

PREM 19/2723

Confidential Filing

Race Relations

Proposition Motion on an amendment to the vagrancy Act, concerning the '80 US' law.

HOME AFFAIRS

Part 1

MAY 1980

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
(new covers)							
8-7-83							
16-3-83							
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31-5-89							
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PREM 19/2723

PART 1 ends:-

SS/DOG to HOME SEC. 31.5.89

PART 2 begins:-

CST to HOME SEC. 5.6.89

Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

1. Cmnd. 8311: Government's reply to the Third Report from the Home Affairs Committee, Session 1980-1981 HC 271
HMSO, July 1981 [ISBN 0 10 183110 2]
2. Cmnd. 8547: Government reply to the First Report from the Home Affairs Committee, Session 1981-1982 HC 46-1
HMSO, April 1982 [ISBN 0 10 185470 6]

Signed Wayland Date 30 August 2016

PREM Records Team



CPU

LA

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

The Rt Hon Douglas Hurd MP
Home Office
Queen Anne's Gate
LONDON
SW1

31 MAY 1989

Dear Home Secretary

SECTION 11 OF THE LOCAL GOVERNMENT ACT 1966

Thank you for sending me a copy of your letter of 11 May to Kenneth Baker about the efficiency scrutiny of Section 11 and the follow up action you propose. I have seen the Prime Minister's comments on your proposals.

I am content for you to publish the scrutiny report. My officials will be in touch with yours about the paper which the Prime Minister has asked you to prepare for discussion in July.

I am copying this letter to those in receipt of yours.

CEJ Bush

PP NICHOLAS RIDLEY

(Approved by the Secretary of State
and Signed in his Absence)

HOME AFFAIRS: Raw Kitatus, May 80



cebe



Department of Employment
Caxton House, Tothill Street, London SW1H 9NF

Telephone 01-273 5803
Telex 915564 Fax 01-273 5821

Secretary of State

NBM

*PL 6
24/5*

The Rt Hon Douglas Hurd MP
Home Secretary
Queen Anne's Gate
LONDON
SW1H 9AT

may 22

Dear Douglas

Thank you for copying to me your letter of 11 May to Kenneth Baker inviting comments on and agreement to your proposed approach to changing the administration of Section 11 grants. I am content with the proposals you put forward.

I agree there will be a need for close involvement of Departments concerned with the part of grant for which the Home Office will retain responsibility. This will be particularly important in situations where departmental responsibility is not clear-cut and in applications concerning posts in new areas of work.

Copies of this letter go to the Prime Minister, other Members of H, the Attorney General, the Minister for the Arts, Sir Robin Butler and Sir Angus Fraser.

Norman Fowler

NORMAN FOWLER



Race Pels

Home Affs

May 20



1892



ELIZABETH HOUSE
YORK ROAD
LONDON SE1 7PH
01-934 9000

CE 14
ABM *Administrative*

ACG
2/15

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
LONDON
SW1H 9AT

22 MAY 1989

Len Boylan,

SECTION 11 OF THE LOCAL GOVERNMENT ACT 1966

attached
Your letter of 11 May invited the views of colleagues on your proposals for publication of the scrutiny report and the approach which we should adopt in response.

I welcome the scrutiny report's emphasis on the need for effective targetting of Section 11 grant and proper monitoring of its use. Your proposal for the transfer to my Department of responsibility for the education component of Section 11 will facilitate the achievement of these important objectives.

As you note, such a transfer of responsibility will need to be accompanied by a transfer of PES provision both for the grant itself and the running costs associated with its administration. The aim would be to have the new system in place for April 1991. On that basis I shall need to announce before next year's PES the total available for Section 11 education grant in 1991-92, because the invitation to local education authorities to submit plans ~~desirably~~ needs to issue before the end of the calendar year. In view of this I need to be clear about the basis for apportioning the money in this year's PES. I hope you can see why it would not be satisfactory for me to have to defend a figure derived from a bid which you put forward and negotiated. I suggest instead that we agree now to divide the baseline according to the most recent information on spending patterns for Section 11 grant and that we keep in touch about the basis for your PES bid and its apportionment.

Regarding the associated running costs including staff costs, I have asked my officials urgently to examine the impact of the proposed transfer on the staffing needs of my Department. Additional needs will arise during 1990-1991, as the process of bidding within the new system gets underway.

I agree that there should be early publication of the scrutiny report along with a Government statement which accepts the report's overall thrust, describes our policy approach and announces the transfer of Departmental responsibility. I am content with the statement of the Government's policy approach enclosed with your letter. This helpfully places Section 11 in the wider context of our race relations policy, as well as providing a framework for the more detailed policy statements on education and, prospectively, on other services.

I also agree with your proposal that officials should prepare, for our consideration, detailed policies and improved administrative arrangements to be issued for consultation before the summer. It will be important both to keep up the momentum and to have a co-ordinated approach.

I have noted the scrutineers' recommendation that Section 11 be amended to include other ethnic minority groups in addition to Commonwealth immigrants and their descendants. I assume that this issue will be carefully examined as part of the continuing consideration of the report's recommendations.

Copies of this letter go to the Prime Minister, other members of H Committee, the Attorney General, the Minister for the Arts, Sir Robin Butler and Sir Angus Fraser.

Y. Turner
K. Smith



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

19 May 1989

Dear Peter

SECTION 11 OF THE LOCAL GOVERNMENT ACT 1966

The Prime Minister has seen the Home Secretary's letter of 11 May to the Secretary of State for Education and Science with which he enclosed a copy of the scrutiny report on Section 11 funding.

The Prime Minister welcomes the analysis provided by the scrutiny and believes that a number of the detailed recommendations would lead to improvements in the operation of the Section 11 arrangements. However, bearing in mind the scale of the expenditure involved, the Prime Minister wishes to consider whether further changes could be made, beyond those recommended in the scrutiny report or the Home Secretary's letter, to improve the effectiveness of the help provided to ethnic minority communities.

The Prime Minister would therefore be grateful if the Home Secretary could arrange for consideration to be given to more extensive changes. She recognises the case for making changes in the departmental responsibility for education expenditure under Section 11, but would wish to see detailed proposals on how this would operate, including the links with and reporting back from the local education authorities. But she also wonders whether changes should be made for other elements of Section 11 spending. For example, funding of training and economic development projects might be linked more closely with bodies such as Training and Enterprise Councils and inner city Task Forces. And she would see advantage in giving a larger role to the voluntary sector, relative to local authorities, in the funding and operation of community projects.

Until these possibilities have been explored the Prime Minister thinks it would be premature to announce that the Government accepts the overall thrust of the scrutiny report or to initiate any transfer of responsibility for education expenditure. She would however be content for the Home Secretary now to publish the scrutiny report and to indicate that the Government was giving further consideration

to its recommendations and the follow-up action. The Prime Minister would like to have a meeting with a group of colleagues in early July to discuss the way forward; it would be helpful if the Home Secretary, in conjunction with other colleagues and the Policy Unit, could prepare a paper for that occasion covering the points set out above.

I am copying this letter to the Private Secretaries to members of 'H' Committee, the Attorney General, the Minister for the Arts, and to Sir Robin Butler and Sir Angus Fraser.

Yours,

Paul Gray

PAUL GRAY

Peter Storr, Esq.,
Home Office

PRIME MINISTER

SECTION 11 OF THE LOCAL GOVERNMENT ACT 1966

You had a brief discussion with Brian Griffiths this morning about the Home Secretary's letter of 11 May.

You may like over the weekend to have another look at the papers. These are:

- Flag A: the Home Secretary's letter;
- Flag B: the full scrutiny report;
- Flag C: Brian's note;
- Flag D: a comment from the Cabinet Office.

Since your meeting this morning, Brian and I have discussed this further. One possibility would be to ask the Home Secretary and colleagues to consider various aspects further, perhaps through the medium of 'H' Committee. But Brian recommends that, given the importance of this subject, you should yourself take a meeting with colleagues.

Given the present diary pressures, I don't think we could contemplate a meeting before, say, early July. But, if you are content with that, one approach would be for me to write out commissioning work in preparation for an early July discussion. The attached draft letter is the sort of thing I might send out.

i. Content for me to write out in the terms attached?

or

ii. Do you want to discuss this further with Brian?

Plc.

PAUL GRAY

19 May 1989

CONFIDENTIAL

18 May 1989

SECTION 11 GRANTS OF THE LOCAL GOVERNMENT ACT 1966

The Home Office has just conducted a Scrutiny of Section 11 grants. (I enclose a summary of the Scrutiny Report).

These grants amount to more than £100M of taxpayers money involving 12,000 posts. Until 1974/5 this type of expenditure averaged less than £10M per year. Since then it has grown steadily (Graph 1).

82% of all Section 11 posts are in education - the majority of which are generalist teachers. ~~The~~ so called 'race spies' in Brent would be funded under Section 11.

Conclusion of the Scrutiny

The results of the Scrutiny are devastating:

- there are no clear objectives for Section 11 grants;
- it is virtually impossible, therefore, to know if the taxpayer is getting value for money or whether the ethnic minorities are getting the necessary help;
- the Home Office system is creaking under the strain of allocating and monitoring the funding;
- the system is extremely bureaucratic;
- ethnic communities are highly critical of Section 11 funding because it provides jobs for town halls, who view voluntary ethnic organisations as competitive rivals (for example local

authorities are reluctant to pay their 25% to fund Section 11 posts in the voluntary sector).

Recommendations

The Scrutiny recommends that:

- Section 11 funding should be continued;
- that primary responsibility for managing it should rest with local authorities;
- that the government should re-launch the scheme in a high-profile way.

The Home Secretary accepts the main thrust of these recommendations and suggests publication of the report but adds one further recommendation, namely:

- transferring responsibility for much of the funding from the Home Office to the DES.

Comment

The Scrutiny does a reasonable job in exposing the almost complete lack of control by central government over Section 11 funding.

Its positive recommendations should improve accountability somewhat. But I believe the issue needs to be thought through much more carefully:

- to what extent Section 11 funding should continue;
- Section 11 funding is widely perceived by the black community as a major failure. It fattens town halls ~~but fails to fund~~

grass roots initiatives of self-help. Indeed, because the funds controlled by local government, they have a bias against helping the voluntary sector. Section 11 funding could reap a rich harvest if it were properly targeted to voluntary sector initiatives.

- The prospect of the DES controlling these funds other than for very specific purposes, such as the teaching of English to new immigrants, fills one with dismay. It would make far more sense to use existing DTI and DEMP channels for inner city funding to develop practical training programmes linked to enterprise initiatives with firms rather than place them in the DES.

Can we discuss?

Yes
no

Brian Griffiths

BRIAN GRIFFITHS



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

219
17 May 1989

Dear Colleague,

RACE RELATIONS

In view of your interest in race relations matters, I thought that you might be interested to see a copy of a speech on the subject which I made on Tuesday 16 May. It seeks to draw together a number of themes, the central message being that our efforts as a Government and a Party should be concentrated increasingly on encouraging men and women from the ethnic minorities to play a full part in the mainstream of British life.

Yours,
Douglas Hurd.

DOUGLAS HURD

SPEECH BY THE HOME SECRETARY THE RT HON DOUGLAS HURD CBE MP
(WITNEY)

THE THIRD 1989 WESTMINSTER LECTURE
TO THE TORY REFORM GROUP
AT ST STEPHENS CONSTITUTIONAL CLUB, LONDON
TUESDAY 16 MAY 1989

Embargo: 7 00 pm, Tuesday

Unity and Diversity - the way ahead for
our minorities

The last few years have seen a profound change in the nature of the debate about race relations in Britain. It was remarkable in 1988 to see a Conservative Party Conference agenda which included only one or two motions on the subject of immigration out of the many hundreds submitted by Associations throughout the country.

The surge of controversy over immigration which characterised the Sixties and Seventies is abating. There will continue to be arguments over particular aspects of our immigration law, such as the primary purpose rule, and over the implementation of those laws in particular cases. There has been an unmistakable and welcome shift of focus away from immigration and towards one of the most difficult challenges which any society can face - providing for the peaceful integration of large numbers of men and women from very different religious and cultural backgrounds.

I am more hopeful than I used to be about the prospects for racial harmony in Britain; but we need to realise the difficulties and the setbacks which we will inevitably encounter from time to time. One of the glib phrases you sometimes hear is that Britain is "a nation of immigrants". The implication of the remark is that there ought to be no trouble in coping with large numbers of newcomers from other parts of the world. Indeed, there is sometimes a rider to the effect that any difficulty in achieving racial harmony should be put down to something called "white racism". That is a flawed and partial analysis of our history.

Britain has indeed become home, over the centuries, to different groups of immigrants - Dutch Protestants in the 16th Century, Huguenots in the 17th, Jews from central Europe in the 19th and early 20th Centuries. Each in turn added something to British life and culture. Each in turn became accepted as an integral part of the nation, but only after a period of hostility and resentment. John Jerningham, who (we are told by the Patent Rolls of 1571) conspired in Elizabeth the First's reign to "beat the strangers [ie the Dutch refugees] out of the city of Norwich" has had his counterparts in every reign since.

We are now going through that difficult period of adjustment in respect of the people from the New Commonwealth who came into this country in large numbers in the years after the Second World War. There is a history of mutual resentment to be overcome. Black and Asian immigrants who had been told that they would find this country a land of opportunity were confronted in many cases by rejection and discrimination. It is probably impossible for any of us with a white skin fully to appreciate the hurt and anger caused by a sign saying "No Blacks Here" - still to be seen as late as the 1960s in shops and lodging houses.

Then there are white people who have felt that their neighbourhoods have been transformed, against their wishes, by large scale immigration about which they were never consulted by

the politicians. Just as the period of Empire was coming to an end large numbers of people in the Caribbean, India and Pakistan for the first time took advantage of their long-standing right to settle in the homeland of Empire: but to citizens of, say, Birmingham or Wolverhampton, it looked like a new policy.

Yet despite these difficulties we can see signs that this gradual process of racial integration is under way. Familiarity does in the end breed toleration. More white people are used to having black or Asian neighbours, workmates, school-friends and customers. A growing proportion of men and women in the ethnic minorities are British citizens. They are born here, educated here and see home as being Lambeth or Birmingham or Halifax - not some distant part of the globe.

The increasing contribution made by men and women from our ethnic minorities to all aspects of our national life is welcome in itself, and acts as a signal to others of what can be achieved. Black and Asian Britons are succeeding in business, in the professions, the arts and sport. They are playing an increasing part in public life, whether as magistrates, councillors or even as Members of Parliament. I welcome the fact that there are now four MPs from the ethnic minorities - the pity is that they are from the wrong Party. I hope that after the next General Election there will be black and Asian Members of Parliament sitting on the Conservative benches too.

Building racial harmony is not quick or easy. I have already said that some setbacks are inevitable. The controversy surrounding the publication of Salman Rushdie's book "The Satanic Verses" has certainly done some damage to race relations in this country. Yet even here I believe that some good can be rescued.

There is no doubt about the genuine sense of outrage and injury felt by British Muslims over this book. The response of almost all British Muslim leaders has been to express their indignation

with passion and dignity, using the methods and the language of a liberal and democratic Western society. Their response has contrasted sharply with the fanatical threats from overseas. Although the Government does not agree with the particular remedies sought by British Muslims, every Minister and every Member of Parliament who has talked to local Muslim leaders in recent months has come away with a greater understanding of their case and an enhanced respect for the priority which they give to the defence of their faith.

You cannot impose racial harmony by legislation or by ministerial edicts. In the end, greater trust and equality of opportunity between people of different ethnic origins will come about through a gradual shift in individual attitudes and behaviour. But there is a role for the Government to play in helping this process. A Conservative Government and a Conservative Party are well placed for this task, because close to the heart of our philosophy lies the idea of respect for diversity in unity, of one harmonious but not homogenised nation.

I have talked already about integration. The word is sometimes misused, so let me define more closely what I mean. The Government's objective is to enable men and women from our ethnic minorities to enter and to contribute to the mainstream of British life. We have no wish to make people abandon their own religious or cultural heritage. We do not accept the narrow and constricting vision of nationhood offered by our critics on the extreme Right. It is nonsense to claim that the diverse cultural traditions of our minorities cannot be reconciled with loyalty to Britain and full participation in the life of this kingdom.

A century-and-a-half ago those charges were being made against Roman Catholics and Jews. Then, as now, they are insulting and untrue. Disraeli said "a nation is a work of art and a work of time". Over time, both the majority and the various minority communities will adjust to one another as they gain experience

of living together as citizens of one country. Indeed, that process is already under way. But what about the first part of Disraeli's comments - that a nation is a work of art? That rightly implies a role for Government.

Our programme for action, as a Government and as a Party, must begin with a commitment to equality of opportunity and uncompromising opposition to racial discrimination in whatever form it comes. These are phrases grown thin with overuse, and misuse, but if we forget their meaning we shall lose our way. That commitment should shape both our rhetoric and our deeds.

A framework of law, embodied in public order legislation and in the Race Relations Act, will be needed for the foreseeable future. The law will not on its own bring about racial harmony, but it can help to eliminate the poison of vicious, deliberate racial discrimination. Freedom from fear was identified in the Atlantic Charter as one of the pillars of liberal democracy. Fear of becoming the victim of a racially motivated assault or of racial harassment still scars the lives of too many men and women, particularly in our inner cities.

Dealing with racial attacks and racial harassment is a priority for the police and for the Home Office. Today, we published the report of an inter-departmental working group on this problem. Its broad conclusion is that much more can be done through co-operation between the police, probation services, local authorities and voluntary groups in order to prevent racial attacks and see that the perpetrators are identified, caught and punished. I see this report as a basis for a nationwide initiative against racial attacks.

We must work harder for equality of opportunity if we are to bring social peace and a sense of neighbourhood to our inner cities. In part, this means Government setting a good example, encouraging qualified people from the ethnic minorities to enter the Civil Service, or the police.

We must make sure that any Government financial help is carefully targeted to equip men and women from the minorities to compete on equal terms for education, training and jobs. We shall soon publish a report re-assessing the £100 million now spent by central government under Section 11 of the 1966 Local Government Act on special help for the ethnic minorities.

Most of that money goes to good and worthwhile projects. But there have been other cases where money seems to have gone towards swelling the number of bureaucrats in the Town Hall, rather than offering practical help to the people who need it. In future, we want this money to be focused still more closely on the acquisition of skills, like fluency in English, without which any child will start school or working life at a disadvantage.

Helping people from the ethnic minorities to enter the mainstream benefits all of us, partly because it makes the task of building racial harmony easier, but also because in the 1990s the fall in the numbers of young people will make it essential that we harness every scrap of energy and talent which this nation has to offer.

Just over 20 years ago, Enoch Powell looked forward with foreboding to a day when civil order in our cities would be imperilled by deep and irreconcilable racial tensions. He was right in predicting difficulties, though the way in which he chose to do so made these worse. He was wrong to despair of overcoming these difficulties. Already we are seeing the evolution of British society and British culture as it shapes the traditions of Britain's ethnic minorities and is in its turn enriched by them.

It is visible on an every day level, in the popularity of Asian food, or in the influence of Asian and Afro Caribbean music, not only upon rock but upon Western classical composers. You see it in the achievement of the black men and women representing this

country in athletics, cricket and rugby and equally in the achievements of the British black or Asian millionaire bringing jobs and investment to one of our northern cities.

I look forward to a day when the children of Britain's ethnic minorities will enjoy in full the best of both cultural worlds. A girl of Bangladeshi origin in Stepney should be equipped with a fluent command of English. She should be led through the national curriculum into the historical, literary and scientific traditions which have shaped this country. She should have as much opportunity of higher education and a fulfilling job as someone whose forebears have been here for centuries. At the same time she will, I hope, cherish her own family's religious and cultural heritage, and will in some measure be able to share her knowledge and love of that tradition with white and black friends.

Disraeli once described a nation as "a vast assemblage of human beings knit together by laws and arts and customs, by the necessities of the present and the memory of the past". I believe that our country, with its traditions of tolerance and individuality can increasingly serve as the focus for the loyalties and affections of her newest minorities.

K02185

FROM: P J C MAWER
DATE: 16 May 1989

CC: Mr Woolley
Mr Wilson
Mr Catling
Miss Sinclair
Mr Lister-Jones

MR MORRIS

SECTION 11 OF THE LOCAL GOVERNMENT ACT 1966

file with Rev
You have asked for any comments on the Home Secretary's letter of 11 May with which he circulated the report of a scrutiny of Section 11 of the Local Government Act 1966.

2. Section 11 enables the Secretary of State to pay grant towards expenditure by local authorities on additional staff to meet the special needs of Commonwealth immigrants. The Home Office expends some £100 million per annum under this provision, 80% of it on educational posts.

3. The key question faced by the scrutiny was whether Section 11 provision should continue. The report says that it should, principally because abolition of specific grant would frustrate central Government's ability to target resources specifically on the ethnic minorities, who continue to have special needs. The Home Secretary supports this conclusion. The draft statement of race relations policy and the role of specific grant which the Home Secretary enclosed with his letter makes clear, however, that ethnic minority needs should wherever possible be met from main public sector programmes and that the aim should eventually be to make all main funding programmes so responsive to the needs of the whole community, including the ethnic minorities, that specific grant provision can end.

4. If the Prime Minister is minded to accept the Home Secretary's recommendation that Section 11 should continue, I am sure she will want to endorse his conclusion that payment of the grant should be put on a much more rigorous and businesslike footing, within a properly worked up framework of policy objectives agreed by Ministers. There should be better

targeting of the grant and improved evaluation of the spend. Within this context there are several recommendations which will be of benefit to the Government's inner cities policies:

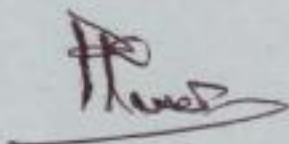
- the suggested basic aim of seeking to ensure that "members of the ethnic minorities are able to benefit from the same opportunities as the rest of the population" fits in well with the aims of Action for Cities
- the proposals to improve targeting should help those in greatest need
- removing the concept of Commonwealth immigrant from the legislation will bring in other equally deserving ethnic minority groups
- the proposal to allow direct grant payment to voluntary organisations could, depending on the detailed arrangements, allow Central Government to fund specific schemes aimed at helping ethnic minority groups in inner city areas.

5. The report suggests that the legislative basis of the specific grant should be updated when opportunity affords. The Home Secretary proposes to concentrate initially on those objectives which can be attained by administrative means. I have put down a marker with the Home Office that the announcement which the Home Secretary proposes to make, if the Prime Minister and other colleagues are content, should not make any commitments about future legislation. There is, I believe, no reason to rush to legislate, though the legislation might be of the sort suitable for the latter part of a Parliament.

6. The major departure the Home Secretary proposes from the recommendations in the scrutiny report concerns departmental responsibility. The Home Secretary suggests that the Department of Education and Science should take on responsibility for administering the education element of Section 11 grant. This will make practical sense, provided that the Home Office ensures

that there is a coherent grip on Section 11 policy as a whole, including the split in provision between educational and non-educational provision.

7. The Home Secretary proposes to publish the scrutiny report as soon as possible, with a positive statement accepting its overall thrust and setting out the Government's policy approach. It may be sensible for the Home Secretary to circulate the draft of that announcement to colleagues. Race relations policies have not figured prominently in the life of this Government so far. The announcement provides an opportunity to boost perceptions of the Government's interest in these issues, of which Ministers may wish to take advantage.

A handwritten signature in dark ink, appearing to read 'P J C Mawer', with a long horizontal flourish underneath.

P J C MAWER

Home Affairs
Race Rel
May 80



SUMMARY

Findings

1. £100 million of taxpayers money is spent under section 11 with the intention of benefiting the ethnic minorities. The money is spent on additional teachers for ethnic minority children, together with social workers, housing officers, business advisers and other local authority staff. Yet there is no clear objective for the grant, and no effective system for assessing results. The Home Office team is creaking under the strain of examining in great detail the 1,200 applications for new posts received each year, while 12,000 existing posts continue with little or no scrutiny. The application process is bureaucratic and wasteful. Local authorities and the communities believe the Home Office has lost all commitment to the grant, and that its days are numbered. Authorities vary considerably in their use and management of section 11 resources. We saw evidence of the grant acting as a valuable catalyst for change in mainstream programmes. But we also saw it funding token ethnic minority posts and subsidising programme expenditure. The ethnic minorities, who are ultimately the customers for section 11 grant, argue that there is no effective consultation, and feel little benefit for the expenditure of much of the £100 million. The legislation, now 20 years old, is out of date in important respects.

Conclusions

2. For many members of the ethnic minorities the reality of racial disadvantage takes the form of poor education, poor economic prospects and poor housing. There is a pressing need for effective measures to provide the ethnic minorities with access to the same opportunities as are available to the population in general, so enabling them to play a full role in society. We are convinced that section 11 has a real and effective contribution to make in opening up services and opportunities to the minorities by:

- i. Providing additional targeted resources to meet extreme need, for example intensive language support in schools with 90% of children from non-English speaking backgrounds. Unless such children achieve English fluency quickly they are deprived of access to the curriculum, examination success and employment.
- ii. Securing changes in the way that mainstream resources are used so that, for example, Adult and Further Education establishments provide courses which are in demand by the communities, including access courses and skills training for today's employment market.
- iii. Encouraging enterprise by making the business services provided by local authorities, local enterprise agencies and others relevant and accessible to the minorities.

iv. Promoting awareness in the communities of what is on offer in terms of, for example, housing and social services.

3. Alternatives to a specific grant, such as putting the funds into block grant, or splitting responsibility between service departments, would in our view be less effective. Abolishing or dismantling section 11 would be seen by the ethnic minority communities as a downgrading of the Government's commitment to tackling racial disadvantage. Our conclusion is that a specific grant, centrally administered by the Home Office, should be retained. But there must be a new clarity of objectives, and an urgency about achieving results. By results we mean not administrative changes but improvements in important aspects of life for members of the ethnic minorities such as improved educational performance, better employment and business prospects, improved housing and more effective social services.

Recommendations

4. Success in this can only be achieved once there is a clear policy, and an effective mechanism for judging performance and directing resources. The first step must be to establish a baseline against which improvements can be measured. The details of the processes we recommend to achieve such changes are set out in the report. Our main recommendations are as follows:

i. The grant should be directed to opening up mainstream services and opportunities to the ethnic minorities.

ii. This overall aim should form the basis for a policy on the use of the grant in each service area. These policies should be amended as objective evidence of successful approaches is obtained from the performance assessment system.

iii. Primary responsibility for managing posts must rest with local authorities. The Home Office should hold authorities accountable for the results achieved. Local authorities would be required to submit reports to the Home Office every three years setting out: ethnic minority needs; their strategy for meeting them; their use of mainstream and section 11 resources; evidence of results achieved; and targets for the next three years. Authorities would be obliged to consult the ethnic minority communities about their reports, and provide the Home Office with the results.

iv. The Home Office team should break from its current reactive role to become a mechanism for spreading best practice in the use of the grant. This will involve building up expertise and local contacts. Part of the team should be relocated to the Midlands or West Yorkshire to improve its accessibility to the communities.

v. The Government should re-launch the grant through a high profile announcement in order to: persuade the ethnic minority communities and the local authorities that the Government is committed to tackling racial disadvantage;

project the new Government policy for the grant; and press home the new emphasis on securing results from the grant in the form of real improvements in the position of the ethnic minorities. The re-launch should take place no later than July 1989.

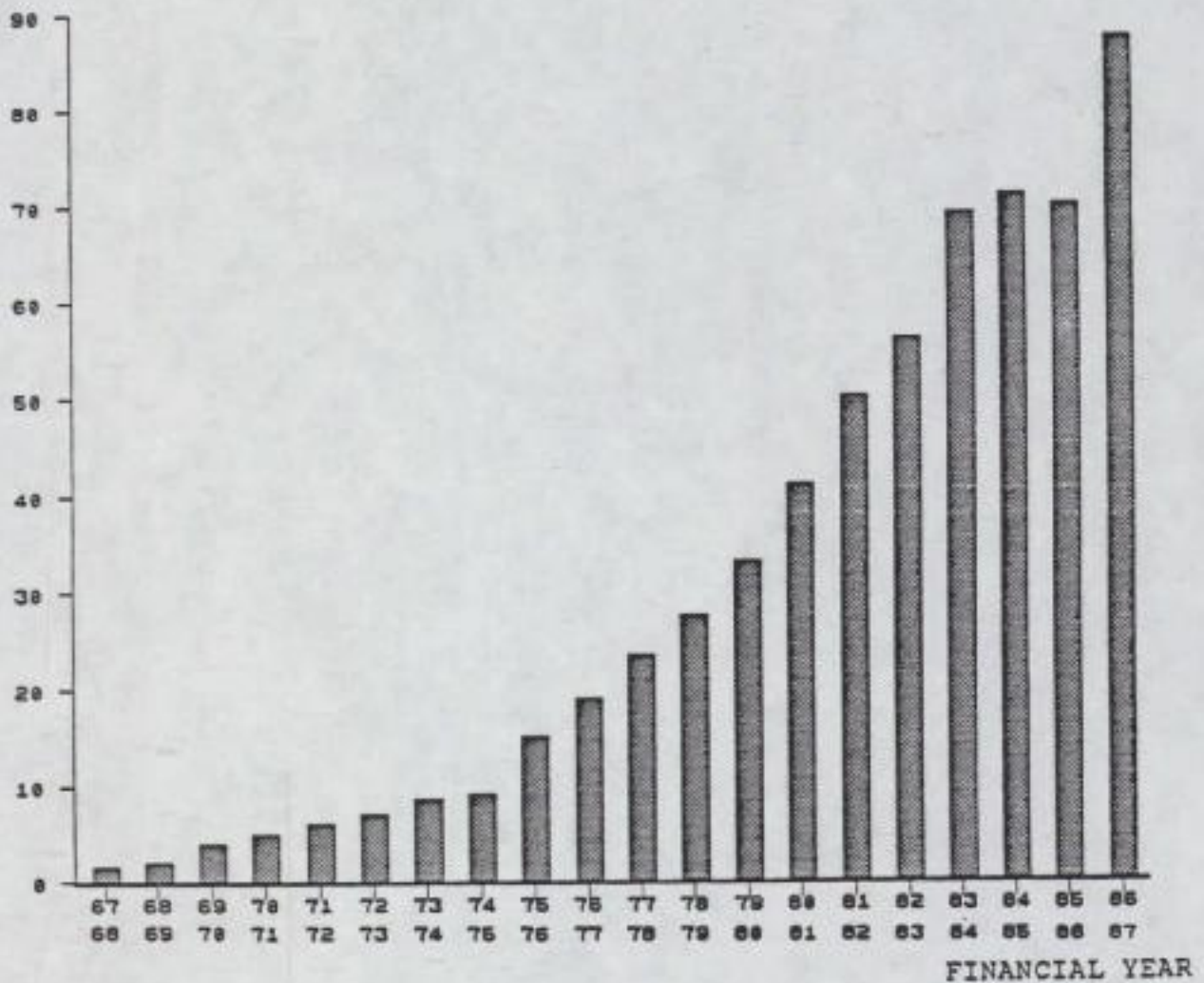
vi. The legislation should be amended to remove the concept Commonwealth immigrant and to allow the grant to be paid to the voluntary sector. Given the concern and frustration section 11 has given rise to in the past this should be done by a wholly new provision, rather than amendment of the 1966 Act, targeted at meeting ethnic minority needs arising from racial disadvantage.

GRAPH 1

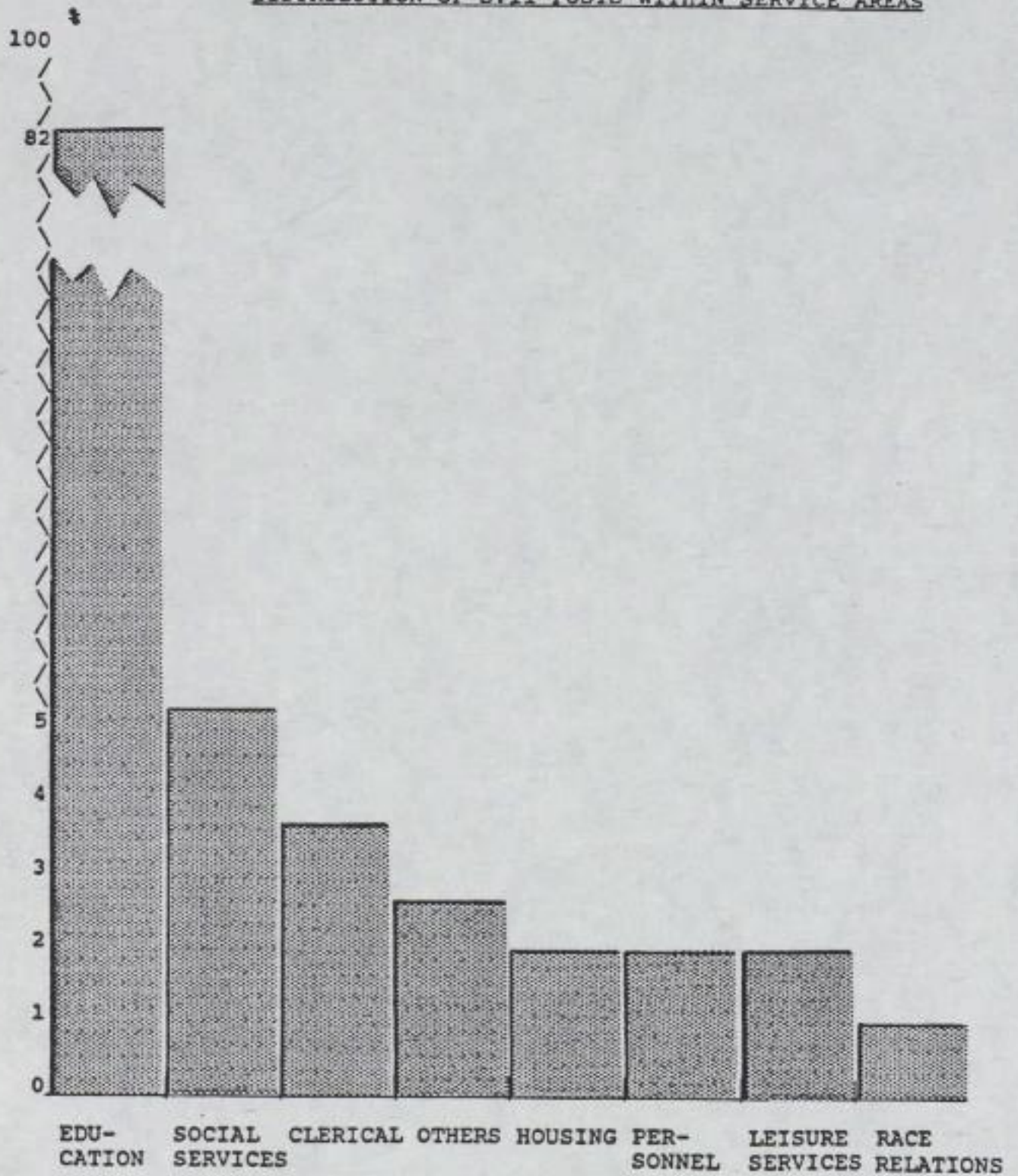
EXPENDITURE UNDER S.11 SINCE INCEPTION

During financial years 67/68 and 68/69 grant was only payable at 50%.

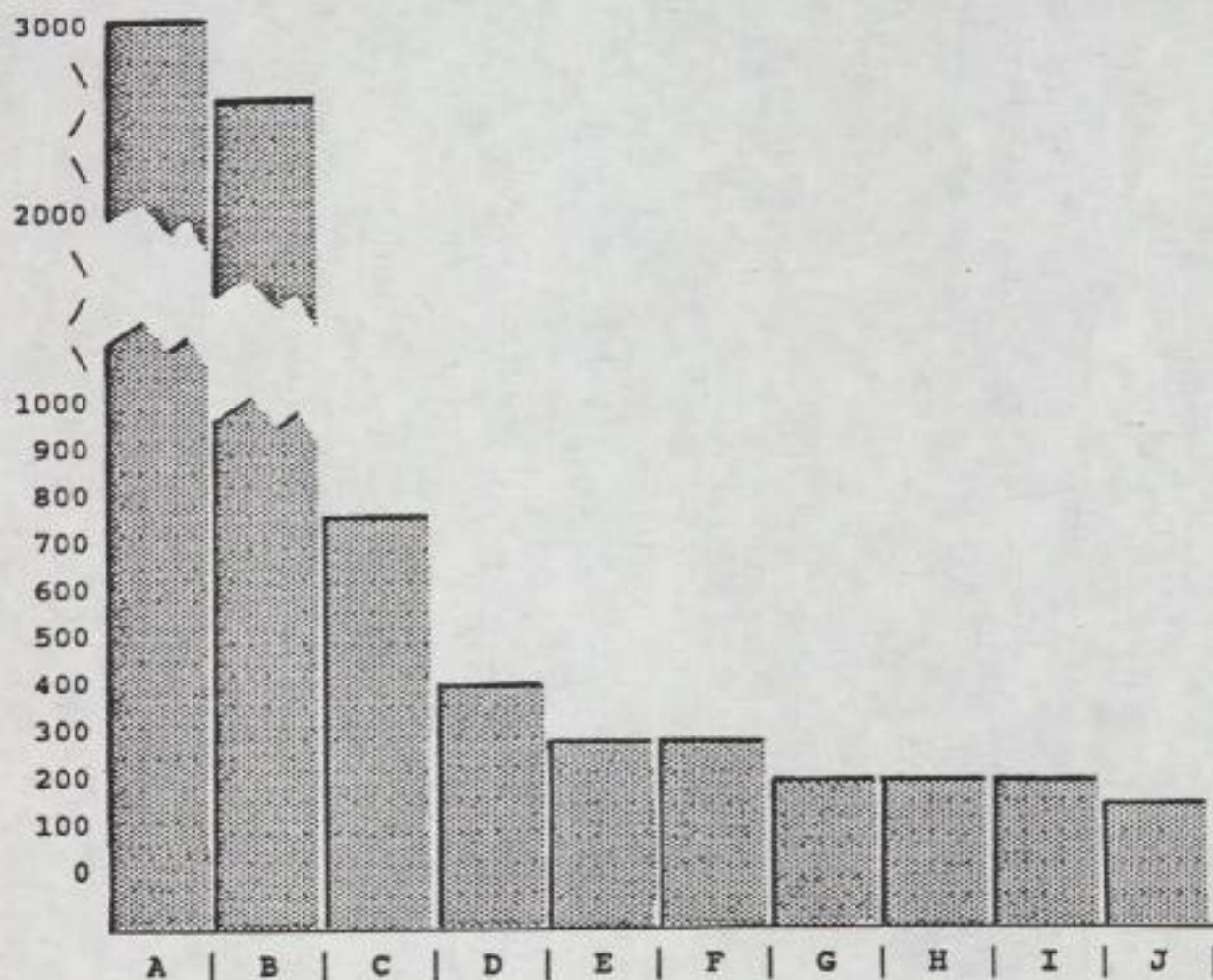
(£ MILLIONS)



DISTRIBUTION OF S.11 POSTS WITHIN SERVICE AREAS



DISTRIBUTION OF S.11 POSTS WITHIN EDUCATION



A- GENERALIST TEACHERS	3010
B- ESL SCHOOL BASED AND PERIPATETIC TEACHERS	2700
C- CLASS ROOM ASSISTANTS	750
D- ESL ADULT	400
E- MANAGEMENT AND POLICY	300
F- YOUTH AND COMMUNITY	300
G- MOTHER TONGUE	200
H- WELFARE	200
I- HOME/SCHOOL LIAISON	200
J- OTHERS	114



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CCP
B
QUEEN ANNE'S GATE LONDON SW1H 9AT

11 May 1989

Dear Secretary of State,

SECTION 11 OF THE LOCAL GOVERNMENT ACT 1966

.... In my letter to you of 2 March 1988 I consulted colleagues about the need for a scrutiny of section 11 of the Local Government Act 1966, under which grants are made towards expenditure on education and other services to meet the special needs of the ethnic minority communities. I enclose a copy of the report which the scrutiny team has now submitted.

The scrutiny confirms our view that, while there is need for the specific grant provision, the present system needs substantial improvement in order to ensure that the money is used effectively. The report proposes immediate changes to the way the grant is administered and, when legislative time can be taken, to the statutory basis. Our Departments, together with the others concerned, have begun consideration of the report. In this letter I set out the approach I propose that we should adopt.

I am convinced that the report is right to endorse the value of much of the work carried out under section 11 grant. Provision for English language teaching and comparable needs to enable the newly settled ethnic minority communities to play their full part in the mainstream of British life is of fundamental importance. The most pressing need to emerge from the report is for a properly worked up framework of policy objectives laid down from the centre. Development of the use of grant over the last twenty years has been left too much to local initiative. Linked to the lack of policy direction, monitoring arrangements have been inadequate. I fully accept the thrust of the report's recommendations to replace the existing system with a better targeted and properly monitored one as soon as possible. Officials have been discussing the development of both a coherent policy and improved administrative machinery.

DEPARTMENTAL RESPONSIBILITY

I have come to the conclusion that, while we should accept the main thrust of the scrutiny's recommendations, there is a strong case for going further than does the report in its basic recommendation about Departmental responsibility. Section 11 grant covers the full range of local authority services. But four-fifths of expenditure goes to education. John Patten and Angela Rumbold, the supervising Ministers for the scrutiny, take the view that the report is wrong in concluding that the balance of advantage lies in retaining the entire grant under the control of the Home Office. There will

be a need when introducing the new system to integrate the development of monitoring systems and performance measures closely with work on the national curriculum and other developments arising from the Education Reform Act. I accept that this can be done more effectively by your Department than by the Home Office. I therefore agree with their proposal that the Department of Education and Science should take over responsibility for administering the education element of section 11 grant under the new system.

This division will in due course entail a transfer of PES provision, both for the grant itself and for the staff required to administer it. As a result of the new system of local government finance, there will be specific provision in PES for the first time from 1990/91. I propose that the Home Office should submit a single bid for the 1989 PES survey period and that we should decide on the appropriate division of resources later in the year after conclusion of the survey.

A decision to divide responsibility between our Departments has implications for other Departments. Responsibility for allocating the rest of section 11 grant would remain with the Home Office, although other Departments would need to be closely involved. Peter Walker has, of course, a special interest, since your Department is not responsible for education in Wales. The existing use of section 11 grant in Wales is relatively small - about £0.5M this year. I should be glad to know whether he is content that its administration should remain with the Home Office.

CASH LIMITING

The scrutiny report assumes, in line with its terms of reference, that the grant will be subject to a cash limit. I can confirm to John Major that we accept that the grant should be cash limited under the new arrangements. I believe that this will provide an important discipline in making authorities set priorities and targets. The precise details will have to be worked out as part of the new arrangements. (There are doubts about the practicability of the administrative mechanism proposed in the scrutiny report). Officials will be discussing alternative proposals for our consideration in due course.

PUBLICATION

Detailed administrative proposals will take a little time to work up, though I hope that we can meet the scrutiny target of having the new system in place for the financial year 1991/92. I do not think that we should delay publication of the scrutiny report and our initial response until they are available. It is important to announce as soon as possible that we accept the need to retain the specific grant and that we are going to improve its effectiveness. I therefore propose that we should publish the scrutiny report as soon as possible. I would propose to publish with it a statement of our policy approach and the change of Departmental responsibility. I should be grateful for colleagues' agreement to this approach.

.... The enclosed paper sets out the role of section 11 grant within the context of a broader statement of Government policy towards race relations for this proposal. I should be grateful to know whether you and the other recipients of this letter are content with this statement.

POLICY AND ADMINISTRATION FOR NEW SYSTEM

.... I would envisage that publication of the scrutiny report would be followed as soon as possible by the issue of a consultation document containing administrative proposals and detailed policy statements on the use of the grant in each area of local authority services (as recommended by the scrutiny), which would indicate types of provision considered appropriate for support under section 11, establish priorities and indicate timescales for achieving results. Your Department has prepared the enclosed statement of policy in regard to education for this purpose. It has been circulated to other Departments as a model for statements in other areas. I should be grateful if colleagues would confirm that they are content with the principle that there should be similar statements in respect of the local authority services within their areas of responsibility; officials will then discuss the contents of such statements with a view to clearance by the appropriate Ministers. This consultation exercise will need to be launched well before the summer if we are to obtain comments in time to issue a circular setting out our new requirements before the end of the year so that the new system can be introduced in 1991/92.

CONCLUSION

I propose:

- (a) to publish the scrutiny report as soon as possible with a positive statement accepting its overall thrust and setting out our policy approach;
- (b) that officials should prepare proposals for detailed policies and improved administrative arrangements to be issued for consultation before the summer; and
- (c) that DES should take responsibility for education expenditure under section 11, with the Home Office remaining responsible for the administration of the remainder.

Copies of this letter go to the Prime Minister, other members of H Committee, the Attorney General, the Minister for the Arts, Sir Robin Butler and Sir Angus Fraser. I should be grateful for any comments by Friday, 26 May.

Yours sincerely,

Robin Swire

APPROVED BY THE HOME SECRETARY
AND SIGNED IN HIS ABSENCE

A SCRUTINY OF GRANTS UNDER SECTION 11 OF THE
LOCAL GOVERNMENT ACT 1966

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SUMMARY

Findings

1. £100 million of taxpayers money is spent under section 11 with the intention of benefiting the ethnic minorities. The money is spent on additional teachers for ethnic minority children, together with social workers, housing officers, business advisers and other local authority staff. Yet there is no clear objective for the grant, and no effective system for assessing results. The Home Office team is creaking under the strain of examining in great detail the 1,200 applications for new posts received each year, while 12,000 existing posts continue with little or no scrutiny. The application process is bureaucratic and wasteful. Local authorities and the communities believe the Home Office has lost all commitment to the grant, and that its days are numbered. Authorities vary considerably in their use and management of section 11 resources. We saw evidence of the grant acting as a valuable catalyst for change in mainstream programmes. But we also saw it funding token ethnic minority posts and subsidising programme expenditure. The ethnic minorities, who are ultimately the customers for section 11 grant, argue that there is no effective consultation, and feel little benefit for the expenditure of much of the £100 million. The legislation, now 20 years old, is out of date in important respects.

Conclusions

2. For many members of the ethnic minorities the reality of racial disadvantage takes the form of poor education, poor economic prospects and poor housing. There is a pressing need for effective measures to provide the ethnic minorities with access to the same opportunities as are available to the population in general, so enabling them to play a full role in society. We are convinced that section 11 has a real and effective contribution to make in opening up services and opportunities to the minorities by:

- i. Providing additional targeted resources to meet extreme need, for example intensive language support in schools with 90% of children from non-English speaking backgrounds. Unless such children achieve English fluency quickly they are deprived of access to the curriculum, examination success and employment.
- ii. Securing changes in the way that mainstream resources are used so that, for example, Adult and Further Education establishments provide courses which are in demand by the communities, including access courses and skills training for today's employment market.
- iii. Encouraging enterprise by making the business services provided by local authorities, local enterprise agencies and others relevant and accessible to the minorities.

iv. Promoting awareness in the communities of what is on offer in terms of, for example, housing and social services.

3. Alternatives to a specific grant, such as putting the funds into block grant, or splitting responsibility between service departments, would in our view be less effective. Abolishing or dismantling section 11 would be seen by the ethnic minority communities as a downgrading of the Government's commitment to tackling racial disadvantage. Our conclusion is that a specific grant, centrally administered by the Home Office, should be retained. But there must be a new clarity of objectives, and an urgency about achieving results. By results we mean not administrative changes but improvements in important aspects of life for members of the ethnic minorities such as improved educational performance, better employment and business prospects, improved housing and more effective social services.

Recommendations

4. Success in this can only be achieved once there is a clear policy, and an effective mechanism for judging performance and directing resources. The first step must be to establish a baseline against which improvements can be measured. The details of the processes we recommend to achieve such changes are set out in the report. Our main recommendations are as follows:

i. The grant should be directed to opening up mainstream services and opportunities to the ethnic minorities.

ii. This overall aim should form the basis for a policy on the use of the grant in each service area. These policies should be amended as objective evidence of successful approaches is obtained from the performance assessment system.

iii. Primary responsibility for managing posts must rest with local authorities. The Home Office should hold authorities accountable for the results achieved. Local authorities would be required to submit reports to the Home Office every three years setting out: ethnic minority needs; their strategy for meeting them; their use of mainstream and section 11 resources; evidence of results achieved; and targets for the next three years. Authorities would be obliged to consult the ethnic minority communities about their reports, and provide the Home Office with the results.

iv. The Home Office team should break from its current reactive role to become a mechanism for spreading best practice in the use of the grant. This will involve building up expertise and local contacts. Part of the team should be relocated to the Midlands or West Yorkshire to improve its accessibility to the communities.

v. The Government should re-launch the grant through a high profile announcement in order to: persuade the ethnic minority communities and the local authorities that the Government is committed to tackling racial disadvantage;

project the new Government policy for the grant; and press home the new emphasis on securing results from the grant in the form of real improvements in the position of the ethnic minorities. The re-launch should take place no later than July 1989.

vi. The legislation should be amended to remove the concept Commonwealth immigrant and to allow the grant to be paid to the voluntary sector. Given the concern and frustration section 11 has given rise to in the past this should be done by a wholly new provision, rather than amendment of the 1966 Act, targeted at meeting ethnic minority needs arising from racial disadvantage.

1. INTRODUCTION

1.1 Under section 11 of the Local Government Act 1966 the Home Office pays grants to local authorities who employ extra staff to meet the needs of Commonwealth immigrants. Section 11 is the only large programme of Government expenditure targeted to the needs of the ethnic minorities. Our Scrutiny ran from 15 August to 19 December. Our terms of reference and timescale are set out in Annex A.

1.2 Evidence was collected mainly through interviews and written submissions. Questionnaires were not used because of the limited time available and the difficulty of interpretation. The four principal sources of evidence were: visits to 12 areas with ethnic minority communities; national discussions with organisations and individuals suggested as having a view on section 11; responses to a letter circulated to relevant organisations by the Home Office; and the collection of information from the Home Office team (including a review of a sample of applications for grant), and officials in other parts of the Home Office and other Government departments. The areas we visited, the people we met and the written responses received are listed in Annex A. Our Scrutiny concentrated on the practical issues surrounding section 11. Complex philosophical discussions can be had about the nature of racial disadvantage, and we have touched on these in our conclusions. But we have concentrated on how section 11 works in practice, whether it is effective, and how to secure improved results.

1.3 The Home Office administers grants under section 11 but expenditure on education posts predominates. Ministers in both the Home Office (Mr Patten) and the Department of Education and Science (Mrs Rumbold) were associated with the Scrutiny, an action manager was appointed in each department, and the team included a secondee from the Department of Education and Science (DES). The team members were:

Steven Davidson	Home Office
Mark Sawyer	DES
Ken Everett	Home Office

The estimated total cost of the Scrutiny was £38,000.

1.4 The use of terms can be particularly sensitive in the field of race. The phrase 'Commonwealth immigrant' in the 1966 Act has caused much offence. We use it in the report only where this is necessary to distinguish the group currently eligible for grant. Otherwise the term ethnic minorities is used. This is intended to cover Asian and Afro-Caribbean groups together with other ethnic minorities such as the Vietnamese and the Chinese. Unless the context makes it clear, the term is not used to embrace European or other minority groups.

2. THE CURRENT SYSTEM

2.1 Section 11 provides that the Secretary of State may pay grant towards expenditure on additional staff to those local authorities "who in his opinion are required to make special provision in the exercise of any of their functions in consequence of the presence within their areas of substantial numbers of immigrants from the Commonwealth whose language or customs differ from those of the community". Grant is paid on approved posts at 75% of salary costs. From 1966 to 1982 the grant was seen as compensation, with local authorities left to make such provision as they saw fit and send the bill to the Home Office. Growing criticism of this approach culminated in the statement by the Home Affairs Committee in 1981 that "there is no single aspect of section 11 grant which has escaped criticism". Circulars issued in 1982 and 1983 imposed tighter criteria intended to ensure that only additional provision designed to meet the needs of the ethnic minorities was funded. All existing posts were to be reviewed. A three year review cycle was imposed. Yet concern continued and in 1986 a new circular was issued. It was more explicit on consultation with the communities, the importance of strategy, and monitoring, and seemed to encourage innovation. The three year review cycle was abolished, with the Home Office saying that it would call for reports from selected local authorities from time to time and conduct visits. (More detail on the development of the grant is set out in Annex B.)

2.2 Figures for actual expenditure show that in 1986/87 section 11 grant to local authorities totalled £87.5 million (excluding a number of large outstanding claims which are the subject of negotiation), supporting expenditure of £116.6 million. This represents an increase of nearly 170 per cent in cash terms on the 1979/80 figures. Graph 1 in Annex C plots the increase in section 11 grant since its inception. Current grant is estimated to be around £100 million, the figure used as an approximate basis throughout the report. In 1986/87 the grant was paid to 110 local authorities with payments to individual authorities ranging from £13.5 million to ILEA to £2,096 to Hynburn District Council. Table 1 in Annex C lists the authorities receiving grant while Graph 2 shows the distribution of the grant between types of local authority. The major use of section 11 grant by local authorities is for education posts. The quality of the information about the nature of the funded posts is poor. The 1986/87 figures for expenditure show that education (mainly teachers) accounted for £70 million (79.5%) of the grant while £3.0 million (3.5%) was spent on social services, and around £14.5 million (17%) on others. Looking at posts the breakdown is:

<u>Type of post</u>	<u>% of total</u>
Education	82.0
Social Services	5.0
Clerical	3.5
Housing	2.0
Management Services (Personnel)	2.0
Leisure Services	2.0
Race Relations	1.0
Others	2.5

Graph 3 in Annex C illustrates the above figures while Graph 4 shows the breakdown between different types of education posts.

2.3 Section 11 must be seen in the context of overall Government support for local authority expenditure. Under the current system central Government reaches a view on how much local government will spend as part of the annual public expenditure survey (PES) for local authorities. It then determines how much overall central Government support for this expenditure will be. Specific grants are deducted from this total (top sliced) to be disbursed separately. The remaining figure is paid as block grant, with the distribution between local authorities based on calculations of expenditure on education, social services and other services. This distribution includes weighting for factors likely to affect the level of demand for services. In the case of school age education and social services the weighting factors include the presence of large numbers of people from the ethnic minorities. Other weighting factors include aspects of deprivation such as poor housing and low income. Ethnic minority groups suffer disproportionately from such disadvantages so these weighting factors too will redistribute resources in favour of local authorities with significant numbers from these communities. It is up to individual local authorities how they spend block grant. The local authority PES for each service will include those aspects funded by section 11 grant, but there is no explicit reference to section 11. Nor is section 11 included in the central Government PES for the Home Office. Under the new system of support for local authority expenditure, which will take effect from 1990/91, decisions on block grant and specific grant will be separate. Instead of specific grants being lost in the debate about expenditure on services under the local authority PES they will be included in the relevant Government Department's PES. From the 1990/91 financial year onwards the Home Office will have to bid for section 11 grant, justifying the expenditure in terms of value for money, and the Government will make explicit decisions about planned expenditure. The PES cycle for 1990/91 begins in January 1989. The Terms of Reference indicate that section 11 will be cash limited to the planned total.

3. FINDINGS - CENTRAL GOVERNMENT

A lack of clarity in objectives

3.1 The circulars issued in the 1980s attempted to tighten up the administration of the grant, but did not address the fundamental question of the underlying objectives, and left the initiative for deciding what sort of provision to make with local authorities. Although the 1986 circular included a list of posts for which applications would be welcome it was not exhaustive, and a provision for setting priorities has never been used. The Home Office continued to apply detailed administrative criteria without making judgments about the type of provision. In 1987 this began to change. When considering particular applications, Ministers began to make judgments that certain types of provision should not be funded. A policy has grown up of not funding posts reinforcing separatism as opposed to those encouraging integration. For example separate nursery provision catering for ethnic minority children will not now be funded.

3.2 Local authorities criticised this lack of a clear policy from central Government, and felt that the Home Office had shifted its ground without providing new guidance. There were constant references to the Home Office 'shifting the goal posts' and to the difficulty of 'breaking the code' of policy. Local authorities wasted considerable effort, and raised expectations in the ethnic minority communities, in preparing bids for new posts only to discover that the Home Office had decided that such posts would no longer be funded. It was said to be difficult to obtain feedback on why posts had been refused. Some argued that political factors were at play. The Home Office was thought to have lost all enthusiasm for section 11 grant. It was suggested that the office worked with a long list of reasons for refusing an application. This was not how the Home Office team saw their task, but caseworkers conceded that, given their workload, they tended to refuse when there were grounds for doing so rather than pursuing queries. A number of local authority officers felt it was no longer worth applying for grant. One authority had a very successful section 11 funded Afro-Caribbean business adviser but had not bothered to apply for funding for its new Asian business adviser because of the work involved and the perceived 'inevitability' of a refusal. The rate of approvals for applications did indeed decline from 77% in the last six months before the 1986 circular to 34% from February to November of this year. Despite the statement in the Terms of Reference that the Government wishes to retain special arrangements for directing resources to meeting racial disadvantage several argued that the current Home Office attitude to section 11 showed its days were numbered and that the Scrutiny was a mechanism for justifying abolition.

Section 11 and mainstream funding

3.3 The proper relationship between section 11 and mainstream provision was unclear. The 1966 Act provides that posts must represent special provision, but section 11 funds tend to be sought wherever the client group is predominantly from the ethnic minorities. The Home Office has sought to prevent this by using

the concept of "special need" (drawing on the phrase special provision in the Act), funding posts which meet the "special needs" of the ethnic minorities but not those which provide a service needed by the whole community. English as a second language teaching meets this criterion, but there are arguments about whether day centres catering for the ethnic minority elderly are special provision, or simply part of a local authority's general duty to provide such facilities for the whole community. "Special needs" had become an important but obscure part of the policy code. Some criticised the emphasis of the legislation on linguistic and cultural needs, though in practice once a need has been established the Home Office seems to adopt a broad view of language and culture.

3.4 The £100 million grant paid under section 11 must be seen in the context of total local authority expenditure (including capital) of around £40 billion, including £14 billion spent on education (£10 billion on schools) and £3 billion on social services. Section 11 is not therefore the only or the main means for meeting the needs of the minorities. The principal mechanism must be the main programmes. This accords with an argument advanced by many ethnic minority communities that while councils would find the money to fund a post dealing with white clients they would expect the Home Office to fund a post serving the ethnic minorities. Yet, it was argued, the ethnic minorities paid rates and taxes like the rest of the community and were entitled to services in the same way.

Administration

3.5 The team in the Home Office administering the grant consists of:

	<u>Actual number</u>	<u>Full time equivalent</u>	<u>Cost per annum</u>
Grade 7	1	0.90	
Higher Executive Officer	2	1.75	
Executive Officer	5	4.50	
Administrative Officer	2	1.20	
Personal Secretary	1	0.50	
	--	----	
	11	8.85	£216,000

The main caseworking grade is EO. Decisions to refuse grant are referred to at least HEO level, while all approvals are subject to a submission from the Grade 7 to Ministers. A new Senior Executive Officer post has just been established to take charge of the caseworking from the Grade 7 (who will devote more time to policy work following the Scrutiny). In addition the equivalent of 0.65 staff in Finance Division 2 of the Home Office pay claims for grant, with a full cost of £16,500 per annum. Occasionally bids are referred to either DES or the Department of Health for advice. DES estimate annual costs at £25,500 with a further £55,000 in costs for Her Majesty's Inspectorate of Schools (HMI). Department of Health put their contribution at 8 inspector days a year or £1,500. This gives a total central Government cost of £315,000 a year. This picture of 10 to 15 staff, costing

£315,000, administering a grant of £100 million, contrasts with the Urban Programme where around 100 staff administer £250 million, and the Inner Cities initiative of Department of Trade and Industry where administration costs are £2.25 million with a programme of £16.5 million.

3.6 From February 1988 to November 1988 applications for an average of 92 posts were received each month while I Division completed action on an average of 125 posts. 34% were approved 66% were refused. It is very encouraging that the backlog in posts fell from a peak of 1,380 posts in March to 777 posts in November. The cases completed during this period took an average of 29 weeks, with a spread from 1 week to 80 weeks. The division has a target of reducing the backlog to 300 posts by September 1989. In addition the section has been dealing with remaining reviews and formula replacement bids arising from the 1982 and 1983 circulars. But the vast majority of the Home Office effort is directed at the 1,200 or so posts applied for each year, of which less than 500 are approved. No resources have been available to call in monitoring reports from local authorities or to carry out visits to monitor the existing 12,000 posts. Morale in the section is low.

3.7 Complaints about delays in securing decisions were a constant theme. Delays, and particularly their unpredictability, made it very difficult for local authorities to plan effectively. The files we reviewed included an application from a local education authority (LEA) for 25 teachers and liaison workers which took 18 months. Six months of the delay was in waiting for comments from DES, while 4 months was due to the time taken by the LEA to provide further information. In a case involving a business development officer acceptance took 9.5 months, half of which was due to delays in the local authority providing additional information. It is rare for the Home Office to be able to consider an application without requesting further information. There were many basic mistakes such as boxes on the form not filled in. Yet the circular and the brief notes provided with the form give little guidance on how the form should be filled in. For example, although objectives are central to the consideration of applications there is little guidance on what sort of objectives are required. We were told, however, that the section had now drawn up a guidance letter which was being sent out with application forms. In addition the local authority associations and voluntary groups have recently cooperated in the production of guidance notes - a very sensible response to the current lack of Home Office guidance.

3.8 The team are all too aware that they lack expertise in education, social services and housing where many of the applications fall. Yet there is no systematic arrangement for consultation with other Government departments. DES are consulted more frequently than other departments (though they only see a small proportion of cases), and administrators there usually seek the advice of HMI. Caseworkers said that consultation with the DES could involve significant delay, but was rarely decisive in terms of whether a post was approved. Consultation with the Social Services Inspectorate of Department of Health takes place from time to time, but contact with other

departments is very sporadic. Local authorities and local groups said the Home Office was very remote. They felt that those making decisions had little knowledge of the locality concerned or the problems faced by the ethnic minorities.

4. FINDINGS - LOCAL GOVERNMENT

4.1 Much of our time was spent seeing section 11 posts in operation and discussing the issues with managers and postholders. Attached at Annex D is an account of the impressions gained. Various themes emerged.

(i) Lack of hard information on needs. Many gave convincing pictures of ethnic minority needs and the way in which they were identified but there was a lack of hard evidence. Ethnic monitoring of, for example, education performance or the use of services was not widespread.

(ii) The concentration of monitoring on inputs rather than results. Local authorities produced huge documents showing how they were monitoring posts. circular. But at best this meant they could identify a post and what it was doing.

(iii) Administrative burdens on local authorities. Authorities criticised the cost to them of monitoring section 11 provision on a post by post basis and of applying for individual posts. Estimates of the costs varied but the mid range was around £300 per annum per post in monitoring and administration and £1,200 per application. This would suggest a total annual cost of £5 million (as compared to central Government costs of £315,000 per annum) with around £850,000 'wasted' on applications which are refused.

(iv) The inflexibility of the system. Authorities argued that detailed controls on posts made it impossible to deploy resources in the most effective way. In one authority road safety posts approved to give advice to adults had discovered that the real need related to children. Yet the local authority said the postholders could not work in schools without stepping outside the current Home Office approval, and feared that any change in job description would take months or years and might lead to a withdrawal of funding. The insistence on separate identifiable posts could also conflict with the most effective methods. In schools it was argued that the best educational approach involved collaborative work bringing in section 11 and other posts, where benefits would accrue to the whole class.

(v) Lack of established practice for assessing performance. Section 11 funds additional posts in a range of service areas. Assessment of section 11 should plug into assessment mechanisms for education and other departments. But all too often they do not exist.

(vi) The uneven take up of section 11 as between local authorities. For example one metropolitan district council with an ethnic minority population of 70,000 claimed £4.3 million in 1986/87 whereas another with 250,000 ethnic minority residents claimed only £500,000 more. In some authorities, particularly in LEAs, section 11 was seen as a long term subsidy for particular services while in others it was seen as shorter term assistance needed to review and

reshape existing services. Some local authorities reached for section 11 funding whenever they could. Frequently local authorities argued that section 11 was the only recognition of additional service needs, forgetting the weighting mechanisms in the block grant system (see paragraph 2.3).

(vii) The difficulty of assessing additionality. Arguments about whether section 11 money was being used to provide additional services for the ethnic minorities or to shore up mainstream provision were common. In the absence of any independent and objective view of what a standard mainstream service might involve additionality was hard to assess.

(viii) The difficulty of assessing needs in different communities. Needs varied considerably within and between the various ethnic minority communities. In some primary schools 80% to 95% of children came from non English speaking households with backgrounds in rural Bangladesh or Mirpuri. Yet in many secondary schools we visited children from Indian or East African Asian backgrounds were said to be at least equalling the performance of white children in some examination subjects.

(ix) The emphasis on language can lead to Afro-Caribbean needs being overlooked. Language is the most obvious need yet Asian children often out-perform their Afro-Caribbean contemporaries.

(x) The impact of previous reviews. Some local authorities and community groups argued that previous Home Office reviews, and the requirement to consult the communities, had brought significant improvements in the way section 11 was used. But in other areas the Home Office was said to have been taken in by paper exercises involving no real change. In one LEA we were told that the authority had budgeted to lose around 100 posts in the review as being outside the new criteria but had lost only a handful.

5. FINDINGS - THE COMMUNITIES

Consultation

5.1 Most community representatives we met criticised the consultation arrangements under section 11. The 1986 circular requires local authorities to consult the intended beneficiaries before applying and we visited local authorities who consulted through their formal committee structures, large semi-public groups or the circulation of papers. In some areas the list of organisations consulted was criticised as being too limited (for example one local authority sought to meet Home Office instructions to consult the communities rather than community relations councils (CRCs) by consulting a list of people supplied by the CRC). Consultation was said to take place at too late a stage in the development of applications. Information was not made available about existing section 11 posts or monitoring arrangements. Only in two areas did the communities say consultation was adequate. Local authorities criticised the Home Office for being unclear about the purpose of consultation.

Lack of perceived benefit

5.2 Communities argued that while large sums of money were being given to local authorities the communities themselves felt no obvious benefit. Section 11 was criticised as providing jobs in town halls (often filled by whites) which had no relevance to the everyday problems of the ethnic minorities. There were frequent allegations that local authorities were using section 11 funds to subsidise mainstream provision. The creation of section 11 posts was sometimes seen as tokenism intended to meet ethnic minority criticisms without bringing about genuine change. Authorities were criticised as failing to adopt a strategic approach. Yet community representatives produced relatively few ideas about how the use of section 11 would differ if they had more influence. Community language teaching, which is given in many areas in supplementary schools, was mentioned as a potential area of section 11 funding within LEA maintained schools. Communities were also keen to see more section 11 workers in the communities, for example in community centres. Our visits showed that ethnic minority community centres provide a wide range of services including job training, English classes, enterprise support and youth work. Provision to improve knowledge of and access to services was often called for. There was an anxiety that the response of Government to criticism of some local authorities' use of section 11 grant was to restrict the availability of the grant, disadvantaging the ethnic minorities further.

6. FINDINGS - THE LEGISLATION

Commonwealth immigrant

6.1 The word immigrant was regarded as highly insulting by people whose parents and perhaps grandparents had been born in this country. The term Commonwealth was criticised as excluding non Commonwealth groups with very similar needs, for example the Vietnamese and the Somalis. We were told that the needs of the Vietnamese were equal to or greater than those of Commonwealth groups. Their arrival was more recent, there was no established community infrastructure, and the nature of their language could make learning English more difficult. There are other examples. Chinese communities are only regarded as eligible for section 11 grant on the assumption that all Chinese people in this country have come via Hong Kong, not as of right. A child from a background in Pakistan is eligible for the services of a section 11 post if his or her parents came to this country before 1972 but not if they did so afterwards. It is impossible to escape the conclusion that the term Commonwealth immigrant should be removed from the legislation.

Substantial numbers

6.2 There was criticism of the restriction of section 11 grant to circumstances where there are significant numbers from the ethnic minorities. This was seen as a problem in relation to scattered communities such as the Chinese or Vietnamese where the needs were clear but no individual local authority had substantial numbers. The Home Office has sought to overcome this by agreeing to consider joint applications from local authorities. In practice special provision is unlikely to be sought or approved where communities are very small. But a formal requirement in the Act for substantial numbers performs no useful function when need should be the real criterion. As 21 local authorities have established eligibility but not sought posts suppressed demand is limited, so removal of the requirement is unlikely to lead to a flood of applications.

The restriction of grant to local authorities

(i) Other statutory agencies

6.3 Health was an area of need mentioned by various community groups. Until the reorganisation of local government in 1974 health authorities were able to secure section 11 funding. Health authorities argued that many urban areas, where large numbers of ethnic minorities were present, had suffered under the current resource allocation formula. The lack of staff with community language skills or interpreters meant that informed consent was a fiction for many. We were told of one perinatal death where the medical team was unable to obtain consent to a caesarian operation from a non-English speaking father and mother who were convinced that what was proposed was sterilisation. Some diseases, such as sickle cell disease and thalassaemia, effect the ethnic minority communities disproportionately. The Department of Health has earmarked pump priming funds for outreach workers, but the numbers involved are small. There has

also been some co-operation with social services departments. But the indications are that the health service is at an early stage in the development of its services to ensure that they are sensitive to the needs of the ethnic minorities. We were not convinced, however, that the extension of section 11 to health authorities would be the right way forward. Section 11 funds are top sliced from local authorities' block grant and they would argue that money should not be diverted to health authorities (although this argument becomes less strong under the new system when specific grants are to be considered separately from block grant). The Department of Health, which funds health authorities, has a more direct policy role than other departments have in relation to local government (including the ability to top slice grant), and has already exercised this as a way of encouraging developments to meet ethnic minority needs. But we recommend that funding for the voluntary sector (see next section) should include health as a priority area.

6.4 Other statutory agencies mentioned to us as potential recipients of section 11 included the police and the probation service. The need for these agencies to take account of the language and other needs of the ethnic minorities is obvious. But here too central Government (the Home Office) has significant links with the services concerned, including the payment of specific grant to police committees at 51% and to probation committees at 80%. Grants of 75% on section 11 posts, with further specific grant of 51% or 80% on the remainder, would render negligible any local financial interest in ensuring that posts were necessary and effective. Our view is that the case has yet to be made out for giving section 11 grant to these agencies.

(ii) The voluntary sector

6.5 We are considering here the whole range of non-statutory organisations including local enterprise agencies, housing associations, youth organisations and others. The Home Office will fund local authority posts to work on detached duty in the ethnic minority communities. We visited community centres and other facilities with very successful posts of this type including training for employment in the computer, secretarial and textile sectors, and business advisers. But there was criticism that local authorities were less likely to find their 25% contribution for such posts, and some local authorities said it was difficult to agree management structures which would satisfy all parties. It was argued that funds should be available direct to voluntary groups as well because they would be better able to identify and meet needs. Several social services departments said that they were increasingly facilitators rather than providers of services, and ought to be able to channel money out to the voluntary sector. Some in the community argued, almost in despair, that local authorities had achieved so little with the money that the communities ought to be given a chance. Our view is that section 11 grant should be available direct to voluntary groups, in addition to the current detached duty arrangements. But the scheme for doing this must be clear about the purpose, what results are expected, and the

way it fits in with the general section 11 effort. These issues are considered further in paragraphs 25 and 26 in Annex E.

Staff Costs

6.6 The 1966 Act limits section 11 to staff costs and grant is not available for other costs such as materials, expenses or accommodation, nor capital expenditure. There was little argument for a broader approach to funding. Some authorities emphasised that the true rate of grant, taking account of overhead costs, was lower than 75%. Figures provided by the Association of Metropolitan Authorities suggested overheads ranging from 12% to 15% of salary costs for staff in housing, libraries and administration through 25% for trainers and interpreters, up to 55% to 65% for social workers. The Department of Health estimated overhead costs for social workers at 17%. DES provided figures putting non salary costs for teachers at 35% of total costs (or 50% on top of salary costs). Changes to funding might amount to little more than tinkering, for example if full costs were eligible but the rate of grant was cut to maintain the current level of support. But there are more fundamental questions as to whether section 11 should be used to fund projects or initiatives rather than isolated posts. The arguments for change are: that it might be easier to put the emphasis on objectives and results; that it could remove distortions whereby authorities may be more inclined to pursue initiatives which involve staff rather than materials (eg health education videos); and that it might take the pressure off individual postholders. Yet posts are more identifiable and therefore, perhaps, less liable to misuse than other forms of funding. Our conclusion is that the move toward strategic planning and management by results we recommend later in the report will provide the advantages of project funding without moving away from grant based on posts. There was a strong consensus that section 11 grant should not be available for capital expenditure. It was argued that many other sources of funding were moving to capital funding to avoid ongoing commitments and that revenue funding was more difficult to come by. The £100 million grant under section 11 would soon be consumed if large capital projects were funded. We do, however, see force in the argument that there is a case for better coordination between section 11 and grants such as the Urban Programme so that revenue and capital can be brought together in appropriate cases.

during the Scrutiny confirmed these findings. The ethnic minorities continue to be disadvantaged in vital aspects of life. Some disadvantages are common to members of the white community living in the same areas (for example poor housing and services, and high unemployment) though often experienced disproportionately. Others, such as language, are different in kind. But the Scrutiny also brought home the dangers of dealing in stereotypes. There are real problems which must be addressed but it would be wrong to forget the existence of very successful groups and individuals within the ethnic minorities. The communities resent the assumption sometimes made that the presence of an ethnic minority population automatically gives rise to problems. The emphasis must be on steps to provide all members of the ethnic minorities with the same opportunities as the rest of the population in terms of good education, good employment and enterprise opportunities, and good housing. It would be wrong to operate on the assumption that these needs are limited to the inner cities. We saw evidence of disadvantage and need in areas which would not normally be classed as inner city. Our conclusion (though strictly speaking outside our terms of reference) is that the case for resources specially targeted to tackle racial disadvantage remains pressing.

The focus on ethnic minority needs and local authorities.

7.3 Section 11 cannot be the whole answer to racial disadvantage. For example the Race Relations Act 1976 sets the framework for tackling racial discrimination, with the Commission for Racial Equality having an important role in relation to countering discrimination and promoting equality of opportunity. Policy in relation to section 11 needs to take account of this wider context. The grant paid under section 11 grant is focused largely on the provision of local authority services. We asked many of those we met whether this was the most effective approach. Most thought it was. However, there were some who argued that the only way of improving the position of the ethnic minorities was to tackle racism within society as a whole, including institutions such as central Government and local authorities. They wanted to see a shift away from service provision, which was seen as providing first aid measures within an overall system inappropriate to ethnic minority needs, towards tackling discrimination. A link with the duty to eliminate discrimination and promote equality of opportunity placed on local authorities by section 71 of the Race Relations Act 1976 was often proposed. Equal opportunities policies have an important role to play in relation to employment and service provision. Indeed success in securing a workforce which reflects the population it serves would go a long way toward ensuring that ethnic minority needs were taken into account. Yet the thrust of the evidence we collected from members of the ethnic minority communities, who are ultimately the customers in terms of section 11, indicated strongly that additional resources should focus on concrete and pragmatic changes with direct benefits for the communities. The Scrutiny revealed considerable criticism of the administration of section 11 grant as failing to look for and assess identifiable improvements. Section 11 needs to be given a clear direction and a sense of urgency about achieving results. We do not see how a change to race equality work, or a

legislative link with section 71 of the 1976 Act, would achieve this. Resources aimed at tackling racial disadvantage should continue to be focused on meeting needs and securing access to opportunities for members of the ethnic minorities.

7.4 When section 11 was enacted local authorities were the sole provider of a whole range of services. But that role is now under review. Local authority departments such as social services are increasingly facilitators rather than providers of service, making growing use of other agencies to provide services on a contracted-out basis. Schools now have the opportunity to opt out of LEA control and to be funded direct by DES. Council tenants may opt to change their landlords. While local authorities will continue to have a major role, it is important that resources focused on effective service provision to the ethnic minorities should be available to other organisations with an increasingly important role in service provision. For example recent legislation on education has made provision for section 11 to be available to schools which opt out and to Polytechnics. We recommend that any future legislation transferring relevant local authority functions should make similar provision.

Is a specific grant the most effective mechanism?

7.5 Section 11 grant is not the only mechanism in the local authority field for directing additional resources to the needs of the ethnic minorities. There are mechanisms in the block grant system which re-distribute resources in favour of local authorities with higher service provision needs including, either explicitly or implicitly, those arising from the presence of ethnic minorities (see paragraph 2.3). The £100 million of grant paid out under section 11, supporting expenditure of £135 million, must be seen in the context of gross local authority expenditure (including capital expenditure) of £40 billion each year. The primary mechanism for meeting ethnic minority needs, like those of the rest of the community, must be these mainstream programmes. This is reinforced by the duty on local authorities under section 71 of the Race Relations Act 1976 to carry out their functions in a way which eliminates discrimination and promotes equality of opportunity.

7.6 The specific grant paid under section 11 can be seen as having a number of functions.

(i) Under the existing system of local authority finance specific grant re-distributes central Government support from local authorities in general towards those authorities with significant numbers of ethnic minorities. With the new system of central Government support decisions on specific grant and revenue support grant will be separate.

(ii) Specific grant provides additional resources where the needs assessment in the block grant system is too broad brush to pick up very specific needs.

(iii) Specific grant hypothecates resources for the needs of the ethnic minorities.

(iv) Specific grant acts as an incentive to local authorities to consider targeted provision to meet the needs of the ethnic minorities.

Alternatives to specific grant

7.7 Distribution of resources through the block grant system.

Some argued that the funds distributed under section 11 should be put into block grant with adjustments to the weighting factors to ensure that they went to those local authorities with large numbers of ethnic minorities. This would: give local authorities more flexibility as to how they spent the money; return to the notion that section 11 was about compensation; ignore the existence of the weighting factors in block grant; and lose the hypothecation effect of a specific grant. We were struck by a comment from a Director of Education that one of the most important functions of section 11 grant was to generate and sustain local debate about the provision of services to the ethnic minorities. Distribution through block grant would lose this. In addition the creation of new weighting factors in the block grant settlement would run counter to current efforts to simplify the system. Lastly changes to the block grant system would only work in relation to local authorities, and a separate system would be necessary for providing additional resources to the voluntary sector, schools which opt out and other organisations providing services. Our conclusion is that it would be wrong to abolish the specific grant and redistribute resources through the block grant system.

7.8 Transferring responsibility to the relevant service

departments. Many argued that the section 11 grant system should be broken up, with each central Government department administering a separate fund for ethnic minority needs. We understand the concern that the Home Office lacks expertise in relation to service areas such as education and social services. The administration of the grant by a different department from that considering, for example, mainstream education provision, can contribute to the marginalisation of ethnic minority needs. But we were far from convinced that the delegation of section 11 responsibility to other departments would be practical or provide better results than the present system. We see a real danger that the ethnic minority focus of the grant would be lost or at least diluted. Several departments saw such a change as an opportunity to be more flexible about resource allocation, and developments intended to benefit the ethnic minorities might not be regarded as a priority every year. Splitting up the grant would limit the scope for transfer of grant between service areas. Once section 11 is cash limited the room for volume growth is likely to be restricted. Central Government, and indeed local authorities, must be able to look at section 11 funded posts as a whole, and consider whether reductions should be made in currently well provided services to create opportunities for development elsewhere. This would be very difficult if section

11 funds were divided between central Government departments on the basis of the current pattern. Lastly there would be a duplication of effort in dealing with local authorities and a multiplication of contact points for them. There is a pressing need to improve relations between local authorities and those administering the grant. Dividing responsibility would, in our view, make improving communication much more difficult.

7.9 Amalgamation with the Urban Programme. A few argued that section 11 should be merged with the Urban Programme in order to avoid duplication of administrative effort and to improve co-ordination between these two aspects of Government policy. Yet the problems of lack of knowledge and marginalisation from the mainstream effort would exist in an expanded Urban Programme scheme, without the compensating awareness of ethnic minority issues brought by the Home Office. There are only 57 Urban Programme authorities while 110 authorities receive section 11 grant. Our evidence showed that a narrowing of focus towards local authorities with inner city problems would be wrong. Lastly, and perhaps most importantly, the significance of section 11 as the only large Government programme targeted specifically at meeting the needs of the ethnic minorities cannot be over emphasised. Other initiatives such as the Urban Programme, City Action Teams and Task Forces have all done much to assist the communities, but they are area not community focused. There is great concern among the ethnic minorities about the effect of changes in housing, education and employment training legislation. A decision to abolish section 11, even if the resources were to be re-distributed through other schemes, would be viewed as the Government downgrading its commitment to tackling racial disadvantage.

7.10 We have concluded that the case has been made out for retaining a specific grant mechanism, centrally administered by the Home Office, to target resources on tackling disadvantage through the provision of effective local services by local authorities and other organisations. The aim must be to ensure that services are responsive and relevant to the ethnic minorities both in themselves (for example overcoming disadvantage in terms of housing and social services) and in helping the minorities to overcome racial disadvantage in other fields (for example through improved educational achievement and more effective vocational and enterprise training to improve their economic position). As the £100 million distributed through specific grant is small relative to overall local authority expenditure, the main aim must be to use the specific grant to secure changes in the use of mainstream resources in order to make the whole service more responsive to ethnic minority needs. Yet we also saw evidence of section 11 acting as an effective way of providing a continuing injection of additional resources at a level of detail far beyond that achievable by the needs assessment of the block grant system. Ongoing subsidy of some provision is both inevitable and necessary.

How effective are section 11 posts in practice?

7.11 One of our main conclusions is that there is no clear view of what the section 11 grant is intended to achieve, what more detailed objectives should be pursued, or the mechanism for assessing performance. It is very difficult to judge what value is being achieved for the £100 million of taxpayers money spent under section 11. Much of the Scrutiny was spent trying to assess the effectiveness of current provision, but the evidence collected was inevitably largely anecdotal.

7.12 At its best we saw section 11 funding additional provision to meet extreme need in ways which might not have been possible without additional targeted financing. Standing in schools in some areas with 80% or 90% of the children from non-English speaking backgrounds it was difficult to comprehend how a school would succeed in teaching English, together with the rest of the curriculum, without additional people and the opportunity to employ members of the community with bilingual skills. Yet unless such schools are successful the children will be deprived of the basic skills necessary to play a full part in society. We saw examples of section 11 as a very effective mechanism for funding change to make services more relevant to ethnic minority needs. For example, in one technical college an evaluation of the curriculum had shown that the courses provided were aimed at white employed apprentices, whilst the vast majority of people in the catchment area were from the ethnic minorities and unemployed. Section 11 posts were used to provide additional courses relevant to the needs of the community, while in the longer term decisions on new appointments would be used to alter the base level service provision. As a result significantly more people from the minorities had been persuaded to join courses, and thus gain access to opportunities in further education and employment. We visited social services departments which had seen section 11 resources as an opportunity to carry out a strategic review of their service provision. They were producing overall plans for the way in which services should meet ethnic minority needs, and seeking additional resources under section 11 for outreach workers and other staff to begin the process of turning around their mainstream provision. Posts were used to create awareness within the ethnic minorities of the services and opportunities on offer. Section 11, and the Home Office requirement for consultation with the ethnic minority communities, had often provided a focus for a local debate about the way in which services met ethnic minority needs. This was seen as vital in the current trend toward 'consumerism' in the provision of services. We saw the vital role section 11 had played in the enterprise field, with local authorities targeting economic development services at the minorities, and local enterprise agencies using section 11 resources (under the Ethnic Minority Business Initiative) to establish and meet the demand for well targeted small business services.

7.13 At worst we saw section 11 used to fund token ethnic minority posts within institutions which were making no effort to adjust to ethnic minority needs. The creation of posts could lead to an assumption that all ethnic minority problems were to be pushed in the direction of section 11 postholders, with no

thought of all staff having a responsibility towards all clients. There were arguments that some local authorities continued to use section 11 to subsidise what should have been mainstream provision, and the unsatisfactory answers we sometimes obtained to questions about how section 11 resources were managed suggested this was the case in some areas. The objective of maintaining revenue had become a more important motivation for some local authorities than judging the effectiveness of provision made.

The way forward

7.14 As a result of our Scrutiny we are convinced that section 11 has a real and effective contribution to make in opening up services and opportunities to the ethnic minorities so that they can play a full role in national life. But the faults of the current system mean that such results are not always secured and there is no reliable picture of what is being achieved by the £100 million. A specific grant mechanism must, in our view, be retained to address the pressing needs of the ethnic minorities, but it is vital that there should be a new clarity about what the grant is intended to achieve, and an urgency about achieving results. By results we mean not changes in administrative procedures but improvement in important aspects of life such as educational performance, employment and economic prospects, housing, and social services. The aim should be to use the influence of the specific grant to secure changes in mainstream programmes so that they respond to ethnic minority needs. Our recommendations are intended to;

- i. establish a clear Government policy for the grant;
- ii. create a baseline against which future performance can be measured so that resource allocation, and indeed the overall size of section 11 expenditure, are based on objective evidence of what can be achieved;
- iii. sweep aside the fiction that the Home Office team can manage 12,000 posts on a detailed basis, and place primary responsibility for managing resources on local authorities with the Home Office holding authorities accountable for the results; and
- iv. secure improved communication between the Home Office, local authorities and the ethnic minority communities.

8. SUMMARY OF RECOMMENDATIONS

(NB Paragraph references are to Annex E which sets out our detailed consideration of the recommendations.)

A. Recommendations not involving legislation.

1. A specific grant designed to target resources at tackling racial disadvantage, administered by the Home Office, should be retained. But there must be a new clarity of direction and urgency about achieving results.
2. The overall aim should be to ensure that local services, particularly those provided by local authorities, are responsive to ethnic minority needs, so that members of the ethnic minorities are able to benefit from the same opportunities as the rest of the population.
3. There should be a move from ongoing subsidy of separate services to funding change in the way mainstream resources are deployed.
4. The relevant Government departments should use the overall aim (recommendation 2) to develop a policy for each service area (such as education, social services, housing and economic development) setting out the most effective approaches to meeting ethnic minority needs and the types of provision which the Government will fund. The advice of relevant professional inspectorates, such as Her Majesty's Inspectorate of Schools, should be drawn on in preparing these policies. The policies should recognise that local circumstances will vary, perhaps providing a range of responses from which the one most appropriate to an area can be chosen. (Paragraphs 1 and 2).
5. The presumption should be that posts will be time limited unless there are very good arguments to the contrary. Some longer term subsidy of provision to meet needs too specific to be picked up by the needs assessment of the block grant system will be necessary. The policy statement for each service area should cover the timescales involved. (Paragraphs 3, 12 and 13).
6. The policy should identify priorities for funding within the new cash limit (Paragraph 4).
7. Specific grant should be available for trainee posts where particular ethnic groups are under-represented in particular employment sectors. (Paragraph 6).
8. The Government should consult the local authority associations, the ethnic minority communities and other interested organisations on the basis of a draft policy statement for the specific grant. (Paragraph 1).
9. The Home Office should issue clear published guidance to local authorities setting out policy on the grant, and in particular types of post which will or will not be funded. (Paragraph 1).

10. The primary responsibility for managing section 11 funded posts must rest with local authorities. The Home Office should hold local authorities accountable for the results achieved. (Paragraph 7).

11. Local authorities should be required to provide the Home Office with three-yearly reports setting out;

- ethnic minority needs in their areas;
- their strategy for meeting these needs;
- the way in which mainstream resources are used to meet these needs;
- the part played by section 11 funded posts;
- achievements since the previous report;
- targets for the next three years.

The reports should be staggered over a three year period to make the most efficient use of administrative resources in the Home Office. (Paragraphs 7 and 8).

12. Local authorities should be obliged to consult local ethnic minority communities about their three-yearly reports to the Home Office (including the picture of need and the strategy for meeting it) and to provide the Home Office with the results. (Paragraph 9).

13. Local authorities would bid for any additional resources as part of their three-yearly report. Between reports local authorities should have discretion to re-deploy resources within the framework of the report, with a requirement to notify significant changes to the Home Office (who could object if a change went outside the plan). (Paragraph 21).

14. In considering reports the Home Office should examine blocks of posts and concentrate on the results achieved, rather than a detailed post by post analysis. The aim should not be to look for simple conformity of the overall strategy with some hypothetical ideal. Nor should a complete report be rejected simply because of disagreements over particular elements (which could, instead, be excluded from funding). (Paragraph 10).

15. The Home Office should look for evidence that mainstream resources were being used in an effective way to meet ethnic minority needs before agreeing to continued specific grant funding. (Paragraph 10).

16. The allocation of grant on the basis of numbers of ethnic minorities in a particular area would be deeply flawed, but the Home Office should use local authority reports and other sources to build up a range of indicators for each local authority area to enable comparisons to be made. The Home Office should also build up links with the regional offices of other departments,

Task Forces, voluntary groups, trusts and other local organisations in order to provide other views on relative needs and the most effective responses. (Paragraph 11).

17. The Home Office should issue clear guidance to local authorities on the operation of the new system including the reporting requirements. In particular the guidance should provide assistance with objective setting and relevant performance indicators. This should draw on current developments in the relevant service areas, such as the national curriculum in schools, rather than seeking to establish separate and artificial indicators for section 11 funded provision. (Paragraphs 14, 15 and 27).

18. Ethnic monitoring is an essential part of a targeted response to racial disadvantage. Local authorities should be encouraged to use such monitoring as part of their performance assessments. From the point of view of managing the specific grant, there would be considerable advantage in the inclusion of an ethnic question in the 1991 census. (Paragraph 14).

19. The first cycle of three-yearly reports should be used to remove those existing posts which do not accord with the newly stated Government policy, and to set timescales for the remainder. (Paragraphs 12 and 13).

20. The Home Office should institute a series of visits to local authority areas to discuss with the authority, other local organisations and the ethnic minority communities how plans are working in practice. The visits should be timed to precede a three-yearly report from the local authority, and thus inform the subsequent decision on future funding. (Paragraph 16).

21. Liaison with Her Majesty's Inspectorate of Schools and the Social Services Inspectorate should be improved so that their professional advice can be drawn on when reaching conclusions following visits. (Paragraph 16).

22. The current agreement to fund 75% of the cost of approved section 11 posts should be replaced by a fixed cash grant for each of the three years of a local authority's plan, calculated as 75% of current costs plus appropriate uprating factors. (Paragraphs 17 to 20).

23. The deadline for submission of reports by each third of the local authorities receiving grant should be timed to fit in with the bidding cycle for central Government PES discussions so that the cash limit can take account of demand. Each year the Home Office would have cash limited figures for grant to those local authorities in the second and third year of their cycle, and would have to tailor the total grant agreed for the remaining third of local authorities to keep within the cash limit. (Paragraphs 20 and 27).

24. The current funding basis of 75% of staff costs should be retained for the moment, but consideration should be given to tapering the rate of grant for existing posts for those local

authorities facing significant reductions in the number of posts funded as a result of the new system. (Paragraph 22).

25. Following the introduction of the new system there should be a period of stability to allow local authorities to come to terms with the new approach. The new Ministerial policy should be reviewed, on the basis of the new performance assessment system, at the end of the first three year cycle. (Paragraph 30 iv).

26. The Home Office should set up an informal bulletin to local authorities to spread best practice in the use of section 11 as identified by the new performance assessment system. (Paragraph 5).

27. Ministers should delegate decisions to officials within agreed criteria. (Paragraph 27).

28. The Home Office team administering the grant should be increased by the equivalent 0.75 of a Higher Executive Officer and 2 Executive Officer's, at a total cost of £66,000 per annum. (Paragraphs 27 to 29).

29. A systematic induction programme should be set up for new members of staff. (Paragraph 30).

30. A system of secondments from other government departments with direct responsibility for services (eg DES) should be created to fill some of the posts in the Home Office team. (Paragraph 30).

31. Part of the Home Office team should be re-located out of London to establish better links with local authorities in the Midlands and the North (with a potential saving of around £35,000 on the increased team). (Paragraph 31).

32. The Government should re-launch the new section 11 policy through a high profile announcement, emphasising the determination to see real results in terms of improvements in the position of the ethnic minorities through access to the same opportunities as the population at large. (Paragraph 33 iii).

33. The re-launch should take place no later than July 1989, with the first local authorities bought fully into the system for the 1991/92 financial year. (Paragraph 34).

34. The newly stated policy should be applied to applications received under the old ad hoc system once the re-launch has taken place. Local authorities would be debarred from applying for additional posts under the old system from the date on which their first three yearly report was due. (Paragraph 35).

35. There should be an opportunity for the ethnic minority communities and local authorities to comment on these proposals. (Paragraph 33 i.).

B. Recommendations requiring legislation

36. The concept of Commonwealth immigrant should be removed from the legislation and the grant should be payable in respect of ethnic minorities suffering racial disadvantage. (Paragraphs 23 and 24).

37. The requirement for the presence of substantial numbers of people from the ethnic minorities before grant may be paid should be removed from the legislation.

38. As local authorities functions change, and other organisations come to have an important service provision role, the grant should be payable to other service providers.

39. In particular the legislation should be amended to allow the Home Office to pay grant to the voluntary sector. (Paragraphs 25 and 26).

40. After legislation to allow funding of the voluntary sector local authorities will continue to have an important role in directing resources to voluntary agencies. The Home Office should set targets for the percentage of grant to a local authority which goes to the voluntary sector, and set up a right of appeal to the Home Office where an authority declines to support a voluntary sector bid. (Paragraph 26).

41. The legislation should enable the Home Office to use intermediaries such as charitable trusts, the regional offices of other departments, City Action Teams and Task Forces to administer a proportion of the grant allocated to the voluntary sector. (Paragraph 26).

42. For the voluntary sector grant should be payable in respect of non staff costs such as materials and accommodation. (Paragraph 22).

43. Given the chequered history of section 11 these changes of substance should be secured by a wholly new provision, rather than amendment of the 1966 Act, in order to emphasise the new start.

1. TERMS OF REFERENCE

The aim of the scrutiny was to identify efficient and effective means of ensuring that resources are directed to meet the needs of members of ethnic minorities arising from racial disadvantage. The Terms of Reference were as follows:

1.1 The Government wishes to retain special arrangements ensuring that resources are directed towards the needs of members of the ethnic minorities arising from racial disadvantage, particularly in the inner cities.

Against this background, and the possibility of alternative methods of financing these needs, the scrutiny is to examine:-

- a. the policies on which decision to allocate resources under section 11 of the Local Government Act 1966 are based;
- b. the terms of section 11 of the Local Government Act 1966;
- c. the arrangements of allocating grant;
- d. the arrangements for administering the grant and for monitoring its effectiveness;

1.2 Having regard to efficiency and effectiveness, to report on, and make recommendations about:-

- a. a preferred system for ensuring that resources are directed to meeting the needs of ethnic minorities arising from racial disadvantage, in line with Government policy;
- b. clear objectives for the system and a framework within which efficiency and effectiveness can be measured;
- c. the legislative changes which might be necessary;
- d. the role of the Home Office and other Departments in relation to services which lie within those other Departments' areas of responsibility and the working arrangements needed to reflect these roles;
- e. the machinery for allocating and for monitoring the effectiveness and value for money of money directed towards special needs, and (on the assumption that a future system will be subject to a cash limit) for setting priorities.

1.3 The scrutiny should assess the financial manpower implications (whether in the Home Office or other Departments) of its recommendations, and should distinguish those recommendations which require legislative change from those which can be achieved within the existing law.

2. TIMETABLE

The timetable was as follows:

15 August 1988	Start 90 days
5 - 9 September	Study plan (including discussion with action managers, Permanent Secretary and Efficiency Unit)
12 September - 21 October	Main programme of visits
30 September	Deadline for written comments from consultees
24 October - 4 November	Preparation of emerging findings
7 - 11 November	Emerging Findings (including discussions)
14 November - 19 December	Filling any gaps in evidence and preparation of report.
19 December 1988	Deadline for submission of report.

3. COLLECTION OF EVIDENCE

Local Authorities visited:

Peterborough City Council

Chief Executive
Equal Opportunities Department
Housing Department
Peterborough Council for Community Relations

Cambridgeshire County Council

Local Education Authority
Deacon School
Gladstone Primary School

Coventry City Council

Councillors of Coventry City Council
Education Department
Social Services Department
Environmental Health Service
Economic Planning and Development Department
Coventry Community Relations Council
Community Representatives
Lord Mayor's Committee for Racial Harmony
Coventry Task Force
John Gulson Infant and Junior School
Foleshill Family Centre

Waltham Forest Borough Council

Chief Executive
Education Department
Social Services Department
Race Relations Unit
Treasurers Department

Leeds City Council

Councillors of Leeds City Council
Education Department
Social Services Department
Housing Department
Industry and Estates Department
Leeds Community Relations Council
Community Representatives
Royal Park School
Chapletown and Harehills Assistant Learning
Computer School (CHALCS)
Apna Day Centre for the Elderly
Chapletown Harehills Task Force

Bradford City Council

Chief Executive
Education Department
Race Relations Unit
Section 11 Panel
Bradford Community Relations Council
Atlas First School
Greenhead Upper School (Keighley)
Bolton Royd Adult Education Centre
Karmand Centre
Bradford Benefit Shop (Directorate of Employment and
Environmental Services)

Haringey Borough Council

Education Department
Social Services Department
Housing Department
Race Relations Unit
Environmental Health Service
Section 11 Workers
Community Representatives
Haringey Language Resource Centre

Warwickshire County Council

Education Department
Social Services Department
Community Representatives
Campion School

Birmingham City Council

Councillors of Birmingham City Council
Chief Executive
Education Department
Social Services Department
Housing Department
City Engineers Department
Birmingham Community Relations Council
Community Representatives
Community Language Unit
Anderton Park Junior and Infant School
Prince Albert Infant and Primary School
Aston Manor School
Broadway Secondary School
Wilson Stuart Special School
Handsworth Technical College
Steward Reception Centre
ACAFESS Centre
Black Business in Birmingham
Handsworth Task Force

Leicester City Council

Councillors of Leicester City Council
Chief Executive
Economic Development Department
Section 11 Working Party
Section 11 Workers
Community Representatives
Belgrave Community Workshops

Leicestershire County Council

Councillors of Leicestershire County Council
Assistant County Clerk
Education Department
Social Services Department
Race Relations Committee
Rushey Mead Secondary School
Centre for Multicultural Resources

Cardiff City Council

Councillors of Cardiff City Council
Welsh Office Officials
Housing Department
Cardiff Bay Development Corporation

South Glamorgan County Council

Councilors of South Glamorgan County Council
Chief Executive
Education Department
Social Services Department
Library Services
Section 11 Workers
South Glamorgan Council for Racial Equality (Representatives)
Fitzalan High School
Project Fullemploy Wales

Tower Hamlets Borough Council

Chief Executive
Planning Department
Spitalfields Task Force

Other visits included

The Section 11 Conference at the University of Warwick
The Stonebridge Project

3.2 Groups and individuals met:

Mr Baker	-	Hammersmith Race Relations Department
Mr Chowdry	-	Southampton District Council
Mr Crawford	-	Police Complaints Authority
Ms Denman	-	South Bank Polytechnic
Ms Faunch	-	South Bedfordshire Regional Health Authority
Mr Hibbet	-	Southampton Community Relations Officer
Mr Housley	-	Ealing Community Relations Council
Mr Ousley	-	Chief Executive, Inner London Education Authority
Ms Prashar	-	Director, National Council for Voluntary Organisations
Mr Singh	-	Police Complaints Authority
Mr Spencer	-	Chief Executive, Project Fullemploy
Sir David Lane	-	Ex Home Office Minister of State

Association of Metropolitan Authorities
British Refugee Council
City Parochial Foundation
Commission for Racial Equality
National Union of Teachers
The Policy Studies Institute
The Training Agency
Tower Hamlets Community Health Council

3.3 Written comments were received from:

Advisory Centre for Multi-Cultural Education - Oxfordshire
County Council
Association of Chief Officers of Probation
Association of County Councils
Association of District Councils
Association of Metropolitan Authorities
Bedford Council for Racial Equality
Birmingham Chinese Community Centre

Blackburn and District Community Relations Council
 Bradford Community Relations Council
 Bristol Council for Racial Equality
 British Refugee Council
 Commission for Racial Equality
 Confederation of Indian Organisations (UK)
 Dudley Metropolitan Borough
 Greater London Action for Race Equality
 Hyndham and Rossendale Community Relations Council
 Islington Council
 Kashmir Committee
 Kirklees Steering Committee for Community Relations
 Lancashire County Council
 Leeds Community Relations Council
 Liverpool School of Tropical Medicine
 London Boroughs Association
 London Borough of Waltham Forest
 Manchester Ethnic Minority Representative Council
 National Association of Community Relations Councils
 National Association of Teachers in Further and Higher Education
 National Council for Voluntary Organisations
 National Union of Head Teachers
 National Union of Public Employees
 National Union of Teachers
 Oldham Metropolitan Borough
 Project Fullemploy
 Rochdale Metropolitan Borough Council
 Secondary Heads Association
 Sheffield Council for Racial Equality
 Southampton Council for Racial Equality
 Tameside Metropolitan Borough
 Three Boroughs Race Equality Project
 Trade Union Congress
 Walsall Council for Community Relations
 Warwick District Community Relations Council
 York and District Community Relations Council

3.4 Staff in the Home Office and other Government Departments included:

Home Office

Minister of State
 Secretary of State's Special Adviser
 Permanent Under Secretary of State
 Deputy Under Secretary of State
 Assistant Under Secretary of State
 Past and Present Members of I Division including
 Race Relations Advisers
 Voluntary Services Unit
 Research and Planning Unit
 Finance Division 2
 F2 Division
 Trade Union Side

Department of Education and Science

Minister of State
Permanent Under Secretary of State
Schools Branch II
Finance Branch
Teacher Supply and Training Branch
Further and Higher Education Branch 2
HMI (Her Majesty's Inspectorate of Schools)

Department of the Environment

Inner Cities Directorate
Housing Division

Department of Trade and Industry

Inner Cities Unit

Department of Health

Community Services Division
Social Security Inspectorate

Department of Employment

Small Firms Services
Equal Opportunities Unit
Industrial Language Training Scheme
Careers Policy Advisory Branch

Office of Arts and Libraries

Arts and Heritage Division

The Team also met with officials from:

The Welsh Office
The Audit Commission
The Treasury

1. The assumption behind section 11 grant when it was introduced was that the arrival of large numbers of immigrants from the Commonwealth had placed a burden on certain local authorities (and their ratepayers) for which they should be compensated by central Government. Under this model there was little control by the Home Office over what sort of provision should be made and claimed for by authorities. In the case of social services, formulas were used to calculate the extent to which people from the Commonwealth made disproportionate use of services and the resulting staffing costs ranked for grant. Similar though less systematic approaches applied in other areas. There was no pretence of meeting the particular needs of the new arrivals. For example one local education authority (LEA) agreed that it would claim grant in respect of all teachers whose classes contained 50% or more Commonwealth pupils. Yet in the course of a subsequent review it was found that even including these posts the LEA had a worse teacher pupil ratio than similar LEAs who were not claiming grant. Clearly section 11 was being used to prop up what should have been mainstream provision.

2. In the 1970s there was increasing criticism of this approach. Local authorities were seen as being able to obtain money in the name of their Commonwealth communities without having to show that they were doing anything to help them, and the compensation approach institutionalised the notion that ethnic minority communities inevitably created problems. The Home Affairs Committee's 1981 report on Racial Disadvantage summarised the specific concerns about section 11 as centring on:

- (i) the "ridiculous" formula payments.
- (ii) the exclusion of non-Commonwealth ethnic minorities with similar needs.
- (iii) the Home Office's interpretation of Commonwealth immigrant as being limited to those who had been in this country for less than ten years, which seemed to assume that needs ceased after ten years ('the ten year rule').
- (iv) the Home Office's interpretation of substantial numbers as 2% of population when needs would exist in particular areas despite a lower overall proportion ('the 2% rule').
- (v) lack of supervision by the Home Office of the expenditure and its effectiveness.
- (vi) the virtual restriction of significant usage to education, and the lack of any strategic approach by authorities.

These criticisms reflect a shift in thinking from compensation for local authorities towards an emphasis on the needs of the ethnic minority communities themselves.

3. Circulars in 1982 and 1983 introduced administrative changes intended to meet many of these criticisms. The formula arrangements were abolished as were the 10 year and 2% rules. In future prior approval would be necessary for all new posts. All existing posts were to be reviewed (in the course of which all posts would have to be identified) and a three year review cycle was imposed. The emphasis was on the special needs of the ethnic minorities, and authorities were required to consult the communities before applying for posts, and to monitor posts' effectiveness. The 1986 circular took this process further by being more precise about the analysis of special need, the need to place applications in the context of an overall strategy, consultation (indicating that consultation with community relations councils was insufficient) and monitoring arrangements. It also encouraged authorities to look beyond education and made provision for the funding of detached duty posts to work within ethnic minority voluntary organisations. The three year review cycle for individual posts was abolished with the intention of replacing it by periodic requests for reports and visits (which have not taken place due to a lack of resources). The circular also made provision for the time limiting of particular posts, but in practice the majority of posts are approved without time limit. All new posts are subject to a two year review (though none have yet reached this point). The general picture remains one of a continuing mass of posts (now around 12,000) with a flow of additions but very little incentive for authorities to give up posts.

4. Under the 1986 circular, the following criteria must be satisfied before a post can be considered for funding:

- (i) the local authority must have demonstrated that it has substantial numbers of people of Commonwealth origin. 131 local authorities have established eligibility.
- (ii) the posts must be designed to meet the special needs of people of Commonwealth origin (including immediate descendants born here) whose language or culture differs.
- (iii) it must represent special provision.
- (iv) the needs to be met must be different in kind from, or proportionately greater than those of the host community. Simply working with clients of Commonwealth origin will not suffice.
- (v) a job description (linked to the needs identified) must be supplied, and the post must be presented in the context of an authority's overall strategy for meeting special needs, and its other section 11 posts.
- (vi) the post-holder must be identifiable.
- (vii) there must be clear objectives and arrangements for monitoring performance.
- (viii) there must be consultation with representatives of the intended beneficiaries of the special provision.

TABLE 1

THE AMOUNT OF GRANT PAID TO EACH LOCAL AUTHORITY IN RESPECT OF
THE FINANCIAL YEAR 1986-87

Authority County Councils	Grant Figure (75% of Eligible expenditure)
Avon*	2,069,709
Bedfordshire	1,626,113
Berkshire	1,338,887
Buckinghamshire	793,114
Cambridgeshire	714,157
Cleveland	390,799
Derbyshire	1,093,997
Devon	4,292
Essex	12,063
Gloucestershire	210,507
Hampshire	283,257
Hereford and Worcester	5,404
Hertfordshire	881,418
Humberside	5,896
Kent	390,574
Lancashire	3,058,418
Leicestershire	2,166,370
Northamptonshire	639,209
North Yorkshire	9,602
Nottinghamshire	1,533,529
Oxfordshire	656,427
Shropshire	39,995
South Glamorgan	195,537
Staffordshire	378,661
Suffolk	89,738
Surrey	59,878
Warwickshire	700,211
West Sussex	42,111
Wiltshire	130,877
TOTAL	19,520,753

Authority Metropolitan Districts	Grant Figure (75% of Eligible expenditure)
Birmingham	4,833,975
Bolton	706,554
Bradford	4,276,685
Bury	142,734
Calderdale	732,292
Coventry	2,141,701
Doncaster	19,148
Dudley	669,481
Kirklees	1,156,167
Leeds	1,238,054
Liverpool	172,713
Manchester	2,037,018
Newcastle	257,542

North Tyneside	31,833
Oldham	1,616,729
Rochdale*	873,509
Rotherham	199,331
Sandwell	1,638,593
Sheffield	1,428,204
Stockport	5,262
Sunderland	41,411
Tameside	408,941
Trafford	210,072
Wakefield	67,493
Walsall	1,475,603
Wolverhampton	1,853,276
TOTAL	28,234,321

Non-Metropolitan District Councils

Blackburn	29,381
Bristol	45,223
Cardiff	14,663
Derby	48,878
Gloucester	10,524
Gravesham	20,333
Hyndburn	2,096
Ipswich	18,996
Leicester	145,730
Luton	18,428
Middlesborough	21,915
Milton Keynes	10,097
North Bedfordshire	3,521
Nottingham	107,813
Oxford	21,258
Pendle	11,283
Peterborough	29,732
Reading	16,017
Redditch	7,070
Rugby	7,650
Scunthorpe	9,562
Slough	20,906
Southampton	28,749
St Albans	9,339
Wycombe	18,814
TOTAL	677,978

Other

West Yorkshire Fire and Civil Defence Authority	71,266
TOTAL	71,266

Inner London

Inner London Education Authority*	13,506,926
Camden	369,398
Greenwich	166,755
Hackney*	839,460
Hammersmith	144,524
Islington	282,034

Kensington and Chelsea	131,865
Lambeth	316,912
Lewisham	257,727
Southwark	351,077
Tower Hamlets	234,680
Wandsworth	247,483
Westminster	55,506
	TOTAL
	16,904,347

Outer London

Barking	168,092
Barnet	741,065
Bexley	47,261
Brent*	3,298,766
Croydon	905,870
Ealing	3,690,148
Enfield	301,605
Haringey*	2,406,121
Harrow	526,500
Hillingdon	282,686
Hounslow	1,202,510
Merton	310,613
Newham	2,226,310
Redbridge	511,286
Richmond	49,159
Waltham Forest	1,419,774

TOTAL 18,087,766

GRAND TOTAL 83,496,431 **

* Amount subject to adjustment when review of posts is completed.

** This figure does not correspond with the figures for expenditure on different service areas given in paragraph 2.2 of the Report.

might follow, and in the relevance of the teaching and counselling of these young people by such means as limited term appointments of advisory teachers.

16. In all cases applications will need to specify what the need is and why the service does not already meet it. They will need to show how the new methods and approaches to be developed in the course of the project will be absorbed into mainstream work. Performance targets will be required.

17. Work in this area will be funded for a limited period of usually no more than 3 years. At the end of that time the Local Education Authority will be required to confirm that the project has led to changes in the delivery of the relevant mainstream programme.

Youth Service: Participation

18. The Government expects local authorities to provide evidence of numbers and concentrations of ethnic minority young people in the priority youth service age group (14-20 year olds), showing how the level and type of provision would be related to the target groups (ie numbers of youth clubs and projects, proposed out-reach and detached youth work provision in particular localities, provision through partnership between voluntary and statutory sectors of the youth service). This would need to be linked with evidence of lower participation rates for ethnic minority young people in traditional youth service provision, an analysis of the reasons for this and clearly identified objectives for increased participation.

19. Examples of objectives for which local authorities could receive funding might include:

- i. addressing higher unemployment rates amongst particular minority ethnic groups by providing opportunities for constructive activity to build motivation, confidence and vocationally-related basic skills;
- ii. addressing integration in the community/better understanding between communities by carefully structured proposals for youth work to bring together young people from different ethnic backgrounds who are in conflict or not integrating with each other.
- iii. providing developmental experiences for ethnic minority young people who would otherwise not have access to these for cultural reasons (ie young Asian women who through confinement to the family group, may have restricted access to social meetings, participation in sports, visits, adventure training and so on).

20. The period of funding will be related to the appropriate period for affecting significant change in the use of youth service provision in particular localities. Targets would relate to increasing the numbers of ethnic minority young people participating in provision and demonstrating appropriate outcomes

(eg increases in the proportion of ethnic minority young people entering FE, vocational training, obtaining employment).

Youth Service: Training Youth Workers

21. Local authorities would need to identify a need within their area for ethnic minority youth worker training based on the numbers of ethnic minority young people with appropriate experience, skills and motivation and the availability of appropriate employment. They will need to satisfy DES that the proposed schemes could assist demonstrably under-achieving ethnic minority young people to enter professional employment and that they will be unlikely to achieve this by existing routes.

22. The period of funding would be three years and the schemes would be evaluated in relation to their success in obtaining CETYCW endorsement, and the numbers of trainees who completed the course and achieved qualified youth and community workers status.

Further and Adult Education

23. The Government will expect bids for work in particular FE and AE colleges and centres to be set in the context of a needs analysis undertaken as part of authority-wide strategic planning exercises and to indicate how such bids would fit in with other planned or existing activities and initiatives. Separate alternative courses will not be eligible, but pump-priming proposals with clear objectives and built in monitoring and evaluation designed to increase access to FHE or to lead into specific types of employment or vocational training will be considered. The reasons why such outcomes cannot be achieved under existing mainstream provision would need to be clearly explained and specific targets for increased participation set.

Higher Education including Teacher Training

24. Very few posts are funded in this area at present but the Government would not rule out short term schemes aimed at increasing participation, especially where mainstream courses are constructed and organised in ways which are not helpful to ethnic minority students. Schemes would need to indicate why mainstream provision is not meeting current needs; be time limited with a clearly defined migration path to mainstream provision; and define performance targets for increased participation (eg. increases in the number of ethnic minority students entering teaching).

active citizens, participating in and contributing to mainstream economic and social development. It supports programmes designed to develop confidence, competence and self help among members of the ethnic minorities, to ensure fair access to services and training for employment and to encourage enterprise.

9. Visible participation by individuals from the ethnic minorities in public life demonstrates both to their communities and to the nation as a whole the contribution those communities are capable of making in Britain. Public appointments policy makes an important contribution to the encouragement of individuals from the ethnic minorities to participate further in public life.

Strategy for meeting ethnic minority needs

10. The Government believes that ethnic minority needs should wherever possible be met from main public sector programmes, since the basic needs of members of ethnic minorities for education, employment, training, housing, health or social services are common to the rest of the community. Members of ethnic minorities contribute through tax and other charges to the funding of main public sector programmes, and are fully entitled to expect that in planning and delivering services for the community as a whole central and local government will take the presence of ethnic minority communities into account and make fair and appropriate provision, as for any other citizen.

11. The Government's inner cities policies, outlined in Action for Cities and Progress on Cities, are already benefiting members of the ethnic minority communities, along with others living in the areas where regeneration is taking place. Initiatives under way, including the Ethnic Minority Business Initiative, will help to improve access to employment and stimulate enterprise development, enabling members of the ethnic minorities to continue to make an increasingly full and valuable contribution to the economy.

12. In addition, the Government aims to ensure that central government funding programmes, such as the Training Agency's programmes, provide equal access for members of ethnic minorities. Funding programmes such as the Urban Programme and grant programmes for the voluntary sector also seek to provide equal opportunities for multiethnic or ethnic minority run projects.

13. The Government believes that voluntary organisations run by members of the ethnic minority communities, had an important contribution to make.

The role of specific grant

14. Although the aim is eventually to make all main funding programmes sufficiently responsive to the needs of the whole community, including the ethnic minorities, the Government considers that there is at present a continuing need to make strategic provision for certain needs particular to the ethnic minorities.

15. The main existing programme of assistance with specific ethnic minority needs is the grant administered by the Home Office under section 11 of the Local Government Act 1966, which currently provides more than £100 million a year to local authorities as a 75% subsidy for posts set up to meet the special needs of 'Commonwealth immigrants'. Until now it has been largely left to local authority initiative to propose how the grant should be used.

16. The Government considers that the appropriate use of specific grant is to make targeted provision to overcome barriers to individuals from ethnic minorities gaining full access to main services and benefiting fully from opportunities for educational, economic and social development. Such barriers arise from a number of factors, in particular:-

Legislation

5. The Race Relations Act 1976 provides a framework of law to counter racial discrimination, including civil remedies for victims through courts and industrial tribunals. The Commission for Racial Equality has powers to provide assistance for victims of discrimination as well as having a strategic investigative role.

Recent Government action

6. The promotion of good equal opportunities practices is as important as the enforcement of laws against discrimination. A CRE Code of Practice for employment has been approved by Parliament, and a draft code for rented housing is in preparation: the new Local Government and Housing Bill includes provision for making of codes for other areas of housing. The Government as an employer is setting an example in the development of equal opportunities policies, supported by appropriate training and monitoring. The relevant Departments and the Commission for Racial Equality work with national and local bodies to promote good practice in employment and in the provision of such services as education, housing, training for employment and enterprise.

Freedom from fear

7. Nobody in Britain should experience fear or intimidation because of their race or culture. The Government has strengthened the law on incitement to racial hatred in the Public Order Act 1986, and is supporting firm action by the police and other agencies to deal with racial attacks and harassment.

Participation

8. The Government welcomes the contribution to national life already being made by many members of ethnic minorities, and positively encourages members of ethnic minorities to become

18. The Government reaffirms that special provision funded from specific grant should not be seen as a substitute for making services funded from main programmes responsive to ethnic minority needs. The fact that a post or unit deals mainly with people from ethnic minority groups does not itself justify specific grant. Nor can the creation of specialised posts with specific funding be an adequate strategy for promoting equality of opportunity in local authority employment. Local authorities seeking funding under section 11 will be required to show that they have a practical strategy for working towards making the whole range of their services responsive to the needs of the whole community.

Conclusion

19. The Government places a high priority on the promotion of genuine equality of opportunity for all, regardless of racial or ethnic origin. With the proper targeting of resources, section 11 grant can make an effective contribution to achieving the Government's fundamental objective of a racially fair and just society.

JED 482)

(a) language - some individuals are disadvantaged by lack of fluency or literacy in English. While this situation continues there will be a need for special provision of English tuition both at school and for adults, as well as a need for translation and interpretation services.

(b) economic differences - there is a need for special support for initiatives to enable members of ethnic minorities to overcome disproportionate economic disadvantage and gain equal access to business, employment and training opportunities.

(c) educational under-achievement - pupils from some communities are disadvantaged by significant under achievement in comparison to other pupils from a similar social background. There is scope for well-targeted help to improve attainment.

(d) difficulties of access to general services and facilities - groups with different backgrounds and culture may continue to need help to understand and gain access to the services and facilities available in Britain;

(e) social and cultural differences - service or training providers need to take account of some communities' traditional cultures and the difficulties their members face in adjusting to the social and cultural norms of British society. Special provision may sometimes be required to facilitate wider participation and to deal with problems arising from differences of expectations.

17. While the Government acknowledges that benefits derive from the maintenance of the religious, artistic and cultural traditions and language of the ethnic minority communities, it does not consider section 11 grant to be an appropriate source of support for initiatives aimed solely at such purposes.

STATEMENT OF RACE RELATIONS POLICY AND THE ROLE OF
SPECIFIC GRANT

Race Relations

1. The Government's fundamental objective is that Britain should be a fair and just society, where everyone, irrespective of ethnic origin, is able to participate freely and fully in the economic, social and public life of the nation while having the freedom to maintain their own cultural identities. Members of ethnic minorities, a growing proportion of whom were born in the United Kingdom, are an integral part of British society. Many are British citizens, with the same rights, privileges and duties as all other citizens.

2. This objective cannot be achieved by Government action alone. Good community relations cannot be established by legislation or by administrative measures nor bought by public expenditure means. They must evolve from mutual understanding and respect among people of all races, which in turn requires a freedom from fear of racial violence, hatred or harassment and the removal of other barriers to equality of opportunity.

3. There must be a commitment to achieving these goals on the part of all concerned: central and local government; other public agencies; the private sector both as employers and as providers of services and facilities; the voluntary sector; the media; and of course the ethnic minority communities themselves.

Equality of opportunity

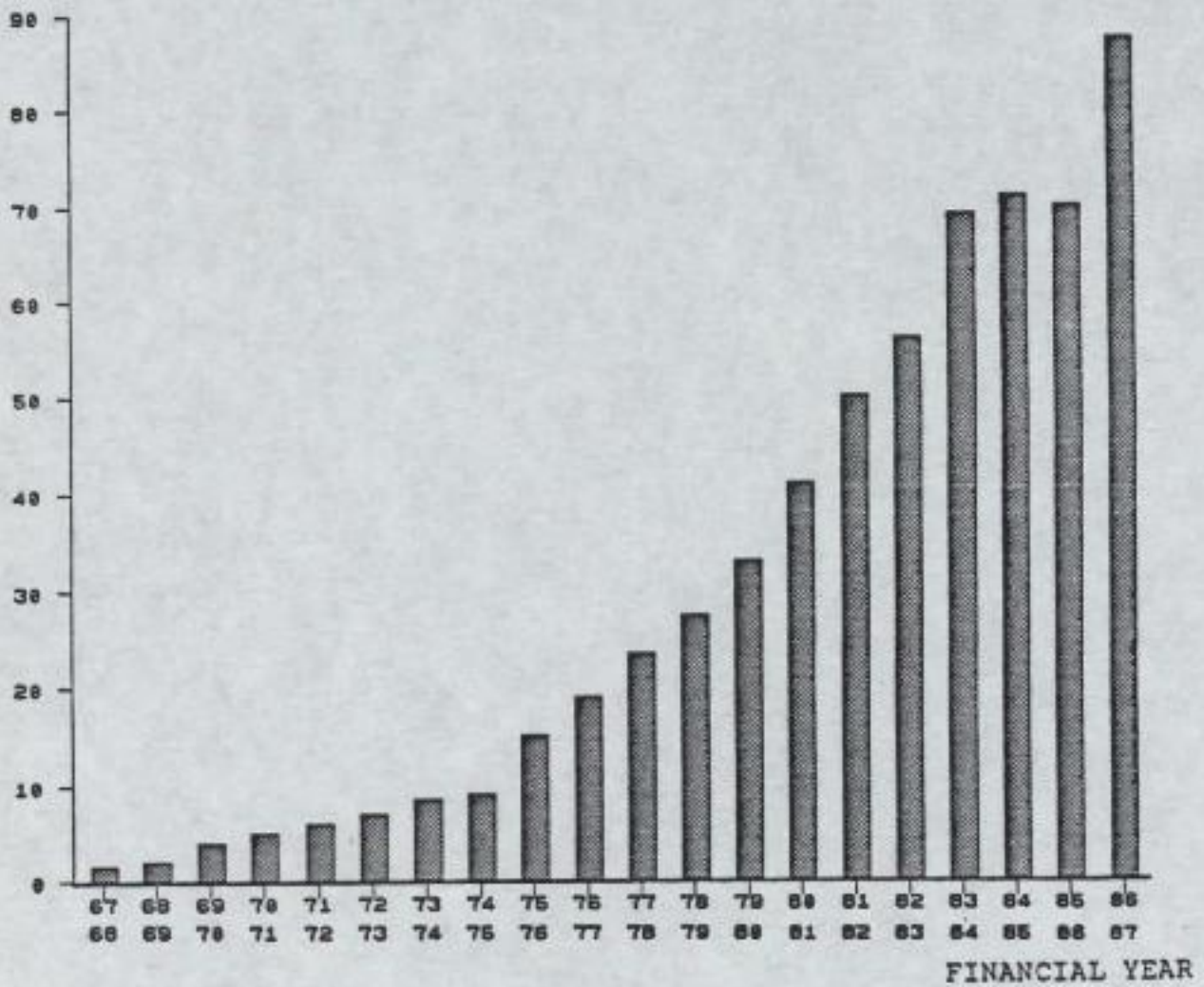
4. Racial discrimination, whether deliberate or inadvertent, direct or indirect, by individuals or by institutions, is manifestly ^{UNJUST AND} harmful to its victims. Racial discrimination is also harmful to the nation as a whole because its victims cannot make their full potential contribution to the life and wealth of the nation.

GRAPH 1

EXPENDITURE UNDER S.11 SINCE INCEPTION

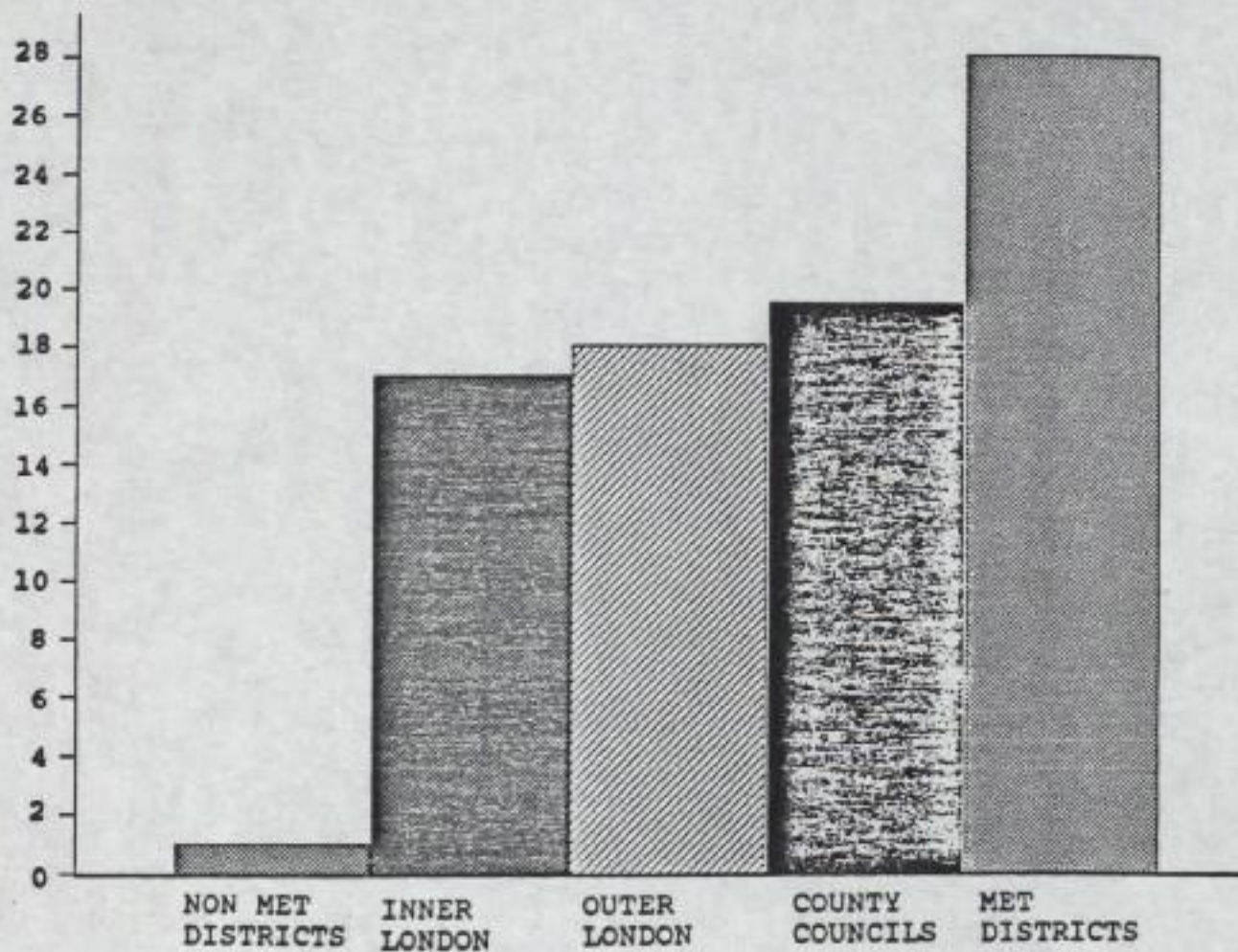
During financial years 67/68 and 68/69 grant was only payable at 50%.

(£ MILLIONS)

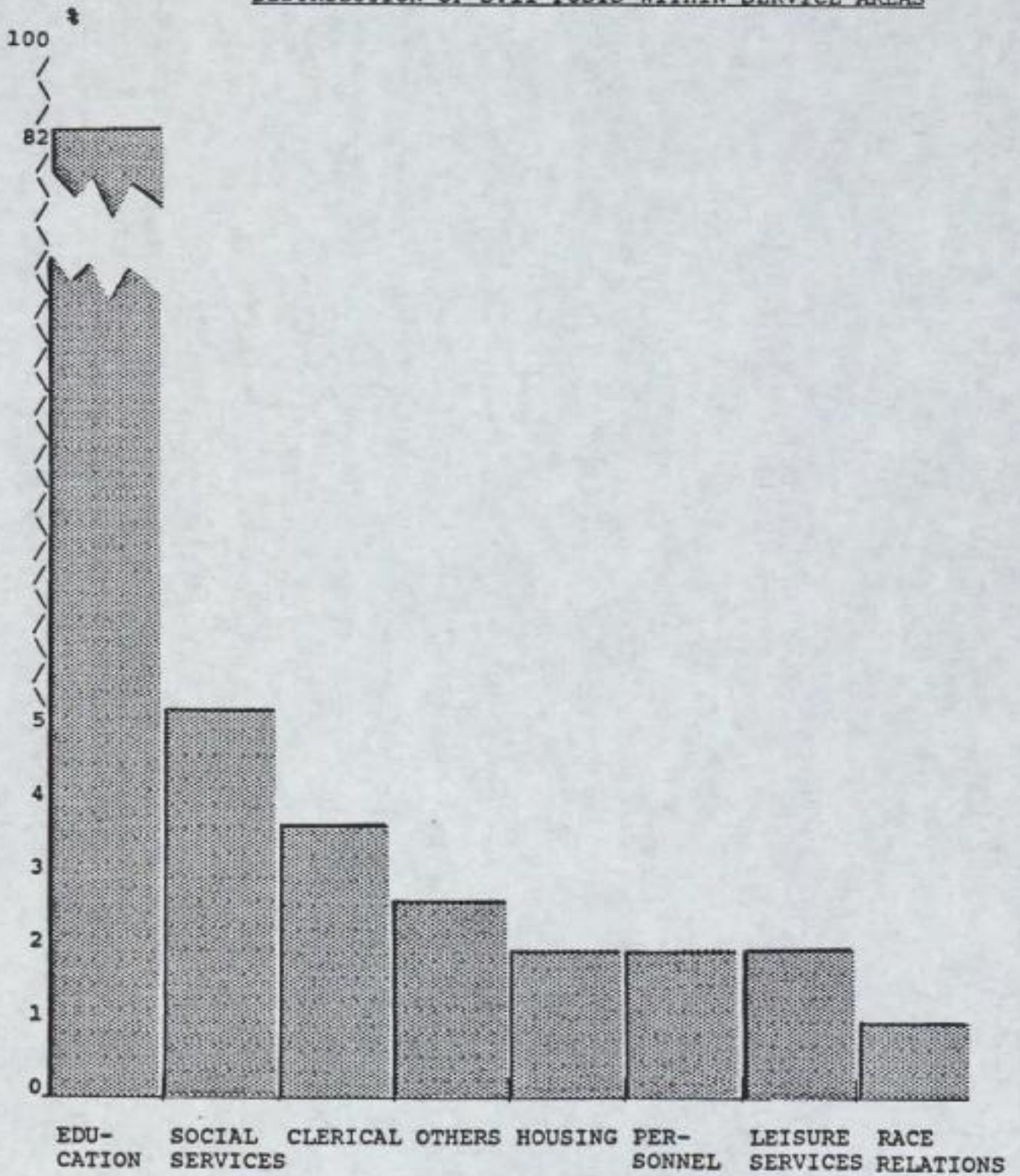


GRANT PAID TO LOCAL AUTHORITIES

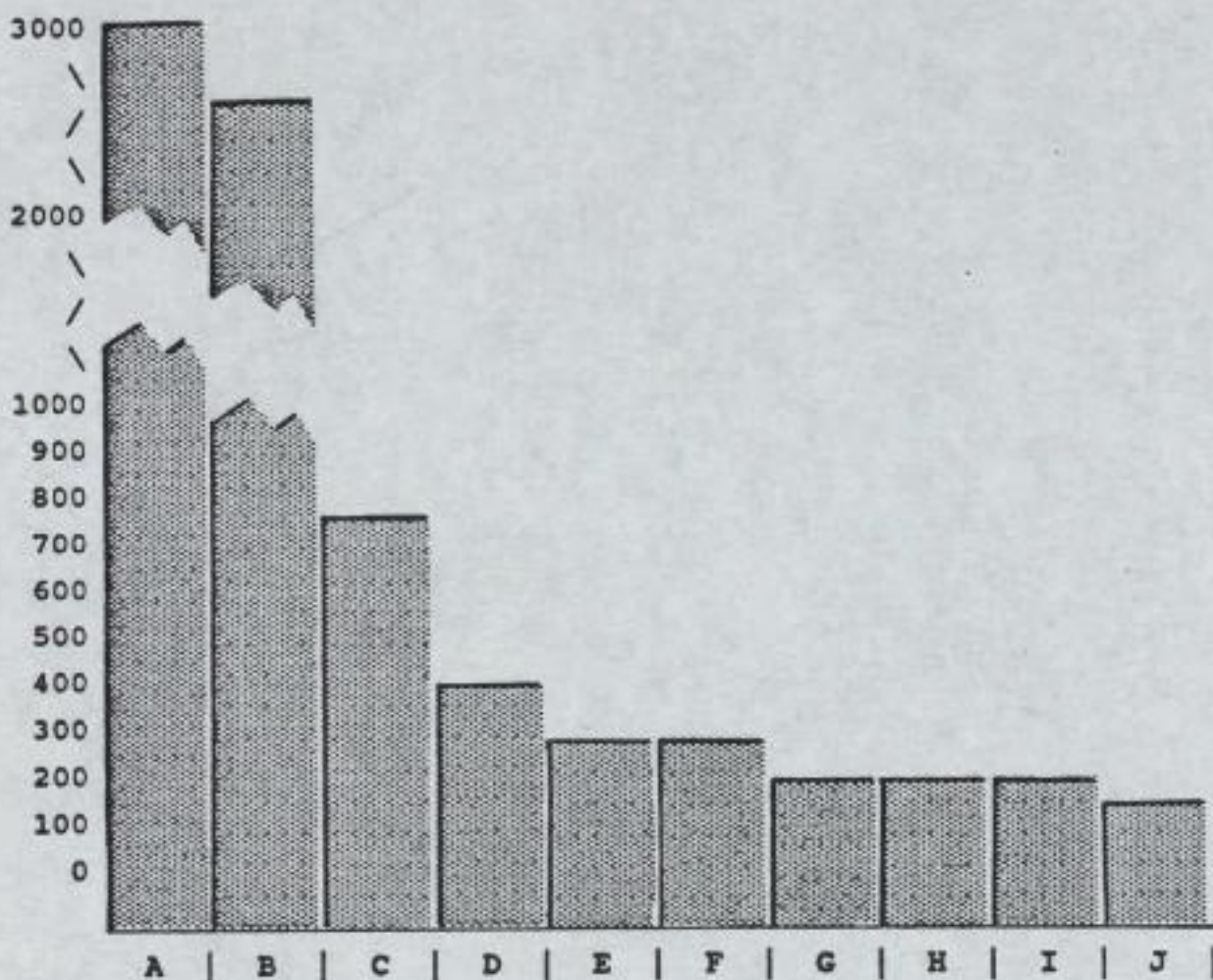
(£ MILLIONS)



DISTRIBUTION OF S.11 POSTS WITHIN SERVICE AREAS



DISTRIBUTION OF S.11 POSTS WITHIN EDUCATION



A- GENERALIST TEACHERS	3010
B- ESL SCHOOL BASED AND PERIPATETIC TEACHERS	2700
C- CLASS ROOM ASSISTANTS	750
D- ESL ADULT	400
E- MANAGEMENT AND POLICY	300
F- YOUTH AND COMMUNITY	300
G- MOTHER TONGUE	200
H- WELFARE	200
I- HOME/SCHOOL LIAISON	200
J- OTHERS	114

THE PRINCIPAL TYPES OF LOCAL AUTHORITY PROVISION UNDER SECTION 11

This annex examines the types of provision we saw during the Scrutiny. It was not possible to see every area of provision funded through section 11 during the limited time available. As the report emphasises, objective evidence of performance is extremely limited. The posts we have highlighted and commented on are those which seemed to be not only beneficial in terms of meeting the needs of the ethnic minorities but also valued by sections of the communities.

1. EDUCATION

1.1 ESL Teaching. English as a second language (ESL) teaching predominated in areas we visited although the scale of need varied dramatically. East African Asian pupils were often quoted as having minimal language needs, which was a feeling echoed by their parents. At the other end of the scale we visited schools in Birmingham, Bradford, Coventry and Peterborough where 80% to 95% of pupils were from non-English speaking households with rural backgrounds in Bangladesh or the Mirpuri region of Pakistan. It was not uncommon for six or more languages other than English to be spoken in one school. Pupils in schools, where in some cases up to 99% of pupils were from non-English speaking backgrounds, were unable to develop English skills from their white peers, who were small in number and sometimes equally disadvantaged. Of an intake of 79 pupils in one school only 6 had a basic command of English language. Of the 28 staff, 8 were section 11 funded and therefore in theory at least additional to normal staffing. The ESL teaching we observed was on the whole class based, with a collaborative teaching approach used. ESL staff were used either to provide language support in small groups or to work in tandem with a class teacher providing intensive one to one tuition to pupils who were seen to be the most needy. It was obvious that a major barrier to language teaching was the lack of community language skills amongst teaching staff. At its best ESL emphasised supporting language development as part of learning in other subjects as diverse as mathematics, physical education and nature studies.

1.2 In some areas we visited education needs were seen as having changed very little over the last 20 years. Recent arrivals from the Indian sub-continent, refugees from countries such as Vietnam, and pupils who returned to Pakistan or Bangladesh for lengthy periods, were said to require intensive ESL provision. One secondary school we visited ran a beginners group for seven new arrivals of mixed age who had literally just arrived in this country. Each pupil had an individual timetable supplemented with intensive language support, the aim being to integrate pupils into the mainstream as soon as possible. Although the class did give the impression of a school within a school it was obvious that immediate integration into mainstream classes on arrival was not realistic for these pupils. Yet most schools conceded that the scale of support provided under section 11

could not be justified simply in terms of the relatively small numbers of new arrivals. Most postholders were working with children who had been born in this country. The ESL teaching we saw was concentrated towards the early primary years. With the exception of new arrivals, needs in secondary schools were less intensive. Although pupils were able to engage in conversation and read in English, including some complicated texts, the communication of concepts was said to be more difficult. Examples included the different meaning of revolution in history and physics and conveying Christian religious imagery to Muslim children. We were told that teachers funded under section 11 would pick up and explain such concepts where knowledge was assumed by the class teacher. These needs are clearly very real, but we did wonder how far additional posts were the answer, or whether improved training and support so that class teachers anticipated such difficulties would be preferable. In-service training (INSET) has an important role and we were encouraged by the emphasis placed on this use of section 11 posts in many LEAs.

1.3 Classroom Assistants. Bilingual classroom assistants appeared to be one of the most successful methods of overcoming language difficulties, especially in the early years of primary schools where need was perceived as greatest. Besides providing an additional adult presence and role model for children they offered a vital communication link with non-English speaking children arriving at school for the first time. It was difficult to see how progress could be made without such a link. In some cases bilingual assistants were also able to establish useful links with parents. Classroom assistant posts were often filled from the local community. Occasionally temporary posts were created for local secondary school pupils on work experience schemes. The community representatives we saw clearly valued the presence of individuals from the community on school staffs.

1.4 Afro-Caribbean Pupils. Section 11 posts were used to provide peripatetic services to address Afro-Caribbean pupils' needs in two LEAs we visited. One of these LEAs had a multi-cultural education faculty which assigned teachers to particular schools for periods of up to two years. The role of the assigned teachers was to provide classroom support and INSET to teachers and make the school more responsive to the cultural, linguistic and other specific educational needs of ethnic minority pupils. Curriculum content and displays of pupils work in the schools we visited seemed to show at least some degree of effectiveness. There were complaints from the Afro-Caribbean community that the emphasis on language meant that the needs of their children were not being met in schools. Afro-Caribbean children often performed less well than their contemporaries in the white or Asian communities. Too often it was assumed that there was no language barrier to learning, although many Afro-Caribbeans spoke creole. Broadly speaking the role of the teachers working with Afro-Caribbean children was: to assist with curriculum development; to handle casework associated with any particular problems Afro-Caribbean pupils might have; to forge links with primary schools; and home-school liaison work.

1.5 Community Language Teaching. A strong theme which emerged from our discussions with parents and community groups was the

desire throughout the Asian community for the teaching of community languages in schools. The importance of community languages or mother-tongue teaching was echoed by head teachers in secondary schools in Bradford, Birmingham and Coventry and pleas for the inclusion of community languages as modern foreign languages within the national curriculum were made on several occasions. The arguments presented were that pupils who were bilingual performed better in schools, and that community languages strengthened stability within the home by improving communication with parents and grandparents, and added to the self-esteem of pupils. The community language classes we observed in secondary schools certainly appeared to be valued by the pupils themselves and evidence suggested that achievement in public examinations was high. We were less convinced, however, by the case for section 11 funding. Unlike ESL teaching or support work in other subjects, community languages are taught by one teacher in the same way as other subjects. Where there is demand for community language teaching to examination standards it seems right to us that schools should consider providing courses as part of their curriculum.

1.6 Reception Centres. We visited reception centres in Birmingham, Leicester and South Glamorgan which aimed to provide intensive language tuition to new arrivals while developing basic knowledge in the wider curriculum so that children would not be too far behind when they were placed in mainstream schools. Two sister centres in one LEA we visited had around 300 pupils passing through them each year, of which only 10 or so proved difficult to place in schools. We visited one of these centres which offered a 14 subject curriculum with generous staffing ratios (on average 1:8). The average stay at the centre was four terms, although this ranged from stays as short as one week to isolated cases of pupils staying for up to three years. Our visits showed that pupils could make progress in the initial stages of language learning in such centres. But there was concern about how well children would fare when put into a normal classroom environment. This seemed a particular problem in one LEA where section 11 posts were concentrated on the reception centre with very little classroom support. The provision of separate off-site language centres has been found in an LEA to constitute indirect discrimination within the meaning of the Race Relations Act 1976.

1.7 Home School Liaison Staff. Judging by reactions from both head teachers and parents, home school liaison teachers, or school community development workers, were held in high regard by both schools and the community. Home school liaison staff were seen in the majority of LEAs we visited and although titles varied their basic brief was to improve links between the home and school. Parents of pupils from the ethnic minorities were often said to be hesitant in coming forward and attendance at parents' evenings and other school functions was poor for a number of reasons. A home school liaison teacher in a special school we visited had been successful in forging links with the local Asian community, which was particularly beneficial given the importance of parental involvement in special education. Another liaison teacher in a secondary school had been successful in attracting 40 or so mothers and daughters to sessions at the

school. The teacher had played an important role in improving the placements of Asian pupils from the school into further education, training schemes and employment. This had necessitated a great deal of visiting work, especially amongst the Asian communities, where the employment or further education of daughters could raise sensitive issues, including living away from home.

1.8 Multicultural Centres. The Home Office will not fund posts to secure a multicultural education for all pupils. Section 11 funds are intended to benefit Commonwealth children. But multicultural centres are often used to provide central support for ESL, home school liaison and other section 11 posts. There is an obvious need for effective support but we were struck by the number of staff employed in such positions. It was sometimes difficult to secure an explanation of the differences in function between centre and schools based staff. We see a need for a clear and fresh appraisal of the role of section 11 staff in such centres.

1.9 Further Education. Although we saw few examples of section 11 in operation within Further and Higher Education, we did see evidence that Section 11 teaching staff had been instrumental in successfully turning around the curriculum of a technical college in one area we visited. Previously the curriculum had been white male apprentice orientated, but several courses were now tailored to the aspirations of the local community, such as catering courses specifically targeted towards Afro-Caribbeans. A larger proportion of courses were now geared towards the growing service industry sector and the measure of the success of the college's policy was the greatly improved use of the college by the local community and the improved employment destinations of ethnic minorities. Greater emphasis on interviews rather than qualifications and access courses sensitive to the educational needs of ethnic minorities had proved successful in placing ethnic minority students on degree and other Further Education courses.

1.10 Adult Education. Several of the LEAs we visited identified adult education as an acute area of need. We visited an adult education centre in one LEA and saw how section 11 met the language needs of adult students. Those benefitting from the centre ranged from recent arrivals and the unemployed (who had previously been employed in situations where English language requirements had been minimal) to groups such as the elderly. More specific community led language courses geared towards areas such as public health and hygiene were also evident. Although it was not unusual for students to obtain GCSE or BTEC qualifications, the needs of the majority of the centre's clients were very much practical. There was a strong emphasis on the type of language required to complete forms and to understand public information literature. The centre's staff referred to the type of English language taught as being suitable to equip the ethnic minorities with basic 'life' skills. This sort of provision is important, but must be set alongside other priorities. With changes in the employment market flowing from reduced numbers of school leavers employers will be looking increasingly to retraining workers. It is vital that non-English

speaking adult members of the ethnic minorities should be provided with any necessary basic language tuition to allow them to make full use of the opportunities this will provide. Training for small business skills will also become increasingly important.

2. SOCIAL SERVICES

2.1 We met representatives of Social Services Departments (SSDs) in Birmingham, Coventry, Haringey, Leicestershire, South Glamorgan, Waltham Forest and Warwickshire, and front line workers were seen in four local authorities. The abolition of the formula payments in the 1982 circular led to a reduction in section 11 funding for social services as local SSDs found it difficult to identify posts to replace the lost formula payments. The use of section 11 is now developing again as SSDs are becoming more aware that their current services do not necessarily meet the needs of the ethnic minority communities. Many SSDs argued that their reviews of service provision showed under use of services by the ethnic minorities. Strategies, based on these reviews, were formulated to improve the relevance of SSDs' services through steps such as the translation of materials specifically targeted services, including day centres for the Asian elderly and special shelters for Asian women. SSDs often voiced concern about Home Office reluctance to fund 'separate' provision for the ethnic minorities. Most agreed that the overall aim should be to promote contacts and understanding between groups. But it was argued that the choice was often between separate and no provision as various groups, such as Muslim women, would simply not avail themselves of standard services. Yet their need was clear. Many Directors of Social Services and other senior staff saw section 11 as a means of funding innovatory or experimental approaches to providing appropriate services for the ethnic minorities, with successful posts being taken onto mainstream funding. Funding of the voluntary sector was seen as a vital part of such innovation. Indeed there were repeated arguments from the communities themselves that voluntary groups were better placed to deliver services to the ethnic minority community.

2.2 Social Workers. The majority of section 11 posts within SSDs are social workers or social work assistants (77%). In one SSD we had a discussion with a team of generic social workers set up to cover ethnic minority issues. The team members included representatives of the main communities in the area. A frustrating proportion of their time was spent acting as interpreters for individuals attending hospitals, other local authority departments or even service companies. The team felt there was a danger of all casework involving the minorities being pushed to them - sometimes on the strength of a 'foreign sounding' name. Other workers needed to accept their responsibilities to ethnic minority clients. In another local authority we visited a Social Services Centre with a team of 5 section 11 social workers and welfare assistants. The role of these workers was to promote the facilities provided by the Centre, which included a creche, counselling and advice services and organised transport, as well as the wider services of the SSD. Advice and counselling included information for families

with financial difficulties and help for the growing-number of widowed Asian women in matters ranging from benefit advice to repairs in the home. The social worker we spoke to was responsible for support work with Asian families, half of the time being spent on casework and the remainder on community liaison and development work. In 1981 use of the Centre's facilities and services by the local ethnic minority population was 18%; this figure now stood at almost 60% (65% of the local community were from the ethnic minorities). Amongst the specialist social work provision we saw was a post dealing with sickle cell sufferers. Sickle cell disease mainly affects Afro-Caribbeans and there is a reluctance amongst sufferers to approach SSDs. The work undertaken included casework and liaison with other local authority departments, for example housing, and organisations outside of the local authority, such as the District Health Authority, to ensure suitable provision for sufferers.

2.3 Provision for the Elderly. Concern was expressed by virtually all the members of the ethnic minority communities we spoke with that there was a mis-match between the needs of their elderly and services provided by local authorities. This was seen as a growth area as increasing numbers of first generation arrivals were reaching retirement. Stereotypes of the communities looking after their own elderly to a greater extent than the rest of the population were said to be misplaced. Differential ageing was likely to lead to disproportionate demand. Language was a barrier across a range of services, with many of the elderly either never getting to grips with English or in some cases reverting to their mother tongue in old age. Whilst translated literature and bilingual staff could overcome language difficulties, the lack of residential and day centre facilities for the ethnic minority elderly was more fundamental. We visited a day centre in one local authority which had a range of audio, visual and written materials suitable to the language and cultural needs of its clients. The Centre also catered for the dietary needs of the ethnic minorities. The argument for separate provision was not just for the sake of having a separate Centre, but that mainstream provision was unsuitable and unlikely to be used by the ethnic minority elderly. Those who did attend, it was argued, felt isolated and unwelcome.

2.4 Other Social Service Provision. Whilst there are section 11 posts in areas such as community liaison, childminding, and fostering and adoption, the total number of section 11 funded posts within SSDs in areas other than social work is small; just over 100. Although the need for special provision, within for example fostering and adoption, was often quoted by the community representatives we spoke with (mainstream services were said not to meet their needs), the time constraints of the Scrutiny meant we were unable to see and therefore comment on the effectiveness of these types of SSD provision.

3. HOUSING

3.1 We met representatives from housing services in Bradford, Cardiff, Haringey, Leeds and Peterborough. The issues affecting the ethnic minorities were said to be the mis-match of housing

stock, the poor take up of local authority housing services, and racial harassment.

3.2 The unsuitability of both public and private sector housing for the extended family unit was an issue raised in a number of areas we visited. The shortage of suitable council housing and private rented accommodation was an obvious problem, while the alteration of privately owned housing stock without the necessary planning and other approvals had implications as far as health (over-crowding) and safety (fire) were concerned. There was often a lack of awareness and understanding of local authority housing services. Ethnic minorities were said to be over represented amongst the homeless in a number of areas we visited, particularly amongst more recently established communities such as the Bangladeshis and Vietnamese. Racial harassment, which ranged from verbal to physical abuse (including arson), was cited as a major problem.

3.3 Housing Workers. Local authorities sought to address the problems faced by ethnic minorities by assigning housing officers (often appointed from the minorities) to deal with issues related to ethnic minorities and housing. Although we spoke with front line housing workers in two local authorities, the time spent was limited and we were not able to obtain anymore than an overview of the type of services provided and their effectiveness. We saw ten members of a twenty strong unit (all of whom were section 11 funded) in one local authority, who dealt with a comprehensive range of complaints and problems encountered by the local ethnic minority community. The postholders seen included; housing officers; tenant liaison officers; a housing association liaison officer; a property services officer; and a grant aid/community officer. We were told that prior to the setting up of the unit there had been an unwillingness amongst the Asian and Afro-Caribbean communities to approach white officers. The service provided by the unit consisted of a mixture of casework and outreach work. Casework consisted of rent arrears, repairs, homelessness and racial harassment cases. Services included: advice to tenants and prospective tenants; heightening awareness of local authority grants and housing services; and the translation of literature. Impressive results were quoted, but we were concerned at the notion that only ethnic minority officers could provide services for the minorities. There is a need to address the fundamental issue of how to make mainstream services responsive.

4. ENVIRONMENTAL HEALTH

4.1 We saw representatives of Environmental Health Services in Bradford, Coventry and Haringey. Section 11 postholders were concentrated in Home Safety, Food Hygiene and Consumer Services.

4.2 Home Safety. Local authorities provided figures showing a higher than normal rate of household accidents amongst the ethnic minorities, especially in homes where there was multiple occupation. Overcrowding led to obvious dangers such as fire hazards and poor health. The young and elderly were frequently quoted as being those in most danger, not just from the hazards

of cramped housing, but also unfamiliar household appliances. Written instructions were often not fully understood.

4.3 Food Hygiene. Retail hot food outlets were another area where section 11 had been used to address specific needs. Owners and managers with limited English often had difficulties in grasping relevant regulations and the high turnover of owners and staff compounded these problems. A sample of 10% of the hot food outlets undertaken by Environmental Health Officers (EHOs) in one local authority revealed that 65% were managed or owned by the ethnic minorities. The survey had been critical of hygiene standards, and in the majority of establishments visited there had been no understanding of environmental health issues. EHOs also addressed the lack of understanding about hygiene matters in the home. Education through advice and literature was seen as an important measure to reduce cases of food poisoning which were high amongst ethnic minorities, particularly the old and very young.

4.4 Consumer Advice. Consumer advice work was undertaken by the Environmental Health Department of one authority we visited. Work included examining products used specifically by the ethnic minorities and issues such as a lack of understanding of what were acceptable standards of building repair work. Advice of this kind was also provided by different local authority departments in other authorities we visited.

5. ECONOMIC DEVELOPMENT

5.1 We met Economic or Business Development Departments in five local authorities we visited and had discussions with Task Forces in four of these areas to obtain a wider view. We also saw examples of business development and employment schemes in three areas we visited.

5.2 Economic Development Officers. The overall impression gained was that Economic Development Officers (EDOs) were seen as important in improving the prospects of black business which many, especially those in the business sector, saw as instrumental in improving the position of ethnic minorities. Evidence suggested that the ethnic minorities have only limited access to business and management skills training, and that there are difficulties in securing financial backing, insurance and suitable premises. All of this can in some cases be compounded by poor English language skills. It seemed that within the Afro-Caribbean community there was a need for a more intensive approach to advice and support to get new businesses on their feet. Local authorities were able to point to the success of Asian and Afro-Caribbean Business Development Officers in encouraging the establishment of growing numbers of businesses. The role of EDOs included: advice on marketing, accountancy and premises; increasing awareness and take up of training; monitoring the development of businesses; and preparing translated advice material. One Economic Development Unit had been instrumental, with a local City Action Team (CAT), in the creation of a special insurance scheme. Economic Development Departments saw section 11 as an important tool in developing initiatives and improving links with the community. The

communities viewed the funding of business initiatives as money which would enable them to help themselves. Many said that providing a person with skills to enable them to get a job or start a business would give them the opportunity to overcome their other problems.

5.3 A number of the ethnic minority business organisations we spoke to called for funding (currently on a detached duty basis) for posts in local enterprise agencies. The Project Fullemploy initiative we visited in Cardiff had applied for funding of a business adviser to give full support to new businesses starting up as opposed to development advice for existing businesses (as provided by existing enterprise agencies). This sort of work was said to be time intensive but crucial if those without a business background were to be successful in new enterprises. There was also a need for such businesses to have access to pooled secretarial, clerical and photocopying facilities. Section 11 seemed a good way of encouraging developments in such areas, which should become self sustaining once the business community established itself.

6. OTHER AREAS OF SECTION 11 PROVISION

6.1 Although we attempted to see a wide range of provision it was not possible in the limited time available to see posts in all areas of local authority services where section 11 funds posts. We did, however, meet representatives of other departments including City Engineers, Employment, Leisure Services, and Library Services. Officers from Race Relations Units often acted as our guides on visits, but little impression was gained of their normal work.

6.2 Library Service. We talked with an ethnic minorities librarian responsible for the provision of books and music in community languages and monitoring the level of use by the community. Take up was said to be good. Levels of literacy were poor amongst those from rural areas of Bangladesh and Pakistan, yet the availability of literature was seen as important to all ethnic minority groups, if only in terms of respecting different cultures. The library also acted as a source of information for the communities. The availability of leaflets and advisory literature in community languages at least went some way in ensuring knowledge of other local services.

7. NEW TYPES OF POST REQUESTED

7.1 There were constant calls from local authorities and community representatives for race relations, monitoring and research posts.

7.2 Race Relations. The Home Office will not fund posts in Race Relations Units. However a consistent argument presented by many we spoke with was that ethnic minorities will continue to be disadvantaged while racial discrimination persists. Whilst attitudes and perceptions towards ethnic minorities need to alter, it does not follow that section 11 should be used to fund posts in this area. Local authorities are required under section

71 of the Race Relations Act 1976 to carry out their functions in a way which eliminates unlawful racial discrimination and promotes equality of opportunity and good race relations. We were influenced by comments from many postholders in race relations units that service posts in particular departments were higher priorities for section 11 funding. We agree with the current view that local authorities should not look for special funding from section 11 for race relations posts.

7.3 Research and monitoring posts. The Home Office will not fund such posts, arguing that they form part of a local authority's own responsibilities. While we have some sympathy with this view the practical implications need to be considered. In many local authorities we visited refusal to fund posts had not led to local authority funded posts being established; instead local authorities operated by hunch or anecdotal evidence. In our view the effective targeting of section 11, and indeed mainstream resources, is dependent on the collection of hard evidence of need and subsequent performance. If section 11 is to be used to encourage best practice, and if local authorities are to respond effectively to the challenge of the new three-yearly reporting cycle, we believe the funding of some research and monitoring posts will be necessary. But we see a good case for such posts being time limited. They should aim to diagnose problems, propose solutions and create mechanisms for monitoring performance, with the latter subsequently becoming part of the normal management structure.

7.4 Community Relations Councils. There were calls for CRC's to be eligible for section 11 funding. We would not support the funding of CRCs' main administration through section 11 (CRCs already being funded by central Government through the Commission for Racial Equality and by local authorities). However, there would appear to be no reason why CRCs aiming to provide a service for the ethnic minority communities in the same way as other non statutory bodies should not be entitled to be considered for section 11 funding.

DETAILED RECOMMENDATIONS

The development of Government policy for each service area

1. The overall aim should be to use the specific grant to ensure that local authorities and other organisations provide services which are responsive to the needs of, and open opportunities to, the ethnic minorities. There should be a move from long term subsidy of separate services towards funding change in mainstream services to ensure that they are responsive. This overall aim, though necessary, is hardly a sufficient basis for local authorities to construct their bids for specific grant, nor for the Home Office to consider applications. There would be a need to develop a policy on the use of the specific grant in relation to each relevant service area such as education, housing, social services and economic development. Professional inspectorates such as HMI would have an important role in advising on the most effective approach to meeting ethnic minority needs. Although not all departments were able to provide the Scrutiny team with an 'off the shelf' statement of their strategy in relation to the ethnic minorities it was clear to us that these issues were considered regularly within departments. The preparation of a policy statement ought not, therefore, to represent an unreasonable or prolonged task. Ministers in each department would need to consider their policy, and then the various policies from the Government departments concerned should be brought together by the Home Office in the form of a statement of Government policy towards the specific grant. It would be important to provide opportunities for consultation with the local authority associations, the ethnic minority communities and other interested organisations.

2. To take an example, in the education field the process might begin with a survey of the various aspects of ethnic minority needs. This would include the teaching of English as a second language (ESL), addressing differences in attainment by different groups in various subjects, and the building up of links between parents and schools. The evidence we collected suggested that, at least in the early years of education, the recruitment of bilingual teachers or classroom assistants was the most effective way of meeting language needs. We came across very impressive applications for the use of section 11 resources to fund special projects to tackle under-achievement (particularly by Afro-Caribbean children) in relation to particular subjects such as mathematics and science. Home school liaison staff were highly valued both by schools and the communities, and were a rare example in education of relatively straightforward performance assessment in terms of improvements in the level of parental participation in school. It would be important to avoid an overly prescriptive approach. Local circumstances vary and responses will need to differ. The policies might provide a menu from which the response most fitted to a local situation could be chosen.

3. The policy would also need to express views on the timescales involved for particular posts. For example the

funding for posts for a project designed to investigate and overcome under-achievement in particular subject areas might well be time limited. A target date could be set by which time the project should have established the causes of under achievement, and another could be set for providing recommendations about how to change the syllabus, or teaching approaches, to provide equality of opportunity. Once the aim was achieved funding would cease. If the aim was not achieved resources might be better directed elsewhere, unless there were good reasons for expecting a further period of funding to achieve results. Home school liaison staff are likely to be needed over a longer timescale to build up links between school and the community to a point where they are self sustaining. But it ought to be possible to set clear targets over a three to five year timescale for the creation of that confidence. If a local authority thought that a home school liaison post was necessary after that point it might not be unreasonable to expect them to fund it. Bilingual classroom assistants would remain necessary for so long as children from the ethnic minorities arrive at school without basic fluency in English, and the teaching profession continues to lack qualified teachers from the minorities with relevant community language skills. Classroom assistants and ESL teachers can represent a very significant addition to the staffing complement of a school (in some examples we saw section 11 staff representing four or five staff out of a complement of 14 or 15). The needs assessment of the block grant system is unlikely to pick up such specific needs, or prompt LEAs to make the necessary provision. It might be necessary, therefore, to provide specific grant for such posts on a longer term basis, though it should be made clear that such posts would be reviewed carefully as part of each three yearly report from the local authority.

4. The new cash limit will mean that the Home Office will have to make judgments between competing bids for the continuance of existing provision and the creation of new posts. Within service areas the policy agreed with the relevant department will indicate types of provision which are to be given preference. Judgments between service areas will be more difficult. If caseworkers are to be provided with the necessary guidance there will need to be interdepartmental agreement on how the grant should be distributed. For example the shift from on-going subsidy of service towards funding change will lead to reductions in existing provision, particularly in education which accounts for over 80% of current posts. There needs to be agreement (which will be far from easy) on whether this should be used to put more emphasis on, for example, social services or economic development, to promote new developments in education, or to reduce overall section 11 expenditure.

5. The lack of objective performance assessment for the provision currently made under section 11 will mean that there is a paucity of evidence on which to base judgments about the type of provision which will be most effective. The Government will have to rely on the sort of professional expertise referred to above rather than objective evidence as to which approaches secure results. Inevitably there will be aspects of the policy which, with hindsight, might have been changed. We have sought to recommend an effective mechanism for assessing performance,

which would allow the Government, local authorities and the communities themselves to learn from past experience and to concentrate resources in future on those areas with a proven track record in tackling racial disadvantage. It will be important to have a mechanism for spreading good practice, and we recommend the creation of an informal bulletin from the Home Office to local authorities.

Training

6. We attach considerable importance to section 11 being directed at training for members of the ethnic minorities to enable them to join the mainstream professions within service provision departments. The various Positive Action Training in Housing schemes we saw were very good examples of this. At the moment the specific grant is not, by and large, available to pay trainees. We would recommend the abolition of this rule. All too often we saw evidence that members of the minorities have been employed by local authorities because of the value of their linguistic and cultural knowledge, but were now unable to break-out to mainstream promotion. We recognise the concern that investment in such trainees will not necessarily result in a particular local authority benefitting as there will be a national market for such people. But we see considerable value in building up the number of people from the minorities qualified in teaching, social work and other professions. We saw great force in the argument that ultimately section 11 would be redundant only when the personnel within relevant organisations reflected the ethnic make-up of the communities they served. At this point taking account of ethnic minority needs will become a natural, rather than an additional, step in policy development.

Management by results: regular reports from local authorities

7. All too often the debate about section 11 is conducted in terms of whether sufficient posts have been approved, and whether local authorities are misusing resources. There were many calls for tighter monitoring and control by the Home Office. Few seemed to emphasise the importance of achieving results. In our view I Division of the Home Office does not have, and could not justify, sufficient administrative resources to monitor the 12,000 posts funded by section 11 on a detailed post by post basis. The fiction of such control, which obscures the real issue of judging results, should be put aside. Within the overall policy framework laid down by the Government, the primary responsibility for the management of resources at local level must rest with the local authorities. The Home Office should hold local authorities accountable for the results achieved. Those who can demonstrate real improvements in the position of the ethnic minorities should continue to receive grant; those who cannot should lose it unless they can demonstrate how resources will be used more effectively in future. A central feature of the new system would be a requirement for local authorities to provide regular reports to the Home Office. These reports would have to set out:

- i. The needs of the ethnic minorities in the local area.

- ii. The local authority's strategy for meeting those needs.
- iii. The way in which the local authority was using its mainstream resources to meet needs.
- iv. The part played by the additional resources funded by section 11 grant.
- v. The results achieved for these resource since the last report.
- vi. Targets for achievement by the next annual report.

As the value of such reports became obvious during the Scrutiny we took opportunities to discuss it with various local authorities we visited. Many said such a report would be seen by local authorities as a reasonable, and fairly standard, requirement in return for additional funding, and would fit more sensibly within local authorities' own management structures than the current post by post monitoring. In its evidence to the Scrutiny, and our subsequent discussions, the Association of Metropolitan Authorities supported a strategic approach using periodic reports by local authorities.

8. There is a significant question about the frequency with which such reports should be required.

i. Annual Reports. Such reports would provide a tidy mechanism for managing the new cash limit under section 11 (allowing the funding for all local authorities to be reviewed each year) and give a tight control of the grant. However, there seems to us to be a good argument that for many of the initiatives in this area a year would be too short a time to expect concrete results. Annual reports would create a considerable administrative burden for both local authorities and the Home Office. There would be a danger that each would spend more of their time constructing and evaluating reports prepared as part of the annual bureaucratic exercise rather than trying to secure genuine results.

ii. Three-yearly reports. Three-yearly reports would have the advantage of providing a sufficient period over which initiatives might be expected to produce results, should encourage a more strategic approach by local authorities to meeting ethnic minority needs, and would reduce the bureaucracy of the monitoring process for both local authorities and the Home Office. The disadvantages would include the laxer control that three-yearly reports would imply and the greater complexity of managing the cash limit (including the processing of bids for additional resources).

Our conclusion is that the arguments weigh in favour of three-yearly reports, and that these reports should be staggered so that one-third of the local authorities receiving section 11 grant should come up for review each year. The aim would be to set the direction and size of each local authority's grant under

section 11 for the next three years so that in the following two years the Home Office's effort could be directed at the second and third group of local authorities. As the scope of the grant is extended to include schools which opt out, voluntary agencies and others, it would seem sensible to adopt a parallel review cycle for provision in these areas.

Consultation

9. One of the main complaints from the communities was local authorities' failure to provide information about existing provision under section 11. An obligation on local authorities to consult communities about their three yearly reports, which will cover both existing provision and any new bids, will go a considerable way to meeting this. Similarly the fact that the reports will start from an analysis of need will provide an opportunity for the communities to influence this crucial stage in the process. But there were other complaints over issues such as the mechanism for consultation (circulation of papers or meetings), the list of groups consulted and the time given for comments. There are limits to how far the Home Office can seek to influence such matters. Local situations vary and a prescriptive approach would soon come unstuck. By requiring consultation the Home Office is providing local communities with a lever, and they must use it to secure adequate consultation arrangements. Where local authorities fail to satisfy their communities the latter will need to complain, as they do now, to the Home Office.

Home Office consideration of the reports

10. In considering each report the Home Office would examine blocks of posts and service areas rather than individual posts. In the first instance caseworkers would need to ensure that all the posts funded or applied for were consistent with the policy guidance set out by the Home Office at the start of the process. It would also be necessary to look at the way in which mainstream resources were being used and to ensure that effective provision was being made here before agreeing to continued specific grant funding for additional provision. Although this would entail looking at the overall strategy for the local authority it would be important not to look for simple conformity to some overall Government strategy. Needs will vary from area to area and local authorities will need to take account of the views expressed by local communities. In the first round of annual reports the emphasis will fall on ensuring that there are realistic but testing targets for achievement over the first three-year period. In subsequent reviews caseworkers will be looking for evidence that the promised results have been delivered.

11. The Scrutiny brought to light criticism of the variations in the use of section 11 by local authorities, with some arguing that the Home Office should draw up an indicative allocation of grant between authorities. Yet it was clear that an allocation based simply on numbers from the ethnic minorities would be flawed, and that the Home Office would not be in a position to prepare a more subtle allocation based on a needs assessment. In our view an indicative allocation would be unworkable. But it

should be possible for the Home Office to build up a range of indicators from the local authority reports (and other sources) covering ethnic minority population, unemployment etc which would allow the department to make judgments between local authorities competing for similar provision. We would also see great value in the Home Office building up a range of contacts to provide a breadth of view about the situation in local authorities. This might include the regional offices of other departments, Task Forces, City Action Teams, local charitable trusts and other local organisations. The aim would be to compensate for the inevitable remoteness of the Home Office by drawing on those with local knowledge.

Time limiting

12. The first tranche of reports need to be used to examine and set timescales for existing posts. The assumption should be that all posts will be time limited unless there are very good arguments to the contrary. Caseworkers would draw on the timescales for posts set out in the new policy (see paragraph 3 above). Posts could be expected to fall into three groups:

i. Time limited posts which could be set targets for achieving their objectives and therefore rendering themselves unnecessary. This might be true of research posts intended to identify needs and develop the strategy of the response, outreach posts designed to develop relationships between service providers and the community, or training posts intended to secure changes in the way that mainstream staff responded to ethnic minority needs.

ii. Posts for which the need would continue but where it would be reasonable to expect a local authority to take the funding on to the mainstream after a reasonable period. For example additional lecturers brought into a technical college to provide courses more relevant to the local community might be established on an experimental basis with a time limit. If after three years such staff had not produced results it would be wasteful for either the specific grant or the college to continue funding. However, if the post had been successful the college ought by then to have been able to plan them into mainstream expenditure. The same might also be true in some circumstances of outreach workers.

iii. Some posts would need to be funded on a longer term basis. We saw evidence of section 11 used to cope with extremes of local need at a level too detailed to be picked up adequately by the block grant needs assessment. For example the growing inner city communities of relatively new arrivals from Pakistan and Bangladesh we saw in Coventry and Peterborough had led to local authorities providing some schools with a 40% or 50% increase in staffing through ESL teachers and bilingual classroom assistants funded under section 11. We saw force in the arguments that many local authorities would feel unable to make such 'generous' but vital provision without

additional financial assistance. But all such ongoing posts should be subject to rigorous reviews as part of the three-year reports.

13. We appreciate that a shift in the specific grant away from long term subsidy toward a more time limited approach will be unwelcome to some local authority departments and postholders. But time limiting is an essential part of overcoming the difficulties of the marginalisation of ethnic minority needs through separate funding under section 11; imposing an effective framework for assessing performance and managing the resources by results; and retaining room for innovation within a cash limit. Where posts have been time limited on the assumption the function will be brought into mainstream funding it will be important for the subsequent three-yearly review to cover the question of whether the function was indeed mainstreamed. If a local authority consistently fails to plan adequately to take such functions into the mainstream there is little point in the Home Office funding a succession of pump priming posts.

Performance indicators

14. Assessing performance in relation to education, social services and other services is by no means a straightforward task. Experience under the 1986 Circular, which required objectives and performance indicators to be set for posts, shows that local authorities have found it difficult to satisfy the Home Office's demands. Yet the fault should by no means be laid solely at their door. This approach to management has not been part of the traditional local authority culture (just as it was not normal in central Government) and the Home Office provided little guidance. Indeed there is an inherent difficulty about looking for performance assessment in relation to section 11 in isolation. The grant does not fund a separate service. It funds additions to much larger services. It hardly makes sense to develop entirely new approaches to performance indicators for the £80 million spent under section 11 for education or the £5 million spent on social services. Instead the monitoring of section 11 should plug into assessment mechanisms already in place for the service as a whole. Unfortunately, in the past, these mechanisms have not been in place. But our discussions with local authorities and the relevant Government departments have shown that significant developments are on the way. For example in education the national curriculum and the introduction of testing at the ages of 7, 11, 14 and 16 will provide a much firmer basis for assessing the performance of schools. LEAs already have to produce development plans for Work-Related Non Advanced Further Education and in future, under the provisions of the Education Reform Act 1988, will have to produce schemes for further education that promote responsiveness by colleges to the changing needs of students, employers, and the local community. In order to make use of such developments it will be necessary for local authorities to have firm evidence about the ethnic minorities within their overall population. We accept that ethnic monitoring can be a sensitive issue within the communities because of nervousness about how information will be

used. But are persuaded by the argument that only by collecting hard information about ethnic minority needs can anyone hope to direct resources effectively. From the point of view of effective management of the specific grant, and more importantly effective action to tackle racial disadvantage, we see considerable benefit in the inclusion of an ethnic question in the 1991 Census and the development of ethnic monitoring in local authority services. In order to meet community concerns about monitoring there is a need for effective prior consultation.

15. Even with better performance indicators and wider ethnic monitoring it will remain difficult to isolate the impact of additional resources paid for by the specific grant as distinct from the main programmes. The scientific approach of maintaining a control group without section 11 resources could not be justified. This means that in examining reports the Home Office will usually have information about overall performance to match with evidence about the way in which mainstream and section 11 resources have been used. This would be consistent with our recommendation that the Home Office should look at the whole approach adopted by the local authority, and in particular satisfy itself that mainstream resources are being used appropriately, before providing additional assistance under section 11.

Visits

16. In addition to a three-yearly cycle of reports we see a need for the Home Office to institute a limited series of visits to local authorities. We recommend such a course because of the value of our own visits to local authorities, and the impressions we gained of the value of earlier visits by the Home Office at the time of the 1982 reviews. Visits would go a long way to meeting criticisms that any new system reliant on documents would benefit those authorities who were good at producing clever pieces of paper, perhaps at the expense of those experiencing extreme need. Under the three-yearly report cycle around 35 to 40 local authorities would come up for review each year. We recommend that the Home Office arranges to visit 5 or so of these authorities in the previous year. Such visits should involve discussion with councilors, senior management within the relevant departments, section 11 postholders and their managers, and the local ethnic minority communities. Our visits also showed the importance of having professional advice, with members of HMI accompanying the Scrutiny team on a number of visits to schools and providing an invaluable professional view. We were told that in 1987 HMI spent 350 days on section 11 work (including 100 days on the special inspection of Brent). Having discussed the point with senior management within HMI, we believe that with adequate notice and planning it ought to be possible to co-ordinate visits by the Home Office with the time devoted by HMI to section 11 provision, so that professional advice is available to the Home Office when reaching conclusions. Although the Social Services Inspectorate spends very little time on section 11 provision we were told that they would be willing to consider an expansion of their role in relation to section 11 if this was part of a more systematic approach to Government policy and priorities in relation to the specific grant. In addition to those full blown

visits occasional informal visits to discuss plans or particular issues could also be helpful in building up knowledge and contacts.

Managing the new cash limit

17. Our terms of reference indicate that section 11 grant will in future be cash limited. Whilst those we spoke to welcomed the Government's commitment to continuing some form of mechanism for directing resources to meeting racial disadvantage many expressed concern at the introduction of a cash limit. But we should record that few presented arguments as to why, as a matter of principle, it would be wrong to make explicit decisions about the size of section 11 expenditure in the future, or to take steps in ensure that spending was within planned totals. Indeed the open ended nature of section 11 seems to have contributed to the failure to set up clear objectives, priorities and mechanisms for assessing performance. Instead the anxiety was based on assumptions that a future cash limit was unlikely to be realistic in terms of our respondents' perceptions of ethnic minority needs.

18. Managing section 11 expenditure within a cash limit would fall into two parts; the level of expenditure on existing posts and new expenditure committed for additional posts. At the moment there are around 12,000 posts in existence, and the Home Office is only approving 500 or so new posts each year, so the task of managing existing resources would be by far the most important. In relation to the existing posts the Home Office knows, in theory, how many posts there are and where they are situated. The cost of those posts is dependent upon pay awards for teachers, social workers and other local authority workers. Yet the Home Office is contracted to pay 75 per cent of the costs of the approved posts in each year. Thus it has little control over actual expenditure under section 11. The obvious way of managing a cash limit in such circumstances would be to manage the rate of approval of new posts in order to keep expenditure within the cash limits. But with a flow of only 500 new posts each year, accounting for perhaps £4 million over a full year, it could be difficult to cope with larger than planned for pay increases, particularly if they came at a relatively late stage in the financial year. Such a bias against innovation would also be unsatisfactory in policy terms.

19. Under the new system, with local authority grant dependent on a three-year review cycle, these difficulties could be multiplied. If the Home Office were to commit itself to funding 75 per cent of a specified number of posts over a three-year period the difference between planned expenditure and actual expenditure on the posts by the third year could be significant. The move toward time limiting more posts would provide more flexibility. But the fact that only one third of local authorities would have their provision under review in any one year would mean that the scope for cutback in new posts in a particular year to compensate for overspend would be limited. This has led us to conclude that reliance on the Home Office's ability to control the number of section 11 posts would not be a sufficient basis for managing the cash limit.

20. This indicates that there is a need for revision in the current Home Office obligation to pay 75 per cent of the costs of each post irrespective of changes in costs. Two approaches suggest themselves. The first would be to alter the percentage of grant given on posts at the end of each year in order to share out the cash limit amongst the total number of posts approved. This would involve trying to stay within the cash limit during the year by limiting the number of new approvals but then adjusting the percentage at the end. There are, however, significant difficulties. Unexpectedly high costs would lead to a significant reduction in the percentage of grant paid, and create unacceptable uncertainty for local authorities. There would also be no reward for local authorities who sought to keep their own costs within planned totals. All the local authorities would suffer by the same percentage reduction irrespective of whether they were contributors to the overspend. The second approach would be to break the link between grant and actual expenditure, limiting the grant to planned totals. The Home Office and the local authority would agree to the strategy and provision over the next three years. The costs of this strategy in each year, including appropriate factors for inflation in successive years, would be calculated, and this would be the total grant payable to the local authority over the period provided it made the agreed provision. Local authorities whose spending remained at the planned level would achieve the same level of support as under the current system of a 75 per cent contract. Those whose costs exceeded planned total would receive less support. Local authorities would have certainty as to the level of grant to be paid, and would not, for example, find that the percentage rate of grant would be cut drastically as a result of overspending by other authorities. We recommended that this latter approach be adopted. In managing the cash limit in any one year the Home Office would have firm figures for two thirds of all authorities (who would be in the second or third year of their agreed plan) and would have to ensure that the expenditure levels it agreed for the first year of expenditure by the local authorities currently under review were such as to stay within the cash limit. As schools and other organisations come to bid independently from local authorities separate allocations of the cash limit would need to be set aside. But again we recommend that grant should be paid on planned not actual expenditure.

Bidding for additional resources

21. This approach assumes that local authorities will only be able to bid for new resources every three years. It is vital that significant changes in strategy or sizeable bids for new resources should be considered as part of the three-yearly review for a local authority. The assessment of performance with current resources must be linked to bids for new resources if the Home Office is to reward those who achieve significant results. But we see force in the argument that local authorities would be unable to respond flexibly to local needs if rigid controls were applied for three years with no possibility of new initiatives. There are two ways of retaining flexibility. The first would be to hold back a percentage of the cash limit in each year from the monies committed under the three-year plans so that local

authorities could apply for additional posts where needs arose in the course of the three-year strategy. But there are difficulties. The system would be imposing an effective cut on all local authorities in order to hold back a contingency reserve, but in any one year that reserve might be under subscribed. There is also, we understand, considerable pressure on such contingency reserves during the annual PES round for central Government departments. Considering bids for additional resources from such a reserve would also create a significant additional burden for the Home Office team. The alternative approach, which we prefer, would be to give local authorities some flexibility to move resources within the overall strategy agreed with the Home Office. This is in any event implicit in a system where the Home Office examines blocks of posts, the overall strategy and results rather than individual posts. Criteria would need to be set as to those changes which a local authority could institute by itself, and those where it might need to give the Home Office notice (sufficient to allow the office to object if it felt that the change took the local authority outside the overall plan). In particular local authorities might need to be given flexibility over grants to the voluntary sector where circumstances are bound to change during the plan's life.

22. The question of the level of grant paid under section 11 was raised relatively infrequently during our Scrutiny. The figures we obtained suggest that the actual level of grant is nearer to 50 per cent on total costs. The level of grant is not specified in the legislation and we see good arguments for retaining that flexibility to alter the rate of grants. For example one way of coping with the transitional problems for those local authorities currently relying on section 11 as a long term subsidy would be to taper the rate of grant on posts for which funding was to cease over a period of years. A decision in the future to reduce the rate of grant would increase the number of posts which could be funded from a given cash limit, and might increase the chances of persuading local authorities to move posts previously funded under section 11 into the mainstream because the financial consequences would be reduced. We recommend that Government retains flexibility over the rate of grant so that this can be used as a tool in managing the cash limit in the future.

The groups covered by the legislation

23. In paragraph 6.1 of the report we concluded that the phrase Commonwealth Immigrant should be removed from the legislation. It is more difficult to reach a view on what should replace it. It is clear that the concept of immigrant, and the implication that needs will expire after a given period, or number of generations, should be removed. The definition of the group benefitting from the specific grant would, on the basis of our evidence, need to include all the Commonwealth groups covered by section 11. The definition should also cover groups such as the Vietnamese, Chinese (as of right without any assumptions about coming via Hong Kong) and the Somalis. It is more difficult to reach a view on other ethnic groups such as the Ukrainians and Poles, or indeed, the Scots, the Welsh and the Irish. The position in relation to refugees is particularly difficult.

Some, like the Vietnamese, suffer racial disadvantage in the same terms as Commonwealth groups. Others, such as Poles and Ukrainians, have similar needs in terms of language and newness but are less likely to suffer racial discrimination.

24. Having considered the evidence our view is that the grant should continue to focus on the needs of those groups suffering extreme disadvantage and should not be extended to all groups as this would lose the focus and impact. This means in essence providing grant to existing groups and to those like the Vietnamese which are in a very similar position, but not extending the grant to new European or other White groups. Our evidence suggests that the impact of such a change on total expenditure under section 11 would be limited. The numbers of people in the additional groups are small compared to the numbers from Commonwealth groups. Often the impact of the change would be to legitimise the use of existing section 11 provision to deal with the new groups as well as those from the Commonwealth. Achieving such a change in the legislation is far from straightforward. Certainly any list of groups is unlikely to draw the line in the right place, and in any event changes in patterns of immigration (for example the arrival of refugees) could soon render any definition out of date. On the other hand we would be reluctant to recommend the introduction of legislation which purported to apply to all ethnic minority groups when the clear intention was to limit the applications of grant to particular ethnic groups by subsequent policy guidance. Our Scrutiny is hardly the most effective mechanism for attempting to formulate a new provision. But it may be that a combination of ethnic minority groups and disadvantage in the legislation would be the best approach. In our recommendations we have referred to a new grant aimed at ethnic minority groups suffering racial disadvantage.

The voluntary sector

25. In paragraph 6.5 we concluded that grant should be available to the voluntary sector (widely defined) both in the form of detached duty posts (as now) and direct funding to voluntary groups (which would require primary legislation). We see two priority areas for specific grant funding to the voluntary sector.

i. Where the voluntary sector is providing a service on a contracted-out basis which might otherwise have been provided by the statutory agencies (including health). The approach would be entirely consistent with the increasing role of local authorities as facilitators rather than providers of service. We would see the same criteria in terms of need, consultation and performance assessment being applied to such posts as if they were in the local authority.

ii. Funding for 'capacity building' within the ethnic minority voluntary sector. We have in mind here the provision of expertise and advice by the funding of consultancy posts in local development agencies such as councils for voluntary service. We saw force in the

argument that such assistance to the ethnic minority voluntary sector was crucial if it was able to develop its role in assisting the communities and benefit from the sources of funding used by the mainstream voluntary sector.

However, significant practical issues arise. First, someone would have to make judgments as to which local groups should receive funding. I Division of the Home Office currently has nothing like the necessary local knowledge to decide which groups in the best position to provide a service. But expertise could be developed and the section could attempt to build up contacts with other departments' regional offices, Task Forces, local authorities, trusts and others. Local authorities make such judgments when looking at voluntary sector applications for grant from their funds or through the Urban Programme. But some council members argued that they did not want to be given the invidious task of choosing between groups, and others were concerned that political factors came into play at a local level. An unstructured expansion of section 11 to the voluntary sector could lead to the Home Office team being flooded by the number of applications, and the task of considering who should receive funding as well as what type of posts to fund. For example the Commission for Racial Equality disburses about £2 million in grant each year but receives applications for 12 million. Channelling money into the voluntary sector would make monitoring and assessing performance more difficult. The Home Office has been criticised for failing to monitor use of section 11, yet at least in the case of councils the influence of local councillors, ratepayers and the district auditor provide safeguards. It also seems unlikely that the voluntary sector could make effective use of section 11 money if the current terms of 75% of salary costs, and no contribution to overheads, were retained. Some groups said that if the Home Office were willing to come up with 75% of the cost of a post they could find the other 25% and the necessary support funding. But it seemed unlikely that such funding would be a realistic prospect for some of the groups who were most in need. In our view these practical difficulties are surmountable. But they necessitate a well defined scheme for the voluntary sector, which provides access to funds through local authorities and other organisations, and a willingness to consider funding a larger proportion of costs (including overheads).

26. Pending legislation to allow direct funding of voluntary groups we see the current funding arrangement (with the local authority or other sources having to find 25% per cent of the staff costs of detached duty) being retained. Similarly until legislation, whilst detached duty posts are the only funding mechanism, it is inevitable that funding will be via local authorities. Even though, following legislation, it will be possible to allow direct application to the Home Office for funding, we see local authorities as continuing to have a major role to play in disbursing funds to the voluntary sector. Given the emphasis of our recommendations on local authorities adopting a strategic approach to service provision to the ethnic minorities it would be odd for the Home Office to consider all applications from the voluntary sector in isolation from those strategies. However, we recognise the concern that local

authorities might be less inclined to opt for voluntary sector funding as opposed to more posts for themselves, and the arguments that the political factors could come into play in local decisions on funding. We therefore recommend the following steps.

i. Setting a target for the percentage of specific grant funding to a local authority which is passed out to the voluntary sector (through detached duty posts or local authority supported direct funding). The target would need to take account of the level of development of the voluntary sector in the area and the nature of the local authorities' functions.

ii. Providing a right of appeal to the Home Office where a local authority declines to support a bid. An appeal would clearly carry more weight if the voluntary group had the support of, for example, a local charitable trust or a City Action Team. The resource implications for the Home Office team of considering appeals would need to be taken into account.

iii. Using intermediaries to disburse a proportion of the specific grant funds set aside for the voluntary sector. Intermediaries could include charitable trusts which already administer their own funds (and have considerable local knowledge though they are not to be found in all areas), the regional offices of other Government departments, Task Forces and City Action Teams.

Steps i, and possibly ii, could be considered under the current legislation as mechanisms for encouraging local authorities to apply for detached duty posts. The approach at iii, would require a separate allocation of the budget to be set aside for direct applications from the voluntary sector, together with the necessary administrative resources. In many cases section 11 funding for the voluntary sector will be tied to voluntary sector organisations performing functions on behalf of local authorities. To this extent funding will be at the expense of local authority posts and therefore sustainable within current expenditure levels.

Administration

27. In paragraphs 7.4 to 7.9 of the main report we concluded that the Home Office should retain central responsibility for administering the specific grant. We have already made recommendations that there should be a clear policy on the use of section 11 in each service area (including the types of posts which will be fundable). We also see the case for guidance on the detailed workings of the system. As an example the Urban Programme now provides detailed guidance to local authorities on how to construct their overall plan and individual project applications. We see a need for Home Office guidance which builds upon the policy statement to set out the Home Office's expectations of local authorities in terms of the three-yearly plans and the justification of any new bids. This guidance, which would need to be the subject of consultation with the local

authority associations and the communities, should cover questions such as the nature of the consultation required and the performance indicators to be used for assessment. The creation of a clear policy framework and guidance will enable Ministers to delegate decisions to officials, and reduce the need to consult other departments on an ad hoc basis. With the arrival of a cash limit and a three-yearly cycle for setting local authority expenditure the Home Office will have to reach decisions on a local authorities' reports in time to feed into the annual budgeting cycle. In our view negotiations should precede and inform the discussion on the cash limit so that the discussion can be informed by the picture of need presented in the reports. Individual allocations would need to be confirmed or renegotiated once the cash limit was settled. As an example we have set out below how the timetable might run for the 1991/92 financial year.

October 1989	Submission of three-yearly reports by one third of all local authorities to the Home Office.
Up to January 1990	Negotiation on individual bids.
February-May 1990	Discussions between I Division and Finance Division 2 in the Home Office.
May 1990	Submission of bid to Treasury.
September 1990	Final decisions on section 11 cash limit.
November 1990	Announcement of Decisions
November to end 1990	Any necessary renegotiation with local authorities in the light of decision on cash limits.

28. In considering the administration of a new section 11 system we have tried to restructure the task carried out by I Division in such a way as to make both an efficient and effective use of the resources available. Our proposals are, we would argue, the most economical in terms of administrative resources. The main tasks for the section will be:

- i. Considering three yearly reports. The work will vary according to the size of authorities. Assuming an average of 2 weeks EO time, 1 week HEO time and 1.25 days SEO time for each report, and 40 local authorities each year, this will occupy 5 EOS, 2.5 HEOs and 0.5 of an SEO from October to January inclusive (4 months).
- ii. Building up knowledge and contacts. In order to judge competing bids from local authorities the team will need to build up a range of indicators of relative disadvantage (eg unemployment) using the three yearly reports and other sources. They will also need to build up

local contacts. This aspect of the work is difficult to quantify, but should be manageable by the above team if concentrated outside the peak period.

iii. Maintaining records. Our experience suggests a need to improve the record of provision approved etc. A computerised record with input from an AO would seem justified (the current computer project is defunct as a result of inappropriate hardware and a lack of reliable information on approved posts).

iv. Visits. These would be timed to avoid the October to January peak. On the basis of our experience setting up a visit, visiting, and preparing a report might take an average of 2 weeks of EO time and 1 week of HEO time.

v. Handling queries from local authorities. In the run up to the deadline for reports (July to September) there is likely to be a significant flow of requests for advice and meetings. The section will need to respond helpfully, perhaps initiating discussions with the largest users, to reduce the workload during the peak.

vi. Considering notifications of changes from local authorities. The number of notifications will depend on the limits applied to local authorities' ability to make minor changes. There are currently 1,200 applications and 500 approvals for new posts each year. Taking a mid point, the section might expect 15 to 20 notifications each week. This could amount to the equivalent of an additional EO post (though the work would in practice be split between EO's with responsibilities for particular areas).

vii. Dealing with letters etc. There will be a flow of letters from MPs, local authorities, community groups, etc. We doubt whether, even with the queries prompted by a new system, this task would exceed the equivalent of half an EO post.

viii. Paying claims. This ought to be streamlined as a result of the shift to fixed cash sums for grants (which would benefit Finance Division 2 as well as the team). This should provide sufficient savings to release AO time for maintenance of the computer record.

ix. Dealing with other recipients of grant. There is already the potential for considerable work in relation to schools which opt out (though here the relevant DES section may be able to assist). As other organisations, such as the voluntary sector; are placed in a position to bid, or appeal against local authority decisions, further work will follow. It is difficult to estimate the work involved. There would be considerable benefit in adopting timetables to avoid the October to January peak.

x. Preparing an informal bulletin to local authorities. The bulletin would be timed to spread best practice as identified by the reporting cycle so the work would naturally fall after the October to January peak.

29. This analysis suggests that to cope with the peak of work (October to January) the section would need the following caseworking staff:

	<u>Current</u>	<u>New</u>	<u>Increase</u>
SEO	1.0	1.0	0.00
HEO	1.75	2.50	0.75
EOs	4.50	6.50	2.00
AO	1.20	1.20	0.00
Increased cost per annum			£66,000

There could be a tendency to underloading through the remainder of the year. The possibility of reorganising work between the section 11 team and other parts of I Division, which may face peaks in work at other times of the year, should be considered. The adequacy of the new staffing should be reviewed by a staff inspection once the new system is up and running.

30. The current uncertainty over policy makes taking over a caseworking job in the section 11 team a daunting task. A clear policy framework will assist considerably here. But Home Office staff will still be asked to deal with aspects of local authority services beyond their normal working knowledge. Given the size of the team special induction courses would be impractical. But our experience of the Scrutiny suggests that a programme of discussions and visits with other Government departments and local authorities would do much to create a wider awareness of the context in which section 11 operates. Our impression was that local authorities would be very willing to assist. We would also see value in setting up secondments from other departments to fill some of the posts in the team. It would be wrong to regard this as an alternative to improved liaison between departments, but it would provide a greater awareness within the team of the issues affecting service delivery. The presence of a DES secondee on the Scrutiny was certainly invaluable.

31. Many complained of the remoteness of the Home Office from local authorities and ethnic minority communities. Geography cannot be the whole problem as this complaint was heard from London authorities, but the remoteness of a London based team was a significant factor for many giving evidence. Given the size of the team, a regional network would be impractical, but we do believe there is scope for re-locating some of the team to an area outside London with a significant ethnic minority population, for example the Midlands or West Yorkshire. This would make for closer contacts between the team and both local authorities and local communities. It would also help to offset the cost of increasing the size of the team and ease recruitment. The movement of the SEO, two HEOs and four EOs to the Midlands would save around £35,000 per annum.

32. Our visit to Cardiff raised questions as to whether the Welsh Office should take over responsibility for administering

section 11 in Wales. It is significant that the Welsh Office administers the Urban Programme for Welsh local authorities, and has responsibility for education, social services and grants to the voluntary sector. The two Welsh local authorities we visited favoured a shift of responsibility for the grant to the Welsh Office which they regarded as being less remote. But we should record the concern of the local Commission for Racial Equality as to whether the ethnic focus of the grant might be lost. We have not considered the administrative implications of a shift in responsibility, though as only £250,000 in grant is at issue the burden should be limited. We recommend that the costs and benefits of transferring responsibility for section 11 in Wales to the Welsh Office be examined.

The way forward

33. The above recommendations amount to a significant programme of change. Our evidence suggests that four important factors will need to be taken account of in implementing the changes.

i. The importance of consultation on the proposals. The Home Office has quite rightly laid emphasis on consultation between local authorities and the ethnic minority communities. The changes we propose are less likely to be welcomed if local authorities and the ethnic minorities feel that they have been imposed. Consultation might usefully be carried out once a draft Government policy has been drawn up in order to provide a fuller picture for consultees and avoid two consultation processes.

ii. Irrespective of the arguments over the current section 11 system, some local authorities have made full use of it to maximise their income and, they would argue, the level of service provided to the ethnic minorities. Transitional arrangements, perhaps including the tapering of grant over a period of years, will be necessary if damaging disruption to existing services is to be avoided.

iii. The extent of the mistrust and confusion over the current administration of the grant is such that we see a strong case for a re-launch of section 11 once a new policy and approach have been agreed. This would help to persuade the ethnic minority and local authorities of the Government's continuing commitment to tackling racial disadvantage, project the new policy, and press home the new emphasis on securing results.

iv. It was notable that many local authorities are only just catching up with the changes in the section 11 system introduced by the 1986 circular. For example, the local authority associations have just agreed guidance on how to apply under the system. The arguments for change in the current system are very strong and to us compelling. But once a new system has been introduced a period of continuity is vital. We would recommend, for example, that the Government's policy on the specific grant and the use to be made of it in each service area should not be reviewed until the end of the three-year cycle of local authority reports.

Timetable for implementation

34. Inevitably it is difficult to predict exactly how long it will take to implement the proposals when the Scrutiny has not been able to settle all of the details. But the need for change in section 11 is urgent, and once the need is accepted the continuance of the old system can only lead to frustration. We have set out below the timetable which would need to be followed if the new system were to be introduced, for the first tranche of one-third of all local authorities receiving the grant, in the 1991/92 financial year. It should be remembered that on this timescale the last tranche of local authorities would not have their expenditure brought under the new system until the 1993/94 financial year.

<u>Deadline</u>	<u>Task</u>
End February 1989	Agree overall policy aim for the specific grant. Endorsement of draft policy for each service area.
Early March 1989	Publish report with draft Government policy statement.
April 1989	Development of detailed administrative proposals for the new system.
Early May 1989	Deadline for comments on the report and draft policy proposals.
End June 1989	Production of revised policy documents and detailed guidance to local authorities.
July 1989	Ministerial re-launch.
October 1989	Deadline for submission of reports by the first tranche of local authorities.
End January 1990	Completion of negotiations between local authorities and I Division.
End April 1990	Agreement of overall bid between I Division and Finance Division 2 of the Home Office.
May 1990	Submission of Home Office bid for the specific grant to the Treasury
October 1990	Deadline for receipt of reports from second tranche of local authorities (followed by the succeeding steps set out above). Treasury.

November 1990

Decisions announced on the size of the overall grant for 1991/92, followed by any necessary re-negotiations with individual local authorities.

This timetable is very tight. DES in particular have argued that they would find it very difficult to produce a draft policy statement in time for publication early in March 1989. Yet unless the relaunch takes place in July 1989 all chance of bringing the new system in for the first group of authorities in 1991/1992 will be lost. Similarly the October deadline for the submission of local authority reports will be tight given the requirement on local authorities to consult the communities. But there may be room for some slippage, with negotiations on plans and early discussions on the cash limit overlapping in the first few months of 1989. Some may be concerned that leaving one third of local authorities outside the new system until 1993/1994 is unacceptable. Yet to bring all local authorities into the system would require a tripling of the Home Office team considering the reports, with an annual cost of £400,000 for a full year.

Transitional arrangements

35. The above timetable would mean that not all local authorities would be in the system until April 1993. The problem remains as to how the Home Office should administer the grant in relation to those local authorities not yet within the new system. There are good arguments against continuing to apply the old system to local authorities right up until the moment when they come under the new system. For example considerable effort might go into considering bids which would have to be re-examined as part of the first three-yearly report. We have not had sufficient time to consider these points in detail. We suggest, however, that the Home Office would need to apply the Government's stated policy to any bids under the old system once the grant has been re-launched in July 1989. For those local authorities to be brought within the system with bids in late 1989 it would seem odd to allow parallel applications for individual posts under the old system while the new reports were being considered. Our preliminary view is that local authorities should be disbarred from applying for posts under the old system from the deadline on which their first three-yearly report is required. For the last third of local authorities this will mean they are able to apply for posts until October 1991. There will be a need to take account of this in the staffing of I Division, and it may well be necessary to provide additional staffing in this interim period when the section will be both considering the new plans submitted by some local authorities and dealing with applications under the old system (including those outstanding as a result of delays). A moratorium on new applications might be necessary to allow the current backlog to be cleared before the first new reports are received.

Analysis of benefits, savings and costs of the Scrutiny proposals

36. The ultimate test of the effectiveness of the Scrutiny proposals must be whether improved value for money is being

secured from programme expenditure under section 11 in terms of tackling racial disadvantage. But there are difficulties in judging this. The Scrutiny has concluded that no effective mechanism exists for assessing current performance; the Government does not know what is achieved for the expenditure of £100 million of taxpayers money. It is therefore extremely difficult to construct a 'base case' of what the position would be under the current system against which performance of the new approach could be measured. In these circumstances it is necessary to look for other criteria to assess how well the proposals work in practice. The following list is hardly exhaustive, but covers the main areas. The criteria for success might be whether;

- i. the timetable for implementation is maintained;
- ii. the first series of three yearly reports provides the Home Office with a picture of the provision being made, achievements to date, and targets for the next three years;
- iii. the subsequent reports secure hard evidence of the results being achieved and identify the most effective approaches, through measures such as;
 - improved educational performance of ethnic minority children;
 - improved access to higher education and employment opportunities;
 - reductions in disproportionate unemployment;
 - increased numbers of business start ups;
- iv. the reporting cycle and informal bulletin provide an effective means of redirecting resources towards identified best practice;
- v. the reporting cycle is effective in persuading local authorities to examine and sensitise their mainstream expenditure rather than always relying on section 11 provision to meet ethnic minority needs (this could be quantified in terms of the number of posts which have been mainstreamed);
- vi. the ethnic minority view of the usefulness of section 11 once the changes are up and running;
- vii. the relaunch of section 11 and changes in administration improve the working relationship between the Home Office and local authorities;
- viii. the local authorities meet the timetable for submission of reports and the Home Office turns them round on schedule for the preparation of bids to the Treasury;
- ix. the reporting cycle provides a firm basis for planning future expenditure levels as part of the

Home Office's PES, and the new grant basis enables the Home Office to keep the new cash limit.

37. Predicting the impact of the proposal on the volume of programme expenditure is also difficult. We have recommended the formulation of a clear policy for the specific grant (making a few suggestions of our own as to the content of the policy) and suggested a system for administering the grant. Until the policy is settled it is difficult to calculate effect of the policy on expenditure. Secondly, given the emphasis under the new proposals on management by results, and the lack of information on current performance, it is difficult to estimate how many posts will survive under the new system. By way of illustration we have adopted the following assumptions.

i. Posts outside the existing policy would be removed in the first cycle of reports. For example generalist teachers account for over 30% of education provision but would not now be approved. Similarly teachers of community languages and community arts would no longer be funded. Outside education, posts in race relations units and personnel would not be approved because they relate to a local authority's wider responsibilities under section 71 of the Race Relations Act 1976.

ii. The move from on-going subsidy of provision to funding change would reduce expenditure at any one time. We have assumed a relatively conservative reduction of 20% between the first and second series of reports.

iii. We have allowed for growth in education provision in areas such as bilingual support and Adult Education, offsetting to some extent the reductions in generalist teachers. We have also assumed growth in Social Services (25% from current expenditure to the end of the first series of reports, and 10% between the first and second series) and economic development (400% from now to the first reports and 200% from the first to the second series).

iv. A reduction in clerical posts, which strike us as unlikely to be at the cutting edge of securing change, by 30%.

v. The inclusion of non Commonwealth groups, who are relatively small in number, will have little effect on overall expenditure (see paragraph 24 above). The growth in voluntary sector funding should be at the expense of current in-house funding (see paragraph 25 above).

Applying these assumptions to the current division of expenditure (taking £100 million) gives the following changes in volume (ignoring inflation). The figures represent £ millions.

<u>Service Area</u>	<u>Current Expenditure</u>	<u>1993/1994</u>	<u>1996/1997</u>
Education	82.00	72.00	57.50
Social Services	5.00	6.25	5.50
Clerical	3.50	2.50	2.00
Housing	2.00	2.00	1.50
Personnel	2.00	-	-
Leisure Services	2.00	2.00	1.50
Race Relations	1.00	-	-
Economic Development	0.50	2.00	3.00
Others	2.00	2.00	1.50
TOTALS	<u>100.00</u>	<u>88.75</u>	<u>72.50</u>

The reduction in expenditure would presents Ministers with choices between;

- i. promoting growth in other areas of section 11 provision shown to produce results;
- ii. putting the money into the block grant settlement (unless the formulae for distribution were changed the money would not necessarily go to local authorities with large numbers of people from the ethnic minorities); or
- iii. reducing overall expenditure.

particular areas. Applications will need to specify the subjects in which schools would aim to raise achievement, the evidence of need, and the methods by which achievement is to be raised.

9. National Curriculum attainment targets and assessment arrangements should be used to measure the progress of ethnic minority pupils in the specified subjects. Schools will be expected to report on the performance of pupils who have received support in comparison with their past performance or the performance of groups who have not received support.

10. The Department will not fund programmes aimed at raising achievement generally through multicultural approaches. Local Education Authorities will need to present the case for expecting that particular methods will raise performance in a particular subject. The Department will be prepared to consider funding projects which test a number of alternative methods for raising performance, or projects intended to explore the reasons for underachievement in a particular subject.

11. Work in this area will be funded for the period necessary to embed new practice into mainstream provision, normally not exceeding 5 years. Schools and LEAs will be expected to show what steps will be taken to adjust mainstream programmes to take account of changes in teaching approaches flowing from work of this kind. Priority will be given to funding those schemes designed to enable experience to be transferred to other areas.

Strengthening Ties Between Schools and Parents of Ethnic Minority Pupils

12. Local Education Authorities will be expected to say how many ethnic minority pupils there are in their schools, and what special problems arise in establishing contact with them. They will be required to set out a school based plan for establishing contact with parents. This could include regular visits to the home, schemes to involve parents in the child's work and/or arrangements for encouraging parents to come to the school. Arrangements to attract parents to school could include the provision of courses for parents, or programmes to include parents in classroom activity.

13. Local Education Authorities will be required to set targets for improving school links with parents of ethnic minority pupils, and to report on performance against those targets. Targets should measure the amount of contact and the quality of contact, and should give an indication of how pupils' performance has been affected.

14. Work in this area will be funded for whatever period seems appropriate in the light of the schools' expected future intake of pupils, subject to the LEA providing satisfactory reports on performance against targets at 3 yearly intervals.

Pastoral Care, Careers Guidance, and other Applications to Provide Special Support to Ethnic Minority Pupils in School

15. Work in this area might prompt developments in dialogue between schools/institutions and the ethnic minority communities on the range of opportunities young people from these communities

B. STRATEGIES

2. The Government will expect local education authorities to specify which ethnic groups are present in their areas, what their needs are, and how far their needs are being met by mainstream education programmes in schools, nursery classes, the youth service, further and higher education, and adult education. Against that background local education authorities will need to identify the additional needs for which Section 11 funding is requested, and which cannot adequately be met from mainstream provision. In specifying these needs they are to show that they have taken account of the views of local community groups.

3. Needs should be identified in terms of one or more of the policy objectives outlined in paragraph 2. An LEA's strategy will be approved only if the needs have been so identified, and the Secretary of State will expect confirmation, in the form of a detailed report, three years after his approval of the strategy that its objectives have been met.

Schools: General

4. The Government will expect local education authorities to specify the schools in which the need arises, and to put forward practical plans to meet those needs which have been drawn up in consultation with the schools concerned. Section 11 funds will generally be made available only for work in identified schools subject to prior agreement by those schools.

English Language Support in Schools

5. Local Education Authorities will be expected to say how many ethnic minority pupils there are in their schools and what their language needs are; and how ESL support teachers and bilingual assistants will be deployed to meet those needs. They will be required to monitor the performance of ethnic minority pupils in English against National Curriculum attainment targets and report the outcome at regular intervals. The performance in English of pupils who have received language support and those whose mother tongue is English should be compared.

6. Work will need to be school based to qualify for grants and whenever possible should be in the mainstream classroom.

7. Work in this area will normally be given a high priority by the Government in considering applications. It will be funded for whatever period seems appropriate in the light of schools' expected future intake of pupils, subject to the LEA providing satisfactory reports on performance against targets at regular intervals.

Raising Achievement of Ethnic Minorities

8. Local Education Authorities will be expected to say how many ethnic minority pupils there are in their schools, and in what areas of the curriculum they are failing to achieve at the levels of other pupils. They will be required to set out school based strategies for raising the level of achievement of pupils in those

the effectiveness and appropriateness of youth service work with ethnic minority groups;

In Further and Higher Education

- to give ethnic minority pupils a second chance to gain the educational qualifications they need to enter courses of further or higher education, including teacher training courses;
- to give students whose mother tongue is not English at least a basic knowledge of English, and other additional support in English to meet the needs of the educational or vocational course they are attending;
- to encourage the increased participation of ethnic minorities in further and higher education, including teacher training, and to develop recruitment, counselling, teaching and curricular approaches attuned to gaining the involvement of such groups and meeting their particular needs and requirements;
- to enable ethnic minorities to gain entry to educational and vocational courses in FHE which lead to professions where they are currently under-represented through further study and access, and conversion courses which accredit experience and prior learning.

In Careers Education and Guidance

- to extend the scope and sharpen the focus of careers education and guidance for young people of ethnic minority communities;
- to encourage young people from the ethnic minorities to use the Careers Service so widening the range of educational, vocational and employment opportunities taken up by ethnic minority pupils and students.

In Adult Education

- to give adults from the ethnic minorities who have an inadequate command of English or who lack other skills in numeracy or literacy, sufficient knowledge of English and other basic skills to compete for jobs and to participate fully in society.

DES - EDUCATION: STATEMENT OF POLICY

A. AIMS AND OBJECTIVES

1. The Government's aim for Section 11 funding in education is that it should be used to remove barriers to true equality of opportunity for ethnic minority groups, where mainstream programmes alone are not sufficient to remove those barriers. The education service needs to equip ethnic minority groups with the knowledge, skills and understanding they require to participate fully and on equal terms in all aspects of British life. Specific objectives for Section 11 funding are as follows:-

In Pre-School, Primary and Secondary Education

- to enable ethnic minority pupils aged under 5, particularly those whose mother tongue is not English to gain the language competence and learning skills necessary for the early years of primary education;
- to give school age children whose mother tongue is not English a command of English which, as far as possible, is equal to that of their peers;
- to help school age children from ethnic minorities to achieve at the same level as their peers in all areas of the curriculum;
- to strengthen ties between schools and the parents of ethnic minority pupils, where those ties are hard to establish because of parents' lack of English or because of cultural or social factors, so as to enable parents to become more fully involved in the education of their children and in the work of the schools;
- to offer ethnic minority pupils pastoral support in school which meets their needs.

In the Youth Service

- to encourage the adaptation of traditional provision or the development of new provision to attract young people from ethnic minority groups, whose disadvantages have not been or cannot be remedied through formal education. to benefit from the opportunities provided informally through the youth service to improve their basic skills and competencies, confidence and motivation, so as to increase access to formal further education, training and employment and participation as active citizens in the social and political life of the nation;
- to provide training for young people from ethnic minority groups to qualify fully as youth leaders under approved schemes of training and for youth workers intending to take up posts with ethnic minority groups to improve their skills and approaches so as to increase

DCABEQ

NOTE FOR THE RECORD

CONTACTS WITH THE ETHNIC COMMUNITY

I spoke to Stephen Boys Smith following the Prime Minister's meeting with the Home Secretary on 28 April.

We agreed that:

- (i) I would use the list of names he had already provided to add to the pool for general receptions;
- (ii) the Home Office would, in consultation with the other departments involved, consider including engagements with an ethnic dimension on the Prime Minister's visit to Birmingham later this year.

MEA

(Mark Addison)

9 May 1986

MR. WICKS

RACE RELATIONS

The Prime Minister is seeing the Home Secretary on Monday. I said I would pass to you this afternoon the letter the Home Office sent about race relations. The Home Office letter is a response to the discussion the Prime Minister had with Mr. Hurd in January about encouraging responsible leaders and high achievers within the ethnic community.

The Home Secretary on reflection does not think a seminar here along the lines of the crime prevention meeting would be helpful. But he comes up with a number of other options:-

- (i) Informal meetings at No.10 with responsible members of the black and Asian communities. (Tea rather than drinks time.) Annex A of his note contains a list of possible guests. A larger evening reception might be arranged if the teas went well.
- (ii) Including engagements with an ethnic dimension into your visits outside London.
- (iii) Paying a visit to one of the events being held as part of the 'Caribbean Focus' Festival at the Commonwealth Institute between March and November, organised with the co-operation of the Caribbean High Commissioners and West Indian community here.

My thoughts on this are as follows.

The diary rules out an evening reception at this stage. We could arrange a couple of teas as the Home Secretary suggests though I think you run the risk here of being accused of gimmickry. We can certainly try and work more "ethnic" engagements into your regional tours although I think realistically the scope for this is likely to be limited. But an environmental improvement tour (for which DoE have drawn up

a programme but which the Home Office will not be commenting on until next week) might offer an opportunity to incorporate such an element into the programme.

Finally, it should be possible to work in a three-quarter of an hour visit to the 'Caribbean Focus' Festival at the Commonwealth Institute some time before November. The programme includes drama, painting, books, films, music, etc. We shall need to get further advice from the Home Office on a suitable event to go to.

The Prime Minister may therefore agree:

- (i) We should not at this stage arrange any ethnic teas at No.10?
- (ii) We should bear in mind the projects mentioned in the Home Secretary's note on future regional tours?
- (iii) We should ensure that the environmental improvement visit - if it goes ahead - includes such an engagement - subject to advice on security?
- (iv) Seek further advice from the Home Office on a suitable event at the 'Caribbean Focus' to go to?

MEA

Mark Addison

21 March 1986



MARK.

Was this dealt
with

N.

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

18 March 1986

Dear Mark

RACE RELATIONS

Following his discussion with the Prime Minister on 31 January the Home Secretary has been thinking further on how to give effect to the Prime Minister's wish to develop her contacts with the ethnic minority communities.

On reflection, the Home Secretary has concluded that a seminar at No 10 on the lines of the recent crime prevention seminar is unlikely to be helpful in present circumstances. Any such seminar would need to focus on a particular issue rather than the position of ethnic minorities generally. Although one obvious focus would be ethnic minority employment, the Home Secretary thinks that it would be difficult to ensure a constructive discussion and a positive outcome. At this stage, he thinks that it would be more sensible to adopt one or other of the alternative, and less formal, approaches which were briefly discussed on 31 January.

For example, it would undoubtedly be helpful if the Prime Minister could meet a group of responsible members of the black and Asian communities quite informally, possibly in the afternoon over tea. (This timing might be more acceptable than a later drinks party to at least some of those on our proposed guest list who may wish to avoid alcohol for religious reasons.) Despite the relative informality of such a gathering, the decision to hold it would be widely welcomed and appreciated. It would be seen as both recognition and encouragement for Britain's ethnic minority population. At Annex A to this letter is a list of people, together with brief biographical details, whom the Prime Minister may wish to consider inviting to tea. There are, of course, others who could be added (for example, those named in Annex B who, to avoid overlap, have been omitted from Annex A); but we think that in this first group, there is sufficient variety of background, interest and experience to promise a stimulating and worthwhile meeting. The Home Secretary also thinks it would be important to include some Anglo Asian Conservatives; he has in mind particularly Dr Z U Khan, Mrs Flather and S Ruparell. It might seem odd, and be misunderstood, if they were not included in gatherings for members of the ethnic minorities. If, as the Home Secretary hopes, one or more small informal gatherings prove to be worthwhile occasions, a larger evening reception might be a natural next step. We would be very ready to suggest a guest list for this in due course.

/I attach

Mark Addison, Esq

CP
file please
ATTACHE

... I attach at Annex B to this letter a list of a variety of projects or places which the Home Secretary thinks might be suitable for putting a more explicit ethnic minority dimension into some of the Prime Minister's visits around the country. We have tried here to find a balance between community-based projects and commercial enterprises. The Home Secretary would be grateful if you would draw the Prime Minister's attention in particular to the first project on the list at Annex B, "Caribbean Focus". This event is being organised between March and November of this year by the Commonwealth Institute working with Caribbean High Commissions and the West Indian community in Britain. The main objective of the organisers is to improve British awareness of Caribbean cultural achievements. There is to be a full programme of events, both at the Institute's headquarters in Kensington and in other places throughout Britain. The Prime Minister's attendance at one or other of the major events in this programme would be especially appreciated. I enclose a copy of the programme which we have obtained from the Commonwealth Institute.

...

The lists at Annexes A and B are of course, by no means exhaustive. If therefore the Prime Minister wished to include an ethnic minority dimension in a visit to any other area the Home Office, then, in consultation with our colleagues (for example in the DE or DOE), would be very ready to make further suggestions or to give further advice on the suggestions already made.

Yours ever
W R Fittall

W R FITTALL

ANNEX A

PEOPLE TO INVITE TO NO. 10 FOR TEAChurchmen

- Bishop Wilfred Wood (AC) - Suffragan Bishop of Croydon - first black CoE bishop.
- Bishop S E Arnold (AC) - National Overseer, New Testament Church of God, Northampton, Major Pentecostal church.
- Leon Murray (AC) - Vice-President, Methodist Church of Great Britain.
- Kennedy Bedford (AC) - Fieldwork Secretary, British Council of Churches Community and Race Relations Unit.

Peter Buh

Businessmen

- Suffragan Bishop of Lewes

- Tony Wade (AC) - Director of Dyke & Dryden, a large and successful Afro-Caribbean cosmetics firm in North London.
- Mohammed Tufail Shaheen (P) - Chairman of a wholesale fashion business in Glasgow.
- Peter Atkins (AC) - Managing Director of PA Devlin Group, a finance and insurance company in London.
- Naheed Malik (P) - Managing Director of Prestige Paper Ltd, a stationery and computers retailing firm in the Midlands.
- Curmukh Singh (Sikh) - Runs Penpoint Analysis Ltd, a Waterloo-based software house, and Director of Project Fullemploy.

Educationalists

- Carlton Duncan (AC) - Headmaster, formerly in Bradford; recently moved to a school in Birmingham.
- Ranjit Sondhi (I) - Lecturer in social services Westfield College Birmingham, formerly Director of Asian Resource Centre, Handsworth.
- Rev I O M Smith (WI) - Pastor of the Pentecostal Church in Leyton, East London.
- Elaine Foster (AC) - Deputy Head, Handsworth Wood Boys' School, Birmingham.
- Dr Zaki Badawi (Egyptian settled here) - Principal of the Muslim College, West London.

/cont.

Others

Qadir Baksh (P)

- Community Relations Officer with Gravesend Community Relations Council.

Mr Shukla
Sylvia Denman (AC)

- Barrister, at present Equal Opportunities Officer at ILEA. *Maidenhead?*

Mrs Shreela Flather (I)

- Workers educational assistance teaching English to Asians in Broadmoor Hospital. Member of Commission for Racial Equality (1980-date), member of Maidenhead Community Relations Council. Sometime vice-chairman of Maidenhead Volunteer Centre. To be Mayor of Maidenhead this year.

Dr Zaka U Khan (P)

- Secretary-General of Pakistan Welfare Association, Member of Home Secretary's Advisory Council. A magistrate.

Clive Lloyd (AC)

- Former West Indies cricket team captain - now interested in black business and sport, lives in Manchester.

Bill Morris (AC)

- Deputy General Secretary elect of T&GWU and member of the Commission for Racial Equality.

Alex Pascall (AC)

- Director of Caribbean Focus, popular broadcaster.

Shentu Ruparell (I)

- Solicitor, Chairman of steering committee of National Congress of Gujarati Organisations. Chairman of Dr Boyson's Asian Parliamentary Club.

Ved Singh Sarpal (Sikh)

- Equal Opportunities Adviser, Kirklees Metropolitan Council.

Ethnic origin

AC - Afro-Caribbean

P - Pakistani

I - Indian

WI - West Indian

PLACES, EVENTS FOR A VISIT

- Caribbean Focus - A series of cultural and artistic events running from March to November 1986 throughout Britain. Sponsored by the Commonwealth Institute; Director Alex Pascall.
- Micro-Clad Laminates - A factory owned by Gurcharan Singh Sarang, a chemist, pioneering a new and very successful micro-electronic process and providing employment in the Newcastle-upon-Tyne area. Mr Sarang is a Commissioner of the CRE, and is active in local community relations.
- New Testament Church of God; headquarters, Northampton - The major Pentecostal Church with world-wide following. Over 100 churches throughout the UK. Training centre and headquarters is at Northampton.
- Computerland - A successful Afro-Caribbean computer hardware company based in the City of London and rapidly expanding. Run by Clyde Williams.
- Community Roots Trust - Charitable organisation involved in providing support for business, community projects and training facilities, mainly for Afro-Caribbeans. Currently operates in Central London (Stoke Newington) and Birmingham.
- Sunset Radio - New multi-ethnic community radio station in Manchester which has been recommended for a licence by the Home Secretary's Advisory Panel.
- Project Fullemploy - Successful training organisation aimed at creating job opportunities, particularly for disadvantaged young people. Runs a number of projects throughout the country. Chief Executive, Linbert Spencer.
- Wicker Project - Major community development project based in Sheffield, aimed mainly at the Afro-Caribbean community. Run by Hector Franklin.



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EVENTS PROGRAMME

***WIDEN YOUR VISION,
SHARPEN YOUR FOCUS!***

MARCH - NOVEMBER 1986



Commonwealth Institute
Kensington High Street
London W8 6NQ
Telephone: 01-603 4535

Caribbean Focus '86 is a nine month long programme of educational and cultural events. It was initiated by the Commonwealth Institute, working with Commonwealth Caribbean governments and people of Caribbean descent living in Britain. The slogan for the year is "Widen your vision, sharpen your focus!" and our objectives are to change attitudes towards the Caribbean and to improve race relations in the UK, heightening the confidence and awareness of their Caribbean heritage of black communities here.

As well as an exciting programme of arts, exhibitions and events at the Institute's building in Kensington, London, Caribbean Focus '86 includes events organised by local co-ordinators all over the country.

To get more details of individual Commonwealth Institute events contact the Press and Public Relations Office, Commonwealth Institute, 01-603 4535. To keep in touch generally with Focus events, fill in the form on this leaflet or contact your local co-ordinator - there's a list further on.

We gratefully acknowledge the assistance of the following sponsors: London Sugar Futures Market Cable and Wireless Air Jamaica British Airways BWIA Caribbean Airways Guyana Airways Geest Industries Harrison Line H M Systems LIAT Freeman's

Diary of events organised by the Commonwealth Institute

Unless otherwise indicated all events take place at the Commonwealth Institute.

MARCH

4 March Sickle Cell Conference

A one day conference designed to focus public attention on sickle cell disease and the problems associated with it, particularly those affecting young Caribbean adults.

Join our mailing list!

- Please
- send me new editions of the Caribbean Focus events leaflet as it is published
- send me the Institute's monthly bulletin of events, "What's On". I do not receive these publications already.

Name _____

Address _____

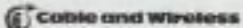

Post Code _____

(block letters please)

5 March onwards "Caribbean Eye" opens

Important and lasting contribution to Caribbean Focus '86 is the Commonwealth Institute's new exhibition on the region called "Caribbean Eye". It is the only permanent exhibition about the Caribbean in Britain and as such has an important role to play. It tells a Caribbean story with an emphasis on individuals and their history of struggle and survival, beginning with the first Caribbean people - the Amerindians - and making the point that the history of the islands goes back much further than the arrival of the Europeans.

The establishment of European settlements is presented through a life size 17th century room. The exhibition looks at that grim period of human exploitation - slavery - and unfolds the story of sugar. We are introduced to the slaves who fought against the system and helped to make slavery unworkable. After emancipation the exhibition focuses on the introduction of indentured labour, the rise of the labour movement, of nationalism and the fight for independence. It ends with a look at the current Caribbean scene.

The exhibition is sponsored by  Cable and Wireless  LONDON SUGAR FUTURES MARKET

5-7 March CARICOM Conference

This high level conference on development and co-operation in the Commonwealth Caribbean focuses on trade and industry, tourism, investment and the co-ordination of foreign policy. It will be opened by the Hon Bernard St John, Prime Minister of Barbados.

6-31 March Trinidadians in Britain

An exhibition in the Bhowmagree Gallery of the work of 5 Trinidadian artists living in Britain: Yvonne Habgood, Marie Gocking, Sydney Gellineau, George Lynch and Horace de Bourg.

7 March - 13 April The University of the West Indies

A free exhibition in the Institute's Today Gallery about the role of the University of the West Indies, an institution which has adopted an unusual approach to further education across scattered islands.

12-14 March Technical & Vocational Education - Caribbean & UK

This important conference looks at the education and training of 16-19 year olds in the Caribbean and the UK. It is funded by the Commission for the European Communities.

18 March Carnival for Schools

Schools are invited to help turn the Commonwealth Institute's galleries into the streets of Trinidad, to dress in carnival clothes and join in the jump up to a steel band.

19 March - 11 July Sixth Form/Further Education Sessions

Free sessions of the Commonwealth Institute

19 March The life and work of Marcus Garvey

25 April Alex Pascoff interviews the Trinidadian dialect/humourist Paul Keens Douglas

7 May Amerindian Society in the Caribbean

13 May A Tale of Two Marys, Mary Prince and Mary Seacole

15 May Early 20th Century Trade Unionists in the Caribbean

7-11 July ILEA Sixth Form Summer School: Perspectives on Caribbean Cinema

26 March Meet Gloria Hunniford

From 2.00 - 3.30 pm on March 26, the TV and radio personality, Gloria Hunniford, will be doing a live show about Caribbean Focus '86 from the Commonwealth Institute. The general public are welcome to drop in and meet her.

APRIL

April - June Schools' Festival in Wiltshire and Hampshire

During the summer term schools in Wiltshire and Hampshire will be working on a Caribbean programme organised by the Commonwealth Institute's Extra Mural Education Department. There will be teachers' seminars and children's music, dance and costume sessions plus a strong historical element. The programme culminates in a festival at the Guildhall, Southampton from 30 June - 1 July.

April - June Caribbean Film Focus

Every Wednesday evening in the cinema feature and documentary films about the Caribbean and other subjects, made by Caribbean film makers.

1-6 April Easter Holiday Programme

"Anansi and the Sky God" - music, drama, storytelling and dance in a free participatory holiday programme for all ages. Held in the Baraza Room on the top floor of the main galleries.

4-28 April Recent Works by Denzil Forrester

The contrast between grey urbanised London and the colour of Denzil Forrester's home country, Grenada, provides the inspiration for this Bhowmagree Gallery exhibition.

14-25 April Suffolk Schools' Programme

A Caribbean programme for schools based at Ipswich Museum.

18 April - 25 May Amerindian Heritage Today

A Today Gallery exhibition about the original inhabitants of the

Caribbean, the Amerindians, from thousands of years ago to their life in Guyana today. It is hoped that two Amerindian balata warriors will be present.

27 April Caribbean Sunday

A major service in celebration of the Caribbean held in Westminster Abbey. Bishop Wilfred Wood will preach. Caribbean hymns will be sung and Casablanca Steel Band and the Jamaican Folk Singers will provide the musical highlights. Caribbean Sunday will also be celebrated in other churches throughout Britain.

28 April - 11 July Schools Programmes: The People Who Came

Imaginative participatory programmes for schools on the different peoples who came to the Caribbean - Amerindian legacy, African heritage, India in the Caribbean, the West Indian heritage and Caribbean pottery workshops.

1-25 May Ancestral Voices

The Commonwealth Institute's annual festival of traditional non-western music and dance is this year devoted to a Caribbean theme. Traditional Maroon musicians and dancers from Jamaica will perform from 1-4 May; a Guyanese Amerindian group from 8-11 May; a group from Belize from 15-18 May and finally a group of Carifuna dancers and musicians from Dominica from 22-25 May.

1 May - 30 June Caribbean Book Festival

Some Books at the Commonwealth Institute are celebrating Caribbean Focus '86 with a major display of books and crafts from the Caribbean.

7 May - 1 June Two Jamaican Artists

An exciting exhibition in the Bhowmagree Gallery featuring the work of two Jamaican born artists, Dorothy Henriques Wells and Richard Falta.

7 May - 15 June Let's grow together

An exhibition about the experiences of Islington school pupils who took part in an anti-racist project involving spending time in Barbados. Tied in with the exhibition are two sessions on 8 and 9 May led by the pupils, who talk about their experiences.

30 May - 6 July The work of SERVOL

SERVOL is a voluntary community development project in Trinidad that has done exceptional work in the slums of Port of Spain. This Today Gallery exhibition focuses on its work and we hope it will be opened by the dynamic priest who runs the organisation, Father Pantin.

26 May - 1 June Spring Bank Holiday Programme

Free family carnival workshops. Make and wear costumes or well known carnival characters from fancy Indian to African warrior and meet one of the first people to play pan, Stirling Betancourt.

JUNE

6-29 June Paintings by Bendel Hydes

A startling and vibrant range of images, strong colours and designs from Caymanian artist Bendel Hydes. In the Bhowmagree Gallery.

7-15 June Cricket Festival

A dream programme for cricket fans! Daytime films and videos of the great West Indian test cricket matches and evening sessions with modern cricket celebrities and veterans from the Caribbean. The festival celebrates the emergence of Test Cricket in the West Indies and the development of the team into a major cricketing force in the world today.

9-14 June Exhibition of Caribbean Teaching Materials

An exhibition of teaching and learning materials on the Caribbean including resource packs and a wide range of AV materials. A free catalogue with 200-300 printed and AV titles will be available.

11 June Teaching about the Caribbean

A seminar to investigate the availability of teaching materials on the Caribbean and the effective use of those materials in the classroom.

14 June - 4 July Caribbean Train

A travelling Caribbean train with different carriages featuring aspects of the region. Goes all over the country from Aylesbury to Newcastle and back again to Canterbury.

17 June - 4 August Caribbean Art Now

A major exhibition in the Art Gallery of the art and sculpture of about 30 contemporary artists working in the Caribbean. A rare chance, as there are very few opportunities to see the variety of artistic talent in the Caribbean, which ranges from photo realism to the totally abstract.

18-27 June Caribbean Films Fortnight

Films for schools including "King Carnival" and "Step Forward Youth". Two showings every day, admission free.

23-27 June Wolverhampton Schools' Programme

Organised by the Commonwealth Institute's Extra Mural Education Department this programme for schools in Wolverhampton includes participation in Caribbean music, dance and storytelling.

27 June Drums of the Caribbean

A programme for schools which through music shows how the different peoples of the Caribbean blended their cultures to form the distinctive multi-cultural synthesis that exists today.

JULY

7-26 July Caribbean Music Village

Holland Park, Kensington
One of the loveliest of open air music festivals, held on a secluded lawn in Holland Park. It's hoped that amongst the many performers coming especially from the Caribbean will be East Indian tassa drummers, a Kumina group from Jamaica, steel masqueraders, a mento band plus jazz, calypso, reggae and steel pan artists. There are informal concerts, workshops, books and records for sale and artists using the lawn as an open air studio.

11 July - 17 August Early Indian Indentured Labourers

An exhibition about the East Indian communities which arrived in the Caribbean after emancipation to work on the sugar plantations. Many of their descendants still live in the countries which the exhibition focuses on - Guyana, Trinidad, Jamaica and Belize.

17 July - 2 August Commonwealth Arts Festival

A major arts festival in Edinburgh which features several Caribbean performers and artists including Catall Steel Band, Peter Minshall and a St. Lucian group.

AUGUST

6-31 August Rudi Patterson Exhibition

"Looking Back" - new paintings in the "naive Caribbean" style by Jamaican-born artist, Rudi Patterson.

21 August - 3 October Jamaican Intuitives

For the first time in Britain a wide range of Jamaican intuitive artists' work will be on show. Intuitive art has flourished in Jamaica as an art form from the 1970s onwards. Most of the painters began work late in life and many are self taught. They paint or sculpt intuitively often using religious or visionary images and their work shown in the Art Gallery ranges from the sparkling canvases of Sidney MacLaren to the powerful African carvings of Woody Joseph.

22 August - 28 September West Indian House & Home

A Today Gallery exhibition which shows the strength and beauty of the traditional architecture of the Caribbean. The fragility of the cultural heritage of the Caribbean and its vulnerability to outside influences make the appreciation of the region's vernacular architecture particularly important.

SEPTEMBER - DECEMBER

5 September - 30 November Caribbean Art Exhibitions

During September, October and November we hope to have 3 small art exhibitions by Caribbean artists. By twin brothers, one living in Britain and one in Barbados; by Hope Brooks, a Jamaican artist who uses mixed media in abstract compositions; and by Dawn Scott, a Jamaican batik artist and Eugene Palmer, a painter also from Jamaica.

1-26 October Caribbean Theatre Season

An exciting range of drama from the Caribbean: St Lucian theatre, the dynamic group of Jamaican women - Sistren, a pan-Caribbean theatre company formed especially to perform in Britain.

17-18 October Cultural Kaleidoscope

A conference examining the contribution of East Indians, Amerindians, Lebanese and others to the cultural traditions of the Caribbean. Organised with Warwick University.

21-22 October Library response to Afro-Caribbean Communities

A seminar on the cultural background of Afro-Caribbean communities, Caribbean literature and publishing, library activities serving black communities and black writing in Britain.

23-25 October A Celebration of Caribbean Writing

Caribbean writers, poets, playwrights and novelists will participate in this major international conference.

6 November Library Recruitment Day

The aim of this session is to bring together potential employees with some of the larger library employers and library school recruitment officers. The hope is that future young black library workers will be put in touch with those already in the profession.

8 November - 6 December Caribbean Cookery Seminars

Four Saturday lecture/demonstrations on how to cook and enjoy Caribbean food using ingredients available in Britain.

Events organised by the British Committee

All of our Britain events are taking place organised by members of the British Committee, set up especially for Caribbean Focus '86.

Listed below are a sample of these events. To find out more about things happening in your area contact one of the regional co-ordinators listed below.

Caribbean Focus '86 Regional Contacts

Bath Cilda Cowan 0225 28331	Liverpool Herbie Higgins 051 708 9790	Croydon Dexter Goboulay 654 8100
Bedford Binger Brown 0234 53922	Manchester Joy Hamilton 061 226 0131 x 32415	Mrs Daniels 771 9433
Berkshire Claude Brooks 75 20717	Newcastle Ann Adams 0632 091281	Ealing Keith Wathe 992 5566
Birmingham Bob Romdhanie/ Rogus Caser 021 440 3742	Northampton Janet Douglas-Rival 0504 20262	Greenwich Bradley Hemmings 854 8888 x 2345
Bristol Eric Smith 0272 219632	Nottingham Martin Glynn 0602 563175	Hackney Clare Derrick 241 0097
Brighton Carolyn Graham/ Alison Macanochie 0273 608882	Reading Mrs Fenton 0734 590525	Mr Poonwasse 254 5697
Buckinghamshire Ruth McBurnet 0296 86362	Sheffield Leroy Wernham 0742 736613	Hammersmith & Fulham Ken Martindale 748 5020
Canterbury Lyn Innes 0227 66822 x 7527	Southampton Ron Selgrave 0703 585122	Haringey Ian Worrel 801 9960
Cardiff Ira Douglas 0222 28508	Stoke on Trent David Ertabor 0762 415661	Harrow Terry Noel 863 5611 x 2388
Derby Mr Gabbidon 0332 381230	Walsall Eric Pemberton 0922 21862	Lewisham Acauth Gibbs 852 9808
Huddersfield Denzil Nune 0484 602444	Wiltshire Laddy Adams 0793 642768	Lambeth Erol Hany 274 9220
Leicestershire Roland Thomas 0772 792726	Wolverhampton Owen McFarlane 0902 29244/24824	Wandsworth Carole Stuart 871 7179
Leeds Arthur France 0532 520953	LONDON	Tower Hamlets Paula Hawthorne 538 3717
Leicester Earle Robinson 0533 539181	 Brent Matthew Hypollite 904 1244 x 4222	Waltham Forest/ Walthamstow Dove Sparks 527 5544 x 4366

MARCH

Batik Exhibition

A batik exhibition by Trinidadian-born batik artist Louie Ramirez is on show in Harrow.

18 March Nottingham Cultural Show

A show featuring the Naturalites, Turbo Black Arts and a Caribbean fashion parade.

Venue: Marcus Garvey Centre, Nottingham

22 March Leicestershire Launch

Launch of Leicestershire Caribbean Focus at Spectrum Studio, Leicester with British Airways Groovers Steelband.

29 March Tower Hamlets Launch

The launch of Tower Hamlets' Focus programme takes place at the Poplar Civic Theatre and includes Ekome Dance Group, Echoes and Suraya Hital.

APRIL

10 April Leeds Launch

Launch of Leeds Caribbean Focus.

18 April Casablanca in Leeds

The 40 piece Casablanca Steel Orchestra plays in Leeds.

21 April - 21 May University of West Indies Exhibition

The exhibition about Caribbean Development and the role of the University of West Indies visits Northampton.

24 April Jamaica Folk Singers

The Jamaica Folk Singers appearing in Walsall.

27 April

Caribbean Sunday is celebrated in a number of churches across the country including Llandaff Cathedral, Cardiff, Aylesbury, Nottingham, Southampton and Leeds.

29 April Jamaica Folk Singers

The Jamaica Folk Singers visit Manchester.

MAY

2-4 May Caribbean Business Focus '86

A business promotions exhibition which offers a practical solution to the Afro-Caribbean and ethnic business sector seeking a forum to establish a national and international profile.

Venue: Alexandra Pavilion, Alexandra Palace, London

5-10 May Casablanca

Casablanca Steel Orchestra appearing in Nottingham.

6-10 May Film and Video Festival

A five day film and video festival held in Leicester - it will include African Liberation Day events.

17 May - 7 June Devon Festival

Dolton and Dawland Festival of Winkleigh, North Devon including some of the artists from the Commonwealth Institute's Ancestral Voices programme and dub poet Brother Resistance.

JUNE

2 June - 2 July Amerindian exhibition

The Commonwealth Institute's exhibition about the cultural heritage of the Amerindians, the indigenous population of the Caribbean, visits Northampton.

8 June Movements Dance Company

The Movements Dance Company of Jamaica at the Phoenix Theatre, Leicester at 8 pm. Their repertoire includes over 20 works covering a variety of dance idioms from contemporary to dance drama.

14 June Leicester Museum Exhibition

Opening of Leicestershire Museum's Caribbean Focus Exhibition.

14-15 June Leamington Festival

The Leamington Festival of the Pump Room Gardens, Leamington Spa, includes a variety of Caribbean artists.

14 June - 4 July Caribbean Train

A travelling Caribbean train with carriages for food, tourist promotions and educational programmes. (London, Euston (14 June), Aylesbury (15 June), Northampton (16 June), Coventry (17 June), Birmingham (18 June), Walsall (19 June), Liverpool (20/21 June), Manchester (22 June), Leeds (23 June), Newcastle (24 June), Derby (25 June), Stoke (26/27 June), Leicester (28 June), Bristol (29 June), Cardiff (30 June), Southampton (1/2 July), Canterbury (3 July), Blackfriars (4 July).

21 June - 21 July Teaching exhibition

Teaching About the Caribbean exhibition to visit Stoke-on-Trent.

JULY

17-30 July Jamaican Intuitives

The Commonwealth Institute's exhibition of self taught Jamaican artists is on show at the English Speaking Union in Edinburgh.

AUGUST

Reggae Expo

Reggae Expo '86 artists in Stoke-on-Trent.

1-8 August Sidmouth Festival

Sidmouth International Folklore Festival features a Guyanese Masquerade Group.

3 August Jamaica National Dance Theatre Company

Jamaica National Dance Theatre Company at the Civic Theatre, Leeds.

8 August Jamaica National Dance Theatre Company

Jamaica National Dance Theatre Company at the Playhouse Theatre, Nottingham.

9-10 August Paul Keens Douglas

The Trinidadian dialect/humourist, Paul Keens Douglas, entertains in Walsall with narrative poetry which records the fast changing Caribbean life styles, weaving together popular folklore and beliefs.

16 August - 21 September Caribbean Art Now

Black British artists will be shown alongside contemporary artists working in the Caribbean in Leicester.

23-25 August Notting Hill Carnival in London

SEPTEMBER

6-11 September Sistren

The Jamaican women's Theatre Collective, Sistren visit Northampton.

13-19 September Sistren

Jamaican women's theatre company, Sistren, appearing in Walsall.

OCTOBER

11 October - 11 November Jamaican Intuitives

This exhibition of self taught Jamaican artists can be seen at the Wolverhampton Art Gallery.

15 October Aylesbury Book Fair

A book fair consisting of work done by black writers, organised in conjunction with Aylesbury Library.

18 October - 30 November Caribbean Art Now

The Commonwealth Institute's pioneering exhibition on contemporary Caribbean art is in Nottingham during October and November of the Midland Group.

NOVEMBER

1-8 November

A travelling exhibition about the work of SERVOL, a voluntary organisation in Trinidad on show in Northampton.

GR
PL BF
1/4

Surely the JRC
could arrange

Prime Minister,
Agree to ask the Home Secretary
to report? M&A 11/73

PRIME MINISTER

14 March 1985

the expenditure
revenue - possibly with Home Department at Buckingham.

GOVERNMENT FUNDING FOR 'ETHNIC' PROJECTS

The Government spends upwards of £100 million pa on 'ethnic' projects. About £60 million of this comes from the Home Office under Section 11 of the Local Government Act 1966. Another £20 million comes from DoE, via the Urban Programme. And there is almost certainly £30 million or more from the D/Emp through the Community Programme and Voluntary Projects Programme.

Part of the money may be well spent. But there is a worrying amount of anecdotal evidence that the groups receiving the funds are not always worthy of support. It seems likely that some of them aggravate social problems in ethnic communities by attacking, rather than reinforcing, traditional values and family responsibility.

There is considerable local authority involvement in many of the projects. In some cases, local politicians may be using the money to achieve undesirable goals.

So far as we can ascertain, nobody has systematically investigated the use of these funds. There does not seem to be any mechanism either for pooling knowledge about the groups involved, or for directing funds towards people who would reinforce traditional values.

We recommend that you should ask Leon Brittan to report on this issue within three months, and to suggest means of ensuring that the funds are not mis-spent.

Oliver Letwin
OLIVER LETWIN

OL to chat out
the Brittan thing
11/3



QUEEN ANNE'S GATE LONDON SW1H 9AT

19 March 1984

D. King,

*nbp
DMS
LPS*

RACE RELATIONS IN SCHOOLS

Thank you for your letter of 29 February about racial harassment in schools with which you enclosed a draft of an arranged Parliamentary Question. I have since seen the Prime Minister's Private Secretary's letter recording the Prime Minister's preference for your remarks to be conveyed in a speech.

I fully share your concern about what on your information appears to be a trend in the manifestation of racial intolerance. Although the extent and degree of the problem in schools cannot be known precisely, I am convinced that it is important for the Government's condemnation of all forms of racial aggression to be on record. In this way, we can give much needed encouragement and support to those who in particular areas may have to deal with trouble of this nature. I am, therefore, strongly in favour of you making a speech on the lines you propose. If you intend to make use of the text you attached to your letter, may I suggest one small amendment? The third paragraph might read:

"... should have equal opportunity to benefit from an education which develops their abilities and aptitudes to the full and brings about a true sense of belonging to Britain".

This, I think, retains the intended means but also embodies a central objective of our race relations policy.

I am copying this letter to the Prime Minister, Willie Whitelaw, Jim Prior, Nicholas Edwards and George Younger.

*W. Whitelaw,
Jim Prior,
Nicholas Edwards,
George Younger*

The Rt Hon Sir Keith Joseph, Bt, MP

HOME AFFAIRS. Law Relation May '80

1980
MAY 21 11
1980

POST 1980 722



Y SWYDDFA GYMREIG
 GWYDYR HOUSE
 WHITEHALL LONDON SW1A 2ER
 Tel. 01-233 3000 (Switsfwrdd)
 01-233 6106 (Llinell Union)

WELSH OFFICE
 GWYDYR HOUSE
 WHITEHALL LONDON SW1A 2ER
 Tel. 01-233 3000 (Switchboard)
 01-233 6106 (Direct Line)

Oddi wrth Ysgrifennydd Gwladol Cymru

The Rt Hon Nicholas Edwards MP

From The Secretary of State for Wales

15 March 1984

L. Keith

*16pm
 DMB
 15/3*

RACE RELATIONS IN SCHOOLS

Thank you for copying to me your letter of 29 February to Leon Brittan about the announcement you propose to make condemning racial harassment in schools and to lend your support to those whose duty it is to foster racial harmony. I understand you will now make your statement in a speech fairly soon.

I am content with what is proposed but I hasten to add that in Wales, as in Scotland, we are not experiencing particular difficulties of the kind being reported in some parts of England.

I am sending a copy of this letter to the Prime Minister, Leon Brittan, Willie Whitelaw, Jim Prior and George Younger.

*John
 26/3*

The Rt Hon Sir Keith Joseph MP
 Secretary of State for Education and Science
 Elizabeth House
 York Road
 LONDON
 SE1 7PH

Home Affairs June 1950

Race Relations





SCOTTISH OFFICE
WHITEHALL LONDON SW1A 2AU

CONFIDENTIAL

The Rt Hon Sir Keith Joseph MP
Secretary of State for Education and Science
Elizabeth House
York Road
LONDON
SE1 7PH

*nbpm
DAB
8/3*

7 March 1984

Dear Keith,

RACE RELATIONS IN SCHOOLS

Thank you for letting me see your letter of 29 February to Leon Brittan about your proposed announcement to condemn racial harassment in schools.

We have no evidence that racial harassment is a serious or growing problem in Scottish schools. Our HM Inspectorate of Schools recently published a report on education of ethnic minorities in Strathclyde Region schools and found no evidence of serious racial disharmony so far. HM Inspectors of Schools are nonetheless keeping up contact with the schools and with the police to ensure that any early signs of trouble are not overlooked.

For my part, I would be happy with the condemnation you propose to make on behalf of the Government of racial harassment in schools. I share the Prime Minister's view, indicated in her Private Secretary's letter of 1 March, that it would be better to use an appropriate occasion for a speech rather than an arranged Question in response to reports which are difficult to substantiate. You have already indicated the fact that the Government deplores racial prejudice in schools in an earlier Question though in less emphatic terms than you now propose. If you do feel some reference is needed to evidence or incidents, I hope you will make it plain that this does not indicate a problem occurring throughout Britain.

I am sending a copy of this letter to the Prime Minister, Leon Brittan, Willie Whitelaw, Jim Prior and Nicholas Edwards.

*Yours wv,
Crawford*

Home Affairs : Race Relations May '80



- 8 MAR 1984

7

cc SO
NIO
WO
LPO



bc: Mr. Letwin

10 DOWNING STREET

From the Private Secretary

1 March 1984

The Prime Minister has seen a copy of your Secretary of State's letter of 29 February to the Home Secretary about race relations in schools.

The Prime Minister would prefer a policy statement of this sort to be made in a speech rather than by means of a Written Answer in the House. Perhaps you could let me know whether your Secretary of State will be content to proceed on this basis?

The Prime Minister has also commented that the second sentence of the draft attached to your Secretary of State's letter might appear inconsistent with the first.

I am sending copies of this letter to the Private Secretaries to the recipients of your Secretary of State's letter.

David Barclay

Miss Elizabeth Hodkinson
Department of Education and Science.

885



Prime Minister⁽¹⁾

Content, subject to colleagues, for Sir Keith to make the attached statement on race relations in schools?

DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

There may be a pitfall in the highlighted passage in relation to independent schools. Agree the words "publicly provided" should be inserted before "education" where shown?

29 February 1984

Rt Hon Leon Brittan QC MP
Secretary of State for the Home Department
Queen Anne's Gate
London
SW1H 9AT

I don't like dealing with this by Q & A with Home. A speech would be better

Dear Leon,

RACE RELATIONS IN SCHOOLS

I should like to make a statement addressing the problem of racial harassment in schools. Information available to me from a number of quarters - including the disturbing New Statesman article enclosed which I, of course, checked with Bradford and found to contain some truth - lead me to believe that racial bullying is common in many schools. This is not a trend we should ignore. Moreover, unless we speak out, this issue may become the prerogative of the Left with their vocal "anti-racist" posturing. I should like to get the message over to all teachers that racial harassment in our schools cannot be tolerated and that they have my support in tackling it.

Although we still have little firm evidence on the extent of the problem and the effectiveness of responses to it, HMI and officials here tell me that teachers are experiencing difficulties with verbal, and in some cases physical, attacks of a racial nature between pupils, and that many would welcome support in dealing with them. Some of these incidents may be inspired by extremist political groups, though probably the majority arise from the attitudes of the children and teenagers themselves without direct adult intervention. Whatever the cause, by inculcating fear and insecurity, these activities are undoubtedly damaging the chances of some pupils and I think that it is my responsibility to take what steps I can to put the situation right.

---- You will see from the enclosed draft arranged PQ that I want to put firmly on record the Government's abhorrence of such behaviour, thus providing an impetus to schools to consider their policies and practices in this area and fortifying those many teachers who share that repugnance. The statement does not offer a detailed prescription for dealing with racial victimisation; that would not be right or even feasible given the diversity of circumstances in which it can arise. The statement simply aims to make clear the Government's views on such behaviour.

As such I believe that it will be widely welcomed by the education service. I should expect to follow it with references to the issue in speeches.

I am now persuaded that it is right to take this step and I should very much welcome your support.

I am copying this letter to the Prime Minister, Willie Whitelaw, Jim Prior, Nicholas Edwards and George Younger.

Yours ever,

Kearns .

TO ASK THE SECRETARY OF STATE WHAT EVIDENCE HE HAS OF THE INCREASE OF RACIAL DISHARMONY IN THE SCHOOLS AND WHETHER HE WILL MAKE A STATEMENT

Draft Reply

Information available to me suggests that racially motivated incidents are occurring in our schools, and are likely to be doing harm to racial harmony. It is difficult, however, to obtain firm evidence on this subject.

Whilst it remains the direct responsibility of teachers and headteachers to take effective action in dealing with such incidents at first hand, the Government wishes to give the maximum support possible to governors, Heads and teachers in stopping racial bullying - whoever the bullies, whoever the victims.

We are committed to the principle that all children, whatever their race, colour or ethnic origin, should have equal opportunity to benefit from an education which develops their abilities and aptitudes, enabling them to live, work, and play as full members of British society.

If children are to benefit from the education provided, then they need to be surrounded by an atmosphere in which they can take pride in their family backgrounds and draw strength and confidence from them. Such an atmosphere, and with it the principle of equality of opportunity itself, can readily be destroyed by racially motivated acts of aggression, whether verbal or physical. I am sure that all Members in this House, and all responsible persons outside, will join me in condemning such behaviour.

I would not presume to offer detailed advice to teachers about their response to any particular incident; that will depend on the nature of the incident, and upon the teachers' judgement of the situation at the time. I would, however, urge all those on whom responsibility falls, and not only the teachers, to examine what is happening in the schools, and to help foster racial harmony; I can assure them that they have my full support in this.

"damaging"
would read
better

DMS
29/12

The last sentence
seems to contradict
the first
not

publicly
printed



Caxton House Tothill Street London SW1H 9NF

Telephone Direct Line 01-213 6400

Switchboard 01-213 3000

Timothy Flesher Esq
Private Secretary
10 Downing Street
LONDON SW1

- 1) Mr Ricketts *LM*
- 2) Pte Munn

D
28/3

25 March 1983

Dear Tim

MF

CRE CODE OF PRACTICE

I am writing to let you know that my Secretary of State intends to lay the CRE draft Code of Practice for the elimination of racial discrimination and the promotion of equality of opportunity in employment before Parliament next Tuesday, 29 March 1983.

I am sending a copy of this letter to John Halliday (Home Office), David Heyhoe (Lord President's Office), Murdo Maclean (Chief Whip's Office) and Richard Hatfield (Cabinet Office).

*Jan 2**Brett*BRETT BONNER
Private Secretary

HOME Affairs

Members may find helpful the attached notes on the Code of Practice for the Elimination of Racial Discrimination in Employment, expected to be laid before Parliament before the Easter Recess.

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PART ONE

Circumstances surrounding the new C.R.E. Code of Practice

1. Background

Section 47 of the 1976 Race Relations Act contains provision for the issue, by the Commission for Racial Equality, of Codes of Practice.

The Commission for Racial Equality is an independent body appointed by the Home Secretary. In drawing up draft codes, or otherwise making recommendations, the C.R.E. has a responsibility to carry out wide consultations.

Having drafted a Code, the C.R.E. must submit it to the appropriate Secretary of State, in this case the Secretary of State for Employment.

The Secretary of State may only either accept it, or reject it. He cannot modify it or reject parts of it. He cannot use it as a basis for a compromise Code. The Secretary of State for Employment rejected the first draft Code submitted to him by the C.R.E. Before reaching a decision, he gave the Employment Committee the opportunity to examine the draft in question. The Employment Committee expressed concern about the administrative burden to small businesses consequent upon a strict adherence to the provisions of the Code.

A revised Code has now been drawn up by the C.R.E. The Code now makes greater recognition of the special circumstances of small firms, (Introduction, paragraph 2:2), requiring only that such firms should respect the intentions of the Code. The suggestion, by the Employment Committee, that a specific definition of 'small firm' should be included (up to 200 employees was suggested - paragraph 22, 5th Report of Employment Committee, Session '81-'82), has not been taken up.

2. The Immediate Issue

Again, the Secretary of State may accept or reject completely the revised Code.

It is extremely unlikely that further modifications can be obtained from the C.R.E. Another rejection would inevitably trigger an angry reaction from the Race Relations lobby, and would afford the Government's opponents the opportunity seriously to misrepresent its attitude towards the genuine problems of race relations in employment.

The Code's main fault lies in its disconcerting length rather than in its intention, or in any specific recommendations.

3. Legal Setting

A Code, once approved and issued, has no formal legal standing though it may carry considerable weight in industrial tribunals where it will be taken into account. An appeal against a tribunal's decision may be made to the Employment Appeals Tribunal and thence to the House of Lords. Ultimately decisions must be governed by prevailing formal legislation, in this case the 1976 Race Relations Act.

4. The Code in Perspective

The Code cannot exceed or modify existing laws of the land. Its intention is to help employers and employees apply the Race Relations Act, rather than to compel them to do things. It does not, for example, aspire to limit an employer's right to employ whom he chooses - within the requirements of the Race Relations Act. Its function is advisory and many of its suggestions are consistent with good personnel management practices. As with other Codes of Practice, its influence will inevitably be, to some extent, a question of interpretation at local tribunal level.

The Code should not be criticised too hastily by those who have no work experience in areas of racial diversity. Most employers in such areas must already have evolved their own informal ways of dealing with the issues raised by the Code, in observation of the Race Relations Act. The Code should be considered in this relative sense rather than in an absolute sense (i.e. in a vacuum). It is likely that the recommendations contained in the Code will impose little or no extra burden on conscientious employers who experience 'race' employment problems in their daily lives. The Code, obviously, has no bearing on employment matters for employers in whose recruitment areas there is no racial diversity.

5. Parliament's limited powers over Codes of Practice

It is worth repeating that the Government finds itself in its present position in relation to the C.R.E. Code due to the framework in which Codes become adopted. The Government is partly a victim of circumstances which are

almost guaranteed to create friction. Codes have to be accepted or rejected in entirety. There is no opportunity for Parliament to influence the contents of a Code or for a Code to be modified as a result of any democratic process. Members may point out that a body such as the C.R.E. has no democratic accountability, and may consider it undesirable that such organisations, however well intentioned, should be able beyond the reach of elected Parliament, to draw up Codes which will have a quasi-judicial standing in industrial tribunals. It should be noted that when the current machinery was established (1976 Race Relations Act), the Conservative opposition voted against the 'take all' or 'leave all' Code-making provision.

That having been said, the present Code must be approached in the context of prevailing legislation; and there is little doubt, given the existing code-making procedure, and in view of the modifications made to the original draft, that the Government ought to accept this amended Code of Practice.

PART TWO

The Main Contents of the Code

1. The Introduction

This begins by explaining the purpose and status of the Code, which aims to give:

'practical guidance which will help employers, trade unions, employment agencies and employees to understand not only the provisions of the Race Relations Act and their implications, but also how best they can implement policies to eliminate racial discrimination and to enhance equality of opportunity.

The Code does not impose any legal obligations itself, nor is it an authoritative statement of the law - that can only be provided by the courts and tribunals. If, however, its recommendations are not observed this may result in breaches of the law..... (The Code's) provisions are admissible in evidence in any proceedings under the Race Relations Act before an Industrial Tribunal.... If employers take the steps that are set out in the Code to prevent their employees from doing acts of unlawful discrimination they may avoid liability for such acts in any legal proceedings brought against them. References to the appropriate Sections of the Race Relations Act 1976 are therefore given in the margin of the Code'. Sections 1:1, 1:2.

It is pointed out that while the provision of equal

opportunities may involve administrative inconveniences to employers, quite apart from the moral issues, it will help those employers to make full use of the abilities of their workforces. Section 1:3.

Two Sections on the application of the Code concede that some of the Code's provisions may need to be adapted to suit particular circumstances and recognise both the abnormal closeness of staff members of small firms (which may make formal procedures unnecessary) and the limited administrative resources of small firms. Sections 2:1, 2:2.

Definitions of direct discrimination, Section 3:1, indirect discrimination, Sections 3:2, 3:3, and victimisation, Section 3:4, are given.

The close connection between equal opportunities and good employment practice is pointed out, Section 4.

2. The Responsibilities of Employers (Part 1 of the Code)

Employers have a responsibility for providing equal opportunity for all job applicants and employees, Section 1:1.

An employer should communicate his commitment to equal opportunity policies clearly to all members of staff and regularly review the effectiveness of his policies. Sections 1:2, 1:4.

Equal Opportunity is broken down into fundamental principles, Section 1:3.

The state of the law with regard to discrimination in recruitment, promotion, transfer, training and dismissal is outlined with reference to sections of the Race Relations Act. Suggestions and recommendations are made which will help employers ensure that their staff follow equal opportunities policies. Sections 1:5 to 1:19, 1:44, 1:45. Substantially the internal methods suggested consist of regular re-appraisals of criteria and the education of staff on the need for non-discriminatory execution of their duties. Also Sections 1:33 to 1:43. The Code leaves it open to employers to adopt the method of monitoring (the effects of policies) which is best suited to their needs. The special circumstances of small firms are again recognised, Section 1:34.

Section 1:20 reminds employers that it is unlawful to discriminate on racial grounds in affording terms of employment and in the provision of benefits, facilities and services for employees.

It is noted that many employers allow employees extended leave, from time to time, to visit their countries of origin, through extra unpaid leave or through the accommodation of annual leave entitlement. Care must be exercised to apply such policies consistently and without discrimination.
Section 1:21.

It is, of course, unlawful to retaliate against anyone who has complained, or supported a complaint, about racial discrimination. Employers should not merely assume that they are being over-sensitive about discrimination,
Sections 1:22, 1:31, 1:32.

In applying disciplinary proceedings an employer must consider the effects on the employee's conduct of racial abuse, communication difficulties, and differences in cultural background, Section 1:23, and where reasonably practicable, his or her religious needs, Section 1:24.

Employers have no legal obligation to provide language training, but it is consistent with efficiency, safety and equal opportunities if he takes steps to reduce the comprehension difficulties that may exist for some employees, Sections 1:26, 1:27.

It is unlawful to instruct or encourage employees to discriminate, Sections 1:28, 1:29.

3. The Responsibilities of Individual Employees (Part 2 of the Code)

Good race relations depend upon individual employees as much as upon management, and the employee's responsibilities in observing the law generally mirror those of his employer, Sections 2:1, 2:2.

The employee should support and encourage management in the application of equal opportunity and racially non-discriminating policies, Section 2:3.

Employees from racial minorities have particular responsibilities where necessary to:-
- improve their standards of communication,
- to co-operate in efforts by employers and unions to resolve conflicts between religion and production needs.

4. The Responsibilities of Trade Unions (Part 3 of the Code)

Trade Unions have responsibilities similar to those of

employers in the admission and treatment of members, Sections 3:1 to 3:6, 3:8, 3:9, 3:13.

They have an obligation to discipline members who discriminate, Section 3:7.

Recommendations, similar to those suggested for employers, are made for education of officials in respect of equal opportunities policies, and for communication with members, Section 3:10.

It is unlawful for trade unions to victimise or to encourage employees to discriminate, Sections 3:12, 3:11, 3:14, 3:15.

Consistent with the responsibilities of employers and employees, unions should co-operate with and encourage the development of equal opportunities policies, Section 3:16.

5. The Responsibilities of Employment Agencies (Part 4 of the Code)

Employment Agencies have responsibilities as suppliers of job applicants to employers. They should take care, for example, to publish fair and non-discriminatory job advertisements, and not to assist an employer in direct or indirect discrimination, Sections 4:2 to 4:4.

They should not ask an employer for racial preferences and should not draw undue attention to racial origins when recommending applicants. They should support an applicant's rights against discernible examples of racial discrimination, Section 4:5.

They should be prepared to withdraw their services from employers who pursue unlawful discriminatory policies, Section 4:6.

They should monitor the relative treatment of racial groups in respect of employment opportunities, Section 4:7.



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

Wm
15/3

14 March 1983

Dear Willie,

Thank you for sending me a copy of your letter of 5 March to Quintin Hailsham about the forthcoming House of Lords judgement in the case of Mandla v Lee.

I share your view that, if the House of Lords unholds either element of the Appeal Court decision, we should act as positively as we can to allay the disquiet this will undoubtedly arouse among the Sikh community. I therefore support the line you recommend under your second option. If possible, the statement should be in the positive terms set out in the second part of page 2 of your letter, rather than in the more cautious terms on paragraph 4, but I am happy to leave this to you. I note that there could be difficulties in securing amendments to the legislation to deal effectively with the "no turban" rule but I trust it will be possible to overcome these quickly so that there is no long delay before changes are proposed.

I am copying this letter to the recipients of yours.

TOM KING

Home Affairs' May 1980: Race
Relations



M 5 MAR 1980



2 m/s
SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

The Rt Hon William Whitelaw CH MC MP
Home Secretary
Home Office
Queen Anne's Gate
LONDON
SW1H 9AT

14 March 1983
wh
15/2

Dear Willie,

RACE RELATIONS ACT: SIKHS: MANDLA v LEE

Thank you for copying to me your letter of 5 March to the Lord Chancellor about the stance you should adopt if the House of Lords uphold the Court of Appeal's ruling that Sikhs do not constitute a racial group within the meaning of the Race Relations Act 1976.

There are about 4,000 Sikhs in Scotland. I strongly support your view that, if the Lords' judgement so requires, we should agree in principle now to do whatever is necessary to give Sikhs the protection they were intended to have under the 1976 Act. The "no turban" rule may as you suggest raise particular difficulties, but I agree that we should give serious consideration to how matters might be put right.

Especially at this time there is every reason for us to try to prevent the Sikhs (or indeed any other ethnic minority in the electorate) from harbouring any doubts about this Government's commitment to a multi-racial Britain. While, therefore, I would not object to the line which you propose to take in your initial statement if the judgement goes against the Sikhs, I think there could be advantage in going somewhat further, with a categorical commitment to ensuring that Sikhs have the protection they were meant to have under the 1976 Act.

I am copying this letter to the recipients of yours.

Yours ever,
George

Home Affairs

Race Relations 5/80





DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

WM
14/3

The Rt Hon William Whitelaw CH MC MP
Home Secretary
50 Queen Anne's Gate
London SW1H 9AT

14 March 1983

Dear Helen.

RACE RELATIONS ACT: SIKHS: MANDLA v LEE

Thank you for copying to me your letter of 5 March about this case.

I am content for you to proceed as you propose. If the Law Lords do not overturn the Court of Appeal's judgement, it will certainly be important to issue a statement reassuring the Sikh community that the Government is considering urgently what needs to be done. The pressure for legislation is likely to be considerable and in the long term, I suspect, irresistible. But I recognise the technical difficulties outlined in Quintin Hailsham's letter of 8 March and am sure we should avoid any commitment to a specific timetable.

I am copying this letter to the recipients of yours.

Ever,

Kevin

Home Agg.
May '88
Race Relations

14 MAR 1983

10 11 12
9 10 11
8 9 10
7 8 9



Home Office

Management and Personnel Office

Whitehall London SW1A 2AZ

Telephone 01-273 4400
GDN 273

10 March 1983

The Rt Hon William Whitelaw, CH, MC, MP
Secretary of State for the Home Department
50 Queen Anne's Gate
LONDON SW1H 9AT

Wh
14/3

Dear William,

RACE RELATIONS ACT: SIKHS: MANDLA v LEE

I am sure that the line you propose to take, as described in your letter to Quintin of 5 March, is right. To say less would, I believe, indicate a lack of concern which would make it more difficult for me to make a convincing case that the limited next steps we have decided to take on ethnic monitoring in the Civil Service reflect a sufficient commitment to the cause of racial equality.

Copies of this letter go to the recipients of yours.

Baroness Young
Baroness

BARONESS YOUNG

HOME AFFAIRS: Race Relations; May 1980.

74 MAR 1983



Home Affairs



HOUSE OF LORDS,
SW1A 0PW

8 March 1983

My dear Willie:

RACE RELATIONS ACT: SIKHS: MANDLA v LEE

in Bet.

Thank you for your letter of 5th March in which you outline the action you would like to take to pacify the Sikh community on the assumption (I think a safe one) that the House of Lords does not do it for you by overturning the decision of the Court of Appeal in toto.

I am entirely happy with the suggestion at the end of your letter that, when the House of Lords gives its decision, you should indicate that the Government appreciates the concern that will be felt, is studying the terms of the decision urgently, and will make a statement of its intentions as soon as possible.

You say that your statement would not necessarily commit us to legislation, and would certainly not commit us to legislation within a particular time scale. I entirely agree with this view. But it may not be premature for me to state that in my opinion the situation could not be remedied by amending the Race Relations Act 1976. Race is one thing, religion another, and if I needed any support for this truism it would be found in the fact that when, as Shadow Home Secretary, I tried to protect people from religious discrimination by tabling amendments to the Bill which became the 1968 Race Relations Act, the amendments were ruled out of order.

Any legislation would, therefore, in my view have to be addressed specifically to the question of religious discrimination. Nor could

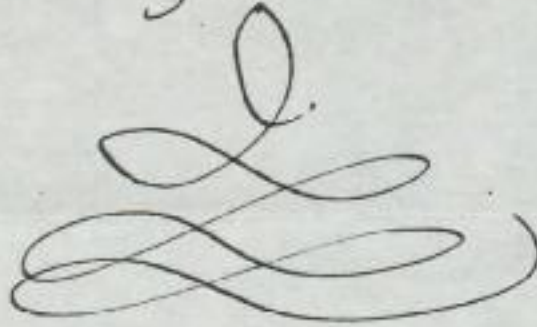
The Right Honourable
William Whitelaw CH MC MP
Secretary of State for the Home Department
Queen Anne's Gate
LONDON SW1

.../2

Sikhs be made a special case; discrimination against other religious groups - not excluding Christians - is no less easy, though possibly not quite so widespread, and any legislation would have to take account of this.

I am copying this letter to the recipients of yours.

yrs :

A highly stylized, cursive handwritten signature consisting of several overlapping loops and flourishes.

010



QUEEN ANNE'S GATE LONDON SW1H 9AT

mt

5 March 1983

Dear Jim

(2) You will see from the attached letter from the Lord Chancellor that he feels amendment of the Race Relations Act will not be a way of dealing with his problem.

(1) The Home Secretary proposes a line to take if the Lords uphold Jennings judgement in the Sikh Scholbay case

RACE RELATIONS ACT: SIKHS: MANDLA V LEE

As you will know, the Law Lords decided last week to reserve judgment when they heard an appeal against the Court of Appeal's decision in the above case of Mandla v Lee. The Court of Appeal had held that Sikhs do not constitute a racial group for the purposes of the Race Relations Act 1976; and they also expressed the view that the imposition of a "no turban" rule could not amount to unlawful discrimination under the Act. (The case arose following the refusal of the headmaster of a private school in Birmingham to admit a pupil unless he removed his turban and cut his hair). I have been giving some thought to what line the Government should take if the Lords uphold the Court of Appeal's decision.

7/3

There can be no doubt about the strength of the anxiety in the Sikh community about the outcome of this appeal. The fear is that, if the Lords uphold the Court of Appeal's ruling, discrimination against the 30,000 or so Sikhs in this country could become widespread, particularly in the field of employment.

While the appeal has been outstanding, I have been careful to avoid commenting directly on the merits of the case. I have, however, undertaken to consider whether any action (including legislative action) might be necessary in the light of the outcome of the appeal. Now that the judgment is imminent, we need to consider what that action might be.

If the House of Lords overturns the Appeal Court decision in toto, there should be no need for any further action. But if the Lords uphold the Court of Appeal on either or both of the two points in question (i.e. whether Sikhs constitute a racial group and whether the banning of turbans amounts to unlawful discrimination) we will come under considerable pressure to state our intentions. Such pressure will be difficult to resist, for two reasons. First, during the Committee Stage of the Race Relations Bill, Ministers of the previous Administration assured Members, including some of our own supporters, that Sikhs would be protected by the Act and, until now, industrial tribunals have always decided cases on that basis. Second, it will be said that the Government has had since July to consider the effects of the Court of Appeal judgment and that we should by now have some idea of what we intend to do.

If the House of Lords upholds the Court of Appeal decision on the racial group point, we have, in theory, two options. One would be to take no action at all, thus leaving Sikhs (as a group distinct from Indians) outside the protection of the Act. I could not recommend such a course. It would cause alarm and resentment in the Sikh community and beyond it. It would be criticised

by Members on both sides of the House, who would claim that Parliament's intentions in passing the Act had been thwarted. Moreover, it would provoke a barrage of representations and further public demonstrations on a large scale. On a wider front, such a decision would be seen by many as casting doubt upon our commitment to good race relations.

The second option, which is one which I would myself strongly favour, would be for us to agree in principle now that we will take whatever action is necessary to make sure that Sikhs continue to have the protection which Parliament intended them to have when it passed the 1976 Act. Until we have had an opportunity to consider the Lords' judgment in detail, we will not be able to form a clear view on what changes to the Act may be necessary in order to recreate this situation; but, if we can agree on our intention, it will be possible for me to do what I can straightaway to calm the anxieties of the Sikh community.

If the House of Lords supports the Appeal Court's view on the "no turban" rule point, it is by no means certain what could be done to reverse that, since the point goes to the very root of the concept of unlawful discrimination under the Act. It may be that the difficulties would prove insuperable but much will depend on how the Lords express their decision. Nevertheless, I hope that we can agree to give serious consideration, without commitment, to dealing with this point also.

Against this background, I suggest that the line which I should take, if the Lords decision is such that it seems necessary for me to take some public stance, should be as follows. I would indicate that the Government appreciates the concern that will be felt in the Sikh community about the implications of this decision, that we are studying its terms urgently in order to see what legislative change might be necessary and feasible and that I will make a statement indicating the Government's intentions as soon as possible. The exact terms of any statement along these lines will have to await the publication of the House of Lords judgment, but it would not commit us to legislation within a particular timescale. I will, of course, need to consult you (and colleagues) again about the content and timing of amending legislation if, in the light of our study of the Lords' judgment, that appears to be necessary.

I would be pleased to know, by 14 March if possible, whether you, and the colleagues to whom I am copying this letter, are content that we should proceed in this way and that I should, if necessary, take the public line which I have just described.

Copies of this letter go to the Prime Minister, the other members of H Committee, the Lord President, the Chief Whip and Sir Robert Armstrong.

Yours truly
Walter

No - may I have a word with SPS



Prime Minister:

Caxton House Tothill Street London SW1H 9NKF
Telephone Direct Line 01-213 6400
Switchboard 01-213 3000

Agree? You

may wish to mention

this at the Monday meeting with the three

Secretary, Lord President
24 February 1983 and Chief

Whip

Timothy Flesher Esq
Private Secretary
10 Downing Street
LONDON SW1

mb

Dear Tim

JH
25/2

In your letter of 12 January about the CRE's draft Code of Practice, you told us that the Prime Minister wished to consider the position again after the question of the immigration rules had been resolved.

legit - when

My Secretary of State has reflected further upon the draft Code and his views remains that recorded in his minutes to the Prime Minister of 7 and 17 December. In essence, he feels that he must submit the Code to Parliament for approval but that in presenting it he should announce the Government's intention to change the legislation governing the drafting of Codes by the Commission for Racial Equality and the Equal Opportunities Commission so as to permit him to make amendments subject to the approval of Parliament. These views have since been supported by colleagues.

On timing, the CRE has refrained from pressing for an early decision but my Secretary of State fears that controversy may grow if a decision is long delayed. In particular, the Select Committee on Employment (which provided a helpful commentary on the CRE's earlier draft) has now asked my Secretary of State to respond to its report ahead of a meeting he has with them on 9 March. The Secretary of State would therefore like the Prime Minister's agreement to present the Code to Parliament before 9 March.

I am sending a copy of this letter to John Halliday (Home Office), David Heyhoe (Lord President's Office), Murdo Maclean (Chief Whip's Office) and Richard Hatfield (Cabinet Office).

Yours

Brett Bonner

BRETT BONNER
Private Secretary

Home Aff.
May '80,
Race Relations

25 FEB 1985

100-111111-100



CONFIDENTIAL



Caxton House Tothill Street London SW1H 9NAF

Telephone Direct Line 01-213.....6400
Switchboard 01-213 3000

Timothy Flesher Esq
Private Secretary
10 Downing Street
LONDON SW1

24 February 1983

Dear Tim

In your letter of 12 January about the CRE's draft Code of Practice, you told us that the Prime Minister wished to consider the position again after the question of the immigration rules had been resolved.

My Secretary of State has reflected further upon the draft Code and his views remains that recorded in his minutes to the Prime Minister of 7 and 17 December. In essence, he feels that he must submit the Code to Parliament for approval but that in presenting it he should announce the Government's intention to change the legislation governing the drafting of Codes by the Commission for Racial Equality and the Equal Opportunities Commission so as to permit him to make amendments subject to the approval of Parliament. These views have since been supported by colleagues.

On timing, the CRE has refrained from pressing for an early decision but my Secretary of State fears that controversy may grow if a decision is long delayed. In particular, the Select Committee on Employment (which provided a helpful commentary on the CRE's earlier draft) has now asked my Secretary of State to respond to its report ahead of a meeting he has with them on 9 March. The Secretary of State would therefore like the Prime Minister's agreement to present the Code to Parliament before 9 March.

I am sending a copy of this letter to John Halliday (Home Office), David Heyhoe (Lord President's Office), Murdo Maclean (Chief Whip's Office) and Richard Hatfield (Cabinet Office).

Yours
h

Brett Bonner

BRETT BONNER
Private Secretary



Home Affairs ^{da}

10 DOWNING STREET

From the Private Secretary

12 January 1983

Thank you for your letter of 23 December about the CRE Code of Practice, which the Prime Minister has now seen. While not necessarily dissenting from the line proposed by your Secretary of State, the Prime Minister would like a chance to consider the position again after the question of immigration rules has finally been resolved.

I am sending a copy of this letter to John Halliday (Home Office), David Heyhoe (Lord President's Office), Murdo Maclean (Chief Whip's Office) and Richard Hatfield (Cabinet Office).

Timothy Flesher

Brett Bonner, Esq.,
Department of Employment.



2

10 DOWNING STREET

Prime Minister

mb

CRS Code of Practice

The Home Secretary,

Sq 5 in Employment and

Chief Whip all agree with

you that this should

not be put before the

House until well after

the Immigration Rules

have been finally settled

DF



Caxton House Tothill Street London SW1H 9NAF
Telephone Direct Line 01-213 6400
Switchboard 01-213 3000

Prime Minister:
You asked if
the CRE could be
passed for further
improvements in the Code.
As you will see, Mr
Tebbit thinks not. Do

Timothy Flesher Esq
Private Secretary
10 Downing Street
LONDON SW1

*I think these will
be too late if we
proceed on this before
the new committee is
set up.*

23 December 1982
You agree that he
should proceed as
proposed: see also
Mr Jenkins minute
attached.

Dear Tim,
CRE CODE OF PRACTICE

I have drawn your letter of 20 December to the attention of
my Secretary of State.

TJ
23/12

Mr Tebbit has carefully considered the Prime Minister's
suggestion and the views of the Chief Whip which were expressed
in Mr Moore's letter to you of 21 December. However, glad as
he would be to seize any opportunity that would produce further
improvements in this Code, he sees no chance of moving the
Commission further. We owe the improvements in the latest
text entirely to the willingness of the new Chairman
Peter Newsam to put his authority on the line in split votes
in the Commission, and Mr Tebbit does not feel he should
undermine Mr Newsam's position by pressing for further changes
that he could not carry. For these reasons my Secretary of
State concludes that he should present the CRE Code in its
latest form to Parliament, subject only to the considerations
of timing referred to in his minute of 17 December.

I am sending a copy of this letter to John Halliday (Home Office),
David Heyhoe (Lord President's Office), Murdo Maclean (Chief
Whip's Office) and Richard Hatfield (Cabinet Office).

Yours Ever
Richard Power

RICHARD POWER
Private Secretary



ESTV

DEPARTMENT OF HEALTH & SOCIAL SECURITY
Alexander Fleming House, Elephant & Castle, London SE1 6BY
Telephone 01-407 5522

NBRM

plus 22/12

From the Secretary of State for Social Services

The Rt Hon Norman Tebbit MP
Secretary of State
Department of Employment
Caxton House
Tothill Street
London SW1

22 December 1982

CRE DRAFT CODE OF PRACTICE

Thank you for my copy of your minute of 7 December to the Prime Minister.

Since a review of the operation of the Code is scheduled to take place after three years experience I think you are right to proceed as proposed.

I am copying this letter to the Prime Minister, Willie Whitelaw, other members of H, the Industry Secretary, the Chief Whip and to Sir Robert Armstrong.

NORMAN FOWLER

Russel Robinson - Home Office May 80

5 2 DEC 1982



JU524



PRIME MINISTER

CRE CODE OF PRACTICE

1 Norman Tebbit sent me a copy of his minute to you of 7 December.

2 In the circumstances I agree that there is no practicable alternative to approving the draft Code of Practice. And I very much welcome his proposal to announce our intention to change the law so that the Secretary of State can amend a draft Code prepared by the CRE (or EOC) before submitting it to Parliament. However, in doing so we must ensure that the Commission cannot frustrate our aim by refraining from submitting a draft, and the wording of the announcement should be such as to ensure that this will not be possible.

3 As regards the timing of legislation it is important that we move with reasonable speed to put it through. I know the difficulties, but I regard this as an important additional assurance which we need to provide to small firms and their organisations in order to help offset the problems for them of the Code as it now stands. These will be seen as running counter to the easing of the burdens on the small firm sector which we have been advocating.

4 I am copying this minute to the Home Secretary, the Secretary of State for Employment, the other members of H, the Chief Whip and to Sir Robert Armstrong.

PJ

P J

21 December 1982

Department of Industry
Ashdown House
123 Victoria Street

Home Affairs

OK TV if 20/12

B/C

await
DE's response
to my letter
of 20/12/82



*See
JP
22/2*

Government Chief Whip

12 Downing Street, London SW1

CONFIDENTIAL

21 December 1982

Dear Tim

CRE CODE OF PRACTICE

When the Chief Whip saw your letter of 20 December to Richard Power, Department of Employment, he commented "I should support, very strongly, any attempt to improve the Code."

I am copying this letter to the recipients of yours.

*Yours sincerely
Peter Moore*

(P J MOORE)

T Flesher Esq
Office of the Prime Minister
10 Downing Street
SW1

CONFIDENTIAL

Home
Affairs RW?



10 DOWNING STREET

From the Private Secretary

20 December, 1982

The Prime Minister has now seen your Secretary of State's minute of 17 December about the handling of the CRE Code of Practice. While she does not dissent from Mr Tebbit's advice on the timing of the presentation of the Code to the House which she understands is also the view of the Lord President and the Chief Whip, she wonders whether there is any hope that the Commission would now agree to further amendments to the Code, having seen the Parliamentary difficulties caused by the immigration rules. She has noted that it remains Mr Tebbit's view that the document is unsatisfactory and given this believes that any opportunity to improve it should be taken. I should be grateful if you could arrange for this point to be considered and further advice provided.

I am sending a copy of this letter to John Halliday (Home Office), David Heyhoe (Lord President's Office), Murdo Maclean (Chief Whip's Office) and Richard Hatfield (Cabinet Office).

(Timothy Flesher)

R. Power, Esq.,
Department of Employment,

CONFIDENTIAL

RF

PRIME MINISTER

CRE Code of Practice

You will recall dealing with these papers about the CRE Code of Practice. Mr. Tebbit sees no option but to commend the Code to the House but to announce at the same time the Government's intention of amending the legislation which prevents the Government from altering such Codes. You wish to leave a decision on this until after the Immigration Rules debate. We have now had a further minute from Mr. Tebbit, which is attached, essentially advising delay until after the Immigration Rules problem has finally been resolved. This is also the firm view of the business managers.

Do you agree with Mr. Tebbit's broad approach (from which neither the Home Secretary nor the business managers in both Houses do not dissent) but subject to the proviso that the issue is not brought before the House until after the House has approved a new set of Immigration Rules.

Is there any hope that
the Committee would now
agree further amendments?
They have seen the necessity.

TIM FLESHER

17 December, 1982

answered by the Immigration
Order. I see the T. still thinks
the document was satisfactory.
mf



PRIME MINISTER

CRE DRAFT CODE OF PRACTICE

1 Clearly the Parliamentary Party is in a sensitive condition about any matters concerning immigration and race relations. The decision on when to present the CRE Code on the avoidance of unfair discrimination in employment will be a difficult one.

2 To act before the Home Secretary has resolved his immigration rules problem would certainly be unwise, but equally by the time Parliament reassembles we will have had the revised code for 8 weeks. So we must be careful not to delay too long or CRE will become restive and the Labour Party might well use Opposition time for a debate on a motion calculated to split our own Party.

3 I am sending copies of this minute to the Home Secretary, other members of H, the Secretary of State for Industry, the Chief Whip; and to Sir Robert Armstrong.

NT

N T

17 December 1982



Management and Personnel Office

Whitehall London SW1A 2AZ

Telephone 01-273 } 4400
GTN 273 }

15 December 1982

The Rt Hon Norman Tebbit MP
Secretary of State for Employment
Caxton House
Tothill Street
London SW1H 9NF

TF
17/12

Dear Norman,

CRE DRAFT CODE OF PRACTICE

Your minute to the Prime Minister of 7 December 1982 on the above subject was copied to me and other members of H Committee to agree the submission to Parliament of the Code in the form enclosed with your minute.

I agree that this is now the best course of action. You also have my support for your view that it would be desirable to amend the Race Relations and Sex Discrimination Acts to give the Secretary of State for Employment the power under both statutes to amend the draft Codes as they are submitted to him by the CRE or EOC and in the light of views expressed by Parliament.

I am sending copies of this letter to the Prime Minister, the Home Secretary, other members of H, the Secretary of State for Industry, the Chief Whip; and to Sir Robert Armstrong.

Yours ever
Baroness

BARONESS YOUNG

Home Aff. May 80. Race Relations

17 DEC 1982

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PRIME MINISTER

CRE Code of Practice

You will recall Mr. Tebbit's minute (Flag A) proposing that he should recommend the CRE Code of Practice to the House but at the same time announce the Government's intention to change the provisions in the Race Relations and Sex Discrimination Acts which give him no choice other than to approve or reject a draft Code in its entirety. The Lord President and the Chief Whip (Flag B) have agreed to Mr. Tebbit's proposal; and the Home Secretary also agrees subject to a number of points of presentation (Flag C).

Do you agree that Mr. Tebbit can go ahead as he proposes soon after Parliament returns from the Christmas Recess?

TF

We must ~~and~~ ^{also} see the
results of the Immigration
Orders, before ^{develop} ~~decisions~~
not ^{decisions}

14 December 1982



✓ SV B

MR FLESHER

CRE DRAFT CODE OF PRACTICE

add a date
The Lord President has seen a copy of the Secretary of State for Employment's minute of 7 December to the Prime Minister in which Mr Tebbit suggests that the CRE Draft Code of Practice might be laid soon after Parliament resumes in January. Mr Biffen has discussed this timing with the Chief Whip and they agree with Mr Tebbit's suggestion.

I am copying this to the Private Secretaries of the recipients of Mr Tebbit's minute.

DR

D C R HEYHOE

14 December 1982

Home Affairs

Eric Walker May 80

74 DEC 1982

11 12 1 2 3 4
5 6 7 8 9 10

CONFIDENTIAL



PRIME MINISTER

CRE CODE OF PRACTICE

The Secretary of State for Employment sent me a copy of his minute to you of 7 December.

He and I had already had a word about what should be done with the Code and I very much support his conclusion that the right thing to do now is for him to approve it and lay it before Parliament. As to timing, although there is no direct connection between this Code and the Immigration Rules, I think that we might be well advised to let the dust settle on that debate before laying the Code.

I also agree that the provisions of section 47 of the Race Relations Act 1976 (which are exactly paralleled in the Sex Discrimination Act) are wrong in that they give the S of S for Employment no power to make any amendment to the Code prepared by the CRE (or the EOC) before submitting it to Parliament. The exact terms in which we announce the intention to change the law will obviously need to be looked at carefully. We do not, at least at this stage, want to suggest that other provisions of these two Acts will be open to amendment, and there may be implications for other statutory provisions under which Ministers are required to lay codes before Parliament. As you will see from the attached letter I am in touch with the Secretary of State for Employment and other colleagues on these points.

I am copying this minute to the Secretary of State for Employment, to other members of H, the Secretary of State for Industry, and Sir Robert Armstrong.

W.D.

13 December 1982



HOME AFFAIRS: RACE RELATIONS MAY 1980



QUEEN ANNE'S GATE LONDON SWH 9AT

13 December 1982

Dear Norman

CRE CODE OF PRACTICE

Thank you for your letter of 7 December and for letting me see your letters of the same date to Quintin and to Patrick Jenkin and your draft reply to the Chairman of the Select Committee on Employment. I have no comments on that draft.

As you will see from the enclosed copy, I have sent a minute to the Prime Minister confirming my support for your proposal to approve the draft Code and to lay it before Parliament. You indicated in your minute to the Prime Minister that you had it in mind that when you presented the Code you should announce the Government's intention to amend the law so that you would in future have power to amend a code, presumably after further consultation with the CRE or EOC, before presenting it to Parliament.

I agree with you that the present position is quite unsatisfactory. It seems to me that a clear distinction can be drawn between the provisions under the Race Relations and Sex Discrimination Acts where the responsibility for drawing up a statutory code rests with a Quango, and the provisions relating to, for example the Highway Code, or the codes proposed in my present Police and Criminal Evidence Bill, where the responsibility for drawing up the Code rests with the Minister who presents it to Parliament. Subject to the views of other colleagues, I do not think the change you suggest need weaken our stance in resisting demands to give Parliament the right to amend a statutory code rather than be asked to approve or reject it. No doubt other colleagues will let us know if they foresee any repercussions in demands for parallel changes in any legislation for which they have responsibility.

I am more concerned, however, that we should not commit ourselves to giving the next Parliament an early opportunity to consider other amendments to the Race Relations and Sex Discrimination Acts. They are both controversial measures and opinion within our own party, let alone outside it, is not agreed on the form any amending legislation should take. Can we be assured that the amendments you have in mind could be made in a single Bill that would not be open to other much less desirable amendments?

All this, quite apart from the normal problems of pressure on the legislative programme in a future session, suggests that there would be a case for not going further than saying that the

Government recognised that the present position was unsatisfactory. If, however, you and the Chief Whip feel that it is necessary in order to get the present Code approved for you to state an intention to change the law, I would not want to stand in your way, but I hope you will not be too specific about timing.

I am copying this letter to the Prime Minister, to other members of H, to the Secretary of State for Industry and to Sir Robert Armstrong.

*Yours
Lester*

HOME AFFAIRS: RACE RELATIONS MAY 1980

15 DEC 1983



Prime Minister:

The Home Secretary
and the business managers
will have comments.
Await their views?

Yes MS ✓
8/12



Please consult with
the Chief Whip
ms

PRIME MINISTER

CRE DRAFT CODE OF PRACTICE

1. The CRE has now submitted to me the enclosed revised Code.
2. The text generally follows the version I sent to you on 26 October and takes account of the Select Committee's report to a significant extent. I understand that the Commission's Chairman, Peter Newsam, secured the agreement of the Commission to this text only after a very difficult meeting in which he had to use his casting vote to prevent the retention of passages which I had indicated would not be acceptable.
3. The Commission now proposes within three years to bring forward such revisions as experience by then shows to be necessary. This is important and I intend to suggest to the Chairman that he should not hesitate to take a radical look at the Code as a whole in that review.
4. Even now the Code is not a satisfactory document. But I have secured amendments to those parts of it which were singled out in the Select Committee's report. I do not believe that the Commission could be persuaded to make further helpful amendments. In accordance with the Race Relations Act I must now decide whether to reject the Code, stating my reasons for so doing, or to recommend it to the House. I have no doubt that rejection would bring furious reactions, not least from some Government backbenchers. I therefore propose to submit the Code to Parliament under the statutory procedure which will bring difficulties with others of our supporters, but I suggest below how this problem might be eased. I will consult with the Leader of the House and the Chief Whip on the timing, but subject to their views we might lay the draft Code soon after Parliament resumes in January.



5. This operation has demonstrated how right we were to oppose in Parliament at the time the provision of Section 47 of the 1976 Race Relations Act which leaves me with no choice other than to reject a draft Code in its entirety or to approve and commend it to Parliament. I am convinced that, when presenting this Code to the House, I should announce our intention to change this most unsatisfactory provision and the parallel provision in the Sex Discrimination Act. It seems to me right that the Secretary of State for Employment should be given power under both statutes to amend the draft Codes as they are submitted to him by the CRE or EOC and in the light of views expressed by Parliament. This change would be very welcome to many of our supporters who will still find the Code in its final form unpalatable. Since we envisage review of the operation of the Code after three years experience, this points to changing the law in the 1983-4 or 1984-5 session.

6. I should be glad to know that you and other colleagues agree that I should now proceed as proposed.

7. I am sending copies of this minute and its enclosures to the Home Secretary, other members of H, the Secretary of State for Industry, the Chief Whip; and to Sir Robert Armstrong.

NT

N T
7 December 1982



COMMISSION
FOR RACIAL
EQUALITY

DRAFT

Code of Practice

DRAFT

Code of Practice

For the elimination of
racial discrimination
and the promotion of
equality of opportunity
in employment

Commission for Racial Equality
Elliot House
10-12 Allington Street
London, SW1E 5EH
Telephone: 01-828 7022

November 1982

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The Commission for Racial Equality was set up by the Race Relations Act, 1976 with the duties of:

- a) working towards the elimination of discrimination;
- b) promoting equality of opportunity and good relations between persons of different racial groups generally; and
- c) keeping under review the working of the Act, and, when required by the Secretary of State or when it otherwise thinks it necessary, to draw up and submit to the Secretary of State proposals for amending it.

Mr Peter Newsam is the Chairman of the Commission.

INTRODUCTION

1. The Purpose and Status of the Code

- S 47(1) 1.1 This Code aims to give practical guidance which will help employers, trade unions, employment agencies and employees to understand not only the provisions of the Race Relations Act and their implications, but also how best they can implement policies to eliminate racial discrimination and to enhance equality of opportunity.
- S 47(10) 1.2 The Code does not impose any legal obligations itself, nor is it an authoritative statement of the law - that can only be provided by the courts and tribunals. If, however, its recommendations are not observed this may result in breaches of the law where the act or omission falls within any of the specific prohibitions of the Act. Moreover its provisions are admissible in evidence in any proceedings under the Race Relations Act before an Industrial Tribunal and if any provision appears to the Tribunal to be relevant to a question arising in the proceedings it must be taken into account in determining that question. If employers take the steps that are set out in the Code to prevent their employees from doing acts of unlawful discrimination they may avoid liability for such acts in any legal proceedings brought against them. References to the appropriate Sections of the Race Relations Act 1976 are therefore given in the margin to the Code.
- S 47(11)
- S 32

1.3 Employees of all racial groups have a right to equal opportunity. Employers ought to provide it. To do so is likely to involve some expenditure, at least in staff time and effort. But if a coherent and effective programme of equal opportunity is developed it will help industry to make full use of the abilities of its entire workforce. It is therefore particularly important for all those concerned - employers, trade unions and employees alike - to co-operate with goodwill in adopting and giving effect to measures for securing such equality. We welcome the commitment already made by the CBI and TUC to the principle of equal opportunity. The TUC has recommended a model equal opportunity clause for inclusion in collective agreements and the CBI has published a statement favouring the application by companies of constructive equal opportunity policies.

1.4 A concerted policy to eliminate both race and sex discrimination often provides the best approach. Guidance on equal opportunity between men and women is the responsibility of the Equal Opportunities Commission.

2. The Application of the Code

2.1 The Race Relations Act applies to all employers. The Code itself is not restricted to what is required by law, but contains recommendations as well. Some of its detailed provisions may need to be adapted to suit particular circumstances. Any adaptations that are made, however, should be fully consistent with the Code's general intentions.

2.2 Small Firms

In many small firms employers have close contact with their staff and there will therefore be less need for formality in assessing whether equal opportunity is being achieved, for example, in such matters as arrangements for monitoring. Moreover it may not be reasonable to expect small firms to have the resources and administrative systems to carry out the Code's detailed recommendations. In complying with the Race Relations Act, small firms should, however, ensure that their practices are consistent with the Code's general intentions.

3. Unlawful Discrimination

S 4 3.1 The Race Relations Act 1976 makes it unlawful to discriminate against a person, directly or indirectly, in the field of employment.

S.1(1) Direct discrimination consists of treating a person, on racial grounds, less
(a) favourably than others are or would be treated in the same or similar
S.1(2) circumstances. Segregating a person from others on racial grounds constitutes
less favourable treatment.

S.1 3.2 Indirect discrimination consists of applying in any circumstances covered by
(1)(b) the Act a requirement or condition which, although applied equally to persons
of all racial groups, is such that a considerably smaller proportion of a
particular racial group can comply with it and it cannot be shown to be
justifiable on other than racial grounds. Possible examples are:

- a rule about clothing or uniforms which disproportionately disadvantages a racial group and cannot be justified;
- an employer who requires higher language standards than are needed for safe and effective performance of the job.

3.3 The definition of indirect discrimination is complex, and it will not be spelt out in full in every relevant Section of the Code. Reference will be only to the terms 'indirect discrimination' or 'discriminate indirectly.'

S.2 3.4 Discrimination by victimisation is also unlawful under the Act. For example, a person is victimised if he or she is given less favourable treatment than others in the same circumstances because it is suspected or known that he or she has brought proceedings under the Act, or given evidence or information relating to such proceedings, or alleged that discrimination has occurred.

4. The Code and Good Employment Practice

Many of the Code's provisions show the close link between equal opportunity and good employment practice. For example, selection criteria which are relevant to job requirements and carefully observed selection procedures not only help to ensure that individuals are appointed according to their suitability for the job and without regard to racial group; they are also part of good employment practice. In the absence of consistent selection procedures and criteria, decisions are often too subjective and racial discrimination can easily occur.

5. Positive Action

S 37 & S 38 Opportunities for employees to develop their potential through encouragement, training and careful assessment are also part of good employment practice. Many employees from the racial minorities have potential which, perhaps because of previous discrimination and other causes of disadvantage, they have not been able to realise, and which is not reflected in their qualifications and experience. Where members of particular racial groups have been under-represented over the previous twelve months in particular work, employers and specified training bodies are allowed under the Act to encourage them to take advantage of opportunities for doing that work and to provide training to enable them to attain the skills needed for it. In the case of employers, such training can be provided for persons currently in their employment (as defined by the Act) and in certain circumstances for others too, for example if they have been designated as training bodies. This Code encourages employers to make use of these provisions, which are covered in detail in paragraphs 1.44 and 1.45.

*Racial grounds are the grounds of race, colour, nationality - including citizenship - or ethnic or national origins, and groups defined by reference to these grounds are referred to as racial groups.

6. Guidance Papers

The guidance papers referred to in the footnotes contain additional guidance on specific issues but do not form part of the statutory Code.

PART 1 -

1.1 THE RESPONSIBILITIES OF EMPLOYERS

Responsibility for providing equal opportunity for all job applicants and employees rests primarily with employers. To this end it is recommended that they should adopt, implement and monitor an equal opportunity policy to ensure that there is no unlawful discrimination and that equal opportunity is genuinely available.*

- 1.2 This policy should be clearly communicated to all employees e.g. through notice boards, circulars, contracts of employment or written notifications to individual employees.

1.3 EQUAL OPPORTUNITY POLICIES

An equal opportunity policy aims to ensure:

- a) that no job applicant or employee receives less favourable treatment than another on racial grounds;
 - b) that no applicant or employee is placed at a disadvantage by requirements or conditions which have a disproportionately adverse effect on his or her racial group and which cannot be shown to be justifiable on other than racial grounds;
 - c) that, where appropriate and where permissible under the Race Relations Act, employees of under-represented racial groups are given training and encouragement to achieve equal opportunity within the organisation.
- 1.4 In order to ensure that an equal opportunity policy is fully effective, the following action by employers is recommended:
- a) allocating overall responsibility for the policy to a member of senior management;
 - b) discussing and, where appropriate, agreeing with trade union or employee representatives the policy's contents and implementation;
 - c) ensuring that the policy is known to all employees and if possible, to all job applicants;
 - d) providing training and guidance for supervisory staff and other relevant decision makers, (such as personnel and line managers, foremen, gatekeepers and receptionists) to ensure that they understand their position in law and under company policy;
 - e) examining and regularly reviewing existing procedures and criteria and changing them where they find that they are actually or potentially unlawfully discriminatory;

* The CRE has issued guidance papers on equal opportunity policies: "Equal Opportunity in Employment" and "Monitoring an Equal Opportunity Policy"

- f) making an initial analysis of the workforce and regularly monitoring the application of the policy with the aid of analyses of the ethnic origins of the workforce and of job applicants in accordance with the guidance in paragraphs 1.34 - 1.35.

RECRUITMENT, PROMOTION, TRANSFER, TRAINING & DISMISSAL

Sources of Recruitment

Advertisements

- 1.5 When advertising job vacancies it is unlawful for employers:
- S.29 to publish an advertisement which indicates, or could reasonably be understood as indicating, an intention to discriminate against applicants from a particular racial group. (For exceptions see the Race Relations Act);
- 1.6 It is therefore recommended that:
- a) employers should not confine advertisements unjustifiably to those areas or publications which would exclude or disproportionately reduce the numbers of applicants of a particular racial group.
- b) employers should avoid prescribing requirements such as length of residence or experience in the UK and where a particular qualification is required it should be made clear that a fully comparable qualification obtained overseas is as acceptable as a UK qualification.
- 1.7 In order to demonstrate their commitment to equality of opportunity it is recommended that where employers send literature to applicants, this should include a statement that they are equal opportunity employers.

Employment Agencies

- 1.8 When recruiting through employment agencies, job centres, careers offices and schools, it is unlawful for employers:
- S.30 a) to give instructions to discriminate, for example by indicating that certain groups will or will not be preferred. (For exceptions see the Race Relations Act);
- S.31 b) to bring pressure on them to discriminate against members of a particular racial group. (For exceptions, as above).
- 1.9 In order to avoid indirect discrimination it is recommended that employers should not confine recruitment unjustifiably to those agencies, job centres, careers offices and schools which, because of their particular source of applicants, provide only or mainly applicants of a particular racial group.

Other Sources

- 1.10 It is unlawful to use recruitment methods which exclude or disproportionately reduce the numbers of applicants of a particular racial group and which cannot be shown to be justifiable. It is therefore recommended that employers should not recruit through the following methods:

- a) recruitment, solely or in the first instance, through the recommendations of existing employees where the workforce concerned is wholly or predominantly white or black and the labour market is multi-racial.
- b) procedures by which applicants are mainly or wholly supplied through trade unions where this means that only members of a particular racial group, or a disproportionately high number of them, come forward.

Sources for Promotion and Training

S. 4 &
S. 28

1.11 It is unlawful for employers to restrict access to opportunities for promotion or training in a way which is discriminatory. It is therefore recommended that:

job and training vacancies and the application procedure should be made known to all eligible employees, and not in such a way as to exclude or disproportionately reduce the numbers of applicants from a particular racial group.

SELECTION FOR RECRUITMENT, PROMOTION, TRANSFER, TRAINING & DISMISSAL

1.12 It is unlawful to discriminate, *not only in recruitment, promotion, transfer and training, but also in the arrangements made for recruitment and in the ways of affording access to opportunities for promotion, transfer or training.

Selection Criteria and Tests

S. 4 &
S. 28

1.13 In order to avoid direct or indirect discrimination it is recommended that selection criteria and tests are examined to ensure that they are related to job requirements and are not unlawfully discriminatory (see Introduction para 3.2). For example:

- a) a standard of English higher than that needed for the safe and effective performance of the job or clearly demonstrable career pattern should not be required, or a higher level of educational qualification than is needed;
- b) in particular, employers should not disqualify applicants because they are unable to complete an application form unassisted unless personal completion of the form is a valid test of the standard of English required for safe and effective performance of the job.
- c) overseas degrees, diplomas and other qualifications which are comparable with UK qualifications should be accepted as equivalents, and not simply be assumed to be of an inferior quality.
- d) selection tests which contain irrelevant questions or exercises on matters which may be unfamiliar to racial minority applicants should not be used (for example, general knowledge questions on matters more likely to be familiar to indigenous applicants);

*It should be noted that discrimination in selection to achieve "racial balance" is not allowed. The clause in the 1968 Race Relations Act which allowed such discrimination for the purpose of securing or preserving a reasonable balance of persons of different racial groups in the establishment is not included in the 1976 Race Relations Act.

- e) selection tests should be checked to ensure that they are related to the job's requirements, ie an individual's test markings should measure ability to do or train for the job in question.

Treatment of Applicants, Shortlisting, Interviewing and Selection

1.14 In order to avoid direct or indirect discrimination it is recommended that:

- a) Gate, reception and personnel staff should be instructed not to treat casual or formal applicants from particular racial groups less favourably than others. These instructions should be confirmed in writing.

- b) In addition, staff responsible for shortlisting, interviewing and selecting candidates should be:

clearly informed of selection criteria and of the need for their consistent application;

given guidance or training on the effects which generalised assumptions and prejudices about race can have on selection decisions;

made aware of the possible misunderstandings that can occur in interviews between persons of different cultural background.

- c) Wherever possible, shortlisting and interviewing should not be done by one person alone but should at least be checked at a more senior level.

Genuine Occupational Qualification

- S.5
S.5(2)(d)
- 1.15 Selection on racial grounds is allowed in certain jobs where being of a particular racial group is a genuine occupational qualification for that job. An example is where the holder of a particular job provides persons of a racial group with personal services promoting their welfare, and those services can most effectively be provided by a person of that group.

Transfers and Training

S.4(2)(b)

1.16 In order to avoid direct or indirect discrimination it is recommended that:

- a) staff responsible for selecting employees for transfer to other jobs should be instructed to apply selection criteria without unlawful discrimination;
- b) industry or company agreements and arrangements of custom and practice on job transfers should be examined and amended if they are found to contain requirements or conditions which appear to be indirectly discriminatory. For example if employees of a particular racial group are concentrated in particular sections, the transfer arrangements should be examined to see if they are unjustifiably and unlawfully restrictive and amended if necessary.
- c) staff responsible for selecting employees for training, whether

induction, promotion or skill training should be instructed not to discriminate on racial grounds;

- d) selection criteria for training opportunities should be examined to ensure that they are not indirectly discriminatory.

Dismissal (including redundancy) and other detriment

S 4(2)(c) 1.17 It is unlawful to discriminate on racial grounds in dismissal, or other detriment to an employee.

It is therefore recommended that:

- a) Staff responsible for selecting employees for dismissal, including redundancy, should be instructed not to discriminate on racial grounds.
- b) Selection criteria for redundancies should be examined to ensure that they are not indirectly discriminatory.

Performance Appraisals

S 4(2) & S 1(1)(b) 1.18 It is unlawful to discriminate on racial grounds in appraisals of employee performance.

1.19 It is recommended that:

- a) staff responsible for performance appraisals should be instructed not to discriminate on racial grounds;
- b) assessment criteria should be examined to ensure that they are not unlawfully discriminatory.

TERMS OF EMPLOYMENT, BENEFITS, FACILITIES AND SERVICES

S 4(2) 1.20 It is unlawful to discriminate on racial grounds in affording terms of employment and providing benefits, facilities and services for employees. It is therefore recommended that:

- a) all staff concerned with these aspects of employment should be instructed accordingly;
- b) the criteria governing eligibility should be examined to ensure that they are not unlawfully discriminatory.

1.21 In addition, employees may request extended leave from time to time in order to visit relations in their countries of origin or who have emigrated to other countries. Many employers have policies which allow annual leave entitlement to be accumulated, or extra unpaid leave to be taken to meet these circumstances. Employers should take care to apply such policies consistently and without unlawful discrimination.

GRIEVANCE, DISPUTES AND DISCIPLINARY PROCEDURES

S 4(2) & S 2 1.22 It is unlawful to discriminate in the operation of grievance, disputes and disciplinary procedures, for example by victimising an individual through disciplinary measures because he or she has complained about

racial discrimination, or given evidence about such a complaint. Employers should not ignore or treat lightly grievances from members of particular racial groups on the assumption that they are over-sensitive about discrimination.

1.23 It is recommended that:

in applying disciplinary procedures consideration should be given to the possible effect on an employee's behaviour of the following:

- racial abuse or other racial provocation;
- communication and comprehension difficulties;
- differences in cultural background or behaviour

CULTURAL AND RELIGIOUS NEEDS

1.24 Where employees have particular cultural and religious needs which conflict with existing work requirements, it is recommended that employers should consider whether it is reasonably practicable to vary or adapt these requirements to enable such needs to be met. For example, it is recommended that they should not refuse employment to a turbaned Sikh because he could not comply with unjustifiable uniform requirements.

Other examples of such needs are:

- (a) observance of prayer times and religious holidays;*
- (b) wearing of dress such as sarees and the trousers worn by Asian women.

S 4(2) & 1.25 Although the Act does not specifically cover religious discrimination, S28 work requirements would generally be unlawful if they have a disproportionately adverse effect on particular racial groups and cannot be shown to be justifiable.**

COMMUNICATIONS AND LANGUAGE TRAINING FOR EMPLOYEES

1.26 Although there is no legal requirement to provide language training, difficulties in communication can endanger equal opportunity in the workforce. In addition, good communications can improve efficiency, promotion prospects and safety and health and create a better understanding between employers, employees and unions. Where the workforce includes current employees whose English is limited it is recommended that steps are taken to ensure that communications are as effective as possible.

* The CRE has issued a Guidance paper entitled - "Religious observance by Muslim Employees".

** Genuinely necessary safety requirements may not constitute unlawful discrimination

1.27 These should include, where reasonably practicable:

- a) provision of interpretation and translation facilities, for example, in the communication of grievance and other procedures, and of terms of employment;
- b) training in English language and in communication skills; *
- c) training for managers and supervisors in the background and culture of racial minority groups;
- d) the use of alternative or additional methods of communication, where employees find it difficult to understand health and safety requirements, for example:

safety signs; translations of safety notices;

instruction through interpreters;

instruction combined with industrial language training.

INSTRUCTIONS AND PRESSURE TO DISCRIMINATE

1.28 It is unlawful to instruct or put pressure on others to discriminate on racial grounds.

S.30 a) An example of an unlawful instruction is:

an instruction from a personnel or line manager to junior staff to restrict the numbers of employees from a particular racial group in any particular work;

S.31 b) An example of pressure to discriminate is:

an attempt by a shop steward or group of workers to induce an employer not to recruit members of particular racial groups, for example by threatening industrial action.

1.29 It is also unlawful to discriminate in response to such instructions or pressure.

1.30 The following recommendations are made to avoid unlawful instructions and pressure to discriminate:

- a) guidance should be given to all employees, and particularly those in positions of authority or influence on the relevant provisions of the law;
- b) decision-makers should be instructed not to give way to pressure to discriminate;
- c) giving instructions or bringing pressure to discriminate should be treated as a disciplinary offence.

* Industrial language training is provided by a network of Local Education Authority units throughout the country. Full details of the courses and the comprehensive services offered by these units are available from the National Centre for Industrial Language Training, The Havelock Centre, Havelock Road, Southall, Middx.

Victimisation

S.2 1.31 It is unlawful to victimise individuals who have made allegations or complaints of racial discrimination or provided information about such discrimination, for example, by disciplining them or dismissing them. (See Introduction, Para 3.4).

1.32 It is recommended that:

guidance on this aspect of the law should be given to all employees and particularly to those in positions of influence or authority.

MONITORING EQUAL OPPORTUNITY*

1.33 It is recommended that employers should regularly monitor the effects of selection decisions and personnel practices and procedures in order to assess whether equal opportunity is being achieved.

1.34 The information needed for effective monitoring may be obtained in a number of ways. It will best be provided by records showing the ethnic origins of existing employees and job applicants. It is recognised that the need for detailed information and the methods of collecting it will vary according to the circumstances of individual establishments. For example, in small firms or in firms in areas with little or no racial minority settlement it will often be adequate to assess the distribution of employees from personal knowledge and visual identification.

1.35 It is open to employers to adopt the method of monitoring which is best suited to their needs and circumstances, but whichever method is adopted, they should be able to show that it is effective. In order to achieve the full commitment of all concerned the chosen method should be discussed and agreed, where appropriate, with trade union or employee representatives.

1.36 Employers should ensure that information on individuals' ethnic origins is collected for the purpose of monitoring equal opportunity alone and is protected from misuse.

1.37 The following is the comprehensive method recommended by the CRE**

Analyses should be carried out of:

- a) the ethnic composition of the workforce of each plant, department, section, shift and job category, and changes in distribution over periods of time;
- b) selection decisions for recruitment, promotion, transfer and training, according to the racial group of candidates, and reasons for these decisions;

1.38 Except in cases where there are large numbers of applicants and the burden on resources would be excessive, reasons for selection and rejection should be recorded at each stage of the selection process, e.g. initial shortlisting and final decisions. Simple categories of reasons for rejection should be adequate for the early sifting stages.

* See the CRE's Guidance Paper on "Monitoring an Equal Opportunity Policy"

** This is outlined in detail in "Monitoring an Equal Opportunity Policy"

- 1.39 Selection criteria and personnel procedures should be reviewed to ensure that they do not include requirements or conditions which constitute or may lead to unlawful indirect discrimination.
- 1.40 This information should be carefully and regularly analysed and, in order to identify areas which may need particular attention, a number of key questions should be asked:
- 1.41 Is there evidence that individuals from any particular racial group
- a) do not apply for employment or promotion, or that fewer apply than might be expected?
 - b) are not recruited or promoted at all, or are appointed in a significantly lower proportion than their rate of application?
 - c) are under-represented in training or in jobs carrying higher pay, status or authority?
 - d) are concentrated in certain shifts, sections or departments?
- 1.42 If the answer to any of these questions is yes, the reasons for this should be investigated. If direct or indirect discrimination is found action must be taken to end it immediately.
- 1.43 It is recommended that deliberate acts of unlawful discrimination by employees are treated as disciplinary offences.

S.4 &
S.28

POSITIVE ACTION*

- 1.44 Although they are not legally required, positive measures are allowed by the law to encourage employees and potential employees and provide training for employees who are members of particular racial groups which have been under-represented** in particular work (See Introduction, para 5.) Discrimination at the point of selection for work, however, is not permissible in these circumstances
- 1.45 Such measures are important for the development of equal opportunity. It is therefore recommended that, where there is under-representation of particular racial groups in particular work, the following measures should be taken wherever appropriate and reasonably practicable:
- a) job advertisements designed to reach members of these groups and to encourage their applications: for example, through the use of the ethnic minority press, as well as other newspapers;
 - b) use of the employment agencies and careers offices in areas where these groups are concentrated;
 - c) recruitment and training schemes for school leavers designed to reach members of these groups;

S.38

* The CRE has issued a guidance paper on Positive Action, entitled - "Equal Opportunity in Employment - Why Positive Action?"

** A racial group is under-represented if, at any time during the previous twelve months, either there was no one of that group doing the work in question, or there were disproportionately few in comparison with the group's proportion in the workforce at that establishment, or in the population from which the employer normally recruits for work at that establishment.

- d) encouragement to employees from these groups to apply for promotion or transfer opportunities;
- e) training for promotion or skill training for employees of these groups who lack particular expertise but show potential: supervisory training may include language training.

PART 2 -

THE RESPONSIBILITIES OF INDIVIDUAL EMPLOYEES

- 2.1 While the primary responsibility for providing equal opportunity rests with the employer, individual employees at all levels and of all racial groups have responsibilities too. Good race relations depend on them as much as on management, and so their attitudes and activities are very important.
- 2.2 The following actions by individual employees would be unlawful:
- S.4(2) & a) discrimination in the course of their employment against fellow employees or job applicants on racial grounds, for example, in selection decisions for recruitment, promotion, transfer and training;
- S. 33
- S.31 b) inducing, or attempting to induce other employees, unions or management to practise unlawful discrimination. For example, they should not refuse to accept other employees from particular racial groups or refuse to work with a supervisor of a particular racial group;
- S.2 c) victimising individuals who have made allegations or complaints of racial discrimination or provided information about such discrimination. (See Introduction, para 3.4)
- 2.3 To assist in preventing racial discrimination and promoting equal opportunity it is recommended that individual employees should:
- a) co-operate in measures introduced by management designed to ensure equal opportunity and non-discrimination;
- b) where such measures have not been introduced, press for their introduction (through their trade union where appropriate);
- c) draw the attention of management and, where appropriate, their trade unions to suspected discriminatory acts or practices;
- d) refrain from harassment or intimidation of other employees on racial grounds, for example, by attempting to discourage them from continuing employment. Such action may be unlawful if it is taken by employees against those subject to their authority.
- 2.4 In addition to the responsibilities set out above individual employees from the racial minorities should recognise that in many occupations advancement is dependent on an appropriate standard of English. Similarly an understanding of the industrial relations procedures which apply is often essential for good working relationships.
- 2.5 They should therefore:
- a) where appropriate, seek means to improve their standards of English;
- b) co-operate in industrial language training schemes introduced by employers and/or unions;
- c) co-operate in training or other schemes designed to inform them of industrial relations procedures, company agreements, work rules, etc;
- d) where appropriate, participate in discussions with employers and unions, to find solutions to conflicts between cultural or religious needs and production needs.

PART 3

THE RESPONSIBILITIES OF TRADE UNIONS

- S.11 3.1 Trade unions, in common with a number of other organisations, have a dual role as employers and providers of services specifically covered by the Race Relations Act.
- S.11 3.2 In their role as employer, unions have the responsibilities set out in Part 1 of the Code. They also have a responsibility to ensure that their representatives and members do not discriminate against any particular racial group in the admission or treatment of members, or as colleagues, supervisors, or subordinates.
- 3.3 In addition, trade union officials at national and local level and shopfloor representatives at plant level have an important part to play on behalf of their members in preventing unlawful discrimination and in promoting equal opportunity and good race relations. Trade unions should encourage and press for equal opportunity policies so that measures to prevent discrimination at the workplace can be introduced with the clear commitment of both management and unions.

Admission of Members

- S.11(2) 3.4 It is unlawful for trade unions to discriminate on racial grounds:
- a) by refusing membership;
 - b) by offering less favourable terms of membership;

Treatment of Members

- S.11(3) 3.5 It is unlawful for trade unions to discriminate on racial grounds against existing members:
- a) by varying their terms of membership, depriving them of membership or subjecting them to any other detriment;
 - b) by treating them less favourably in the benefits, facilities or services provided. These may include:
 - training facilities;
 - welfare and insurance schemes;
 - entertainment and social events;
 - processing of grievances;
 - negotiations;
 - assistance in disciplinary or dismissal procedures.

- 3.6 In addition, it is recommended that unions ensure that in cases where members of particular racial groups believe that they are suffering racial discrimination, whether by the employer or the union itself, serious attention is paid to the reasons for this belief and that any discrimination which may be occurring is stopped.

Disciplining Union Members who Discriminate

- 3.7 It is recommended that deliberate acts of unlawful discrimination by union members are treated as disciplinary offences.

Positive Action

S.38 3.8 Although they are not legally required, positive measures are allowed by the
(3) (4) law to encourage and provide training for members of particular racial groups
&(5) which have been underrepresented* in trade union membership or in trade
union posts. (Discrimination at the point of selection, however, is not
permissible in these circumstances).

3.9 It is recommended that, wherever appropriate and reasonably practicable,
trade unions should:

- a) encourage individuals from these groups to join the union. Where appropriate, recruitment material should be translated into other languages;
- b) encourage individuals from these groups to apply for union posts and provide training to help fit them for such posts.

Training and Information

310 Training and information play a major part in the avoidance of discrimination and the promotion of equal opportunity. It is recommended that trade unions should:

- a) provide training and information for officers, shop stewards and representatives on their responsibilities for equal opportunity. This training and information should cover:

- the Race Relations Act and the nature and causes of discrimination;
- the backgrounds of racial minority groups and communication needs;
- the effects of prejudice;
- equal opportunity policies;
- avoiding discrimination when representing members.

- b) ensure that members and representatives, whatever their racial group, are informed of their role in the union, and of industrial relations and union procedures and structures. This may be done, for example:

- through translation of material;
- through encouragement to participate in industrial relations courses and industrial language training.

Pressure to Discriminate

S.31 3.11 It is unlawful for trade union members or representatives to induce or to attempt to induce those responsible for employment decisions to discriminate:

- a) in the recruitment, promotion, transfer or dismissal of employees;
- b) in terms of employment, benefits or facilities.

*A racial group is under-represented in trade union membership, if at any time during
S.38 the previous twelve months no persons of that group were in membership, or
(5) disproportionately few in comparison with the proportion of persons of that group
among those eligible for membership. Under-representation in trade union posts
S.38 applies under the same twelve month criteria, where there were no persons of a particular
(4) racial group in those posts or disproportionately few in comparison with the proportion
of that group in the organisation.

3.12 For example, they should not:

- a) restrict the numbers of a particular racial group in a section, grade or department;
- b) resist changes designed to remove indirect discrimination, such as those in craft apprentice schemes, or in agreements concerning seniority rights or mobility between departments.

Victimisation

S.2 3.13 It is unlawful to victimise individuals who have made allegations or complaints of racial discrimination or provided information about such discrimination (See Introduction, para 3.4)

Avoidance of Discrimination

S.31 & S.33 3.14 Where unions are involved in selection decisions for recruitment, promotion, training or transfer, for example through recommendation or veto, it is unlawful for them to discriminate on racial grounds.

3.15 It is recommended that they should instruct their members accordingly and examine their procedures and joint agreements to ensure that they do not contain indirectly discriminatory requirements or conditions, such as:

unjustifiable restrictions on transfers between departments or irrelevant and unjustifiable selection criteria which have a disproportionately adverse effect on particular racial groups.

Union Involvement in Equal Opportunity Policies

3.16 It is recommended that:

- a) unions should co-operate in the introduction and implementation of full equal opportunity policies as defined in paras 1.3 & 1.4.
- b) unions should negotiate the adoption of such policies where they have not been introduced or the extension of existing policies where these are too narrow;
- c) unions should co-operate with measures to monitor the progress of equal opportunity policies, or encourage management to introduce them where they do not already exist. Where appropriate (see paras 1.33-1.35) this may be done through analysis of the distribution of employees and job applicants according to ethnic origin;
- d) where monitoring shows that discrimination has occurred or is occurring, unions should co-operate in measures to eliminate it;
- e) although positive action* is not legally required, unions should encourage management to take such action where there is under-representation of particular racial groups in particular jobs, and where management itself introduces positive action representatives should support it;
- f) similarly, where there are communication difficulties, management should be asked to take whatever action is appropriate to overcome them.

*See 1.44 - Positive Action recommendations.

PART 4 -

THE RESPONSIBILITIES OF EMPLOYMENT AGENCIES

- 4.1 Employment agencies, in their role as employers, have the responsibilities outlined in Part 1 of the Code. In addition, they have responsibilities as suppliers of job applicants to other employers.
- 4.2 It is unlawful for employment agencies: (For exceptions see Race Relations Act)
- S.14(1) a) to discriminate on racial grounds in providing services to clients;
- S.29 b) to publish job advertisements indicating, or which might be understood to indicate that applications from any particular group will not be considered or will be treated more favourably or less favourably than others.
- S.14(1) c) to act on directly discriminatory instructions from employers to the effect that applicants from a particular racial group will be rejected or preferred or that their numbers should be restricted.
- S.14(1) & S.1(1)(b) d) to act on indirectly discriminatory instructions from employers i.e. that requirements or conditions should be applied that would have a disproportionately adverse effect on applicants of a particular racial group and which cannot be shown to be justifiable.
- 4.3 It is recommended that agencies should also avoid indicating such conditions or requirements in job advertisements unless they can be shown to be justifiable. Examples in each case may be those relating to educational qualifications or residence.
- 4.4 It is recommended that staff should be given guidance on their duty not to discriminate and on the effect which generalised assumptions and prejudices can have on their treatment of members of particular racial groups.
- 4.5 In particular staff should be instructed:
- a) not to ask employers for racial preferences;
- b) not to draw attention to racial origin when recommending applicants unless the employer is trying to attract applicants of a particular racial group under the exceptions in the Race Relations Act;
- c) to report a client's refusal to interview an applicant for reasons that are directly or indirectly discriminatory to a supervisor, who should inform the client that discrimination is unlawful. If the client maintains this refusal the agency should inform the applicant of his or her right to complain to an industrial tribunal and to apply to the CRE for assistance. An internal procedure for recording such cases should be operated;
- d) to inform their supervisor if they believe that an applicant, though interviewed, has been rejected on racial grounds. If the supervisor is satisfied that there are grounds for this belief, he or she should arrange for the applicant to be informed of the right to complain to an industrial tribunal and to apply to the CRE for assistance. An internal procedure for recording such cases should be operated;

e) to treat job applicants without discrimination. For example they should not send applicants from particular racial groups to only those employers who are believed to be willing to accept them, or restrict the range of job opportunities for such applicants because of assumptions about their abilities based on race or colour;

4.6 It is recommended that employment agencies should discontinue their services to employers who give unlawful discriminatory instructions and who refuse to withdraw them.

4.7 It is recommended that employment agencies should monitor the effectiveness of the measures they take for ensuring that no unlawful discrimination occurs. For example, where reasonably practicable they should make periodic checks to ensure that applicants from particular racial groups are being referred for suitable jobs for which they are qualified at a similar rate to that for other comparable applicants.

Note: Advice on the promotion of equality of opportunity in employment is available from the CRE's Employment Promotion Section and from the Department of Employment's Race Relations Employment Advisers.

Commission for Racial Equality, Elliot House, 10/12 Allington Street, London SW1E 5EH.
Tel: 01-828 7022
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10 Holliday Street,
Birmingham B1 1TQ
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Tel: 061-831 7782/8

Leeds
33 The Headrow
Leeds LS1 5QX
Tel: 0532 34413/4



DEPARTMENT OF HEALTH & SOCIAL SECURITY
Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Secretary of State for Social Services

The Rt Hon Norman Tebbit MP
Secretary of State
Department of Employment
Caxton House
Tothill Street
LONDON
SW1

8 November 1982

CRE DRAFT CODE OF PRACTICE

Your minute to the Prime Minister on the above subject was copied to me and other members of Committee H for comment on your proposal to put the Code, subject to Annex 2 amendments, before the House.

I am happy to confirm that, for our part in DHSS, we see no reason to dissent from your proposal.

I am copying this letter to Prime Minister, Willie Whitelaw, other members of H, the Industry Secretary, the Chief Whip and Sir Robert Armstrong.

NORMAN FOWLER

Home Affairs, May '80,
Race Relations.

DEPARTMENT OF HOME AFFAIRS

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cc: DOE
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 HO CDL
 LCO HMT
 LPO DHSS
 NIO LPS D. Trans
 DES WO
 LAdvocate

10 DOWNING STREET

From the Private Secretary

1 November 1982

Dear Barnaby,

The Prime Minister has now seen your Secretary of State's recent minute about the CRE draft Code of Practice; she has also seen the Home Secretary's minute of 28 October. Mrs. Thatcher considers that the present draft of the Code is both bureaucratic and pedantic and will cause endless trouble with employers. She agrees with your Secretary of State that it could well cause great difficulty in Parliament given that she considers that the amendments proposed in your Secretary of State's minute are the absolute minimum acceptable.

I am sending a copy of this to John Halliday (Home Office), the Private Secretaries to other Members of H Committee, Jonathan Spencer (Department of Industry), Murdo Maclean (Chief Whip's Office) and Richard Hatfield (Cabinet Office).

Yours ever,
 Tim Flesher

(TIMOTHY FLESHER)

J.B. Shaw, Esq.,
 Department of Employment.



PRIME MINISTER

RESTRICTED

Prime Minister:

I have passed on your comments about the CKE draft code of practice. As you will see, Mr Jenken shares your views about its impact on industry. The question of amending legislation (see para 5 of this minute) has been taken on board by Mr Tebbit; it will need to be discussed before any code is put to Parliament.

CRE DRAFT CODE OF PRACTICE

I have seen Norman Tebbit's minute to you in which he proposes to approve and commend to Parliament the proposed CRE Draft Code of Practice, subject to certain amendments which he proposes to put to the Commission.

2 I am most concerned about the implications of this, particularly with respect to small firms. The draft Code contains a clear statement that it applies to all firms, and the proposed qualification in respect of small firms is weak. Its wording (whether or not modified in the way Norman proposes) is such that it is not clear what effect it has in excluding a particular firm from the application of the Code. This is unsatisfactory, as firms - and tribunals - should be able to determine easily and with certainty whether or not the Code applies in a particular case.

3 If we proceed as now proposed there will be serious criticism from organisations representing small firms for imposing this additional burden on them contrary to our policy on treatment of small firms and to the unanimous recommendation of the House of Commons Select Committee on Employment, which suggested exemption, for at least the first three years, of firms with up to 200 employees.

RESTRICTED



4 If, however, colleagues consider that it is essential because of the pressures from race relations interests to proceed in this way, I would strongly urge that the second sentence of the proposed revised text on small firms should read:-

"Moreover, small firms would not normally have the resources and administrative systems to carry out the detailed recommendations in the Code - for example those relating to personnel practices and procedures."

5 Our present difficulty stems partly from the provisions of Section 47 of the Race Relations Act 1976, under which the draft Code cannot be amended either by the Secretary of State or by Parliament. I think that we should consider seriously whether to amend the legislation so as to enable the Secretary of State to amend a draft Code before putting it to Parliament.

6 I am sending copies of this minute to the members of H Committee, the Chief Whip and Sir Robert Armstrong.

PJ

P J

29 October 1982

Department of Industry

21 NOV 1982



Home Affairs

Race Relations

May 1980

PRIME MINISTER

CRE DRAFT CODE OF PRACTICE

Mr. Tebbit raised this in Cabinet on Thursday. His minute is flagged at A and the Home Secretary's at B. Mr. Tebbit and the Home Secretary have persuaded Peter Newsam, the new Chairman of the CRE, to make considerable changes in the unsatisfactory earlier draft of the Code of Practice. Mr. Tebbit is still unhappy about the draft but considers that politically it would be difficult to refuse to put the Code to Parliament for approval if the Commission put it forward formally. The Home Secretary agrees with this judgement.

Mr. Tebbit has, however, two sticking points. The first is what the Code says about small firms. Mr. Tebbit would like to see a re-draft along the lines set out at Flag C. The net effect of this re-draft is considerably to weaken the requirement on smaller firms to adhere to some of the detailed recommendations in the Code of Practice. The Home Secretary agrees with Mr. Tebbit's approach but hopes that an acceptable compromise can be reached. The second is about religious observance. Mr. Tebbit thinks that the existing draft at paragraph 1.24 of the Code is too prescriptive given the recent Denning judgement. The Home Secretary considers, however, significantly to weaken this section would be interpreted by the Sikh community as a further threat to their way of life. You will recall this was a point raised when the Sikh delegation came to see you and it was, of course, the subject of a recent petition. I gather from Mr. Tebbit's Office that he is more worried about the legal than the political implications of this point and would be content to be guided by the Home Secretary on this question.

Do you agree:

/(i)

- (i) that Mr. Tebbit should be authorised to seek changes in the Code of Practice in the terms which he proposes on small firms with the aim of obtaining a draft acceptable to the CRE and the Government? And

- (ii) that subject to the legal position the Home Secretary's advice should be accepted on the section on religious observance?



29 October 1982



cc FM

PRIME MINISTER

CRE DRAFT CODE OF PRACTICE

The Employment Secretary sent me a copy of his recent minute to you on this subject. It is a very difficult one, but we have, as his minute indicates, come a very long way towards agreement since July. That we have done so is due very largely to the willingness of Mr. Newsam, the new Chairman of the Commission for Racial Equality, to go further than his fellow Commissioners would like in a genuine attempt to meet our difficulties and the views of the Select Committee.

The consequences of failing to agree on a draft text acceptable both to the CRE and the Government would be serious. In the first place acceptance of the Code is widely regarded as an important element in the Government's contribution to equality of opportunity and we shall face a good deal of criticism if we ask Parliament to reject the Code presented to the Secretary of State. Second, Mr. Newsam's standing within the Commission, and to some extent with the ethnic minorities, depends on a successful outcome of the current negotiations. If they fail, his standing will be diminished. I believe these considerations now matter more than the exact wording of the paragraph dealing with small firms. On that point I hope the CRE can be persuaded to accept the Employment Secretary's re-draft, but, if not, I hope some acceptable compromise could still be reached since I believe the changes already made meet the primary concerns of the Select Committee on Employment.

I recognise that some amendment to paragraph 1.24 of the Code was needed following the Court of Appeal judgment about the application of the Race Relations Act to Sikhs. (The uncertainty created by that judgment may not be resolved for some time, even if the House of Lords next month grants leave to appeal against the judgment). But I am not altogether happy with the Employment Secretary's proposal to omit from the paragraph the particular examples of the cultural and religious needs of the ethnic minorities (e.g. observance of prayer times and the wearing of traditional dress). These examples have appeared in all previous published drafts of the Code and received no mention in the Select Committee report. Following the Appeal Court judgment the Sikh community is already very worried about the extent to which they can maintain their traditional practices in this country, and they have attracted a good deal of sympathy, particularly from our own supporters. I believe that the Sikhs (and other groups) would see the omission, at this late stage, of the sort of examples quoted in paragraph 1.24 as denoting some downgrading of the importance we attach to these matters. I also believe that the omission would make it much less likely that the ethnic minority members of the CRE would be prepared to accept the compromises on other points that have been worked out in the last few weeks. I very much hope, therefore, that the Employment Secretary will be prepared to look again at his proposal on paragraph 1.24.

2.

I am copying this minute to the Employment Secretary, to other members of H, the Industry Secretary, the Chief Whip and Sir Robert Armstrong.

W.

28 October 1982

Home Affairs : Race Relations May 1980

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29 OCT 1982



NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

J B Shaw, Esq
Private Secretary
Department of Employment
LONDON SW1

28 October 1982

Dear Secretary

*Dr
29/10*

CRE DRAFT CODE OF PRACTICE

Mr Prior received a copy of your Secretary of State's recent minute to the Prime Minister and has asked me to confirm that he is content with the amended text of the draft Code of Practice and with the line Mr Tebbit proposes to take with the CRE.

I am sending a copy of this letter to the Private Secretaries to the Prime Minister, members of 'H' Committee, the Secretary of State for Industry, the Chief Whip and Sir Robert Armstrong.

*Yours sincerely
M W Hopkins*

M W HOPKINS

JAH

Home Affairs
Case letters
May '80



see fm

I think S of S for
Employment's amendments
are the MINIMUM required

for the Code. I judge by my
own reaction when I went through it
in detail - we shall have a major
revision on our hands. It is the most
honest & - possibly - document I have
seen for a long time - with
cause
with
employers
me

PRIME MINISTER

CRE DRAFT CODE OF PRACTICE

1. In my minute of 26 July I reported where matters stood on this subject and indicated that Willie Whitelaw and I were to meet the Commission for Racial Equality to try to persuade them that their draft Code required amendment to take account of the views of the Select Committee on Employment. We met Peter Newsam, the new Chairman of CRE, with some of his colleagues on 6 September. We reached a basis of general agreement for further detailed discussion of amendments, designed to take account of the Select Committee's points, between my officials and Mr Newsam. In the light of these discussions Mr Newsam has now put forward the text at Annex A, although he has not yet formally submitted it on behalf of the Commission. The changes are sidelined.

2. This is a very difficult business. Under the relevant provisions of the Race Relations Act 1976, of which we were strongly critical from the Opposition Benches, the CRE has the duty for putting to me a draft Code which I can only submit to Parliament for approval, or reject giving my reasons for so doing. The document is far too long and generally unsatisfactory. As you will recollect the Select Committee on Employment considered the code and whilst giving general support made a number of effective criticisms.

In recent discussions I have thought it right to concentrate on obtaining amendments of those parts of the Code criticised by the Select Committee, whose Report was unanimous. If such amendments can be secured then some at least of the difficulties I foresaw in putting the draft to Parliament would be removed.



3. Mr Newsam has now made a number of amendments to take account of the Employment Committee's report, such as the need for better defined guidance to employers on the implementation of positive action for ethnic minorities and extended leave for employees to visit countries of origin. But difficulties remain on what I regard as one of the most important issues, and the one to which the Select Committee attached most emphasis, the application of the Code to small firms.

4. The Employment Committee recommended that small firms (which they defined as those with up to 200 employees) should be excluded. We decided at our meeting with the CRE on 6 September to try to substitute for this numerical criterion which could not take account of the very divergent circumstances of firms, some qualitative description of small firms which would convey in practical terms what it was unreasonable to expect them to do and why. The Commission re-draft at Annex A (paras 2.1 - 2.2 of the introduction) moves in the right direction but in my view requires further improvement. In particular it should be made clear that the detailed recommendations in the Code do not apply to small firms rather than placing an onus upon small firms to show this. I attach at Annex B what I consider to be a better alternative.

5. Especially in the light of the recent decision by the Court of Appeal, another problem arises with the section on "cultural and religious needs" (para 1.23 - 1.24 of Annex A in the main text). As the Code states, discrimination on religious grounds is not covered by the Race Relations Act but, particularly by adducing specific examples, the Code may give a misleading message to employers and others about their obligations. Annex B therefore also proposes a shorter alternative on this point.

6. I would therefore propose to ask Mr Newsam to make further amendments to these two sections. He has been helpful on this matter since he took up appointment at the beginning of September, but he is



to a considerable extent bound by the previous policies of the Commission, and the need to carry the members who have put forward the earlier drafts. I understand he has argued strongly that there is no point in submitting a draft which I cannot approve, and I believe he is doing all he can to secure the Commission's agreement on amendments designed to meet the Select Committee. He is prepared to say, when submitting it to me, that he proposes to review the Code after three years. He is probably better placed to press Commissioners to agree to the changes we wish if he can point to the likelihood of early acceptance by Government. His arrival gives us an opportunity to secure a Code which while it is not on the lines we would wish, meets in part at least the key points of the Select Committee.

My concern has been, in a situation where the initiative by law rests with the CRE, to try to obtain a Code which minimises harmful effects without opening us to a charge of being unreasonably obstructive. Whether I put this Code to Parliament or reject it there will be a good deal of political turbulence. It would be difficult to refuse to put this Code to Parliament for approval if the Commission put it forward formally (with the further amendments on the lines set out above).

7. The next meeting of the CRE is on Wednesday 3 November. In order to be able to tell Mr Newsam where he stands and to allow him to try to bring the Commission with him, as I believe he intends, it would be very helpful to me to know by the end of the week whether your and our colleagues are content that I should put the text, amended as I propose in Annex B, to Parliament.

8. I am sending copies of this minute to Willie Whitelaw, other members of H, the Industry Secretary, the Chief Whip and Sir Robert Armstrong.

B. H.
for NT.

(Approved by Secretary of State
and signed in his absence)

DRAFT

Code of Practice

For the elimination of
racial discrimination
and the promotion of
equality of opportunity
in employment

Commission for Racial Equality
Elliot House
10-12 Allington Street
London, SW1E 5EH
Telephone: 01-828 7022

January 1982

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The Commission for Racial Equality was set up by the Race Relations Act, 1976 with the duties of:

- a) working towards the elimination of discrimination;
- b) promoting equality of opportunity and good relations between persons of different racial groups generally; and
- c) keeping under review the working of the Act, and, when required by the Secretary of State or when it otherwise thinks it necessary, to draw up and submit to the Secretary of State proposals for amending it.

Mr Peter Newsam is Chairman of the Commission

INTRODUCTION

1. The Purpose and Status of the Code

- S.47(1) 1.1 This Code aims to give practical guidance which will help employers, trade unions, employment agencies and employees to understand not only the provisions of the Race Relations Act and their implications, but also how best they can implement policies to eliminate racial discrimination and to enhance equality of opportunity.
- S.47(10) 1.2 The Code does not impose any legal obligations itself, nor is it an authoritative statement of the law - that can only be provided by the courts and tribunals. If however, its recommendations are not observed this may result in breaches of the law where the act or omission falls within any of the specific prohibitions of the Act. Moreover its provisions are admissible in evidence in any proceedings under the Race Relations Act before an Industrial Tribunal and if any provision appears to the Tribunal to be relevant to a question arising in the proceedings it must be taken into account in determining that question. If employers take the steps that are set out in the Code to prevent their employees from doing acts of unlawful discrimination they may avoid liability for such acts in any legal proceedings brought against them. References to the appropriate Sections of the Race Relations Act 1976 are therefore given in the margin to the Code.
- S.47(11) 1.3 Employees of all racial groups have a right to equal opportunity. Employers ought to provide it. To do so is likely to involve some expenditure, at least in staff time and effort. But if a coherent and effective programme of equal opportunity is developed it will help industry to make full use of the abilities of its entire workforce. It is therefore particularly important for all those concerned - employers, trade unions and employees alike - to co-operate with goodwill in adopting and giving effect to measures for securing such equality. We welcome the commitment already made by the CBI and TUC to the principle of equal opportunity. The TUC has recommended a model equal opportunity clause for inclusion in collective agreements and the CBI has published a statement favouring the application by companies of constructive equal opportunity policies.
- S.32 1.4 A concerted policy to eliminate both race and sex discrimination often provides the best approach. Guidance on equal opportunity between men and women is the responsibility of the Equal Opportunities Commission.

2. Application of the Code

- * 2.1 The Race Relations Act applies to all employers. The Code itself is not restricted to what is required by law, but contains recommendations, as well. Some of its detailed recommendations may need to be adapted to meet particular circumstances, for example, where employers are in labour markets where there are very few members of racial minority groups.

Small Firms

- 2.2 In many small firms employers have close contact with their staff and there will therefore be less need for formality in assessing whether equal opportunity is being achieved, for example in such matters as arrangements for monitoring. Moreover, it is recognised that many small firms may be able to show that they cannot be reasonably expected to have the resources and administrative systems to carry out the Code's detailed

recommendations. For example, they may not have the means to provide special facilities such as English language training or other types of encouragement and training permissible under the relevant provisions of the Act.

In complying with the Race Relations Act small firms should, however, ensure that their practices are consistent with the Code's general intentions.

3. Unlawful Discrimination

- S.4 3.1 The Race Relations Act 1976 makes it unlawful to discriminate against a person, directly or indirectly, in the field of employment.
- S.1(1)
(a)
S.1(2) Direct discrimination consists of treating a person, on racial grounds*, less favourably than others are or would be treated in the same or similar circumstances. Segregating a person from others on racial grounds constitutes less favourable treatment.
- S.1(1)(b) 3.2 Indirect discrimination consists of applying in any circumstances covered by the Act a requirement or condition which, although applied equally to persons of all racial groups, is such that a considerably smaller proportion of a particular racial group can comply with it and it cannot be shown to be justifiable on other than racial grounds. Possible examples are:
- a rule about clothing or uniforms which disproportionately disadvantages a racial group and cannot be justified;
 - an employer who requires higher language standards than are needed for the safe and effective performance of the job.
- 3.3 The definition of indirect discrimination is complex, and it will not be spelt out in full in every relevant Section of the Code. Reference will be only to the terms 'indirect discrimination' or 'discriminate indirectly'.
- S.2 3.4 Discrimination by victimisation is also unlawful under the Act. For example, a person is victimised if he or she is given less favourable treatment than others in the same circumstances because it is suspected or known that he or she has brought proceedings under the Act, or given evidence or information relating to such proceedings, or alleged that discrimination has occurred.

4. Code and Good Employment Practice

Many of the Code's provisions show the close link between equal opportunity and good employment practice. For example, selection criteria which are relevant to job requirements and carefully observed selection procedures not only help to ensure that individuals are appointed according to their suitability for the job and without regard to racial group; they are also part of good employment practice. In the absence of consistent selection procedures and criteria, decisions are often too subjective and racial discrimination can easily occur.

* Racial grounds are the grounds of race, colour, nationality - including citizenship - or ethnic or national origins, and groups defined by reference to these grounds are referred to as racial groups.

5. Positive Action

S.37 &

S.38

Opportunities for employees to develop their potential through encouragement, training and careful assessment are also part of good employment practice. Many employees from the racial minorities have potential which, perhaps because of previous discrimination and other causes of disadvantage, they have not been able to realise, and which is not reflected in their qualifications and experience. Where members of particular racial groups have been under-represented over the previous twelve months in particular work, employers and specified and designated training bodies are allowed under the Act to encourage them to take advantage of opportunities for doing that work and to provide training to enable them to attain the skills needed for it. In the case of employers, such training can be provided for persons currently in their employment (as defined by the Act) and in certain circumstances for others too for example if they have been designated training bodies. This Code encourages employers to make use of these provisions, which are covered in detail in paragraphs 1.44 and 1.45.

6. Guidance Papers

The guidance papers referred to in the footnotes contain additional guidance on specific issues but do not form part of the statutory Code.

PART 1 -

1.1 THE RESPONSIBILITIES OF EMPLOYERS

Responsibility for providing equal opportunity for all job applicants and employees rests primarily with employers. To this end it is recommended that they should adopt, implement and monitor an equal opportunity policy to ensure that there is no unlawful discrimination and that equal opportunity is genuinely available.*

1.2 This policy should be clearly communicated to all employees e.g. through notice boards, circulars, contracts of employment or written notifications to individual employees.

1.3 EQUAL OPPORTUNITY POLICIES

An equal opportunity policy aims to ensure:

- a) that no job applicant or employee receives less favourable treatment than another on racial grounds;
- b) that no applicant or employee is placed at a disadvantage by requirements or conditions which have a disproportionately adverse effect on his or her racial group and which cannot be shown to be justifiable on other than racial grounds;
- c) that, where appropriate and where permissible under the Race Relations Act, employees of under-represented racial groups are given training and encouragement to achieve equal opportunity within the organisation.

1.4 In order to ensure that an equal opportunity policy is fully effective, the following action by employers is recommended:

- a) allocating overall responsibility for the policy to a member of senior management;
- b) discussing and, where appropriate, agreeing with trade union or employee representatives the policy's contents and implementation;
- c) ensuring that the policy is known to all employees and if possible, to all job applicants;
- d) providing training and guidance for supervisory staff and other relevant decision makers, (such as personnel and line managers, foremen, gatekeepers and receptionists) to ensure that they understand their position in law and under company policy;
- e) examining and regularly reviewing existing procedures and criteria and changing them where they find that they are actually or potentially unlawfully discriminatory;

* The CRE has issued guidance papers on equal opportunity policies: "Equal Opportunity in Employment" and "Monitoring an Equal Opportunity Policy"

- f) making an initial analysis of the workforce and regularly monitoring the application of the policy with the aid of analyses of the ethnic origins of the workforce and of job applicants in accordance with the guidance in paragraphs 1.34 - 1.35.

RECRUITMENT, PROMOTION, TRANSFER, TRAINING & DISMISSAL

Sources of Recruitment

Advertisements

1.5 When advertising job vacancies it is unlawful for employers:

- S.29 to publish an advertisement which indicates, or could reasonably be understood as indicating, an intention to discriminate against applicants from a particular racial group. (For exceptions see the Race Relations Act);

1.6 It is therefore recommended that:

- a) employers should not confine advertisements unjustifiably to those areas or publications which would exclude or disproportionately reduce the numbers of applicants of a particular racial group.
- b) employers should avoid prescribing requirements such as length of residence or experience in the UK and where a particular qualification is required it should be made clear that a fully comparable qualification obtained overseas is as acceptable as a UK qualification.

1.7 In order to demonstrate their commitment to equality of opportunity it is recommended that where employers send literature to applicants, this should include a statement that they are equal opportunity employers.

Employment Agencies

1.8 When recruiting through employment agencies, job centres, careers offices and schools, it is unlawful for employers:

- S.30 a) to give instructions to discriminate, for example by indicating that certain groups will or will not be preferred. (For exceptions see the Race Relations Act);

- S.31 b) to bring pressure on them to discriminate against members of a particular racial group. (For exceptions, as above).

1.9 In order to avoid indirect discrimination it is recommended that employers should not confine recruitment unjustifiably to those agencies, job centres, careers offices and schools which, because of their particular source of applicants, provide only or mainly applicants of a particular racial group.

Other Sources

1.10 It is unlawful to use recruitment methods which exclude or disproportionately reduce the numbers of applicants of a particular racial group and which cannot be shown to be justifiable. It is therefore recommended that employers should not recruit through the following methods:

- a) recruitment, solely or in the first instance, through the recommendations of existing employees where the workforce concerned is wholly or predominantly white or black and the labour market is multi-racial.
- b) procedures by which applicants are mainly or wholly supplied through trade unions where this means that only members of a particular racial group, or a disproportionately high number of them, come forward.

Sources for Promotion and Training

- S. 4 &
S.28
- 1.11 It is unlawful for employers to restrict access to opportunities for promotion or training in a way which is discriminatory. It is therefore recommended that:

job and training vacancies and the application procedure should be made known to all eligible employees, and not in such a way as to exclude or disproportionately reduce the numbers of applicants from a particular racial group.

SELECTION FOR RECRUITMENT, PROMOTION, TRANSFER, TRAINING & DISMISSAL

- 1.12 It is unlawful to discriminate, *not only in recruitment, promotion, transfer and training, but also in the arrangements made for recruitment and in the ways of affording access to opportunities for promotion, transfer or training.

Selection Criteria and Tests

- S.4 &
S.28
- 1.13 In order to avoid direct or indirect discrimination it is recommended that selection criteria and tests are examined to ensure that they are related to job requirements and are not unlawfully discriminatory (see Introduction para 3.2). For example:
- a) a standard of English higher than that needed for the safe and effective performance of the job or clearly demonstrable career pattern should not be required, or a higher level of educational qualification than is needed;
 - b) in particular, employers should not disqualify applicants because they are unable to complete an application form unassisted unless personal completion of the form is a valid test of the standard of English required for safe and effective performance of the job.
 - c) overseas degrees, diplomas and other qualifications which are comparable with UK qualifications should be accepted as equivalents, and not simply be assumed to be of an inferior quality.
 - d) selection tests which contain irrelevant questions or exercises on matters which may be unfamiliar to racial minority applicants should not be used (for example, general knowledge questions on matters more likely to be familiar to indigenous applicants);

*It should be noted that discrimination in selection to achieve "racial balance" is not allowed. The clause in the 1968 Race Relations Act which allowed such discrimination for the purpose of securing or preserving a reasonable balance of persons of different racial groups in the establishment is not included in the 1976 Race Relations Act.

- e) selection tests should be checked to ensure that they are related to the job's requirements, ie an individual's test markings should measure ability to do or train for the job in question.

Treatment of Applicants, Shortlisting, Interviewing and Selection

1.14 In order to avoid direct or indirect discrimination it is recommended that:

- a) Gate, reception and personnel staff should be instructed not to treat casual or formal applicants from particular racial groups less favourably than others. These instructions should be confirmed in writing.
- b) In addition, staff responsible for shortlisting, interviewing and selecting candidates should be:

clearly informed of selection criteria and of the need for their consistent application;

given guidance or training on the effects which generalised assumptions and prejudices about race can have on selection decisions;

made aware of the possible misunderstandings that can occur in interviews between persons of different cultural background.

- c) Wherever possible, shortlisting and interviewing should not be done by one person alone but should at least be checked at a more senior level.

Genuine Occupational Qualification

- S.5
S.5(2)(d)
- 1.15 Selection on racial grounds is allowed in certain jobs where being of a particular racial group is a genuine occupational qualification for that job. An example is where the holder of a particular job provides persons of a racial group with personal services promoting their welfare, and those services can most effectively be provided by a person of that group.

Transfers and Training

S.4(2)(b)

1.16 In order to avoid direct or indirect discrimination it is recommended that:

- a) staff responsible for selecting employees for transfer to other jobs should be instructed to apply selection criteria without unlawful discrimination;
- b) industry or company agreements and arrangements of custom and practice on job transfers should be examined and amended if they are found to contain requirements or conditions which appear to be indirectly discriminatory. For example if employees of a particular racial group are concentrated in particular sections, the transfer arrangements should be examined to see if they are unjustifiably and unlawfully restrictive and amended if necessary.
- c) staff responsible for selecting employees for training, whether

induction, promotion or skill training should be instructed not to discriminate on racial grounds;

- d) selection criteria for training opportunities should be examined to ensure that they are not indirectly discriminatory.

Dismissal (including redundancy) and other detriment

S.4(2)(c) 1.17 It is unlawful to discriminate on racial grounds in dismissal, or other detriment to an employee.

It is therefore recommended that:

- a) Staff responsible for selecting employees for dismissal, including redundancy, should be instructed not to discriminate on racial grounds.
- b) Selection criteria for redundancies should be examined to ensure that they are not indirectly discriminatory.

Performance Appraisals

S.4(2) & 1.18 It is unlawful to discriminate on racial grounds in appraisals of
S.1(1)(b) employee performance.

1.19 It is recommended that:

- a) staff responsible for performance appraisals should be instructed not to discriminate on racial grounds;
- b) assessment criteria should be examined to ensure that they are not unlawfully discriminatory.

TERMS OF EMPLOYMENT, BENEFITS, FACILITIES AND SERVICES

S.4(2) 1.20 It is unlawful to discriminate on racial grounds in affording terms of employment and providing benefits, facilities and services for employees. It is therefore recommended that:

- a) all staff concerned with these aspects of employment should be instructed accordingly;
- b) the criteria governing eligibility should be examined to ensure that they are not unlawfully discriminatory.

1.21 In addition, employees may request extended leave from time to time in order to visit relations in their countries of origin or who have emigrated to other countries. Many employers have policies which allow annual leave entitlement to be accumulated, or extra unpaid leave to be taken to meet these circumstances. Care should be taken to apply such policies consistently and without unlawful discrimination.

GRIEVANCE, DISPUTES AND DISCIPLINARY PROCEDURES

S.4(2) & 1.22 It is unlawful to discriminate in the operation of grievance, disputes
S.2 and disciplinary procedures, for example by victimising an individual through disciplinary measures because he or she had complained about

racial discrimination, or given evidence about such a complaint. Employers should not ignore or treat lightly grievances from members of particular racial groups on the assumption that they are over-sensitive about discrimination.

1.23 It is recommended that:

in applying disciplinary procedures consideration should be given to the possible effect on an employee's behaviour of the following:

- racial abuse or other racial provocation;
- communication and comprehension difficulties;
- differences in cultural background or behaviour

CULTURAL AND RELIGIOUS NEEDS

S.4(2) & 2.28 | 1.24 Where employees have particular cultural and religious needs which conflict with existing work requirements, it is recommended that employers should consider whether it is reasonably practicable to vary or adapt these requirements to enable such needs to be met.* For example, it is recommended that they should not refuse employment to a turbaned Sikh because he could not comply with unjustifiable uniform requirements.

Examples of cultural and religious needs are:

- a) Observance of prayer times and religious holidays;**
- b) Wearing of traditional dress such as sarees and trousers worn by Muslim women;
- c) Wearing of beards, turbans and other articles of faith by Sikhs.***

1.25 Although the Act does not specifically cover religious discrimination, work requirements which conflict with cultural and religious needs would generally be unlawful if they have a disproportionately adverse effect on particular racial groups and cannot be shown to be justifiable;** for example, it has been found to be unlawful to refuse employment to a Muslim woman wearing trousers because she could not comply with unjustifiable uniform requirements.'

COMMUNICATIONS AND LANGUAGE TRAINING FOR EMPLOYEES

1.26 Although there is no legal requirement to provide language training, difficulties in communication can endanger equal opportunity in the workforce. In addition, good communications can improve efficiency, promotion prospects and safety and health and create a better understanding between employers, employees and unions. Where the workforce includes current employees whose English is limited it is recommended that steps are taken to ensure that communications are as effective as possible.

* Genuinely necessary safety requirements may not constitute unlawful discrimination

** The CRE has issued Guidance papers entitled - "Religious observance by Muslim Employees" and "Sikh Men and Women and Employment".

1.27 These should include, where reasonably practicable:

- a) provision of interpretation and translation facilities, for example, in the communication of grievance and other procedures, and of terms of employment;
- b) training in English language and in communication skills; *
- c) training for managers and supervisors in the background and culture of racial minority groups;
- d) the use of alternative or additional methods of communication, where employees find it difficult to understand health and safety requirements, for example:

safety signs; translations of safety notices;
instruction through interpreters;
instruction combined with industrial language training.

INSTRUCTIONS AND PRESSURE TO DISCRIMINATE

1.28 It is unlawful to instruct or put pressure on others to discriminate on racial grounds.

S.30 a) An example of an unlawful instruction is:

an instruction from a personnel or line manager to junior staff to restrict the numbers of employees from a particular racial group in any particular work;

S.31 b) An example of pressure to discriminate is:

an attempt by a shop steward or group of workers to induce an employer not to recruit members of particular racial groups, for example by threatening industrial action.

1.29 It is also unlawful to discriminate in response to such instructions or pressure

1.30 The following recommendations are made to avoid unlawful instructions and pressure to discriminate:

- a) guidance should be given to all employees, and particularly those in positions of authority or influence on the relevant provisions of the law;
- b) decision-makers should be instructed not to give way to pressure to discriminate;
- c) giving instructions or bringing pressure to discriminate should be treated as a disciplinary offence.

* Industrial language training is provided by a network of Local Education Authority units throughout the country. Full details of the courses and the comprehensive services offered by these units are available from the National Centre for Industrial Language Training, The Havelock Centre, Havelock Road, Southall, Middx.

Victimisation

S.2 1.31 It is unlawful to victimise individuals who have made allegations or complaints of racial discrimination or provided information about such discrimination, for example, by disciplining them or dismissing them. (See Introduction, Para 3.4).

1.32 It is recommended that:

guidance on this aspect of the law should be given to all employees and particularly to those in positions of influence or authority.

MONITORING EQUAL OPPORTUNITY*

1.33 It is recommended that employers should regularly monitor the effects of selection decisions and personnel practices and procedures in order to assess whether equal opportunity is being achieved.

1.34 The information needed for effective monitoring may be obtained in a number of ways. It will best be provided by records showing the ethnic origins of existing employees and job applicants. It is recognised that the need for detailed information and the methods of collecting it will vary according to the circumstances of individual establishments. For example, in small firms or in firms in areas with little or no racial minority settlement it will often be adequate to assess the distribution of employees from personal knowledge and visual identification.

1.35 It is open to employers to adopt the method of monitoring which is best suited to their needs, and circumstances but whichever method is adopted, they should be able to show that it is effective. In order to achieve the full commitment of all concerned the chosen method should be discussed and agreed where appropriate, with trade unions or employee representatives. Employers should ensure that information on individuals' ethnic origins is collected for the purpose of monitoring equal opportunity alone and is protected from misuse.

1.36 The following is the comprehensive method recommended by the CRE**

1.37 Analyses should be carried out of:

- a) the ethnic composition of the workforce of each plant, department, section, shift and job category, and changes in distribution over periods of time;
- b) selection decisions for recruitment, promotion, transfer and training, according to the racial group of candidates, and reasons for these decisions;

1.38 Except in cases where there are large numbers of applicants and the burden on resources would be excessive, reasons for selection and rejection should be recorded at each stage of the selection process, e.g. initial shortlisting and final decisions. Simple categories of reasons for rejection should be adequate for the early sifting stages.

* See the CRE's Guidance Paper on "Monitoring an Equal Opportunity Policy"

** This is outlined in detail in "Monitoring an Equal Opportunity Policy"

- 1.39 Selection criteria and personnel procedures should be reviewed to ensure that they do not include requirements or conditions which constitute or may lead to unlawful indirect discrimination.
- 1.40 This information should be carefully and regularly analysed and, in order to identify areas which may need particular attention, a number of key questions should be asked:
- 1.41 Is there evidence that individuals from any particular racial group
- a) do not apply for employment or promotion, or that fewer apply than might be expected?
 - b) are not recruited or promoted at all, or are appointed in a significantly lower proportion than their rate of application?
 - c) are under-represented in training or in jobs carrying higher pay, status or authority?
 - d) are concentrated in certain shifts, sections or departments?
- 1.42 If the answer to any of these questions is yes, the reasons for this should be investigated. If direct or indirect discrimination is found action must be taken to end it immediately.
- S.4 & S.28
- 1.43 It is recommended that deliberate acts of unlawful discrimination by employees are treated as disciplinary offences.

POSITIVE ACTION*

- 1.44 Although they are not legally required, positive measures are allowed by the law to encourage employees and potential employees and provide training for employees who are members of particular racial groups which have been under-represented** in particular work (See Introduction, para 5.) (Discrimination at the point of selection for work, however, is not permissible in these circumstances)
- S.38
- 1.45 Such measures are important for the development of equal opportunity. It is therefore recommended that, where there is under-representation of particular racial groups in particular work, the following measures should be taken wherever appropriate and reasonably practicable:
- a) job advertisements designed to reach members of these groups and to encourage their applications: for example, through the use of the ethnic minority press, as well as other newspapers;
 - b) use of the employment agencies and careers offices in areas where these groups are concentrated;
 - c) recruitment and training schemes for school leavers designed to reach members of these groups;

* The CRE has issued a guidance paper on Positive Action, entitled - "Equal Opportunity in Employment - Why Positive Action?"

** A racial group is under-represented if, at any time during the previous twelve months, either there was no one of that group doing the work in question, or there were disproportionately few in comparison with the group's proportion in the workforce at that establishment, or in the population from which the employer normally recruits for work at that establishment.

- d) encouragement to employees from these groups to apply for promotion or transfer opportunities;
- e) training for promotion or skill training for employees of these groups who lack particular expertise but show potential: supervisory training may include language training.

PART 2 -

THE RESPONSIBILITIES OF INDIVIDUAL EMPLOYEES

2.1 While the primary responsibility for providing equal opportunity rests with the employer, individual employees at all levels and of all racial groups have responsibilities too. Good race relations depend on them as much as on management, and so their attitudes and activities are very important.

2.2 The following actions by individual employees would be unlawful:

- S.4(2) & a) discrimination in the course of their employment against fellow employees or job applicants on racial grounds, for example, in selection decisions for recruitment, promotion, transfer and training;
- S. 33
- S.31 b) inducing, or attempting to induce other employees, unions or management to practise unlawful discrimination. For example, they should not refuse to accept other employees from particular racial groups or refuse to work with a supervisor of a particular racial group;
- S.2 c) victimising individuals who have made allegations or complaints of racial discrimination or provided information about such discrimination. (See Introduction, para 3.4)

2.3 To assist in preventing racial discrimination and promoting equal opportunity it is recommended that individual employees should:

- a) co-operate in measures introduced by management designed to ensure equal opportunity and non-discrimination;
- b) where such measures have not been introduced, press for their introduction (through their trade union where appropriate);
- c) draw the attention of management and, where appropriate, their trade unions to suspected discriminatory acts or practices;
- d) refrain from harassment or intimidation of other employees on racial grounds, for example, by attempting to discourage them from continuing employment. Such action may be unlawful if it is taken by employees against those subject to their authority.

2.4 In addition to the responsibilities set out above individual employees from the racial minorities should recognise that in many occupations advancement is dependent on an appropriate standard of English. Similarly an understanding of the industrial relations procedures which apply is often essential for good working relationships.

2.5 They should therefore:

- a) where appropriate, seek means to improve their standards of English;
- b) co-operate in industrial language training schemes introduced by employers and/or unions;
- c) co-operate in training or other schemes designed to inform them of industrial relations procedures, company agreements, work rules, etc;
- d) where appropriate, participate in discussions with employers and unions, to find solutions to conflicts between cultural or religious needs and production needs.

PART 3

THE RESPONSIBILITIES OF TRADE UNIONS

- 3.1 Trade unions, in common with a number of other organisations, have a dual role as employers and providers of services specifically covered by the Race Relations Act.
- S.11 3.2 In their role as employer, unions have the responsibilities set out in Part 1 of the Code. They also have a responsibility to ensure that their representatives and members do not discriminate against any particular racial group in the admission or treatment of members, or as colleagues, supervisors, or subordinates.
- 3.3 In addition, trade union officials at national and local level and shopfloor representatives at plant level have an important part to play on behalf of their members in preventing unlawful discrimination and in promoting equal opportunity and good race relations. Trade unions should encourage and press for equal opportunity policies so that measures to prevent discrimination at the workplace can be introduced with the clear commitment of both management and unions.

Admission of Members

- S.11(2) 3.4 It is unlawful for trade unions to discriminate on racial grounds:
- a) by refusing membership;
 - b) by offering less favourable terms of membership;

Treatment of Members

- S.11(3) 3.5 It is unlawful for trade unions to discriminate on racial grounds against existing members:
- a) by varying their terms of membership, depriving them of membership or subjecting them to any other detriment;
 - b) by treating them less favourably in the benefits, facilities or services provided. These may include:
 - training facilities;
 - welfare and insurance schemes;
 - entertainment and social events;
 - processing of grievances;
 - negotiations;
 - assistance in disciplinary or dismissal procedures.

- 3.6 In addition, it is recommended that unions ensure that in cases where members of particular racial groups believe that they are suffering racial discrimination, whether by the employer or the union itself, serious attention is paid to the reasons for this belief and that any discrimination which may be occurring is stopped.

Disciplining Union Members who Discriminate

- 3.7 It is recommended that deliberate acts of unlawful discrimination by union members are treated as disciplinary offences.

Positive Action

§.38 3.8 Although they are not legally required, positive measures are allowed by the law to encourage and provide training for members of particular racial groups which have been underrepresented* in trade union membership or in trade union posts. (Discrimination at the point of selection, however, is not permissible in these circumstances).

(3) (4)
‡(5)

3.9 It is recommended that, wherever appropriate and reasonably practicable, trade unions should:

- a) encourage individuals from these groups to join the union. Where appropriate, recruitment material should be translated into other languages;
- b) encourage individuals from these groups to apply for union posts and provide training to help fit them for such posts.

Training and Information

310 Training and information play a major part in the avoidance of discrimination and the promotion of equal opportunity. It is recommended that trade unions should:

- a) provide training and information for officers, shop stewards and representatives on their responsibilities for equal opportunity. This training and information should cover:

the Race Relations Act and the nature and causes of discrimination;
the backgrounds of racial minority groups and communication needs;
the effects of prejudice;
equal opportunity policies;
avoiding discrimination when representing members.

- b) ensure that members and representatives, whatever their racial group, are informed of their role in the union, and of industrial relations and union procedures and structures. This may be done, for example:

through translation of material;
through encouragement to participate in industrial relations courses and industrial language training.

Pressure to Discriminate

§.31 3.11 It is unlawful for trade union members or representatives to induce or to attempt to induce those responsible for employment decisions to discriminate:

- a) in the recruitment, promotion, transfer or dismissal of employees;
- b) in terms of employment, benefits or facilities;

38 *A racial group is under-represented in trade union membership, if at any time during
(5) the previous twelve months no persons of that group were in membership, or
38 disproportionately few in comparison with the proportion of persons of that group
(4) among those eligible for membership. Under-representation in trade union posts
applies under the same twelve month criteria, where there were no persons of a particular
racial group in those posts or disproportionately few in comparison with the proportion
of that group in the organisation.

3.12 For example, they should not:

- a) restrict the numbers of a particular racial group in a section, grade or department;
- b) resist changes designed to remove indirect discrimination, such as those in craft apprentice schemes, or in agreements concerning seniority rights or mobility between departments.

Victimisation

S.2 3.13 It is unlawful to victimise individuals who have made allegations or complaints of racial discrimination or provided information about such discrimination (See Introduction, para 3.4)

Avoidance of Discrimination

S.31 & 3.14 Where unions are involved in selection decisions for recruitment, S.33 promotion, training or transfer, for example through recommendation or veto, it is unlawful for them to discriminate on racial grounds.

3.15 It is recommended that they should instruct their members accordingly and examine their procedures and joint agreements to ensure that they do not contain indirectly discriminatory requirements or conditions, such as:

unjustifiable restrictions on transfers between departments or irrelevant and unjustifiable selection criteria which have a disproportionately adverse effect on particular racial groups.

Union Involvement in Equal Opportunity Policies

3.16 It is recommended that:

- a) unions should co-operate in the introduction and implementation of full equal opportunity policies as defined in paras 1.3 & 1.4.
- b) unions should negotiate the adoption of such policies where they have not been introduced or the extension of existing policies where these are too narrow;
- c) unions should co-operate with measures to monitor the progress of equal opportunity policies, or encourage management to introduce them where they do not already exist. Where appropriate (see paras 1.33-1.35) this may be done through analysis of the distribution of employees and job applicants according to ethnic origin;
- d) where monitoring shows that discrimination has occurred or is occurring, unions should co-operate in measures to eliminate it;
- e) although positive action* is not legally required, unions should encourage management to take such action where there is under-representation of particular racial groups in particular jobs, and where management itself introduces positive action representatives should support it;
- f) similarly, where there are communication difficulties, management should be asked to take whatever action is appropriate to overcome them.

*See 1.44 - Positive Action recommendations.

PART 4 -

THE RESPONSIBILITIES OF EMPLOYMENT AGENCIES

- 4.1 Employment agencies, in their role as employers, have the responsibilities outlined in Part 1 of the Code. In addition, they have responsibilities as suppliers of job applicants to other employers.
- 4.2 It is unlawful for employment agencies: (For exceptions see Race Relations Act)
- S.14(1) a) to discriminate on racial grounds in providing services to clients;
- S.29 b) to publish job advertisements indicating, or which might be understood to indicate that applications from any particular group will not be considered or will be treated more favourably or less favourably than others.
- S.14(1) c) to act on directly discriminatory instructions from employers to the effect that applicants from a particular racial group will be rejected or preferred or that their numbers should be restricted.
- S.14(1) & S.1(1)(b) d) to act on indirectly discriminatory instructions from employers i.e. that requirements or conditions should be applied that would have a disproportionately adverse effect on applicants of a particular racial group and which cannot be shown to be justifiable.
- 4.3 It is recommended that agencies should also avoid indicating such conditions or requirements in job advertisements unless they can be shown to be justifiable. Examples in each case may be those relating to educational qualifications or residence.
- 4.4 It is recommended that staff should be given guidance on their duty not to discriminate and on the effect which generalised assumptions and prejudices can have on their treatment of members of particular racial groups.
- 4.5 In particular staff should be instructed:
- a) not to ask employers for racial preferences;
- b) not to draw attention to racial origin when recommending applicants unless the employer is trying to attract applicants of a particular racial group under the exceptions in the Race Relations Act;
- c) to report a client's refusal to interview an applicant for reasons that are directly or indirectly discriminatory to a supervisor, who should inform the client that discrimination is unlawful. If the client maintains this refusal the agency should inform the applicant of his or her right to complain to an industrial tribunal and to apply to the CRE for assistance. An internal procedure for recording such cases should be operated;
- d) to inform their supervisor if they believe that an applicant, though interviewed, has been rejected on racial grounds. If the supervisor is satisfied that there are grounds for this belief, he or she should arrange for the applicant to be informed of the right to complain to an industrial tribunal and to apply to the CRE for assistance. An internal procedure for recording such cases should be operated;

- e) to treat job applicants without discrimination. For example they should not send applicants from particular racial groups to only those employers who are believed to be willing to accept them, or restrict the range of job opportunities for such applicants because of assumptions about their abilities based on race or colour;
- 4.6 It is recommended that employment agencies should discontinue their services to employers who give unlawful discriminatory instructions and who refuse to withdraw them.
- 4.7 It is recommended that employment agencies should monitor the effectiveness of the measures they take for ensuring that no unlawful discrimination occurs. For example, where reasonably practicable they should make periodic checks to ensure that applicants from particular racial groups are being referred for suitable jobs for which they are qualified at a similar rate to that for other comparable applicants.

Note: Advice on the promotion of equality of opportunity in employment is available from the CRE's Employment Promotion Section and from the Department of Employment's Race Relations Employment Advisers.

CRE DRAFT CODE OF PRACTICE

FURTHER CHANGES BEING SOUGHT BY SECRETARY OF STATE

Introduction - Paragraph 2.2Amend to read -**"Small Firms**

2.2. In many small firms employers have close contact with their staff and there will therefore be less need for formality in assessing whether equal opportunity is being achieved, for example, in such matters as arrangements for monitoring. Moreover it ^{is} ~~may~~ not ~~be~~ reasonable to expect small firms to have the resources and administrative systems to carry out the Code's detailed recommendations as for example those of personnel practices and procedures.

In complying with the Race Relations Act, small firms should, however, ensure that their practices are consistent with the Code's general intentions."

Paragraph 1.24Amend Heading to read -**"RELIGIOUS NEEDS"**Amend paragraph to read -

"1.24 Where employees have particular religious needs which conflict with existing work requirements, it is recommended that employers should consider whether it is reasonable to vary or adapt these requirements to enable such needs to be met. Although the Act does not specifically cover religious discrimination, such requirements would generally be unlawful if they have a disproportionately adverse affect on particular racial groups and cannot be shown to be justifiable.*"

Delete all examples and amend footnote to read -

"Genuinely necessary safety requirements may not constitute unlaw^{ful} discrimination. The CRE has issued Guidance Papers entitled - "Religious Observance by Muslim Employees" and "Sikh Men and Women in Employment".

Paragraph 1.25 - delete.

Home Affairs

Race Relations

May 1980



Home Affairs

10 DOWNING STREET

From the Private Secretary

29 July, 1982.

Dear Marie,

The Prime Minister has now seen and noted Mr. Tebbit's minute of 26 July about the CRE Code of Practice. She was grateful to be kept informed of the position.

I am copying this letter to the Private Secretaries to the members of H, John Halliday (Home Office), Jonathan Spencer (Department of Industry), Murdo Maclean (Chief Whip's Office), and David Wright (Cabinet Office).

Yours ever,

Tim Fisher

Miss Marie Fahey,
Department of Employment.

So



PRIME MINISTER

mf

*Prime Minister
Mr Tebbit reports that
the CRE are reluctant to
accept amendments to the
Code of Practice which have
been proposed by the
Employment Select Committee.
He and Mr Whitelaw propose
to meet the new ~~Chairman~~
Chairman in September*

CRE DRAFT CODE OF PRACTICE

In my letter of 11 February to Willie Whitelaw, copied to you I explained that the Select Committee on Employment had indicated they would like to give their views on the draft Code of Practice on Employment which the Commission for Racial Equality had submitted to me. I am now writing to tell you how matters now stand.

The Employment Committee published a unanimous report on 27 May which while supporting the concept of a Code concluded that it should initially and in its present form apply only to larger firms. Firms with up to 200 employees should be excluded for a period of three years after which time I should consider, from experience of applying the Code to large firms, whether the Code should be extended to small firms and in what form. The Committee thought it likely that experience would show that a shorter and simpler Code was appropriate for small firms. The Committee also proposed changes in the provisions for extended leave, language needs and requirements and positive action. And they said that there should be severe penalties, enforceable by law, for breaching confidentiality of information on ethnic origin. Although different in detail, the broad thrust of the Select Committee's recommendations was very much in the direction of the changes I had earlier urged upon the Commission.

On 18 June I wrote to the CRE to say that in the light of this important, unanimous, all Party expression of Parliamentary view I would not feel able to commend to Parliament a draft Code which had not been amended along the lines set out by the Select Committee; and that I attached particular importance to the recommendations on small firms. I asked them to amend the Code accordingly. The Chairman has now replied to say that the



Commission is totally opposed to the exclusion of small firms from the Code, as this would lead to a high proportion of jobs being excluded. There are a number of other points where they still see difficulties, but the major difference arises on small firms. In his letter the Chairman again asked me to approve the Code but said that if I was unable to do so the Commission would welcome an opportunity to meet me and the Home Secretary.

I have discussed the situation with Willie Whitelaw. He and I are agreed that we should meet the CRE - probably in early September when the new Chairman, Peter Newsam will have taken up office, and our aim should be to try and persuade them that the draft Code in its present form does not take sufficient account of the Select Committee's report and that I can only approve a Code if I am convinced that it is on lines which are acceptable to Parliament. I hope that we can persuade them to accept this and to make the substantial change necessary on the small firms front.

Clearly thereafter I may well need to consult colleagues further, but I thought you would wish to know where things now stand.

I am sending copies of this letter to Willie Whitelaw, other members of H, the Industry Secretary, the Chief Whip and Sir Robert Armstrong.

NI

N T

26 July 1982



Home Affairs
Wh 2/4
SI
QUEEN ANNE'S GATE LONDON SW1H 9AT

2 April 1982

Dear Quentin

I wrote to you on 17th March about the draft White Paper responding to the Home Affairs Committee report on the Commission for Racial Equality. I have received comments from Norman Tebbit (23rd March), George Young (24th March), Keith Joseph (24th March) and Leon Brittan (26th March).

Norman Tebbit wonders whether we are right to oppose the Committee's view that the C.R.E.'s promotional work should be restricted to what is required of it by the Race Relations Act.

I certainly agree that the Commission's promotional role should be governed by the terms of the legislation. But the Race Relations Act does not provide a clear or narrow definition of the Commission's duties. Thus the Committee's recommendation that the Commission's promotional role should be dictated by the need to eliminate racial discrimination and confined in the main to publicising the results of investigations and court cases would, in effect, remove from the Commission its separate, and, to my mind, equally important statutory duty - that of promoting equality of opportunity and good race relations. While I accept that the Commission needs to be selective in the issues it chooses to pursue, a point we have made in the draft White Paper, I do not believe that the answer lies in restricting the Commission's role to that envisaged by the Home Affairs Committee, namely with its promotional and educational role tied exclusively to its law enforcement activities. The existing legislation gives the Commission wide duties, and while it is possible to argue that its interventions on some racial issues may go beyond the terms of the Race Relations Act, I should be reluctant to contemplate legislation to limit the Commission's powers or to seek to prevent the Commission from expressing its views on issues which it sees as relevant to the debate on racial disadvantage as a whole.

George Young questions our proposed rejection of the Committee's recommendations regarding the grant-giving powers of the Commission. I readily understand his doubts. In an ideal world it would probably make sense to wind up the existing schemes and rely upon main expenditure programmes to meet the special needs of ethnic minorities. I know that the Urban Programme has an excellent record in this respect.

The Commission's grant-making powers are however the only source of Government funding specifically available for community relations or self-help groups; grants under section 11 are not available to

/voluntary

The Rt. Hon. The Lord Hailsham, C.H., D.C.L.

voluntary organisations, but are confined, even under the new criteria which we have recently proposed, to local authority staff. The principal difficulties that I see in the way of replacing the C.R.E. schemes by the Urban Programme are, first, that only a proportion of ethnic minorities live in the inner cities areas which receive the most benefit from the Urban Programme and, second, there is no guarantee that local authorities will necessarily be prepared to support groups which are receiving grants from the C.R.E. Indeed, it is my impression that organisations have often turned to the C.R.E. in the past only after they have tried to obtain support from the local authority or through the Urban Programme. While acknowledging George's point about the cost of administering the C.R.E. schemes, I believe that the C.R.E., with its close knowledge of many of the organisations in the field, may sometimes be in the best position to assess which groups are worth supporting.

It is for these reasons that I believe that the present arrangements should continue. I am however grateful for and very ready to accept George's proposed amendments to the draft response to Recommendation 27, and we shall amend the text accordingly.

Finally, Leon Brittan suggests that in our response to recommendation 5 we should refer specifically to the intention to review the top management structure of the Commission. The new Chairman has told us that it is his intention to undertake such a review once he has taken up office. The Commission is in any case due to have a staff inspection in 1983. However, for reasons connected with the racial mix of the staff at the Commission and the fact that this particular recommendation, which calls for the phasing out of the two most senior posts held by black people in the Commission, has attracted considerable criticism from the black community, I believe it would be most inadvisable to elaborate upon the present formulation, which we have arrived at only with a good deal of difficulty. If it were helpful, we could give Leon or his officials more details; but I imagine he will understand the problem.

I am grateful for and very ready to accept Leon's suggested amendments to our response on Recommendations 9 and 20.

I shall now arrange for the White Paper to be sent to the printers and expect to have it published shortly after Easter.

I am sending copies of this letter to the Prime Minister, members of H Committee, and Sir Robert Armstrong.

John
Walker



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26/7

H. A. Fair

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon William Whitelaw CH MC MP
Secretary of State
Home Office
50 Queen Anne's Gate
London SW1H 9AT

26 March 1982

Dear Home Secretary,
COMMISSION FOR RACIAL EQUALITY

to The Lord Chancellor,
Thank you for your letter of 17 March/ enclosing a draft White Paper in response to the First Report from the Home Affairs Committee on the Commission for Racial Equality. I am in general content with the line adopted in the draft. However, there are some points on which I suggest amendments. These are as follows:-

a) Recommendation 5

I accept that you do not wish to commit yourself now to dispensing at some point in the future with the posts of Deputy Chairman and Chief Executive; and having reappointed the former for a further two years, now is not the time for a formal review of the top structure. But I am not aware of any earlier searching review and a positive intention to undertake one would sit well alongside the general approach we are adopting in the Civil Service. Could you not therefore say, after the reaffirmation of the need for the Chief Executive post, that "the top management structure will be reviewed at the end of this period"?

b) Recommendation 9

The Committee clearly envisaged that the additional legally qualified staff should be taken on within existing resources. And as is already made clear in the Public Expenditure White Paper, there is no question of further resources being made available to the CRE as a result of the Committee's Report. For the avoidance of any doubt, therefore, I would like to see, in place of "organisation" in the second line, "existing total complement of Commission staff".

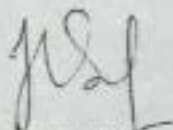
c) Recommendation 20

I would prefer the line on the extension of legal aid to be clearly presented in the body of the reply rather than buried in the Appendix. The insertion of the following would cover this:

"The Government's view is that legal aid for legal representation before a Tribunal is neither essential nor desirable on merits. The reasons for this are set out in the attached memorandum at Appendix A. As is made clear, legal advice and assistance is already available for people considering whether, and how, to take action to protect their rights, etc".

Copies of this letter go to the recipients of yours.

yours sincerely



LEON BRITTAN

kp
[Approved by the Chief Secretary
and signed in his absence]



Golding File 75
 DEPARTMENT OF THE ENVIRONMENT
 2 MARSHAM STREET LONDON SW1P 3EB
 01-212 3434

My ref: PSO/12179 *H Affairs*

Your ref:

24 March 1982

Ant
Prime Minister 2

The Government's response rejects the Home Affairs Committee's recommendation that the CRE's project aid programme should be wound up, and largely replaced by increased local authority and urban aid. Sir George Young questions this; he feels the urban programme is a more efficient channel for funding of this sort.

See G.Hic,
 Thank you for sending Michael Heseltine a copy of your letter of 17 March to Quintin Hailsham about the proposed response to the Home Affairs Committee's report on the Commission for Racial Equality.

In general, I agree the line you are proposing to take. About one area, I do, however, have serious doubts and that is the proposed rejection of recommendations 24-27, relating to the grant-giving powers of the Commission.

I see much force in the Committee's view that the administration of this small sum of money is highly expensive and that the urban programme provides a possible alternative channel for funding the same kind of project at a much lower administrative cost.

As you know, I am keen to raise the profile of the urban programme as far as the ethnic minorities are concerned. And it already puts far more funds their way than the CRE does. What is more, these alternative sources of public funds can only cause confusion for the groups involved.

My own inclination would, therefore, be to accept this group of recommendations, and I thought it right to let you know. On the other hand, I do not want to push my objections too far if you disagree and are keen to publish the Report. If, after reconsideration you are still minded to reject the recommendations, then so be it. In that case, however, I would ask you to amend the proposed response to Recommendation 27 by deleting "Grants under the Urban Programme are made to ethnic groups", and inserting:

"The urban programme provides a major source of finance for voluntary sector schemes designed to combat racial disadvantage. At present over 350 projects designed specifically to benefit members of ethnic minority groups receive grants totalling over £6 million under this programme, and the DOE are taking steps to ensure that consultation with ethnic groups is improved, and that they are not inhibited from applying for help with their projects";

and, after "projects designed to promote good race relations", adding:

"although this is one of the criteria for assessing applications. The Government considers that, on balance, the CRE grants should continue;"

I hope this is helpful.

*Yours
Sincerely*

SIR GEORGE YOUNG

3 MAR 1982



Handwritten initials

CC-H COMMITTEE
P MINISTER
SIR ROBERT ARMSTRONG

GRANTS

Recommendation 24.

The Commission's project aid programme should be brought to an end as rapidly as outstanding commitments allow, and local authorities in particular should find room in their budgets for the sort of projects - all project hitherto funded by the Commission and Section 11 and Urban Aid funds should be made available for such projects (para. 87).

Recommendation 25.

Bodies such as the Arts Council and the Sports Council should include ethnic minority interests within their overall funding (para. 89).

Recommendation 26.

The Self Help Fund should be gradually wound up and an equivalent sum allocated to the Section 11 and Urban Aid budgets (para. 93).

Recommendation 27.

In the interim, detailed Home Office and Treasury control over individual applications should cease (para. 92).

The Government does not accept the recommendations for winding up the Commission's grant programmes.

Ideally, main expenditure programmes by central and local Government would deal with the special needs of ethnic minorities (see the comments in the Government's response to the Committee's Report on racial disadvantage, Cmd 8476). The CRE's grant making powers are however the only source of Government funding specifically available for community relations or self-help groups. Grants under section 11 - on which there is no early prospect of legislation - are not available to voluntary organisations, but are confined, even under

argued that all major targets which will bring significant improvements to equal opportunity should be pursued and that to adopt a more cautious approach would be to fulfil the Committee's own criticism of the CRE - i.e. few significant results would be achieved and the CRE would become ineffective".

the changed criteria announced in Cmd. 8476, to local authority staff. Grants under the urban programme are made to ethnic groups, but there is no guarantee that local authorities will necessarily be able or willing to give the same priority to supporting groups which are the subject of grants from the CRE or to support additional ethnic minority projects. Transferring the CRE budget to the urban programme (where it would be a very small addition to the £270 million available in 1985/86) would not ensure that it was used for projects designed to promote good race relations. The Government considers therefore that the CRE grants should continue; arrangements are in hand to establish with the CRE broad criteria for the grants, including more effective monitoring, so that the present over-detailed control by the Home Office and the Treasury may be relaxed as envisaged in paragraph 92 of the Committee's Report.

BURSARIES

Recommendation 28.

The bursary scheme should not be permitted to expand beyond its present modest level, and the Commission should examine the priority which should be given to such expenditure in times of financial stringency (para. 94).

Recommendation 29.

The names of bursars should be included in the Commission's Annual Report (para. 94).

The recommendations are accepted. The Commission has recently reviewed the effectiveness of the bursary scheme, until now directed at professionals who work with ethnic minorities, and has proposed new criteria which have as their main emphasis the objective of assisting the development of ethnic minority groups' projects. Initially, to reflect the Commission's own priorities, preference will be given to applications from young people, from those working with young people or from those engaged in promoting ethnic minority business ventures. It is hoped that the revised scheme will demonstrate to

Home Affairs *gk* *RII*



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The Rt Hon William Whitelaw CH MC MP
Secretary of State of the Home Department
Home Office
50 Queen Anne's Gate
LONDON SW1H 9AT

23 March 1982

D Willie,

Thank you for sending me a copy of your letter of *17* March to Quintin Hailsham about the proposed response to the Home Affairs Committee report on the operation and effectiveness of the Commission for Racial Equality.

I am generally content with the line you are taking in the draft White Paper and in particular endorse the view expressed in response to Recommendation 1 that the CRE should continue to have the dual role of the law enforcement and promotional work; but I wonder if we are right to oppose the Committee's view that the CRE's promotional work should be restricted to what is required of it by the Act.

I am copying this letter to the recipients of yours.

G. Norman



NOTE: I have told the Home Office that the PM is content.

WM
22/3

MAP - Prime Minister BI 2
Home Affairs

The Home Secretary wishes to publish this White Paper before

QUEEN ANNE'S GATE LONDON SW1H 9AT Easter.

17 March 1982

WM
18/3

Dear Quatre

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The Home Affairs Committee report on the operation and effectiveness of the Commission for Racial Equality was published on 15 December 1981 (HC46-1). Although the Committee endorsed our view that the need for the Commission still exists, the report was highly critical of its overall strategy, its day to day work and its internal management and staff structure. The Committee recommended 35 measures for improving the Commission's record.

I attach a copy of a draft White Paper responding to the Committee's report and its recommendations. Many of these are directed solely at the Commission or propose a joint review by the Commission and the Home Office, and for the most part these can be accepted without difficulty. There are a few however which, if implemented, could have implications for the work presently performed by various Government Departments and for local authority expenditure, and which would substantially alter the direction of the Commission's work.

Perhaps the most important recommendation is that concerned with the future role of the CRE (recommendation 1). While satisfied that the dual role of the Commission should continue (ie law enforcement and the accompanying promotional work) and that Parliament was right to establish one statutory body with wide powers in the field of racial equality, the Committee recommended that promotional work should be "solely dictated by the need to eradicate racial discrimination". I am not persuaded that this is the right course to adopt. I accept that the balance of the Commission's work needs to be reviewed, along with the present relationship between its promotional and investigation work, but I think there are dangers in trying to confine the CRE's role too narrowly. I have in mind not only the requirements of the legislation, and the need for the Commission to play an effective part in the wider field of combating racial disadvantage, but also the effects that any restrictions of the Commission's role would have on the work of Government Departments. Recommendation 22, for example, proposes that much of the Commission's current promotional activity should more properly spring from Government Departments, and (as in its report on racial disadvantage) the Committee recommends that where they do not already exist, Departments should establish specialised race relations units. We have already rejected that particular recommendation, and I think it is fair to say that Departments would rarely be in a position to undertake the sort of promotional work hitherto performed by the CRE, even if they had the resources to do so. For all these reasons,

The Rt. Hon. the Lord Hailsham of St Marylebone, CH. FR.S. DCL.

/contd ...

I am proposing to reject the Committee's recommendation which would have the effect of restricting the Commission's role.

The other recommendations which I feel unable to accept relate to the Commission's grant aiding powers (recommendations 24 - 27). The Committee is critical of the value of the Commission's grants to organisations concerned with the promotion of equality of opportunity and good race relations; it recommends that the project aid programme be ended as quickly as possible, and that grants to self-help groups should be wound up gradually. The Committee proposes that local authorities in particular should assume responsibility for funding the small projects which up to now have looked to the Commission for funds, and that section 11 and urban programme grants should be used for ethnic minority groups. On self-help groups, the Committee recommends that an equivalent sum be allocated to section 11 and the urban programme.

The Commission's total budget for project aid and self-help grants is about £1.1M in the current financial year; they are the only grants specifically available for community relations or self-help groups. As the proposed response to the Committee's recommendations explains, there can be no guarantee that local authorities would be able to accommodate these grants within their budgets, or that a small addition to the urban programme would be used for race relations projects. In the case of section 11 grants, they are available only in respect of local authority staff. I believe therefore that the present arrangements should continue.

As far as possible, I am proposing to accept the Committee's remaining recommendations. I have discussed the report with members of the Commission and while they remain dismayed at the tone of the report, they accept the need for positive assurances in the Government's response wherever these can be given.

I would hope to publish our response before Easter and I should be grateful for your comments, and those of colleagues on H Committee, to whom I am copying this correspondence, by 22 March. I am also sending copies to the Prime Minister and Sir Robert Armstrong.

M. J. M.
W. J. M.

GOVERNMENT REPLY TO THE FIRST REPORT FROM THE HOME AFFAIRS COMMITTEE

(SESSION 1981-82 HC46-1)

COMMISSION FOR RACIAL EQUALITY

The Government is grateful for the Committee's report and welcomes the main conclusion that the Commission for Racial Equality (CRE) should remain as the single agency charged with the dual functions of working towards the elimination of racial discrimination and promoting equality of opportunity and good race relations.

2. The Government considers that such a body has an important and independent contribution to make in these fields, while accepting that the main responsibility for promoting good race relations rests with the Government and local authorities (paragraph 11 of the Report). The Government's firm commitment to equality of opportunity and to combating racial disadvantage and discrimination was re-iterated plainly in the Parliamentary debates on Lord Scarman's report on the Brixton disturbances* and in its White Paper responding to the Select Committee's report on racial disadvantage.†

3. The need for the CRE to increase its effectiveness, to improve its procedures, and to speed up its investigations, is accepted. But the Government does not agree that the promotional and educational work of the CRE should be as narrowly confined as the Committee envisages in paragraph 14 of its Report. The CRE is in a position to make an important contribution to the public debate on matters of racial disadvantage by way of information, education and advice; its promotional role should be regarded in this broad sense. At the same time, as the Committee points out in paragraphs 18 and 19 of its Report, the CRE

* See statements by the Home Secretary in the debate in the House of Commons on 10 December 1981 and by the Parliamentary Under Secretary of State, Home Office, in the debate in the House of Lords on 4 February 1982.

† Cmd 8476

should not - and does not - regard itself as simply a representative body for ethnic minority opinion. Ethnic minorities can express their own views. The CRE should be a sieve, not a channel, and selective in its intervention in public debate.

4. The Government has considered the Report in close consultation with the CRE. The Annex to this White Paper comments on the detailed recommendations in the Committee's Report. As these comments indicate, the CRE has agreed to review (as it has regularly done) its organisation, including the links and coordination between the divisions of the Commission; the procedures followed in investigations; the priorities of work and the need to relate its promotional activities more closely - though not entirely - to investigations and court decisions; and to improve training procedures for staff and the effectiveness of their performance.

GENERALRecommendation 1

The Commission should continue in their dual role as an investigative and promotional body provided that their promotional work is solely dictated by the need to eradicate racial discrimination (para.14.)

The Government agrees that the CRE should continue to exercise a dual role - not only to work towards the elimination of discrimination, but also to promote equality of opportunity and good race relations, as envisaged in the duties placed upon it by the Race Relations Act of 1976. While the task of combating racial disadvantage and promoting good community relations lies mainly with central and local government, as the Committee points out in paragraph 11 of the Report, nonetheless the CRE has an important contribution to make in these fields. The Government and the CRE note the Committee's view that the Commission's promotional work should be dictated solely by the need to eradicate unlawful discrimination. They consider however that this would be to confine the CRE's role too narrowly. Not only must the Commission undertake the duties imposed by the Race Relations Act; it also needs to play an effective part in the wider field of combating racial disadvantage in contributing to the general climate of opinion on racial issues and in educating people for a multi-racial society. Nonetheless, the Committee's general criticism of the present effectiveness and balance of the CRE's work is accepted, and the CRE is reviewing the relationship between its promotional and investigation work in order to align the two more closely. It is also reviewing its priorities on promotional activity in the light of the Committee's comments and in order to secure the most effective use of resources.

Recommendation 2.

The Commission should concentrate on coping with the backlog of investigations so that their promotional work can be undertaken on a surer foundation (para.16).

The recommendation is accepted. The Commission has commented however that it is not right to assume that promotional work and

advice can be effectively derived only from completed investigations. Commission recommendations on equal opportunity policy development, training needs and the avoidance of discrimination have been drawn from evidence and experience built up over long periods by the Commission and its predecessor bodies, community relations councils and ethnic minority organisations. They have been further developed through liaison work with employers and institutions which have already made progress in the field. While investigations add invaluable weight to promotional work, the substance of the Commission's advice and recommendations is not dependent solely upon the investigation programme.

Recommendation 3.

In making public intervention in matters of controversy the Commission should bear in mind the risk that public confidence in them as a law enforcement agency will be undermined by what may be seen to be partisan intervention in public debate (para.19.)

The Recommendation is noted and the Commission will continue to bear in mind the risk to which the Committee refers. The Commission does not consider that it has acted simply as a spokesman or as a platform for the views of ethnic minority organisations. While its duty to promote equality of opportunity and good race relations makes it necessary for it to speak out on relevant issues of public policy, the Commission appreciates the risks of misunderstanding of its role as described by the Committee in paragraphs 18 and 19 of the Report.

MANAGEMENT

Recommendation 4.

The Commission should explore in conjunction with the Home Office and the Civil Service Department the possibility of linking related sections in the two major Divisions, whether at Principal or Director level (para.17).

Recommendation 5.

The posts of full-time Deputy Chairman and of Chief Executive should be phased out over the next few years (para.21).

Recommendation 6.

The essentially non-executive and supervisory function of Commissioners should be emphasised by the Home Secretary at the time of their appointment (para.21):

Recommendation 7.

The Home Secretary should bear in mind the need for legal expertise when the next opportunity arises for the appointment of Commissioners (para.22).

This group of recommendations has been noted by the Government and the Commission. Recommendations 4 and 6 are accepted and are being acted upon. The Government has no plans to take action on recommendation 5, which it is important to emphasise refers to the long-term future of the posts of the full-time Deputy Chairman and the Chief Executive and not to the position of their current occupants. The Home Secretary has reappointed the present Deputy Chairman for a further two years, and the Commission has reaffirmed its view that the need for the Chief Executive post continues. In the future, as in the past, the top management structure of the Commission will, of course, be reviewed periodically. Recommendation 7 is accepted (although legal expertise should not be the sole qualification for appointment as a Commissioner) and has been borne in mind in the recent appointments to the Commission.

STAFF

Recommendation 8.

The Commission and the Home Office should undertake immediate consultations with a view to initiating an interchange between Commission staff and the Civil Service as soon as practicable (para.25).

The recommendation is accepted and consultations are in hand.

Recommendation 9.

The Commission should take immediate steps to recruit more legally qualified staff to their Equal Opportunities Division in particular (para.26).

The desirability of more legally qualified staff is accepted. Their best deployment within the organisation will be further discussed between the Commission and the Home Office. The Home Office has recently authorised the engagement by the Commission of its own full-time legal adviser.

Recommendation 10.

The Commission should make it clear in recruiting all but the most specialised staff that they must expect to move freely between the different divisions of the Commission, and the Commission's management should ensure that such movement does in fact take place (para 17).

The recommendation is accepted.

Recommendation 11.

The Commission and Home Office should give serious consideration to reshaping the number of posts at each grade so as to ensure that the Commission's operations are not hamstrung by lack of clerical and secretarial support (para.55).

The recommendation is accepted: the Commission has commented that since the Committee took evidence there has been an improvement in the availability of secretarial and clerical staff in London.

Recommendation 12.

The Commission should examine the possibility of allocating some specialist staff to regional offices, if necessary in place of the current fieldwork officers (para.40).

The Commission has serious doubts about this recommendation, which it considers is in conflict with the Committee's view that it should be more involved with Community Relations Councils; in the Commission's view, a reduction in the number of field work officers in regions in order to increase specialist staff would be detrimental.

RESEARCH

Recommendation 13.

The Commission should henceforth concentrate on research which is of direct application to their own work and which cannot be undertaken by other bodies (para.42).

The recommendation is accepted. The Commission has commented that its research programme is of direct application to its own work, bearing in mind its duties under the Race Relations Act. The Commission accepts the need to avoid duplication or overlap with other research bodies and programmes.

INVESTIGATIONS

Recommendation 14.

Section 49 (4) of the 1976 Act should be repealed (para.51).

This recommendation has been noted for consideration when opportunity for legislation occurs.

Recommendation 15.

The Commission should review training procedures for its Equal Opportunities Division staff so as to ensure that they are aware of the need for discretion and courtesy: staff currently engaged in investigations should be similarly reminded (para.57).

The recommendation is accepted, although the Commission has commented that it does not accept the broad criticisms of its staff contained, without detailed evidence, in paragraph 56 of the Report (which also refers to comments on the helpfulness and courtesy of the Commission's staff). Training will be reviewed, and staff have been reminded of the existing instructions that they must practice courtesy and discretion at all times.

Recommendation 16.

The Commission should show greater discretion in the publicity which they give to uncompleted investigations. They should pay particular attention to any publicity given to investigations where there have been no allegations of discrimination against the respondent (para.57).

The recommendation is noted. The Commission points out that the comment by the Chief Executive that "it is the Commission's policy to give as much publicity as possible to its formal investigations" (quoted in paragraph 56 of the Report) related to completed investigations. The Commission considers that it exercises tight discretion, but accepts that there have been a few instances of unauthorised disclosure of information, which it deplores as much as the Committee. Staff have been warned about unauthorised disclosure, and reminded that disciplinary action may follow such breaches.

Recommendation 17.

The Home Secretary should bear in mind the possibility of directing the Commission to undertake an investigation (para.58).

The recommendation has been noted.

Recommendation 18.

In future the Commission should take stock of their available staff resources before plunging into a major new investigation (para.59).

Recommendation 19.

As a matter of urgency the Home Office and the Commission should conduct together a thorough review of the Commission's practices in the conduct of investigations with a view to ensuring that there is no repetition of the prolonged delays which have hitherto marred the Commission's investigative record. (para.61).

These recommendations are accepted, and the concern expressed by the Committee noted. The Home Office and the Commission have put a review in hand. *

- * The Commission has commented on these recommendations:

"It has always been the practice of the Commission to assess staff resources before undertaking a major new investigation, and we shall continue to do so. To bring the record up to date, we have now published reports on thirteen investigations and have completed our enquiries in seventeen more. In six of these seventeen we have issued non-discrimination notices to the respondents, including the Birmingham Area Health Authority, Rank Leisure Services, Massey-Ferguson and the Prestige Group, and our reports on these six are now held up only because appeals have been lodged against the notices in County Courts and Industrial Tribunals. Several more reports will be published in 1982.

"We share the Committee's frustration that we have not published reports on more investigations, and we had in fact already revised our practices and procedures with a view to minimising delays. We note the Committee's conviction that "most of the causes of delay ... rest firmly with the Commission" (paragraph 60).

"In our view, however, the Committee have failed to understand the extent and complexity of large investigations. Even as research exercises alone they would be lengthy and demanding, for the issues involved are difficult and sensitive, and we are often hampered by the lack of records. But they are exercises in law enforcement as well, and the Race Relations Act is cumbersome. We have to make sure, as far as possible, not only that we get things right, but that everything we do, including the issue of non-discrimination notices, can withstand challenge in the courts and tribunals. In our view the Committee have

COMPLAINTS

Recommendation 20

The Commission should follow up the production of their "do-it yourself" kit for discrimination complainants with a vigorous programme of training outside bodies and individuals in the skills necessary for aiding a complainant at all stages of his case. The Home Office should report to the Committee on the possibility of extending legal aid to discrimination cases (para.69).

The recommendation is accepted.

The Commission comments that the programme of training for outside bodies and individuals is one of its priorities, and it has already held six training courses attended by nearly a hundred persons. As yet, however, very few outsiders, whether individuals or organisations, are able and willing to take on this work to any significant extent and there can be no guarantee that the "do-it-yourself" kit and training programme will substantially change this position. The Commission, in its view, must therefore remain heavily involved.

As to the question of extending legal aid to discrimination cases, a memorandum prepared by the Lord Chancellor's Department is attached at Appendix A.

underestimated the delays caused by respondents.

"We accept that we might have completed some investigations more quickly if we had started fewer. Indeed we said so in our evidence to the Committee, and we regard this as the most valid criticism that can be made of our record. The reason for embarking on many investigations was of course our eagerness to put an end to unlawful discrimination in as many areas as possible. To criticise us, however, for investigating 'small fry', as if these were distractions from our main business, is misdirected. In many important areas, such as working men's clubs and estate and accommodation agents, small investigations are the most effective method of tackling the issues involved."

PROMOTION

Recommendation 21.

The Commission's promotional activity should be largely confined to the publicising, and the incorporation into codes of practice and the like, of the results of the enforcement of the 1976 Act through investigation and court cases (para.80).

Recommendation 22.

Much of the Commission's current promotional activity should more properly spring from Government departments (para.81).

See the response to Recommendation 1 above.

The proposals in paragraph 81 of the Committee's Report for specialised race relations units in Departments, and for Home Office coordination, were dealt with in the Government's response to the Committee's Report on racial disadvantage (Cmd 8476).

Recommendation 23.

The Commission should act more in the manner of other specialist law enforcement and advisory commissions, and should shed some of the multifarious functions which they have taken on (para.81).

It is accepted that the Commission should not be a 'shadow race relations department' - see the comments in paragraphs 2 and 3 of this White Paper, and in response to Recommendation 1 above.*

* As to its 'multifarious functions' (paragraph 81 of the Report), the Commission has commented that it does not regard its promotional programmes as over-ambitious or vague. "They include clear targets for approaches which will be made on the initiative of the CRE and selection of work areas in which responsive work will be given priority. The development of programmes takes place firmly in the context of what results can be reasonably expected or aimed for, and this remains a guiding factor in regular reviews of progress. A considerable amount of responsive work is, however, often demanded. In 1981 for example, apart from the Select Committee's own demands, the Scarman Inquiry, a number of specialist select committees, enquiries and white papers, as well as a considerable increase in requests for advice from employers, authorities and institutions as a result of the inner city riots, placed major calls on the CRE's resources which could not be ignored. But to conclude from this that the Commission should refuse to comment or recommend in such crucial areas would be counter to its duties under the legislation, and counter productive in relation to its law enforcement role. There are, too, some areas of work which the CRE believe must be pursued although the prospect of complete success may be a long term one. On the question of Government contracts, for example, the fact that the Government has rejected the CRE's proposals cannot mean that this major issue should simply be abandoned. It can, indeed, be

GRANTS

Recommendation 24.

The Commission's project aid programme should be brought to an end as rapidly as outstanding commitments allow, and local authorities in particular should find room in their budgets for the sort of promising small project hitherto funded by the Commission and Section 11 and Urban Aid funds should be made available for such projects (para.89).

Recommendation 25.

Bodies such as the Arts Council and the Sports Council should include ethnic minority interests within their overall funding (para.89).

Recommendation 26.

The Self Help Fund should be gradually wound up and an equivalent sum allocated to the Section 11 and Urban Aid budgets (para.93).

Recommendation 27.

In the interim, detailed Home Office and Treasury control over individual applications should cease (para.92).

The Government does not accept the recommendations for winding up the Commission's grant programmes.

Ideally, main expenditure programmes by central and local Government would deal with the special needs of ethnic minorities (see the comments in the Government's response to the Committee's Report on racial disadvantage, Cmd 8476). The CRE's grant making powers are however the only source of Government funding specifically available for community relations or self-help groups. Grants under section 11 - on which there is no early prospect of legislation - are not available to voluntary organisations, but are confined, even under

argued that all major targets which will bring significant improvements to equal opportunity should be pursued and that to adopt a more cautious approach would be to fulfil the Committee's own criticisms of the CRE - i.e. few significant results would be achieved and the CRE would become ineffective".

the changed criteria announced in Cmnd.8476, to local authority staff. Grants under the urban programme are made to ethnic groups, but there is no guarantee that local authorities will necessarily be able or willing to give the same priority to supporting groups which are the subject of grants from the CRE or to support additional ethnic minority projects. Transferring the CRE budget to the urban programme (where it would be a very small addition to the £270 million available in 1982/83) would not ensure that it was used for projects designed to promote good race relations. The Government considers therefore that the CRE grants should continue; arrangements are in hand to establish with the CRE broad criteria for the grants, including more effective monitoring, so that the present over-detailed control by the Home Office and the Treasury may be relaxed as envisaged in paragraph 92 of the Committee's Report.

BURSARIES

Recommendation 28.

The bursary scheme should not be permitted to expend beyond its present modest level, and the Commission should examine the priority which should be given to such expenditure in times of financial stringency (para.94).

Recommendation 29.

The names of bursars should be included in the Commission's Annual Report (para.94).

The recommendations are accepted. The Commission has recently reviewed the effectiveness of the bursary scheme, until now directed at professionals who work with ethnic minorities, and has proposed new criteria which have as their main emphasis the objective of assisting the development of ethnic minority groups' projects. Initially, to reflect the Commission's own priorities, preference will be given to applications from young people, from those working with young people or from those engaged in promoting ethnic minority business ventures. It is hoped that the revised scheme will demonstrate to

other potential funders the ways in which they could also assist in leadership training and in other ways of tackling the problems facing ethnic minority young people. The Commission would welcome the opportunity to enter joint funding arrangements with business or charitable interests to sponsor bursars for visits overseas.

COMMUNITY RELATIONS COUNCILS

Recommendation 30.

The Commission should extend in-service training to CROs funded from other sources (para.100).

The Commission has already undertaken to extend training to non-CRE funded staff. This extension is bound to be measured by available resources, and priority must remain with CRE-funded community relations officers (CROs). Training arrangements will be monitored by the proposed Training Advisory Committee which will include representatives from the National Association of Community Relations Councils (NACRC). Among the proposals contained in the Commission's 1980 policy paper on community relations councils (CRCs), those for training have probably received the largest degree of support. The increased use of professional educational agencies should lead to the better trained and more professionally competent CROs sought by the Committee.

Recommendation 31.

A disputes procedure should be agreed between the Commission, NACRC and ASTMS (para.101).

The recommendation is accepted and the Commission in discussing its implementation with NACRC and the Association of Scientific, Technical and Managerial Staffs (ASTMS). The Commission has commented that as CRCs will be accountable to the Commission for their programmes of work (rather than their industrial relations records), they may rightfully claim increased professional and technical support from the Commission. But since they are independent agencies, the Commission is reluctant to involve itself in their internal organisation,

other than in an advisory capacity. The Commission is prepared to agree a disputes procedure with NACRC and ASTMS, but considers that it would be inconsistent with the new emphasis of the Commission's funding policy and with the independence of CRCs if the Commission were to be as involved as hitherto in the detailed local operation of the procedure.

Recommendation 32.

The absorption into local authorities of many of the CROs' present tasks should eventually lead to a diminution of the number of CROs funded by the Commission. Until then the Commission should continue to fund CROs (para. 104).

In the Commission's view, while the recommendation is clearly right, the rate of absorption of race relations responsibilities by local authorities may be over-estimated. While some authorities have made special staffing provision for race relations, there is no dramatic growth in this development. The Commission agrees with the Committee's conclusion that "an in-house unit is not an alternative to a CRC." Where local authorities have established race relations units, a need remains for CRCs to provide an independent monitor and to continue those areas of CRC work which are outside the scope of local authorities' functions. Thus the development of an in-house capacity by local authorities is unlikely to lead to a diminution of the role of CRCs, but rather a re-orientation of CRC work and a redirection of Commission salary grant-aid to those areas where race relations work demands greater development. Much of the Commission's funding is in respect of CROs in charge, and specialists such as employment officers, whose jobs do not correspond to local authority functions. Local authority appointments are being made more in such areas as education, housing and social services where they have often funded CRCs.

Recommendation 33.

The Committee sees CRCs as continuing to play a useful role in promoting good race relations, particularly in areas outside a local authority's responsibility and as independent critics (para.104).

The Government and the Commission welcome the recognition of the continuing role and importance to race relations of the work of CRCs.

Recommendation 34.

The Commission should continue as the major source of finance and advice to CRCs (para.109).

The Government accepts the recommendation.

Recommendation 35.

The Commission and NACRC must develop a satisfactory relationship based on the Commission's recognition of NACRC as the representative body of CRCs (paras.110-111).

The recommendation is accepted.

LEGAL AID IN RACIAL DISCRIMINATION CASES

1. At Recommendation 20 of the Report, the Committee asked for a report on the possibility of extending legal aid to discrimination cases brought under the Race Relations Act 1976.
2. As the Committee may be aware, civil legal aid under Part I of the Legal Aid Act 1974 is already available for most proceedings before county courts, and accordingly is available in respect of cases brought under Part III of the 1976 Act (discrimination in education and in the provision of goods, facilities, services and premises), jurisdiction in those cases lying in the county courts.
3. So far as cases brought under Part II of the 1976 Act are concerned (discrimination in the employment field), jurisdiction lies in industrial tribunals at first instance. Legal aid is not available for any proceedings before such tribunals, including those involving racial discrimination.
4. The contrasting legal aid position in respect of cases falling under Parts II and III of the 1976 Act reflects the general criteria employed in determining whether or not legal aid should be available for any particular type of proceeding. The central purpose of legal aid is to provide legal representation in proceedings where a litigant in person could not usually be expected to present his own case adequately and where representation by a layman would also be likely to be inadequate or is forbidden. Most tribunals, including industrial tribunals, have fairly simple rules of procedure; are conducted in a relatively informal way; and proceedings before them are not generally subject to the strict rules of evidence. Accordingly, legal representation is not considered necessary. Courts of law, including county courts, however, have complex and technical rules of procedure; conduct their business in a relatively formal and adversarial manner; and apply the strict rules of evidence, so that in general legal representation may be justified.
5. The Government recognises, however, that even in cases where legal representation is not necessary, a lawyer's services may be needed to advise a party; to negotiate on his behalf before a hearing is reached; and to prepare his case for hearing. Accordingly, even in cases where legal aid is not available for legal representation at the hearing, legal advice and assistance under section 1 of the Legal Aid Act 1974 may be granted to a party to cover all or some of the costs of those early or preliminary steps in any proceedings. Thus, anyone alleging discrimination under Parts II or III of the 1976 Act who

qualifies financially for legal advice and assistance may obtain a lawyer's services under that scheme to advise him; to negotiate on his behalf; and to take all steps necessary in the preparation of his case for hearing, for example, by collecting evidence and obtaining expert reports. Although there is an initial limit of £40.00 on the amount of advice and assistance which a solicitor may provide, it may be exceeded, and often is, with the approval of a legal aid committee.

6. In addition, the assistance and advice of the Advisory, Conciliation and Arbitration Service is available to those alleging discrimination in the employment field. Under section 55 of the 1976 Act, a conciliation officer has a duty to try to promote a settlement of a complaint without the need for a tribunal hearing. (In the period July 1980 to June 1981, a conciliated settlement was reached in 18.8% of applications to tribunals.) The services of a conciliation officer are also available at the request of either or both the parties where a complaint of discrimination could be made but before such a complaint has been made.
7. The Government also recognises that the existence of some special feature, such as the subject matter of a particular type of case, may make it appropriate to introduce special provision outside the normal schemes of legal aid and legal advice and assistance in respect of certain types of case which fall within the jurisdiction of a tribunal but for which legal aid is not generally available for the reasons explained above. In the case of racial discrimination, such special provision exists in section 66 of the 1976 Act. Under that section, the Commission for Racial Equality may assist a complainant or claimant under the Act in obtaining all the advice, assistance and representation which would be available under the civil legal aid scheme if it extended to industrial tribunal proceedings. In the Government's view, this is a more appropriate and effective means of providing assistance in discrimination cases than an exception to the legal aid scheme would be. If exceptions were made in the legal aid scheme so that, for example, cases based on or containing a discrimination element before an industrial tribunal were legally aided, whilst others, for example those based on straightforward unfair dismissal were not, those exceptions would be seen as unfairly discriminating between different classes of persons coming before industrial tribunals. Such perceived unfairness could have the effect of stimulating racist attitudes and prejudices which it is the purpose of the 1976 Act to eliminate. It should also be noted that it is not always easy to draw a

distinction between discrimination and other complaints, such as unfair dismissal. In many instances it does not become clear until a case reaches a tribunal the precise grounds of the complaint and thus which legislation is relevant to the circumstances.

8. For completeness' sake, the Committee should know that legal aid is available for all appeals from industrial tribunals to the Employment Appeal Tribunal. This is consistent with the general approach propounded in paragraph 4 above in that the Employment Appeal Tribunal despite its name is a superior court of record (paragraph 10 of Schedule 6 to the Employment Protection Act 1975); its procedures are formal and governed by the strict rules of evidence like any other court of law.
9. As the Government understands the Committee's report (paragraph 67) it takes the view that one major advantage of extending legal aid to discrimination cases before industrial tribunals would be to encourage agencies other than the Commission for Racial Equality (for example, community relations councils, voluntary groups and law centres) to play a part in handling complaints of discrimination. However, experience of the operation of Part III of the 1976 Act does not support that view. Although legal aid is already available in respect of discrimination cases in the county court, the number of cases brought is very small indeed and does not suggest that the availability of legal aid encourages either other bodies to play an increased part in discrimination cases or individuals to bring cases. Further, the extension of legal aid to discrimination cases before industrial tribunals could discourage rather than encourage the bringing of cases; it might also discourage the involvement of bodies or persons other than lawyers. The Committee has itself expressed the view that "the cumbersome nature of county court procedure may discourage complainants" and account for the small number of county court cases. In the Government's opinion, the extension of legal aid to industrial tribunal cases by encouraging and increasing the incidence of legal representation would be likely to lead to less informality and simplicity in tribunal proceedings than now exists. There is therefore the risk that the extension of legal aid in these cases would introduce or increase in respect of the tribunal's jurisdiction the same disincentive which the Committee considers may be the reason for the small number of county court discrimination actions.
10. The possible dangers of making legal aid generally available outlined above highlight a further advantage of making legal representation in discrimination

cases available through section 66 of the 1976 Act rather than by a general extension of legal aid. The Commission for Racial Equality has a great deal of expertise in the field of combating discrimination and is well placed to balance the advantages and disadvantages of legal representation both in individual cases and in general, and to decide in which individual cases and in how many cases overall assistance in obtaining legal representation should be provided so as to optimise the advantages of such representation and minimise the disadvantages.

Home Affairs

2.

1. CAN AM 12:2
2 PRIME MINISTER
S. K. Ingham
Gubbins



Prime Minister

12 February 1982

RACE RELATIONS AND SIR GEORGE YOUNG

cc Govt Machinery: Special
Adviser P12

Your office telephoned mine this morning about the reaction to the announcement made yesterday about Sir George Young.

You may find it helpful to glance at the full text of the attached Press Notice. This makes it clear several times that the announcement about George's duties related only to matters falling within the sphere of interest of my Department. It was carefully drafted and presented so as not to over-state the role which George will play. There was no hint that George's responsibility would impinge on any other Government Department, nor reference to the Prime Minister. I understand that the usual Press Office co-ordination with the No 10 Press Office occurred, and that the answer was referred to at yesterday's lobby briefing.

I made the appointment of Sir George after careful discussion with Ministers in this Department. Race matters are a big and increasing element in the work of the Department. In my Private Secretary's letter of 1 February to Clive Whitmore (about advisers from the black community) specific reference was made to the fact that I had asked Sir George to take a particular interest in co-ordinating the Department's approach to the ethnic communities. I was, of course, extremely grateful for your agreement to my proceeding with the special adviser appointments.

I believe that parts of the Press have deliberately misrepresented the terms of a very specific Press Notice. At no stage did George Young or I make any reference whatsoever to your involvement or approval of the arrangement. As far as we are aware, this is a total fabrication, not based on fact or briefing. The comments of some of our back bench colleagues have been reprehensible.

In our comments George and I will emphasise the constructive nature of what we will be doing. It is not a matter which I believe the Government need apologise for.

I am copying this to Willie Whitelaw. I should add that George Young discussed the new arrangement within DOE with Timothy Raison last week.

Note.

I passed on the Prime Minister's
night comments to Mr & Mrs (Dox) by
Hypno.

The question and
answers were badly phrased and the
whole matter was badly handled. I put me
in a bit of difficulty when I heard doubt
at 7 a.m. on 10th on Friday morning in
Lincs. MH
15-92

Press Notice 35

11 February 1982

RACE RELATIONS - SIR GEORGE YOUNG GIVEN SPECIAL RESPONSIBILITY

Sir George Young, Parliamentary Under Secretary of State, Department of the Environment, is to take special responsibility for all matters concerned with race relations that fall within the Department's sphere of interests, Michael Heseltine, Secretary of State announced today.

In answer to a Parliamentary Question from John Wheeler, MP (Paddington), Mr Heseltine said:

"I have asked my honourable Friend the member for Ealing, Acton to take special responsibility for matters concerned with race relations in the Department of the Environment's field of activity."

Commenting today Sir George said:

"Many aspects of DOE's work are vital for the development of good race relations and for helping to cure racial disadvantage. Our urban programme is the clearest case of this. But aspects of housing policy are also extremely important, and the same is true of other local authority programmes with which DOE is concerned. I attach particular importance to ensuring that the views of ethnic minorities are taken on board when policies are being formed and decisions taken".

NOTE TO EDITORS

Sir George Young's responsibilities as Parliamentary Under Secretary of State at the Department of the Environment include work on Housing and Construction matters, New Towns and the Property Services Agency. He was Parliamentary Under Secretary of State for Health and Personal Social Services at the Department of Health and Social Security from May 1979 until September 1981 and has been MP for Ealing, Acton, since February 1974. From 1968-1971, Sir George was a councillor of the LB of Lambeth, and sat on the Council for Community Relations there; and, from 1970-73, represented LB Ealing (which includes Southall) on the GLC.

The Government's reply to the report on Racial Disadvantage by the Home Affairs Committee has been published as Cmnd 8476. In response to the Select Committee's recommendation that DOE "should create a specialist unit concerned exclusively with racial disadvantage aspects of their responsibilities", the reply was:

"The Government does not see the need to establish a separate unit within the Department of the Environment as recommended, since this would be divorced from the work of particular policy divisions, with whom the prime responsibility must lie. However, responsibility for taking a general view of racial disadvantage as it affects the Department's whole area of interest has been allocated to the division within Inner Cities Directorate which has most to do with these issues".

The resources available to local authorities through the urban programme total £210 million in 1981/82 and will be £270 million in 1982/83. The programme is aimed at the regeneration of inner city areas for the benefit of all the residents. It is not specifically geared to meet the needs of ethnic minorities. Nevertheless they do benefit considerably from the Programme, because:-

- (a) more than half (54%) of ethnic minorities live in the areas of partnership and programme authorities; and other authorities designated under the Inner Urban Areas Act 1978.
- (b) about 350 of the projects, costing about £6 million a year, are designed specifically to meet their needs; many of these are run by members of ethnic minority groups themselves; they include training workshops, language tuition, youth and community centres and a wide variety of cultural activities.

Press Inquiries: 01-212 3492/3/4/5/6

Night Calls: (6.30 pm - 8.00 am)

Weekends and Holidays: 01-212 7071

Public Inquiries: 01-212 3434; ask for
Public Inquiry Unit

12 FEB 1984



Home Affairs

WM
13/2



QUEEN ANNE'S GATE
LONDON SW1H 9AT

14. February 1982

Dear Norman

CRE DRAFT CODE OF PRACTICE

Thank you for your letter of 11 February in which you say that the Employment Committee have decided to give you their views on the draft Code.

I am sure that this is a wise course of action. I am most grateful for all you have done to encourage the Employment Committee to examine the draft Code.

I am sending copies of this letter to those who received copies of yours.

Yours truly
Wilkie

The Rt. Hon. Norman Tebbit, MP.

Home Affairs



Caxton House Tothill Street London SW1H 9NX P
Telephone Direct Line 01-213... 6400 GTN 213
Switchboard 01-213 3000

mt

Rt Hon William Whitelaw MC MP
Home Secretary
Home Office
Queen Anne's Gate
LONDON SW1

11 February 1982

Prime Minister 2

The Employment Committee has now decided to make a study of the CRE draft code of practice, as we hoped.

WM
1/2

D. Willie,
CRE DRAFT CODE OF PRACTICE

When the Home Affairs Committee met on 15 December to discuss the Code of Practice on Employment prepared by the Commission for Racial Equality, it was agreed that submission and publication of the Code should be arranged as soon as possible.

As you know, the CRE submitted the Code to me on 21 December and on 7 January the CRE announced they had done this and published the Code. Initially, as I explained to you when we discussed the situation last month, it seemed unlikely that the Employment Committee would want to take on this study, not least because of their existing preoccupations with other subjects. However the Department has now been informed that the Committee would like to give their views on the draft Code. I have written to the Chairman to say that I would welcome this.

I am sending copies of this letter to the Prime Minister, other members of H, the Industry Secretary, the Chief Whip and Sir Robert Armstrong.

G Norman



Prime Minister

Letter with the Honorable
reference by to find one or
perhaps two black special
advisers?

2 MARSHAM STREET
LONDON SW1P 3EB

My ref:

Your ref:

18 February 1982

On a voluntary basis this
I presume. 11/82
Agreed with.

[TOP COPY ON
Govt. Mach.
Special Adv. #2]

Dear Chris

In the course of his work on Merseyside my Secretary of State has to hold dialogues with representatives of the black groups whose attitude is a key to improving things in the area. A recurrent theme is that the problems of the black community are different, not understood, and not the subject of proper consultation. Equally it is difficult for either the Secretary of State or his Task Force to move about within the black community to see if behind the self selected and articulate there are more reasonable and constructive potential leaders. This problem exists not only in Liverpool but also where there are substantial numbers of West Indians and Asians. By and large these are in "inner cities". The Urban Programme is an important source of funding for them, even though it is not a specifically "ethnic" programme. But there are difficulties about choosing the best types of project from those that local authorities put forward and about arrangements for consultation with local groups. These are simply examples, though important ones, of the wider issue of how local authorities respond to the needs of ethnic minorities - to which the recent select committee report drew attention.

In replying to that, the Government has rejected the idea of a separate unit in DOE concerned exclusively with racial disadvantage, but announced that the Inner Cities Directorate (whose responsibility includes the Urban Programme) would be given responsibility for taking a general view of racial disadvantage as it affects the Department's own area of interest. My Secretary of State has also asked Sir George Young to take a particular interest in co-ordinating the Department's approach to the ethnic community.

In furthering this work, my Secretary of State believes that it would be extremely valuable to have advice available to him and to the Department on these issues from someone who might be expected to have the confidence of ethnic groups and who would be knowledgeable both about the workings of public authorities and about the particular difficulties of black enterprises. He believes that such advice could come only from a member of the black community. Indeed he believes that he needs to be seen to be influenced by such advice. He therefore has in mind to appoint one, but probably two, people as special advisers, if the Prime Minister agrees.

His immediate proposal is to appoint someone with public sector experience to help with the work described above, but he wants to give further thought to finding also a black manager from the private sector. He believes that it would help very much in getting big companies thinking constructively if they were dealing with someone with private sector experience. The Prime Minister will be aware that American experience

has moved very much in this direction since the inner city disturbances there in the 1960s. In both cases he has in mind that in view of the unusual nature of the field of selection, appointments should desirably be for a period of 6 months in the first instance. If, however, the particular individuals proved satisfactory my Secretary of State would expect to want to extend their appointments until they ceased under the terms of Sir Ian Bancroft's letter of 14th May 1979. The procedure for appointment of special advisers laid down in that letter would of course be followed when it came to the choice of an individual. But the proposal for my Secretary of State to appoint a black adviser at all is likely to attract wide interest, and he therefore thought it right to seek the Prime Minister's approval at this stage. He has discussed the idea with the Home Secretary, who supports it.

I am copying this to John Halliday (Home Office).

J.A.E.
D.A.E.
D A EDMONDS
Private Secretary

SP

Prime Minister 2 ^{at Press Office}
Mr Paterson



The CRE will make public ^{the same} tomorrow that they have submitted their code of practice to Mr Telford.

Caxton House Tothill Street London SW1H 9NAF

Telephone Direct Line 01-213 6400 GTN 213
Switchboard 01-213 3000

WR
7/1/82

William Rickett Esq
Private Secretary
10 Downing Street
LONDON SW1

MJT

6 January 1982

Dear Willie

CRE DRAFT CODE OF PRACTICE

I am writing to let you know that the CRE are proposing to announce in a Press Release on 7 January, for publication the following day, that they formally submitted the draft Code to me on 21 December. The CRE have told us that they will at the same time be making copies of the Code available to the Press and to all interested bodies and organisations.

Their Press Release, which we have seen in draft, is largely factual. As one would expect, it urges the Government to accept the draft Code, which is referred to as "a strong Code but one which, given the continuing high levels of discrimination, is necessary and workable"; but otherwise it is a factual account of the position. My Secretary of State does not therefore propose to make any statement himself but our Press Office will confirm that he has received the Code and will be giving consideration to it. If individuals or organisations wish to comment it will be made clear to them that these should be sent to the Department.

I am sending copies of this letter to the Private Secretaries of all H Committee members for their information and to the Private Secretary to Patrick Jenkin.

Yours

Mamie Fahey

MISS M C FAHEY
Private Secretary

Home Affairs
H. C. Hee

File

cc: (Ho) DES
Leo CSO, H. A. T.
L.A. CWO
D.M. D. T. M.
S.O.E. CWO, H. A.
S.O. 24 December 1981
UO AMGO
NIO Capt. of Gen. Arm.
DHSS + Co
CBLD

10 DOWNING STREET

From the Private Secretary

RACIAL DISADVANTAGE: RESPONSE TO THE REPORT FROM THE HOME AFFAIRS
COMMITTEE OF THE HOUSE OF COMMONS

Thank you for your letter of 21 December to Mike Pattison. As I told you yesterday, the Prime Minister is content for you to complete the Government's response to the Home Affairs Committee, arrange printing, and circulate the final version to members of the Cabinet in the usual way. She also agrees with the Home Secretary's suggested redraft of the response to the Select Committee's second recommendation.

I am sending copies of this letter to the Private Secretaries to members of H Committee and to David Wright (Cabinet Office).

W. F. S. RICKETT

C. J. Walters, Esq.,
Home Office.

RESTRICTED

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Yes
no

10 DOWNING STREET

Prime Minister

The Home Secretary's letter below reports the conclusions of H on the Government's response to the Home Affairs Committee's report on racial disadvantage. The draft response itself is at A.

The Home Secretary wishes in particular to draw your attention to the Committee's recommendation that the Home Office should have a more vigorous coordinating role in this area. The Government's response rejects this recommendation.

Content that the Government's response should be published at the end of January, as agreed by H?

WR 22/12

RESTRICTED



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

21 DEC 1981

Dear Mike

RACIAL DISADVANTAGE: RESPONSE TO THE REPORT FROM THE
HOME AFFAIRS COMMITTEE OF THE HOUSE OF COMMONS

At a meeting on 16th December H Committee approved the general lines of the Government's response to the report on racial disadvantage made by the Select Committee in August and agreed that it should be published at the end of January (H(81)32, minute 2).

The Home Secretary has already given the House some indication of the Government's general approach to the report in his speech in the debate on the Scarman report. The foreword to the response reiterates that approach, and the Home Secretary does not wish to trouble the Prime Minister with the details of the responses to individual recommendations. (The draft circulated with the Home Secretary's paper, H(81) 73, needs some relatively minor amendments. In particular the Home Secretary hopes that the response to the recommendations about employers (recommendations 51-54) will be able to reflect the decision taken at the same H Committee meeting, that the Secretary of State for Employment should seek further views, including those of the Select Committee on Employment, on the CRE Code of Practice and that the tone of the passages on education can be strengthened.)

There is, however, one paragraph which the Home Secretary would like to draw to the Prime Minister's attention, since it concerns questions of Ministerial responsibility and the machinery of government. The Select Committee's second recommendation reads as follows:

"The Home Office should exercise a more vigorous co-ordinating role within Government on matters of racial disadvantage, through a Cabinet Committee and an inter-departmental Committee of officials chaired by the Home Office (paragraphs 37,40)."

This is consonant with their recommendations that there should be units specifically concerned with racial disadvantage within individual Government Departments. It reflects, inter alia, a widely held (but the Home Secretary believes mistaken) view that some form of central co-ordination of the activities of individual departments would assist, and give greater impetus to, the work of tackling particular aspects of racial disadvantage.

The Home Secretary's view, which colleagues at H Committee endorsed, is that such arrangements would purport to give him and

/the

Mike Pattison Esq.

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the Home Office responsibilities which we could not carry out without interfering in matters properly the responsibilities of other Ministers, and the result would be to blur the responsibilities of Ministers for their own Departments and spending programmes. In this context, the Select Committee also complained, as other committees have done in the past, about the refusal of the Government to make public details of Ministerial Committees or to describe the arrangements made for inter-departmental consultation. The Home Secretary hopes that the Prime Minister and the Lord President will agree that the Government should continue to take a firm line on this.

The Home Secretary believes that it would be as well for the response to make clear that the Government have considered, but rejected, the arguments lying behind the Select Committee's recommendation and he therefore proposes some amendment of the draft circulated with H(81)73, so that the response to recommendation 2 will read as follows:

"The Government has reviewed present arrangements in the light of the Select Committee's comments. The Home Secretary will continue to have the leading Ministerial role in relation to race relations and racial disadvantage and thus a responsibility for shaping the climate and settling the direction in this field. But individual Departments must remain responsible for their own policies and programmes and for seeing that they take account of the Government's basic approach to racial disadvantage. The Prime Minister ensures that satisfactory arrangements are made, through Committees or otherwise, for the implementation of the Government's policy inter-departmentally and for resolving any differences which arise between Departments. To give the Home Office the role suggested by the Select Committee, which would involve interfering with other Departments' work, would distort Departmental responsibilities with the risk that it might reduce the effectiveness of the Government's policies for tackling racial disadvantage."

/If the

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If the Prime Minister is content we will now complete the response, arrange printing and circulate the final version to members of the Cabinet, shortly before publication, in the usual way.

I am sending copies of this minute to Private Secretaries to members of H Committee, and to David Wright.

Yours ever
John Walters

C. J. WALTERS

RESTRICTED

CONFIDENTIAL

cc Master

Home
Affair

cc AD

SUBJECT

NOTE FOR THE RECORD

Mr. Tebbit called on the Prime Minister this afternoon for a private discussion about the Commission for Racial Equality's Code of Practice for Employers.

Mr. Tebbit said that the CRE guidelines presented very real difficulties for him in respect of monitoring, extended leave, and language. He believed that Mr. Lane was unwilling to make any changes in what CRE was suggesting. The position, therefore, was that neither the Government nor Parliament could amend the guidelines. All they could do would be to decide not to approve them. The Prime Minister said that she shared Mr. Tebbit's view that it would be very damaging to the ethnic minorities and more widely if the proposed code were adopted. There would be widespread opposition to a requirement for companies to keep records of the racial mix of their employees; much of this opposition would come from members of minority groups. It was significant that both Mr. Lane and the Home Secretary had voted against these provisions of the Race Relations Act at the Committee stage.

Mr. Tebbit said that his tactics were to put a paper to colleagues for H Committee which did not express a strong view one way or the other. He would attempt to play the issue away by putting it to the Race Relations Sub Committee. It might be possible to promote a well-disposed member of the Sub Committee to propose that the Government should put forward its own draft of a suitable code of practice for employers. This tactic carried some risks: the Government might lose control of events. On the other hand, it minimised the risk of the Government being split in the House on the issue.

I have passed the gist of this on orally to Richard Dykes in Mr. Tebbit's office; but have indicated that I will not be writing a formal record outside No. 10.

M.S.

9 December 1981

CONFIDENTIAL

WFSR 1

PRIME MINISTER

You may wish to see the attached before your meeting with Mr. Tebbit tomorrow, although it is really a candidate for your weekend box because of its length.

Your meeting with Tim Raison at the end of November will have given you an idea of how the Home Office wish to play the response to the report of the Home Affairs Committee on Racial Disadvantage. The Home Secretary's attached draft will be discussed in H Committee next Tuesday, and he hopes to be able to publish it when the House returns in the middle of January. H Committee is most likely to back the Home Secretary in his wish for a positive response. Many of the members of the Committee feel that the Government must be seen to be doing something in this area following the summer riots and the Scarman Report. The main difficulty they will have is likely to be the fear that too positive a response will be seen by some Government backbenchers as the first step on the road to positive discrimination. The presentation of the Government's response will therefore need careful handling.

WFSR

8 December 1981

Ref A0 6255

MR WHITMOREMEETING WITH THE SECRETARY OF STATE FOR EMPLOYMENT: 9 DECEMBER 1981
THE COMMISSION FOR RACIAL EQUALITY: CODE OF PRACTICE FOR EMPLOYERS

1. Under section 47 of the Race Relations Act 1976, the Commission for Racial Equality may issue Codes of Practice for the purpose of eliminating discrimination in the field of employment and promoting equality of opportunity in that field between persons of different racial groups. If, after consultation, the Commission decide to proceed with a draft Code, they must send it to the Secretary of State for Employment, who must lay it before Parliament if he approves of it and, if he does not approve of it, must publish details of the reasons for withholding approval. Either House of Parliament may, by resolution, disapprove a draft Code within forty days of its being laid. The Code, when finally issued, is non-statutory in the sense that failure to observe it does not render a person liable to proceedings; but the Race Relations Act recognises the Code as being relevant in any proceedings under the Act before an industrial tribunal.

2. The Commission have drafted a Code of Practice after much consultation with employers' and union organisations, and have discussed it with the Department of Employment. The Employment Secretary has suggested a number of changes. The Commission have accepted some, but not all, of his suggestions, and will now submit the draft formally. The Employment Secretary has not yet seen the Commission's response and so it is not yet known whether the Code, as finally drafted, will be acceptable to him. It is a long document, dealing with such matters as the monitoring of the employment of members of the ethnic minorities, the issue of written instructions on the elimination of discrimination, and the appointment of firms and other organisations of individuals responsible for securing equality. The Home Secretary regards it as acceptable.

3. The Commission attach great importance to the draft Code, which they see as a test case of their own effectiveness and of the Government's readiness to respond positively to the Scarman Report and the Select Committee's Report

on Racial Disadvantage. The Home Secretary also sees the draft Code in that light, and it is likely that he will be pressing for it to be approved and laid before Parliament. It would certainly be very embarrassing if the Government had to publish reasons for not approving of it. We understand, however, that the Employment Secretary is worried about the Code's reception by the Government's supporters.

4. The Home and Social Affairs Committee is to meet on 15 December to consider the Government's reply to the Select Committee's Report on Racial Disadvantage and also the Government's attitude to the draft Code of Practice. Presumably at this stage the Prime Minister will wish to take note of the Secretary of State for Employment's misgivings, and invite him to voice them at the meeting of H. It is of course open to him to insist on the issue going on from H to Cabinet, if he wishes; but I imagine that the Prime Minister will prefer to discourage him from doing that, unless H is really very divided on the issue.

REA

ROBERT ARMSTRONG

8 January 1981

PRIME MINISTER

Under the Race Relations Act, the Commission for Racial Equality is required to present a Code of Conduct for Employers, to the Employment Secretary. Mr. Tebbit has now received this, and must decide the tactics of presenting the Code to Parliament. Parliament has no powers to amend the Code; if they do not like it, they can only reject it.

The handling of the Code will I think have to be discussed in H Committee, given the Home Secretary's interest. When Tim Raison saw you last week, he made a plea for a positive response to the CRE, and hoped that this could form part of the Government's reply to the Report of the Home Affairs Committee on Racial Disadvantage. However, Mr. Tebbit would like to have 30 minutes alone with you next week. There would be time at 1515 on Wednesday. Agree? *Yes NT.*

Mr. Tebbit may also raise the handling of the White Paper on Training. Michael Scholar hopes to get the draft of this to you on Monday, along with comments from John Hoskyns.

WPSN

NT.

4 December 1981

010

NBpm wr 24/7



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

21st July 1981

Home
Affairs

Dear Mr Rickett,

...

The Home Secretary thought the Prime Minister might wish to see the enclosed copy of the Government's Reply to the Third Report from the Home Affairs Committee on Vagrancy Offences.

I am sending a copy of this letter and enclosure to the Private Secretaries to members of the Cabinet, the Chief Whip and Sir Robert Armstrong.

Attached
to
front
cover

Yours sincerely
John Fields

J. E. FIELDS
Assistant Private Secretary

W. Rickett, Esq.

Original - GR



*Case
Home Affairs*

10 DOWNING STREET

THE PRIME MINISTER

14 July, 1980.

Dear Mr. Sever,

Thank you for your letter of 11 June, enclosing correspondence from your constituent, Mr. Ras Lynvest. I was interested to hear of Mr. Lynvest's concern about race relations in this country.

As you know, it is the Government's view that all our citizens, whatever their race, colour or religion, are equal before the law and should be treated as such. We are committed to policies of eliminating discrimination and promoting equality of opportunity. But the promotion of community relations is not a matter for Government alone, it is a challenge to our country as a whole. It is the responsibility of everyone in Britain, whether in a position of authority or in his or her individual capacity, to contribute to achieving these objectives.

I am grateful to you for recognising the many demands made on my time and I am afraid it will not be possible for me to meet Mr. Lynvest and his colleagues. Nevertheless, I hope he will be reassured by our commitment to the promotion of harmonious community relations.

Yours sincerely,

(SGD) MT

John Sever, Esq., MP.

M

HOME SECRETARY'S SPEECH: ANNUAL GENERAL MEETING OF
BIRMINGHAM COMMUNITY RELATIONS COUNCIL: 11 JULY 1980

2
PRIME
MINISTER
To see
MS
14/7

I am most grateful to you for inviting me to your Annual General Meeting. The work of voluntary bodies such as your own, however unspectacular some of it may seem to be, has been vital to the development of racial harmony in this country. The patient efforts of a few hard-working individuals have produced striking results. The special value of Community Relations Councils has been to provide a forum for people of all races to work together for a just and equal society. It is only by working together that we can create such a society.

Community relations work in Birmingham has been going on for 30 years. It was in 1950 that the then Archdeacon of Birmingham set up the Co-ordinating Committee for Coloured People. Since then Birmingham has always been active in promoting improvements in community relations. I am therefore particularly grateful to you for giving me the opportunity this evening to reaffirm the Government's commitment to better community relations in this country. In recent weeks I have read comments which have tried to cast doubts on the full commitment of this Government to the good race relations which are fundamental to the success of our British society. I wish to take this opportunity totally to repudiate those remarks.

/At the same

At the same time, in the interests of the whole nation, and in particular to remove unjustified fears stirred up ^{amongst} ~~against~~ ethnic minority groups, I wish to reaffirm the complete commitment of our Conservative Government under Margaret Thatcher to a society in which all individuals, whatever their race, colour or creed, have equal rights, responsibilities and opportunities.

It would be premature to imply that we have already arrived at a racially just society. There is still a long road ahead of us. But we must not belittle the progress we have already made, particularly the progress which the ethnic minorities have achieved by their own efforts. In my view, we do ourselves as a country no good by constantly undervaluing our own achievements. Nor, as we aim to improve the position of the ethnic minorities, do we help them or anybody else by running down the success that many of their members have made of their lives in this country. The ethnic minorities have shown themselves willing to take their part in society, to assume its responsibilities as well as its benefits.

It is worth, for example, reminding ourselves of the excellent work done by doctors and nurses in our National Health Service. Nor should we forget the contribution made to the law, to many aspects of our business life, to our industries, our professions, and our public services.

/Increasingly

Increasingly members of the ethnic minorities are reaching positions of importance. I remember, too, being struck when I was in Northern Ireland by the number of coloured soldiers in our army. I should also like to pay tribute to those who have joined the police service. I only wish that leaders of ethnic minority groups and all in Community Relations Councils would encourage more to do so.

I want now to turn to some current problems and give you my thoughts as to how we ought to tackle them together.

First, the Government must, and will, give full support to the Commission for Racial Equality under its Chairman, David Lane, whom I am delighted to see here today, and through them to Community Relations Councils in promoting a positive attitude to improved race relations. Let me give a fundamental example. Of course, like every other country we must have strict immigration controls in the best interests of all our citizens, and we have recently amended our Immigration Rules. But we really spend too much time talking negatively about this side instead of working to improve the lot of all the members of minority groups already in this country, many of whom were born here and should not be referred to as immigrants, which they are not. I would suggest that this positive work should be directed to three main areas: employment, education and police relations, and I intend to deal with these in turn.

In the field of employment, I do not underestimate the problems; nor the challenge posed by the present state of the economy. The Government well knows the extent to which the ethnic minorities are affected by changes in the level of employment. For many reasons - including the nature of their jobs and the age structure of the minority population - people in the ethnic minorities suffer more than the rest of the community when jobs are scarce, and I fear that we are seeing this trend now. But, equally, people in the ethnic minorities stand to benefit particularly greatly from a strong economy. I believe firmly that the best single thing we as a Government can do for the ethnic minorities in this country is to control inflation and create a climate where real jobs flourish and unemployment falls.

This is no easy task, and it cannot be accomplished painlessly. In the meantime, I recognise the very special problems which young people in the ethnic minorities may face in getting their vital first job. We hear a great deal about the problems of black youth in this respect. I think that sometimes we unwittingly give the impression that young people from the ethnic minorities may be particularly difficult to employ. I do not believe that this is right. The great majority of young people in the ethnic minorities want to work, and are ready to work hard. I believe that they have a valuable contribution to make to our economic life, and that we as a society should be more ready to recognise this.

/It is a

It is a deplorable reflection on our society that in all too many instances young people from the ethnic minorities find it harder to get work than their white colleagues with the same background and experience. Employers must be ready to give young blacks a fair chance and to ensure that unreasonable barriers are not put in the way of capable applicants.

The Government will play its part in preparing young people from the ethnic minorities for work. The Manpower Services Commission has developed a considerable range of courses which are of particular appeal to many of them, and makes great efforts to ensure that they get their fair share of training opportunities. We have recently agreed that the Manpower Services Commission should expand its Youth Opportunities Programme by 25% to over a quarter of a million places in 1980-81; and the Commission will be striving to ensure that the ethnic minorities get their fair share of these opportunities. In Birmingham, for instance, young people from the ethnic minorities are taking up most of the places on a very successful Youth Opportunities Scheme - Intaskill - which offers an introduction to a wide range of engineering work. But efforts like these are in vain if a youngster feels that his work will be fruitless, because of the reluctance of society to accept him as a full and equal citizen.

Problems remain, too, in the field of education. Education

plays a crucial role in securing equal opportunities for all our citizens, and this is particularly so for children from the ethnic minorities. Increasingly, their needs are more complex, reflecting the changing nature of the ethnic minority communities. Fewer children now come to school without any knowledge of English; but there are still many who come with an insufficient grasp of the language, because English - or a standard version of it - is not spoken in their homes. The values of school may be different from those at home, which are affected by religion and social custom, and the tension between the different cultures of school and home can be painful. Many of the children from the ethnic minorities, moreover, come from disadvantaged areas of our cities - areas where limited prospects and a poor environment can affect performance at school.

In this situation, there is bound to be concern about the achievement of children from the ethnic minorities, and it is essential for us to look carefully at the needs of these children. That is one reason why the Government attaches particular importance to the work of the Committee of Enquiry chaired by Mr. Anthony Rampton, which is looking at the educational needs of children from the ethnic minorities. I understand that this Committee hopes to make its interim report - on the educational needs and attainment of children of West Indian origin - towards the end of the year; the Government is looking forward to receiving the Committee's findings on this vital issue.

/I mentioned

I mentioned earlier that I believe that on basic issues all citizens of this country share the same values. One thing we all prize is the right to live in peace under the rule of law. Yet from some members of the ethnic minorities we hear lawlessness urged and from others comes a call for non-co-operation with those who enforce the law, the police. I want it to be clearly understood that I totally repudiate such policies. I cannot accept that rejection of the rule of law is ever justified. To those who pretend that lawlessness can ever be a viable alternative to constructive work within our present society I must say that not only do they cut themselves off from the vast majority of their fellow citizens, black as well as white, but they play directly into the hands of extremist organisations which are all too ready to exploit such situations for their own ends. I shall have more to say about such organisations later.

I know that difficulties may sometimes arise in relations between the police and the ethnic minorities. But, as I have said, refusal to co-operate with the police is no answer. Positive action is needed on both sides to improve relations. The police know the problems. Much has been done by different forces throughout the country through training and liaison to heighten the sensitivity of individual officers to these problems and to develop good relations with local minority communities.

/I have been

I have been very impressed by the approach adopted by the Chief Constable of the West Midlands Police and members of his Public Liaison Department. The example set by the Chief Constable and his senior colleagues means that the relevance and importance of good relations with the ethnic minorities, as with all sections of the community, are made clear to all operational police officers in areas with a large ethnic minority population, and are not regarded as an optional extra to "real police work".

Training for the police has, of course, an important part to play in improving relations between the police and members of the ethnic minority communities. We recognise the need for police training in this and other areas to be kept under continuous review. The Police Training Council have established two working parties to undertake major reviews of Inspectors' training and command training at the Police Staff College. There is also a review in progress of the social studies content of the probationer training syllabus. In these reviews, we are giving special attention to the race relations aspects and hope to have the benefit of advice from the Commission for Racial Equality.

I know that much good work is being done in many part of the country in promoting good relations between the police and ethnic minorities. In my view, the various schemes for community policing have a very substantial role to play in fostering good community relations. The experienced bobby on the beat who knows his area like the back of his hand can

/probably

probably make the largest single contribution to this process. With recent improvements in police manpower, Chief Officers of police are in a better position to make officers available for this vital function. In addition, at national level there are regular meetings between the Association of Chief Police Officers and the Commission for Racial Equality. At local level there is a network of consultative arrangements between individual police forces and ethnic minority representatives. I am sure that through such meetings, at both national and local level, trust and confidence between the police and the ethnic minorities can be built up and sustained.

But the problems remain. The police cannot afford to be complacent. All our citizens are entitled to the protection of the law and, if one section of our community, rightly or wrongly, believes that it does not receive that protection equally with its neighbours, the health of our whole society is threatened.

Perhaps I could take this opportunity to mention a matter which has some relevance to relations between the police and the ethnic minorities. That is the offence commonly known as 'sus'. As many of you know, the House of Commons Select Committee on Home Affairs recently announced that this offence should be repealed. We have made it clear that we accept the need for a change in the law. However, we are

/concerned that

concerned that, if the offence is repealed immediately, as the Committee recommended, certain acts which show indisputable criminal intent will be legalised. We are, therefore, looking at this issue in the context of the criminal law as a whole. We believe that there may still be some activities, in respect of which 'sus' is sometimes used now, which ought to remain within the ambit of the criminal law. The kind of activities we have in mind are some forms of attempt which would be covered by a law of attempt reformed on the lines recommended in the recent report by the Law Commission. There is probably a case for certain specific provisions, such as tampering with car door handles. But we are not proposing simply to rewrite 'sus' in a modern form or dress it up in a different way. We accept that there is ground which need no longer be covered by an offence such as 'sus'.

We are conscious of the feelings of fear and insecurity which can plague members of minorities in any society. The Government has a responsibility to remove the reasons for these. This is the approach we shall adopt in respect of the difficult subject of illegal immigration and overstaying. As you will know, Parliament has laid on the police and the Immigration Service the task of enforcing the immigration laws and it is their duty to undertake investigations when evidence of illegal immigration, unauthorised employment or overstaying is brought to their notice. At the same time, I recognise the adverse effect that operations, which involve the questioning of large numbers of people from particular

ethnic groups can have on race relations if they are not handled with the greatest care. I am therefore reviewing the procedures followed in these joint operations. I hope that this review will enable us to find ways of enforcing the law without damage to good race relations in this country. Meanwhile I can certainly make it quite clear that no-one who is lawfully in this country must feel he has any need to carry his passport with him when going to his place of employment.

We in the Government understand the fears and the feelings of insecurity. Where there are grounds for them, often in laws and policies we have inherited from the past which are no longer relevant to our present and our future, the aim of the Government will be to remove them. But fears are often, perhaps more often, fed not by facts but by myths; by misinformation and misunderstanding. I do urge all our ethnic minorities to listen to what members of the Government are actually saying, and to ignore both what extremists of the right, whoever they may be, may be urging on the Government, and what extremists of the left may be falsely misrepresenting Government policies to be. Ignore the false prophets. The Government is always ready to answer questions and explain. The best defence against false fears is the plain truth.

/I must also

I must also give an even more solemn warning against any resort to violence. I have already had occasion to condemn any form of lawlessness, or deliberate refusal to co-operate with the forces of law and order. The most objectionable forms of lawlessness are those in which violence is deliberately harnessed to political ends. Extremism, terrorism and violence in international affairs are the most menacing developments in the world today. Whatever short-term gains may sometimes appear to be achieved, the long-term effect can only be to damage the whole fabric of society.

These extremists are all too ready to create conditions which lead to violence. The motives of the Anti-Nazi League do not stand close examination: they are prepared to exploit genuine fears for their own ends and feed on the anxieties of others for their own ends.

As to the National Front, I must say I am constantly amazed by some people's capacity to take them seriously as a political force. They are an unpleasant adolescent fringe organisation with no chance whatsoever of achieving any kind of serious political status. They have been totally rejected by the electorate and have achieved absolutely nothing in political terms. If it was not for the Anti-Nazi League and the media they would long ago have sunk into the oblivion which they truly deserve.

/But let me

But let me return to the positive question of shared values. However much we already have in common - and it is a great deal - similar interests do not in themselves make a society. There has to be some common sense of belonging. It is my firm belief that the contribution which the ethnic minorities are making to our society demonstrates conclusively that they wish to belong. We wish to encourage this. People who have come from abroad need to develop a genuine commitment to this country, not just for themselves, but for the development of common understanding and harmonious relations. I am glad that many have already taken our citizenship. At the same time I know that those who have not taken our citizenship may be just as fully committed to this country. Moreover, many will have children born here who are British subjects.

As you know, it is the Government's intention to publish shortly a White Paper setting out our ideas on the shape of a possible new nationality law. I know that this has aroused a certain amount of apprehension among the ethnic minorities; but I believe that such apprehension is misplaced. Let me emphasise that in any review of the nationality law which this Government may introduce there will be proper safeguards for all those who are lawfully settled here even if they have not acquired our citizenship. The new nationality law will not affect the right that any person has under the immigration law to continue here. His position under the immigration law will not be affected in any way. Similarly, any application for citizenship which

/is still under

is still under consideration when the law is changed will be dealt with according to the law when the application was made and will not be adversely affected because it had not been determined before the law was changed.

So far I have been speaking about what has happened in the past and what is happening now. Let me turn to the future. We want a society in which everyone is treated according to their own merits as a human being and a fellow citizen, and not on the basis of irrational preconceptions; a society in which individual customs and traditions are respected; a society in which equal opportunities are open to all regardless of race, colour or creed. This can only be achieved by the development of mutual understanding. I firmly believe that we must all take responsibility for developing this understanding. At the same time I would sound a note of caution. I do not believe that there are separate roads to the equal society for black and for white. The idea of separatist policies has no place in the sort of society we should be aiming to build in this country. All our citizens, black and white, are entitled to equal treatment and equal opportunity.

To achieve the kind of society which we wish to see it is necessary for all of us to make a positive effort. I have already mentioned the need for the ethnic minorities to demonstrate a commitment to our society. I hope to see their members taking on an even greater role in public life through national and local organisations, through trade unions and political parties. More generally, I would wish

to see the ethnic minorities breaking through the obstacles of language and custom which cut many of them off from their fellow citizens. And I would hope that members of the ethnic minorities will recognise that they can do this and still retain their own languages, customs and cultural loyalties.

To the white community my message is simple and unequivocal. Black people are part of Britain and part of Britain's future. They are entitled to the same respect, the same consideration, the same treatment as any other citizen. These are facts which must be accepted. But mere grudging acceptance is not enough. If our society is to prosper, mutual regard must be one of the qualities of good citizenship.

Mr Sanders



^{PA}
Mr Sanders

This is not

the original
parliamentary
letter.

Returned with
WW's apologies

MC

WITH
THE COMPLIMENTS OF THE ^{1/6}
PRIVATE SECRETARY

HOME OFFICE
50 QUEEN ANNE'S GATE
LONDON SW1H 9AT

PRIME MINISTER

Home Affairs 1



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

The Home Secretary is
clear that an amendment
to the Motion will be
needed. Contact with the
draft overleaf? MS 3/6

3rd June, 1980.

Jean Nick

SUPPLY DAY DEBATE ON THE OPERATION OF S.4 OF THE
VAGRANCY ACT 1824

I attach the terms of the proposed Government amendment to the Opposition's motion which, although we do not yet know its precise terms, will probably "note with approval the Report of the Select Committee on Home Affairs on Race Relations and the 'SUS' law".

I should be grateful for the Prime Minister's approval for the amending motion to be tabled; we would intend that the other signatories to the Government motion would be the Home Secretary, Attorney General, Secretary of State for Wales, Mr. Brittan, Mr. Raison, to whose secretaries I am copying this letter and from whom I should be glad to receive confirmation that their Ministers are content for their names to be added to the motion. A copy also goes to Murdo MacLean.

the signatories
will be
rather senior
to some of
these, as
usual MS

Jones etc

J. G. DALY
Parliamentary Clerk

1) we need to 'accept the
need for a change in the law
not

N. Sanders, Esq.

That this House welcomes the important contribution made by the Report of the Select Committee on Home Affairs relating to section 4 of the Vagrancy Act 1824, accepts the need for a change in the law, and looks forward to the imminent publication of the Law Commission's Report on Attempt and to the public response to these reports, as providing the basis for an early decision as to the best way of reforming the law while ensuring adequate protection for the public.

May 1980



JS
COCO
BF 22.5.80

10 DOWNING STREET

From the Private Secretary

15 May 1980

Dear Stephen

The Prime Minister has seen the Home Secretary's minute of 14 May about race relations.

She would like to know in more detail what the Home Secretary has in mind. She has commented that, in some ways, minorities receive preferential treatment in expenditure programmes.

I think it would now be helpful if you could let me have a draft of the minute which the Home Secretary has suggested that the Prime Minister might like to send to colleagues.

Yours ever

Mike Pattison

Stephen Boys-Smith, Esq.,
Home Office.

J



10 DOWNING STREET

PRIME MINISTER

The Home Secretary would like you to give a lead on race relations. He suggests that you might minute colleagues asking them to review policies, and that you might pick up the Manifesto commitment in a public speech.

Should we ask the Home Secretary to let you see a draft of the minute he has in mind before you decide whether to proceed in this way?

MP
I am a little puzzled as to what he has in mind.
14 May 1980 In some ways -

these ministerial recommendations
preferential treatment in
employment programmes. *me*



PRIME MINISTER

RACE RELATIONS

I am convinced that as a Government we must have a positive policy on race relations. In our election Manifesto we emphasised our commitment to equality before the law and to equality of opportunity. The recent disturbances in Bristol are difficult to interpret and there was undoubtedly an element of mere lawlessness which I have made it clear cannot be tolerated. But there is ample evidence that some members of the ethnic minorities suffer from discrimination, sometimes deliberate, but more often unconscious and indirect.

It is vitally important that the ethnic minorities, nearly half of whom were born here, should not get the impression that we as a Government and as a party have nothing to offer them. Equally dangerous would be to lead people to think that good race relations can be brought about by Government action alone. The scope for effective policies on the part of central government is limited. What we can do is to make a conscious effort to ensure that our main expenditure programmes, whether at national or local level, operate in such a way that the ethnic minorities get the same benefit from them as the rest of society.

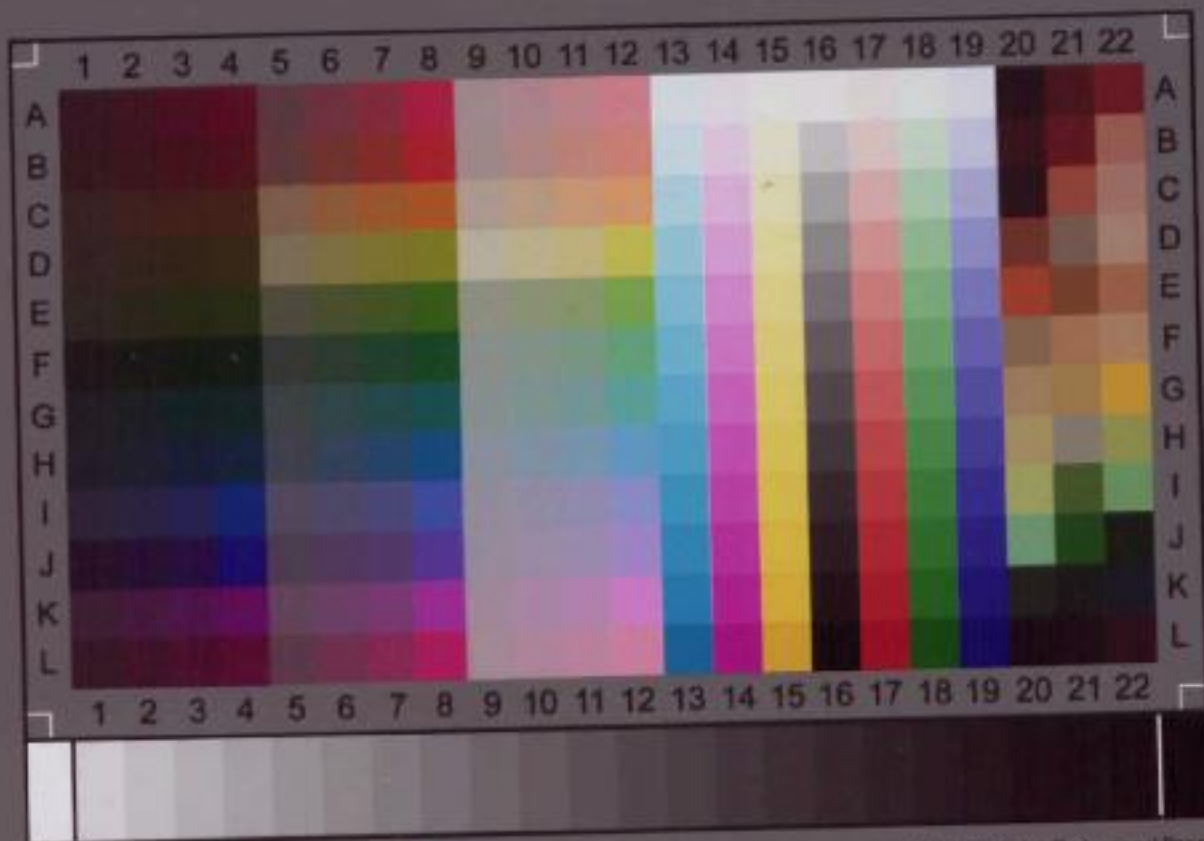
It would be a great stimulus if you were prepared to send a minute to our colleagues asking them to review policies in this way. This applies equally to my own Department. I am very conscious, for example, of the problem of relations between the ethnic minority communities and the police and I am constantly seeking ways of improving these. I would be glad to let you have a draft.

If in addition you thought it appropriate to pick up our Manifesto commitment in a public speech and fill it out a little by emphasising that our ethnic minority communities are here to stay and balancing their entitlement to equal opportunities with their duty to play their part in making a wholehearted contribution to the community, I believe this would make a great impact.

If I may say so your answer to Marlon's question on this subject yesterday was most helpful.

(W)

14 May 1980



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