

## The Race Equality Duty

### The Race Relations (Amendment) 2000

#### What is the duty?

Schools have a race equality duty under the Race Relations (amendment) Act 2000. Under the Act racial discrimination is unlawful in relation to employment and the provision of educational and non-educational goods, facilities and services.

The Race Relations (amendment) Act 2000 places a duty on all public authorities including schools when carrying out their functions to have due regard to the need to:

- Eliminate unlawful racial discrimination.
- Promote equality of opportunity.
- Promote good relations between people of different racial groups.

The sum of the above is the 'duty to promote race equality' or the 'General Duty'.

The general duty requires public authorities to focus on the issues, which have the greatest importance and impact on race equality.

#### Who is covered by the duty?

The duty applies to all public authorities, including schools, in respect of all of their functions. This means it applies to policy-making, service provision, employment matters and decision-making.

#### How will the race equality duty be enforced? \*

The Commission for Racial Equality (CRE) will actively enforce the duty. From October 2007 the Commission for Equality and Human Rights (CEHR) will actively enforce the gender equality duty.

The CEHR will be able to issue compliance notices to authorities that are failing to meet the **general duty**. The CRE or CEHR will be able to issue compliance notices on the **specific duties**. These notices

are enforceable in the courts. Notices state that the authority must meet the duty and instruct them to tell the CRE or CEHR within 28 days what they have done to comply.

The general duty is enforceable by judicial review. Any person or body affected by a failure to comply with the general duty by a public authority may take action through judicial review proceedings.

If a public authority (including a private or voluntary organisation exercising public functions) does not comply with the general duty, its actions or failure to act can also be challenged through an application to the High Court/Court of Session for judicial review. An application for judicial review could be made by a person or group of people with an interest in the matter, or by the CRE/CEHR.

Public sector inspection bodies are also subject to the duty and will therefore have to include the requirements of the gender duty into their monitoring and inspection frameworks and processes.

### **Who is responsible for meeting the race equality duty?**

The general duty applies to all functions of every public authority. The governing body of all maintained schools is covered by the duty, including independent schools and pupil referral units. The responsible body within a school is:

The Race Relations Act does require private and independent schools not to discriminate on racial grounds in terms of admissions, access to benefits or services, exclusions, and in the employment of staff. Private or independent schools are not required to comply with the race equality duty, although they are strongly encouraged to do so because this will help them establish and maintain equality good practice.

#### **Type of School**

Maintained School

Pupil Referral Unit

Maintained nursery

Independent school

#### **Responsible Body**

The governing body

The local authority

The local education school authority

The proprietor

The race equality duty can also apply directly to certain private or voluntary sector bodies when they are carrying out public functions.

### **Specific duty**

Schools and other public bodies have specific duties under the Race Relations (amendment) Act 2000. The specific duty refers to:

1. Producing a Race Equality Policy which will consist of preparing a written statement about their policy to promote race equality.
2. Train staff in connection with the race equality duties
- 3.
4. Assessing and consulting on the likely impact of its existing and proposed policies on pupils, staff, parents, carers and visitors of diverse racial groups. Including the pupil attainment levels
5. Monitor the impact of policies upon pupils, staff, parents, carers and visitors.
6. Take reasonable steps to publish annually the results of its monitoring.
7. Review on the progress of the Policy at least every three years.

### **Publishing the Race Equality Policy (REP)**

Schools may wish to publish either

- a single document that contains both their policy
- a separate race equality action plan linked to a Disability &/or Gender Equality Scheme
- or a combined Disability and Gender Scheme that also includes objectives relating to race equality.

### **Impact Assessment**

An impact assessment is a tool organisations use to examine their services and activities to ensure that there is no potential for discrimination against a particular group such as black and minority ethnic people, women, men or disabled people. Impact assessments

will also help organisations identify what positive action they can take to promote equality of opportunity.

To comply with the legislation, schools will be required to conduct a race impact assessment. A race impact assessment refers to the review of all current policies and practices in order to formally consider the impact of these on different racial groups.

An impact assessment should also be conducted when developing a new policy, practice or provision or when revising an existing one.

The Race Relations (amendment) Act 2000 does not contain a format for carrying out impact assessments to allow schools freedom to use a method that best suits their needs. KCC has published a template impact assessment tool to help schools carry out race impact assessments at [http://www.clusterweb.org.uk/UserFiles/CW/File/Policy/Equalities/impact\\_assessment\\_tool.doc](http://www.clusterweb.org.uk/UserFiles/CW/File/Policy/Equalities/impact_assessment_tool.doc)

Policies requiring race impact assessments will include:

- Anti-bullying
- Behaviour
- Curriculum
- Equal opportunities
- Health and Safety
- Pay

### **Monitoring**

Schools will need to monitor how it meets its race equality objectives.

Areas for monitoring will include:

- Pupil attainment data.
- Pupil admissions, transitions, exclusions
- Achievement of pupils
- Pupils with English as an additional language.
- Elimination of harassment and bullying
- Employment, promotion, retention and training of staff.
- Data collection of pupils and staff
- Parents/carers and governing body representation

- School meals: users' profile.
- Teacher profiles.

## **Procurement**

Race equality will need to be built into contracts arranged between the school and a private or voluntary organisation to ensure that the contractor fulfils its gender equality contractual requirements.

Procurement arrangements between schools and local authorities will also need to ensure that race equality is given due weight. If race equality requirements are not built into the specification and/or contract, and the contracting organisation does not ensure equality of opportunity, schools could be considered to be failing to meet their responsibilities to promote race equality.

(The CRE's website has more information on these aspects of commissioning, procuring or purchasing goods).

## **Equality in the school workforce\***

Governing Bodies need to ensure that personnel practices in their school take full account of new legal requirements, alongside their established arrangements for promoting diversity and avoiding discrimination on grounds of sex, race, disability, gender, religion or beliefs or sexual orientation and against transsexual staff.

Taking action on key race equality issues will enable the school to make the most of the potential of its entire workforce and promote equality between staff from diverse racial groups.

## **Further information**

[www.cre.gov.uk](http://www.cre.gov.uk)

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