

2006 No. 2471

RACE RELATIONS

The Race Relations Act 1976 (Statutory Duties) Order 2006

Made - - - - *11th September 2006*

Laid before Parliament *12th September 2006*

Coming into force - - *3rd October 2006*

The Secretary of State, in exercise of the power conferred by section 71(2) and (3) of the Race Relations Act 1976(a), after consultation with the Commission for Racial Equality(b) and the National Assembly for Wales(c), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Race Relations Act 1976 (Statutory Duties) Order 2006 and shall come into force on 3rd October 2006 immediately after the Race Relations Act 1976 (General Statutory Duty) Order 2006(d) comes into force.

(2) In this Order—

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

“staff” includes any person treated as an employee for the purposes of Part 2 of the Race Relations Act (discrimination in the employment field).

Race Equality Schemes

2.—(1) A body or other person specified in the Schedule to this Order shall, before 2nd March 2007, publish a Race Equality Scheme, that is a scheme showing how it intends to fulfil its duties under section 71(1) of the Race Relations Act and this Order.

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

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

(b) that person’s arrangements for—

(i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;

(ii) monitoring its policies for any adverse impact on the promotion of race equality;

(a) 1976 c.74; section 71 was substituted by section 2 of the Race Relations (Amendment) Act 2000 (c.34). Previous orders made under subsections (2) and (3) are the Race Relations Act 1976 (Statutory Duties) Order 2001 (S.I. 2001/3458), the Race Relations Act 1976 (Statutory Duties) Order 2003 (S.I. 2003/3006) and the Race Relations Act 1976 (Statutory Duties) Order 2004 (S.I. 2004/3125).

(b) See section 71(4) of the Race Relations Act 1976.

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

(d) S.I. 2006/2470.

- (iii) publishing the results of such assessments and consultation as are mentioned in paragraph (i) and of such monitoring as is mentioned in paragraph (ii);
- (iv) ensuring public access to information and services which it provides; and
- (v) training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order.

(3) Such a person shall, within a period of three years from 2nd March 2007, and within each further period of three years, review the assessment referred to in paragraph (2)(a).

Monitoring by employers

3.—(1) A person to which this article applies shall,

- (a) before 2nd March 2007 have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2); and
- (b) fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of such a person to monitor, by reference to the racial groups to which they belong—

- (a) the numbers of—
 - (i) staff in post, and
 - (ii) applicants for employment, training and promotion, from each such group, and
- (b) where that person has 150 or more full-time staff, the number of staff from each such group who—
 - (i) receive training;
 - (ii) benefit or suffer detriment as a result of its performance assessment procedures;
 - (iii) are involved in grievance procedures;
 - (iv) are the subject of disciplinary procedures; or
 - (v) cease employment with that person.

(3) Such a person shall publish annually the results of its monitoring under paragraph (2).

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

(5) This article does not apply to—

- (a) The Office for Fair Access; and
- (b) a Scottish public authority with mixed functions or no reserved functions, as referred to section L2 of Part 2 of Schedule 5 to the Scotland Act 1998(b).

(6) In paragraph (2)(b), the reference to 150 full-time staff is a reference to such number of staff as would, if the hours they work were aggregated, amount to 150 staff working on a full-time basis.

Amendment of the Race Relations Act 1976 (Statutory Duties) Order 2003

4. In Schedule 2 to the Race Relations Act 1976 (Statutory Duties) Order 2003 (bodies and other persons excepted by article 4(5)(a)(c), omit the entry “ The Pensions Compensation Board.”.

Signed by authority of the Secretary of State for Communities and Local Government

Phil Woolas

Minister of State

11th September 2006

Department for Communities and Local Government

(a) Part 5 was added by S.I. 2006/2470.

(b) 1998 c.46.

(c) S.I. 2003/3006

SCHEDULE

Article 2(1)

BODIES AND OTHER PERSONS REQUIRED TO PUBLISH RACE EQUALITY SCHEMES BY 2ND MARCH 2007

The British Transport Police Authority

The General Medical Council

The Olympic Delivery Authority

The Board of the Pension Protection Fund

The Serious Organised Crime Agency

The Training and Development Agency for Schools.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes certain specific duties on bodies who are subject to the general duty under section 71(1) of the Race Relations Act 1976 (c.74) (“the 1976 Act”) to have due regard, when exercising their functions, to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The duties are imposed for the purpose of ensuring the better performance of the general duty under section 71(1) of the 1976 Act.

Article 2 requires a body specified in the Schedule to this Order to publish a scheme before 2nd March 2007, showing how it intends to fulfil the general duty and its duties under this Order (a “Race Equality Scheme”).

Article 3 requires bodies and persons specified in Part 5 of Schedule 1A to the 1976 Act, other than those specified in article 3(5) of this Order, to monitor, by reference to racial groups, the number of staff in post and the number of applicants for employment, training and promotion. Additional requirements apply where the person has at least 150 full-time equivalent staff. Arrangements for fulfilling the monitoring requirements must be in place by 2nd March 2007.

Article 4 removes the Pensions Compensation Board from the list of bodies excepted from the employment monitoring duties in the Race Relations Act 1976 (Statutory Duties) Order 2003 (S.I. 2003/3006).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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