
STATUTORY INSTRUMENTS

2001 No. 3458

RACE RELATIONS

The Race Relations Act 1976 (Statutory Duties) Order 2001

Made - - - - 23rd October 2001

Laid before Parliament 24th October 2001

Coming into force - - 3rd December 2001

The Secretary of State, in exercise of the powers conferred upon him by section 71(2) and (3) of the Race Relations Act 1976⁽¹⁾, after consultation with the National Assembly for Wales and with the consent of the Assembly⁽²⁾, and after consultation with the Commission for Racial Equality⁽³⁾, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Race Relations Act 1976 (Statutory Duties) Order 2001 and shall come into force on 3rd December 2001.

(2) In this Order—

“the Race Relations Act” means the Race Relations Act 1976;

“staff” includes any person treated as an employee for the purposes of Part II of the Race Relations Act (Discrimination in the Employment Field); and

references to “150 full-time staff” are references to such number of staff as would, if the hours they work were aggregated, amount to 150 staff working on a full-time basis.

Race equality schemes

2.—(1) A body or other person specified in Schedule 1 to this Order shall, before 31st May 2002, publish a Race Equality Scheme, that is a scheme showing how it intends to fulfil its duties under section 71(1) of the Race Relations Act and this Order.

(2) A Race Equality Scheme shall state, in particular—

(a) those of its functions and policies, or proposed policies, which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act; and

(1) 1976 c. 74; section 71 was substituted by section 2 of the Race Relations (Amendment) Act 2000 (c. 34).

(2) See section 71B(2) and (3) of the Race Relations Act 1976.

(3) See section 71(4) of the 1976 Act.

(b) that person's arrangements for—

- (i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;
- (ii) monitoring its policies for any adverse impact on the promotion of race equality;
- (iii) publishing the results of such assessments and consultation as are mentioned in sub-paragraph (i) and of such monitoring as is mentioned in sub-paragraph (ii);
- (iv) ensuring public access to information and services which it provides; and
- (v) training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order.

(3) Such a person shall, within a period of three years from 31st May 2002, and within each further period of three years, review the assessment referred to in paragraph (2)(a).

Educational bodies

3.—(1) A body specified in Part I or II of Schedule 2 to this Order shall, before 31st May 2002,

- (a) prepare a written statement of its policy for promoting race equality (referred to in this article as its “race equality policy”), and
- (b) have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (3) or (4), as the case may be.

(2) Such a body shall,

- (a) maintain a copy of the statement, and
- (b) fulfil those duties in accordance with such arrangements.

(3) It shall be the duty of a body specified in Part I of Schedule 2 to this Order to—

- (a) assess the impact of its policies, including its race equality policy, on pupils, staff and parents of different racial groups including, in particular, the impact on attainment levels of such pupils; and
- (b) monitor, by reference to their impact on such pupils, staff and parents, the operation of such policies including, in particular, their impact on the attainment levels of such pupils.

(4) It shall be the duty of a body specified in Part II of Schedule 2 to this Order to—

- (a) assess the impact of its policies, including its race equality policy, on students and staff of different racial groups;
- (b) monitor, by reference to those racial groups, the admission and progress of students and the recruitment and career progress of staff; and
- (c) include in its written statement of its race equality policy an indication of its arrangements for publishing that statement and the results of its assessment and monitoring under sub-paragraphs (a) and (b).

(5) Such a body shall take such steps as are reasonably practicable to publish annually the results of its monitoring under this article.

4.—(1) A body specified in Part III, IV or V of Schedule 2 to this Order shall, before 31st May 2002, have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2), (3) or (4), as the case may be, and shall fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of a body specified in Part III of Schedule 2 to this Order to monitor, by reference to the racial groups to which they belong,

- (a) the numbers at all maintained schools in its area of—

- (i) staff in post, and
 - (ii) applicants for employment, training and promotion, from each such group, and
- (b) in the case of all maintained schools in its area which have 150 or more full-time staff, the numbers of staff from each such group who—
 - (i) receive training;
 - (ii) benefit or suffer detriment as a result of its performance assessment procedures;
 - (iii) are involved in grievance procedures;
 - (iv) are the subject of disciplinary procedures; or
 - (v) cease employment with such schools.
- (3) It shall be the duty of a body specified in Part IV of Schedule 2 to this Order to—
 - (a) monitor, by reference to the racial groups to which they belong, the numbers of teaching staff from each such group at all maintained schools in respect of which it exercises its functions; and
 - (b) take such steps as are reasonably practicable to use, for that purpose, data provided by Local Education Authorities.
- (4) It shall be the duty of a body specified in Part V of Schedule 2 to this Order to monitor, by reference to the racial groups to which they belong, the numbers of teaching staff from each such group at all educational establishments in respect of which it exercises its functions.
- (5) Such a body shall take such steps as are reasonably practicable to publish annually the results of its monitoring under this article.
- (6) In this article references to “maintained schools” are references to such schools within the meaning given by section 20(7) of the School Standards and Framework Act 1998(4).

Monitoring by employers

- 5.—(1) A person to which this article applies shall,
 - (a) before 31st May 2002, have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2); and
 - (b) fulfil those duties in accordance with such arrangements.
- (2) It shall be the duty of such a person to monitor, by reference to the racial groups to which they belong,
 - (a) the numbers of—
 - (i) staff in post, and
 - (ii) applicants for employment, training and promotion, from each such group, and
 - (b) where that person has 150 or more full-time staff, the numbers of staff from each such group who—
 - (i) receive training;
 - (ii) benefit or suffer detriment as a result of its performance assessment procedures;
 - (iii) are involved in grievance procedures;
 - (iv) are the subject of disciplinary procedures; or
 - (v) cease employment with that person.
- (3) Such a person shall publish annually the results of its monitoring under paragraph (2).

(4) Subject to paragraph (5), this article applies to a body or other person specified in Schedule 1A to the Race Relations Act(5).

(5) This article does not apply to—

- (a) a body specified in Part I, II or III of Schedule 2;
- (b) a person specified in Schedule 3;
- (c) a Scottish public authority with mixed functions or no reserved functions, as referred to in section L.2 of Part II of Schedule 5 to the Scotland Act 1998(6); or
- (d) a cross-border public authority in relation to the exercise of its Scottish functions within the meaning given by that section.

(6) In paragraph (5) the reference to a “cross-border public authority” is a reference to such an authority within the meaning given by section 88(5) of the Scotland Act 1998.

Home Office
23rd October 2001

Angela Eagle
Parliamentary Under Secretary of State

(5) Schedule 1A is amended by the Race Relations Act 1976 (General Statutory Duty) Order 2001 (S.I.2001/3457).

(6) 1998 c. 46.

SCHEDULE 1

Article 2

BODIES AND OTHER PERSONS REQUIRED TO PUBLISH RACE EQUALITY SCHEMES

The Higher Education Funding Council for England.

A body corporate established pursuant to an order under section 67 of the Local Government Act 1985 (transfer of functions to successors of residuary bodies, etc).

A fire authority constituted by a combination scheme under section 5 or 6 of the Fire Services Act 1947.

A Health Authority established under section 8 of the National Health Service Act 1977.

A housing action trust established under Part III of the Housing Act 1988.

A joint authority established under Part IV of the Local Government Act 1985 (fire services, civil defence and transport).

A joint authority established under section 21 of the Local Government Act 1992.

In England, a county council, a London borough council or a district council.

In Wales, a county council or a county borough council.

A local probation board established under section 4 of the Criminal Justice and Court Services Act 2000.

A magistrates' courts committee established under section 27 of the Justices of the Peace Act 1997.

A Minister of the Crown or government department.

A National Health Service trust established under section 5 of the National Health Service and Community Care Act 1990.

A Passenger Transport Executive for a passenger transport area within the meaning of Part II of the Transport Act 1968.

A police authority established under section 3 of the Police Act 1996.

A primary care trust established under section 16A of the National Health Service Act 1977.

A regional development agency established under the Regional Development Agencies Act 1998 (other than the London Development Agency).

A special health authority established under section 11 of the National Health Service Act 1977.

An Assembly subsidiary as defined by section 99(4) of the Government of Wales Act 1998.

Any of the naval, military or air forces of the Crown.

The Audit Commission for Local Authorities and the National Health Service in England and Wales.

The British Broadcasting Corporation, in respect of its public functions.

The British Transport Police.

The Broadcasting Standards Commission, in respect of its public functions.

The Channel Four Television Corporation, in respect of its public functions.

A chief constable of a police force maintained under section 2 of the Police Act 1996.

The Commissioner of Police of the Metropolis.

The Commissioner of Police for the City of London.

The Children and Family Court Advisory and Support Service.

The Commission for Health Improvement.

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The Commission for Racial Equality.
The Disability Rights Commission.
English Partnerships.
The Equal Opportunities Commission.
The Health and Safety Commission.
The Health and Safety Executive.
The Higher Education Funding Council for Wales.
The Independent Television Commission, in respect of its public functions.
The Learning and Skills Council for England.
The Legal Services Commission.
The Local Government Commission for England.
The National Audit Office.
The National Council for Education and Training for Wales.
The Police Complaints Authority.
The Radio Authority, in respect of its public functions.
Sianel Pedwar Cymru (Welsh Fourth Channel Authority), in respect of its public functions.
The Strategic Rail Authority.
The Chief Constable for the Ministry of Defence Police appointed by the Secretary of State under section 1(3) of the Ministry of Defence Police Act 1987.
The Common Council of the City of London, in its capacity as a local authority or port health authority.
The Common Council of the City of London, in its capacity as a police authority.
The Council of the Isles of Scilly.
The Greater London Authority.
The Housing Corporation.
The London Development Agency.
The London Fire and Emergency Planning Authority.
The Metropolitan Police Authority established under section 5B of the Police Act 1996.
The National Assembly for Wales.
The Scottish Parliamentary Corporate Body.
The Service Authority for the National Crime Squad.
The Service Authority for the National Criminal Intelligence Service, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.
The Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple, in his capacity as a local authority.
Transport for London.
The Welsh Development Agency.

SCHEDULE 2

Articles 3 and 4

EDUCATIONAL BODIES

PART I

The Governing body of an educational establishment maintained by a Local Education Authority.

The Governing body of a City Technology College, City College for Technology of the Arts or a City Academy.

PART II

The Governing body of an institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992.

The Governing body of an institution within the higher education sector within the meaning of section 91(5) of the Act of 1992.

PART III

A Local Education Authority.

PART IV

The Department for Education and Skills.

PART V

The Learning and Skills Council for England.

The Higher Education Funding Council for England.

The Higher Education funding Council for Wales.

The National Council for Education and Training for Wales.

SCHEDULE 3

Article 5

BODIES AND OTHER PERSONS EXCEPTED BY ARTICLE 5(5)(b)

A parish meeting constituted under section 13 of the Local Government Act 1972.

A Parish Council in England.

A community council in Wales.

The Administration of Radioactive Substances Advisory Committee, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

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The Advisory Committee on Hazardous Substances, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Advisory Committee on Pesticides, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Advisory Committee on Releases to the Environment, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Advisory Council on Public Records.

The Advisory Council on the Misuse of Drugs, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

An Agricultural Dwelling House Advisory Committee, established under the Rent (Agriculture) Act 1976.

The Agricultural Wages Board for England and Wales.

An Agricultural Wages Committee.

The Ancient Monuments Board for Wales.

The Animal Procedures Committee.

The Building Regulations Advisory Committee.

The Central Advisory Committee on War Pensions.

The Civil Justice Council.

The Civil Procedure Rule Committee.

The Commonwealth Scholarship Commission in the United Kingdom.

The Consumer Council for Postal Services.

The Council on Tribunals, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Crown Court Rule Committee.

The Disability Living Allowance Advisory Board.

The Disabled Persons Transport Advisory Committee, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Environment Agency Advisory Committee for Wales.

The Family Proceedings Rule Committee.

The Firearms Consultative Committee.

The Government Hospitality Advisory Committee for the Purchase of Wine.

The Hill Farming Advisory Sub-Committee for Wales.

The Historic Buildings Council for Wales.

The Honours Scrutiny Committee.

A Visiting Committee appointed under section 152 of the Immigration and Asylum Act 1999 for an immigration detention centre.

The Industrial Injuries Advisory Council.

The Inland Waterways Amenity Advisory Council, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Insolvency Rules Committee.

The Joint Committee on Vaccination and Immunisation.

The Land Registration Rule Committee.

The Law Commission.

The Legal Services Consultative Panel.

The Local Government Boundary Commission for Wales.

The Low Pay Commission.

The Magistrates' Courts Rule Committee.

The Overseas Service Pensions Scheme Advisory Board.

The Police Negotiating Board, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Quality Assurance Agency for Higher Education.

A Regional Flood Defence Committee established under section 14 of the Environment Act 1995.

The School Teachers' Review Body.

The Sentencing Advisory Panel.

The Social Security Advisory Committee.

The Standing Dental Advisory Committee.

The Standing Medical Advisory Committee.

The Standing Nursing and Midwifery Advisory Committee.

The Standing Pharmaceutical Advisory Committee.

The Theatres Trust, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Treasure Valuation Committee.

The Unrelated Live Transplant Regulatory Authority, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Wales New Deal Advisory Task Force.

A War Pensions Committee.

The Welsh Committee for Professional Development of Pharmacy.

The Welsh Dental Committee.

The Welsh Industrial Development Advisory Board.

The Welsh Medical Committee.

The Welsh Nursing and Midwifery Committee.

The Welsh Optometric Committee.

The Welsh Pharmaceutical Committee.

The Welsh Scientific Advisory Committee.

The Wilton Park Academic Council.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes certain duties on certain bodies and other persons who are subject to the general duty under section 71(1) of the Race Relations Act 1976 to have due regard, when exercising their functions, to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The duties are imposed for the purpose of ensuring the better performance of the general duty. The Order imposes on a body or other person specified in Schedule 1 to the Order a duty to publish, by 31st May 2002, a Race Equality Scheme, that is a Scheme showing how it intends to fulfil the general duty and its duties under this Order. The Order imposes on an educational body referred to in Part I or II of Schedule 2 duties to prepare, by 31st May 2002, a statement of its race equality policy, to have arrangements in place for fulfilling duties to assess and monitor the impact of its policies on different racial groups, and to fulfil those duties in accordance with such arrangements. The Order imposes on a body referred to in Parts III to V of that Schedule a duty to have in place arrangements for fulfilling duties to monitor, by reference to racial groups, various aspects of education and employment at educational establishments, and to fulfil those duties in accordance with such arrangements. The Order also imposes on bodies and other persons specified in Schedule 1A to the 1976 Act, other than those specified in article 5(5) to the Order, to have in place, by 31st May 2002, arrangements for fulfilling duties to monitor, by reference to racial groups, various aspects of employment by those bodies, and to fulfil those duties in accordance with such arrangements.

By virtue of Section 5 of, and Schedule 1 to, the Interpretation Act 1978, references to persons in paragraphs (2) and (3) of article 2, and in paragraphs (1), (2), (3) and (5) of article 5, include references to a body.