Minister, Cabinet Colleagues, David Miliband at No 10 and Sir Richard Wilson.

As ever,

Jack.

JACK CUNNINGHAM



MINISTRY OF DEFENCE
WHITEHALL LONDON SW1A 2HB
Telephone 0171-21 82111/2/3

SECRETARY OF STATE

MO 21/8/5T

14 July 1998

John Prescott

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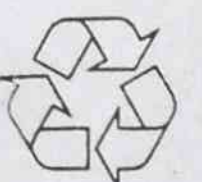
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GOVERNMENT STRATEGY FOR RACE RELATIONS AND EQUALITY
OF OPPORTUNITY

Thank you for sending me a copy of your letter of 15 June 1998 to John Prescott, in which you outlined how we might introduce a more co-ordinated approach to race relations and equality of opportunity for people from ethnic minority backgrounds.

I agree that we must be looking to promote a more strategic approach to race relations and to build, in the process, upon the considerable initiatives already in place, or planned. We need, as you recognise, to harness best practice on employment policies and to give an unambiguous lead, as Government, on our commitment to embracing more fully the rich diversity of our increasingly multi-cultural society. As we have found within my Department this requires strong leadership with recognition and understanding on the part of all personnel, especially those in key positions of responsibility, of the part they must play in creating an organisational culture which is seen both to promote and welcome diversity. We must move beyond statements of intent by ensuring that robust arrangements are in place for monitoring and evaluating whether racial equality policies are truly enabling "the talents of all personnel to shine through". It is incumbent upon us to leave

The Rt Hon Jack Straw MP
Secretary of State for
The Home Department



Recycled Paper

society in no doubt as to our priorities; effective communication will be central to this.

You asked for specific details on a number of areas to enable a better picture to be established on what is being undertaken generally across Government to promote and provide opportunities for ethnic minority groups. You already have much of that detail: John Reid has, of course, already described to Michael O'Brien some of the initiatives we have been taking to encourage Black and Asian people to join the Armed Forces. And I am aware that at official level David Omand has been in correspondence with Roger Jackling here to exchange ideas and share best practice.

Despite considerable efforts, our track record thus far in attracting ethnic minorities to the Armed Forces has not been a good one; Service employment policies have been strongly criticised by both the Commission for Racial Equality and an independent consultant. Such criticism also drew comment from the 1996 Armed Forces Bill Committee and has provided the basis against which the three Services have drawn up and published equal opportunity statements and action plans. Such statements, which are very much living documents, have enabled us to underscore, both internally and externally, our commitment, or if you like, our "statement of intent" to maximising opportunities for ethnic minorities (and women) within the Armed Forces. Only last October the Chief of the General Staff relaunched the Army's statement and stressed publicly his commitment to eradicating any racism within the Army whilst the Navy was a finalist at the British Diversity Awards ceremony. Earlier this month, John Spellar helped promote the RAF's "Opportunity for All" Open Day at RAF Cosford, an event primarily designed to educate people from under-represented sections of the community on careers in the RAF.

My Department does not deliver a service which involves contact with the public in the same way as, for example, the NHS. Policies relating to the ethnic minority community are very much focused on recruitment requirements and to our position, both within the Armed Forces and MOD Civil Service, as an employer of ethnic minority staff. Apart,

therefore, from specific reference to the need to respect the religious and cultural needs of individuals in our EO directives we do not have any statements of intent in terms of interface with ethnic minority members of the public. Notwithstanding this, all Armed Forces recruiting staff have received training and guidance on cultural sensitivities, including dress and diet and we have introduced a recruiting guidance note which aims to keep all Service recruiters fully informed of latest policy developments.

One area outside recruitment where we have worked hard to promote more contacts with the ethnic minority communities is in procurement. The Procurement Executive has briefed Race for Opportunity Campaign representatives at their Bristol regional office on the Department's procurement practices and has provided copies of the list of Local Purchase Officers and a free subscription to the MOD Contracts Bulletin. The Race for Opportunity Directory (which lists 3000 ethnic minority companies) is available to Contracts staff. Although the practical outcome is likely to be small, the Campaign has welcomed the time given to the initiative by the MOD.

You asked about forums and other arrangements for consulting ethnic minority staff. All of the Armed Forces discuss racial equality policies with personnel, through Focus Groups or informal discussions or other bodies. For instance, we have recently consulted Mr Iqbal Sacranie (who I was pleased to see is now a member of the Race Relations Forum), on Muslim diet and religious observance. We have also been in touch with the Islamic foundation, and with the Sikh Adviser to the Armed Forces, and plan shortly to have a meeting with a number of ethnic minority specialist journalists to discuss recruiting and advertising strategy. This will build upon a very useful discussion John Reid held with the Chairman of Sunrise Radio, and editors from the Voice, Eastern Eye and Ethnic Media Group in April. On the civilian side of the Department, an Ethnic Minority Steering Committee was set up in the early 1990's to advise on the development of MOD Civil Service policies. The Committee meets annually with Departmental Ministers and with the Permanent Secretary and Vice Chief of the Defence Staff, to ensure that issues of concern to junior staff are regularly aired at the top of the Department.

I attach a great deal of importance to promoting racial equality of opportunity and to improving relations between racial groups. We are working hard, as a result of our determination for the Armed Forces to reflect better the ethnic balance of our society, to educate community leaders and "Gatekeepers" on the diversity of career opportunities within the Armed Forces (and MOD Civil Service). Regrettably the negative publicity of recent years means our task is a difficult one. We have made great efforts to publicise widely the work of the Department through national and ethnic media. This is beginning to bear fruit in terms of understanding our policy although isolated incidents invariably attract attention. We have found it better to be honest about where mistakes have been made and to take every opportunity to underline why military careers must not be seen as the domain of the white majority. Our Partnership Agreement with the CRE, both nationally and through Racial Equality Councils, is vital and provides the framework for our commitment. We believe it essential to establish a local presence to gain the confidence of both "Gatekeepers" and young people, ideally through using clearly identifiable role models. The Army have just completed a major project in Brent which was specifically designed by a consultant to establish vital links with the local communities. Early indications from the subsequent research work are that the community partnership model developed in Brent is one which has validity and that, for an employer such as the Armed Forces, we must have professional assistance with unlocking barriers and removing misconceptions about military careers.

Aside from Brent we also have two major initiatives running in Newham and Sandwell which are again aimed at sowing seeds. Again both of these involve key community leaders, including education officials. Investment in outreach activity is central to our efforts to build bridges and improve relations for example, by Armed Forces units forming sporting alliances with ethnic minority clubs and youth groups. Such activity is replicated across all three Services. These efforts are being supplemented by promoting Service careers with contacts made through organisations such as the Race For Opportunity campaign where the Army and Navy have Champion status and the MOD civilians and RAF are members.

For civilians, most of our recruitment is local, in small numbers and of varied specialisms. Where the unit or establishment concerned is based in an area where there is a significant ethnic minority population we have pursued outreach activities, but with mixed results. It will take time and effort to persuade people who have never considered Defence as a possible career opportunity to put themselves forward as candidates for our civilian posts. Civilian recruiters will be looking carefully at the outcomes of Service recruiting initiatives to assess how lessons can be applied to the civilian side of the Department.

You asked also about schemes of the type recently introduced by Harriet Harman in the DSS. We do not believe there is a need for positive action programmes within the Armed Forces. However, the Royal Navy's pilot Personal Development course for ethnic minority youth in Glasgow was well received and the pilot scheme is being extended to London, Birmingham, Cardiff, Rochdale, Middlesbrough and repeated in Glasgow. I shall be looking at whether these courses have potential for further development. We do not currently have any schemes in place for civilian staff. Anecdotal evidence from ethnic minority personnel, including from the Ethnic Minority Steering Group, indicates that views about positive action training are mixed. Such schemes require careful handling and we must guard against assuming that ethnic minorities (or women for that matter) necessarily see such initiatives as a good thing. If not carefully handled there is potential for a majority backlash which can have a destructive effect on individuals from a minority background and can undermine the credibility of the Department's equal opportunities policies and practices. I shall be interested to learn how Harriet's scheme works but, for the moment, shall look to continue to work with bodies such as the National Mentoring Consortium and Windsor Fellowship to help promote military and civilian careers amongst African, Caribbean and Asian undergraduates while continuing further work to see how we can ensure that our ethnic minority staff have the opportunity to progress and achieve their career potential.

Turning now to public appointments, I wholeheartedly support the principles laid down by the Commissioner for Public Appointments,

including the overriding principle of selection on merit. Regrettably ethnic minority presence on our bodies is poor: we currently have fewer than five members of ethnic minority groups represented. This is something I am anxious to correct. We shall be making contact with the CRE to see what can be done to increase applications and candidates reaching short lists. At the very least I am looking to increase, over the next three years, the proportion of appointments of members from ethnic minorities. For the Armed Forces, of course, there is no "quick-fix" solution to the problem of the lack of representation of ethnic minorities at higher ranks. Each of the Services is, however, examining rigorously their working practices to ensure that there are no barriers to the selection, training or promotion of minority groups, and their progress reports form the bulk of the quarterly submissions which they make to the CRE.

You commented on the issue of recruitment, promotion and retention targets mentioning those for recruitment introduced in respect of the Armed Forces. For our civilian staff we are currently working on a range of employment initiatives arising from the recommendations of the Office of Public Management report which was published in 1997. These recommendations have been developed into a framework to be implemented across the Department. One key aspect is the setting of long-term work-force and recruitment targets for each of our Top Level Budget areas and for our Agencies based on the diversity of our catchment communities. Given that civilian recruitment is generally locally based and varies in terms of numbers and specialisms from year to year, it would not be realistic to announce Departmental civilian recruitment targets. What we do require is that local targets are set for individual recruitment areas where this is practical given the numbers involved. There would be considerable practical difficulties in setting promotion targets in an organisation which is widely dispersed, where ethnic minority staff tend to be concentrated in particular geographical areas and where promotion opportunities are not evenly spread. And we must ensure that promotion is based on merit alone. At this stage therefore we do not propose setting targets either for civilian or Service personnel for promotion and retention although we will continue to monitor both closely.

You have referred to best practice and sharing of good initiatives. I would strongly support this. I know that my officials have found meeting with a number of those in both the public and private sectors invaluable, especially in the area of evaluating the extent to which policies are successfully delivering genuine equality of opportunity. It is essential that we pool, across Government, collective experience on measuring whether equality policies are generally leading to real beneficial changes in organisational culture in which individual values and beliefs are truly harnessed. We believe that the key here is leadership: but robust and effective monitoring is essential and must enable both Ministers and senior managers to look objectively at where progress has been achieved, to consider where best practice might be applied (eg between say each of the Armed Forces) and to set future priorities.

Although you did not specifically mention equal opportunities training I believe this is an important area and one in which we should give a clear lead. All three Services already provide a substantial range of training and regularly review their structure and material. This includes initial training establishments and beyond. Within MOD we are expanding the amount of mandatory equal opportunities training which will be provided for civilian staff and for Service managers of civilian staff. By 2001 we plan that all non-industrial staff, all industrial supervisory staff and all Service managers will have received training. The aim is to ensure that staff at all levels understand their personal responsibilities for promoting equality of opportunity. At one-star level, civilian staff will be trained alongside their Service colleagues at the Tri-Service Equal Opportunities Training Centre at Shrivenham.

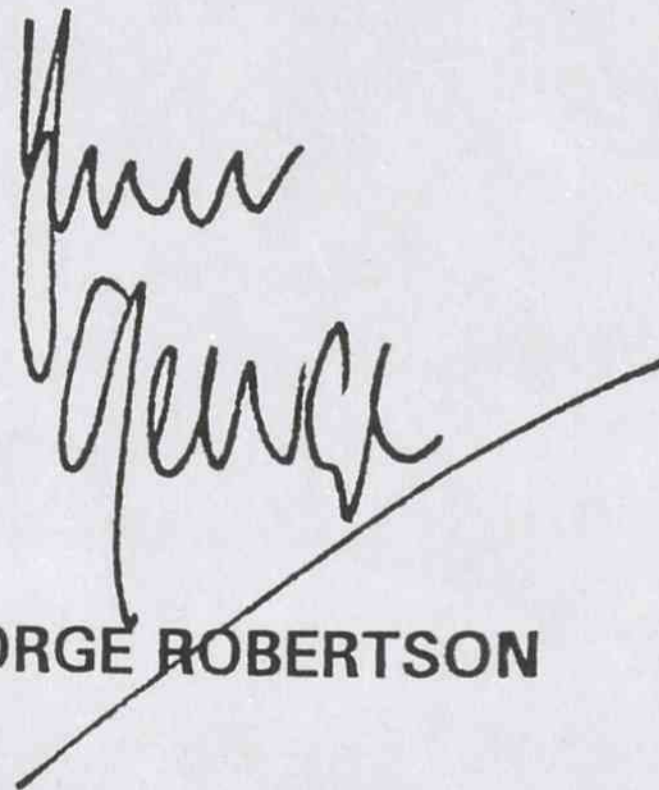
I understand David Clark will be providing general advice about developments in promoting the employment of people with an ethnic minority background across the Civil Service. Some of the MOD's ethnic minority staff and civilian personnel policy staff have participated in studies relating to Civil Service employment issues, and we seek to include the recommendations, where we can, in our Departmental policies and procedures. The MOD is represented on the OPS Working Group looking at equal opportunities in the Senior Civil Service. This has

provided us with an excellent opportunity to learn from the practices of other members and to influence the direction of research work commissioned by the group.

I have asked John Reid to work with Mike O'Brien on developing this work at official level. Carolyn Sinclair should liaise with Margaret Aldred, Assistant Under Secretary (Service Personnel Policy) and Brian Taylor, Assistant Under Secretary (Civilian Management).

Finally, can I return to the issue of leadership? In my Department, the Permanent Secretary, the Chief of the Defence Staff and the individual Service Chiefs of staff have all now signed the CRE's Leadership Challenge, which the Prime Minister recently commended to all. I am convinced that this personal demonstration of commitment from the top level of management in the MOD has been a strong factor in the various successes which my Department has achieved in recent months. Indeed I was delighted when Sir Herman Ouseley described the work undertaken within the Armed Forces earlier this year as "a model of leadership in action". My very firm hope is that, through senior public figures setting a personal example of their commitment to racial equality within their organisations, we can achieve major progress in advancing racial equality. It must be for us, as Government, to work closely with senior managers and visible minority society to realise this.

I am sending a copy of this letter to Cabinet colleagues, David Miliband at Number 10, and to Sir Richard Wilson.

A handwritten signature in black ink, appearing to read 'George Robertson', with a long horizontal stroke extending to the right.

GEORGE ROBERTSON



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

3 July 1998

Dear Michael,

Thank you for your letter of 29 June inviting the Prime Minister to attend the second meeting of the Home Secretary's Race Relations Forum.

Having considered the Prime Minister's diary commitments for the rest of this year, I much regret that it has not proved possible to accommodate this meeting into his autumn programme, which is already very busy. I should be grateful if you could let the Home Secretary know.

Yours ever

Kate

KATE GARVEY

Michael Sayers Esq
Home Office

MS

