

CNWL Equalities and Diversity Factsheet 1

The Race Relations (Amendment) Act 2000

The Race Relations (Amendment) Act 2000 is a far-reaching and genuinely innovative attempt to build a legislative framework for race relations in this country. It is broadly based on the recommendations of the Stephen Lawrence Inquiry and brings into particular focus the subject of institutional racism.

The Act works by placing a **general duty** on public bodies and by authorising the Secretary of State to add **specific duties** by regulatory order.

The Race Relations (Amendment) Act 2000 places a **general statutory duty** on over 43,000 public authorities, requiring them, in carrying out their functions, to have 'due regard' to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good relations between people of different racial groups

NHS Trusts are included in the list of public authorities to which this general duty applies. The effect on an NHS Trust is that it must have race equality as a central part of its functions (such as planning, policy making, service delivery, regulation, inspection, enforcement and employment). The general duty does not tell public authorities how to do their work, but it expects them to assess whether race equality is relevant to their functions. Also, if a listed public authority has a contract or other arrangement with a private company or a voluntary organisation to carry out any of its functions, and the duty applies to those functions, the authority is responsible for meeting the duty concerning those functions. Listed public authorities working in partnership with other organisations are still responsible for meeting the general duty and any specific duties.

The Act and its accompanying guidance are explicit that this general duty creates an obligation to be proactive, which applies not only to the organisation but also to every individual working for the public authority concerned.

The **specific duties** are:

- to prepare and publish a Race Equality Scheme setting out how the public body intends to meet its obligations under the Act
- to assess and review every three years which of its functions and policies are relevant to the general duty
- to set out its arrangements for assessing and consulting on the impact of policies being proposed for adoption; monitoring any adverse impact from existing or proposed policies; publishing the results of assessments, consultations and monitoring; ensuring ethnic minorities have access to information and the services provided
- to train staff on issues relevant to the duty to promote race equality
- to carry out and publish annually the results of ethnic monitoring of staff in post, applicants for jobs, promotions and training grievances, disciplinary action, performance appraisal, dismissals and other reasons for leaving