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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF THE UNITED KINGDOM
ON THE THIRD OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
BY THE UNITED KINGDOM**

(received on 4 January 2012)

COMMENT BY THE GOVERNMENT OF THE UNITED KINGDOM ON THE 3rd OPINION ON THE UK OF THE COUNCIL OF EUROPE'S ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

Introduction

The United Kingdom Government welcomes this opportunity to comment on the Advisory Committee's 3rd Opinion on the UK under the Framework Convention for the Protection of National Minorities. We were pleased that the Advisory Committee were able to visit Northern Ireland, Scotland and Wales and England during their March 2011 contact visit to the UK, and to hold a constructive dialogue with the Northern Ireland Executive, the Scottish Government, the Welsh Government, the UK Government and other public agencies, about how the Framework Convention is being applied in different parts of the United Kingdom. We are also pleased to note that the Advisory Committee was also able to meet a range of non-governmental organisations, as well as the equality and human rights commissions

Main Findings

We have incorporated the main findings into our article-by-article responses on the Advisory Committee's report and, where relevant, refer to the paragraph numbers from that report.

Article 3

Scope of application of the Framework Convention (paragraphs 35-36)

The UK Government notes the Advisory Committee's recommendations on scope of application of the Framework Convention in the United Kingdom. However, the Government's position on this is clearly set out in paragraphs 1 and 2 of its 3rd Report under the Framework Convention. In the UK, the Framework Convention applies to racial groups as currently defined by the Equality Act 2010, i.e. groups defined by colour, nationality, national or ethnic origins. It is matter for the courts, not the Government, to decide which groups meet one or more of these four criteria.

Census Categories (paragraphs 41-43)

The UK Government welcomes the Advisory Committee's recognition of the extensive preparatory consultations undertaken in advance of the 2011 census as well as the inclusion of additional questions relevant to the Framework Convention. The Government notes the Advisory Committee's concerns that not all ethnic communities feel that they will be accurately counted by the census, but points out that, given the huge number of ethnic groups in the UK it is not feasible to include specific response categories for all of them on the questionnaire. Furthermore the design of the questionnaire gives individuals the option of recording their own ethnic

identity in a way that would not be possible with predetermined tick-box categories.

The UK Census Offices will continue to consult, research and develop questions on ethnicity and national identity for the purposes of improving response and data quality in any future census, and/or to investigate the uses of alternative sources of comparable information such as administrative records and registers, subject to data protection legislation.

Scotland

The Scottish Government does not interpret the Advisory Committee's comments about census categories as relating to Scotland. The Scottish Census includes specific categories on Gypsy/Travellers, Irish and also on Polish people. During development of the question on ethnic group the Scottish authorities looked at whether there should be a response category for Central and Eastern Europe. However cognitive testing revealed that this was not a group/label with which individuals from these countries identified. The inclusion of the term Polish was found to serve both as a way of collecting information on the largest group in Scotland from Central and Eastern Europe but also signified that the authorities wanted others from these countries to use the 'write-in' space provided to enter their own ethnic origin.

Article 4

Legislative and institutional developments in anti-discrimination in Great Britain (paragraphs 54-55)

The UK Government is pleased to note that the Advisory Committee welcomes the implementation of the Equality Act 2010 and agrees that this is significant piece of legislation which strengthens and simplifies the law in this area.

The Government launched a consultation on proposals to reform the Equality and Human Rights Commission (EHRC) in March 2011. The consultation closed in June 2011, and the Government will publish a response shortly. Now more than ever, the Commission must be able to show that it is using taxpayers' money wisely. Following the Spending Review the EHRC's budget will be reduced, but it will remain well funded compared to similar bodies across Europe.

Efforts to ensure full and effective equality (paragraphs 61-64)

The UK Government's new approach to tackling inequality was set out in the its **Equality Strategy**, which describes the move away from treating people as groups or 'equality strands' who get special treatment and the focus on developing frameworks that help create fairness and opportunities for everyone. Alongside this, we have some of the strongest equality legislation in

Europe. This Government has implemented most of the **Equality Act 2010** and has introduced a new **Public Sector Equality Duty**, which requires public bodies to have “due regard” to the need to:

- a) eliminate unlawful discrimination
- b) advance equality of opportunity and
- c) foster good relations between people from different groups.

Legal aid (paragraph 63)

The equality impact assessment published alongside the response to the *Proposals for the Reform of Legal Aid in England and Wales* consultation recognised that there was the potential for a range of impacts on those with protected characteristics, including race, as a result of the proposed reforms to legal aid. Analysis suggests that the proposals have the potential to impact a greater proportion of women, Black and minority ethnic people and ill or disabled people.

The UK Government does not necessarily believe that these impacts translate to a particular or substantial disadvantage and we have taken steps to assess how disadvantageous effects could be minimised and explored scope for reasonable adjustments. We have taken the view that any such impacts would be justified in light of the policy objectives, especially in the context of reducing the deficit.

We are retaining funding for claims in relation to a contravention of the Equality Act 2010. We recognise that these claims have an importance beyond a simple money claim due to the nature of the issues at stake – addressing societal prejudice and ensuring equality of opportunity which justifies funding at current levels

We are removing immigration cases from the scope of legal aid. This is because the Government’s view is that, in general, individuals in immigration cases – including those making applications to join family members - should be capable of dealing with their immigration application and should not require a lawyer. While it is true that immigration law can be complex, it is not generally the case that an appellant will need to argue points of law or have any knowledge of the law e.g. Article 8 cases.

Immigration cases are generally about whether the facts of a particular case meet the immigration rules. The tribunal process in these cases is designed to be straightforward and interpreters are provided free of charge. However, we will keep legal aid for immigration detention cases - where the appellant’s liberty is at stake.

Exceptional funding will continue to be provided for cases involving damages claims against public authorities, significant breach of Human Rights and for Judicial Reviews.

Asylum-seekers (para 64)

Under section 95 and section 98 of the Immigration and Asylum Act 1999, the UK Border Agency provides support to asylum seekers from the time they arrive in the UK until their claim is finally determined if they would otherwise be destitute. This support comprises rent and utility free accommodation and cash subsistence. This support continues for failed asylum seeking families with minor children until they leave the UK or are granted status in the UK. In addition, failed asylum seekers can obtain accommodation and support if they would otherwise be destitute and where they have a legitimate barrier to their immediate return. This support is provided under section 4 of the Immigration and Asylum Act 1999. Therefore, no asylum seeker or failed asylum seeker need be destitute whilst they have a legitimate reason to remain in the UK. Under [section 95\(3\) of the 1999 Act](#):

“... a person is destitute if:

- a. he does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or*
- b. he has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs”*

Where the UK Border Agency and the Courts decide someone is not in need of protection, we expect the person to return home voluntarily. Assistance to return home voluntarily can be provided by the UK Border Agency or Refugee Action, a voluntary sector organisation providing assisted voluntary return packages.

In 2011, the UK Border Agency reduced the grant awarded to voluntary sector organisations to provide advisory services to asylum seekers and refugees. This reflects the need to address the budget deficit and the fact that asylum intake has reduced significantly since grants were first put in place. Asylum applicants and refugees can contact the UK Border Agency direct for advice if they have difficulty accessing it through the voluntary sector. However, these savings will not affect the support that asylum seekers receive. Any asylum seeker who would otherwise be destitute will still be able to access accommodation and support.

We consider the level of support provided is sufficient to meet the essential living needs of an asylum seeker. When setting the levels of subsistence support we take into account the temporary nature of the support provided to asylum seekers and the fact they have access to fully furnished, rent free accommodation with utilities and council tax included. Therefore, and to reiterate, no person who has sought our protection need be destitute whilst waiting for an application to be decided.

Scotland

The Scottish Government notes the comment about monitoring equality outcomes and data collection. Any official statistics which are published by the Scottish Government are governed by the Code of Practice for Official Statistics. Principle 3 of the Code requires that the production of statistics follow all statutory obligations and internationally endorsed guidelines governing the collection of data, confidentiality, and release.

Anti-discrimination and equality in Northern Ireland (paragraphs 71-73)

Operation Gull (para 73)

The UK Government notes the Advisory Committee's concerns about Operation Gull and confirms that this falls within the jurisdiction of the UK Government, rather than the Northern Ireland Executive. Operation Gull tackles abuse of the Common Travel area, especially the UK and Republic of Ireland, by foreign nationals who are in breach of entry conditions or who have no authority to be in one or both jurisdictions. Many of these individuals transit Northern Ireland in the hope of evading formal immigration control. As such, the UK Government considers that Operation Gull is proportionate, legal, accountable and necessary. Operation Orders include a reminder to officers that this work must be carried out within the Human Rights Act 1998 and particularly reminds immigration officers to be mindful of Articles 3, 5, 8 and 9 of the European Convention on Human Rights.

Article 5

Preservation of minority cultures and languages (paragraphs 81-83)

Scotland

The Scottish Government notes the comments in the *Main Findings* regarding the progress made in relation to the Gaelic language, specifically in relation to teaching provision in schools and dual language road signs. However, on occasion, the report gives the impression that the Gaelic language was spoken throughout Scotland. This is not the case. Gaelic was (and still is) spoken in the Western Isles, some parts of the Highlands and as far south as Glasgow (as a result of migration to the city in the 18th and 19th centuries). However, even in areas of Scotland where there are a percentage of Gaelic speakers, it is often not recognised as an aspect of the local identity.

We note the recommendation that authorities should evaluate carefully the impact of budgetary cuts on the preservation and promotion of minority languages. Following the Scottish Government's 2011 Spending Review, the Gaelic and Scots budget has been maintained at current levels with a slight increase in the capital budget over the three year period.

Scottish Ministers are also committed to developing 'Scottish Studies'. This will create a distinct strand of learning focused on Scotland and incorporating the Scots and Gaelic Languages as well as Scottish History, Scottish Literature, wider Scottish culture and Scottish current affairs. All pupils will have access to this strand at Primary and Secondary levels.

Wales

The Welsh Government has published an Equality Impact Assessment as part of the Budget process which can be found at:

www.wales.gov.uk/cisd/reports/finance/equalityimpacts/equalityimpactassessment?lang=en

It demonstrates how equality issues were taken into account in the decisions taken by the Welsh Government on the priorities that should steer the budget planning process for the UK Government Spending Review period. These priorities were based on commitments to protect schools, skills, secondary and community healthcare and universal benefits, taking into account the need to protect the most marginalised and secure a sustainable economic recovery in Wales.

Strategic priorities for 2011-12 are protecting frontline services, protecting the marginalised, promoting equality of opportunity and outcomes, as well as supporting the economic recovery wherever possible.

Traditional lifestyle of Gypsies and Travellers and meeting their accommodation needs (paragraphs 95-98)

England

The UK Government wants to see fair play with everyone being treated equally and even-handedly in the planning system and recognises that there is concern about the current rules and guidance in relation to planning decisions for travellers' sites. This concern has undermined community cohesion and harmed community relations. At the same time, the Government recognises that like the rest of the population, the majority of travellers are law-abiding citizens and they should have the same chance of having a safe place to live and bring up their children.

The Government is committed to encouraging sustainable development and it is very important that local authorities plan for the future of their communities, including travellers.

The Government's intended abolition of regional strategies will decentralise decision making on strategic planning to local authorities and communities enabling them to plan for growth and other priorities in their areas.

The Localism Act provides for the abolition of regional strategies outside London. The action to abolish regional strategies has two stages. The first is to remove Part 5 of the Local Democracy Economic Development and Construction Act, which provides the architecture of the regional planning tier. The first stage took effect when the Bill was enacted on Royal Assent. This will prevent any further Strategies being created.

The second stage is to abolish each existing regional strategy and remaining saved county structure plan policies by Order. It is the Government's clear intention to lay Orders in Parliament revoking the existing regional strategies and saved structure plan policies as soon as possible but this is subject to the outcome of the environmental assessments that we are undertaking on a voluntary basis and the outcome of equality impact screenings. We are currently consulting on the environmental reports and that consultation ends in January 2012. Decisions on the revocations will not be made until the Secretary of State and Parliament have had the opportunity to consider the outcome of the environmental assessment process.

This intended abolition of regional strategies will remove the top-down traveller pitch targets they imposed. The Government believes that local authorities are best placed to determine how to assess housing needs, including traveller site provision, depending on local circumstances. Each Local Planning Authority is required in setting its Core Strategy to identify future housing needs, including for Gypsies and Travellers, and for allocated land sufficient to meet 5 years demand. Rather than imposing top-down targets which fuelled opposition to development, the Government is offering councils real incentives to develop traveller sites in their area to meet local need. Councils will be given incentives through the New Homes Bonus scheme to deliver new traveller sites and the Government has secured £60million funding to help councils and other registered providers build new traveller sites. A significant number of applications for site developments have been received, and an announcement will be made shortly. The Government is also providing £50,000 to support a training programme that aims to raise awareness amongst councillors of their leadership role in relation to traveller site provision and planning applications for sites.

The Government has recently consulted on a draft new planning policy for traveller sites. This process involved engagement with travellers and their representatives and the Government held a series of hearings around the country so that those with poor literacy could give their views orally. The draft policy aimed to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of traveller while respecting the interests of the settled community. The four-month consultation period on the draft policy ended in August. The Government is currently considering the responses to the consultation and intends to publish its final policy as soon as possible.

The draft new planning policy for traveller sites does not itself alter the operation of retrospective planning permission or grant new enforcement

powers (as stated in paragraph 89). However, the Government will not tolerate abuse of the planning system by anyone. The Localism Act 2011 strengthens enforcement powers and reduces the opportunities for retrospective planning applications, in relation to any form of development. The latter allows for an appeal against enforcement action or a retrospective planning application for development, not both. This is designed to close a loophole in which some developers have been drawing out the period for appealing against enforcement action by also submitting a retrospective application for planning permission – in which time their unauthorised development is allowed to continue.

The Government is supporting the abolition of regional strategies by introducing a duty to cooperate through the Localism Act. The duty to cooperate is a new requirement on local authorities and other public bodies to work together constructively, actively and on an ongoing basis in relation to planning for strategic cross boundary matters in local plans. The duty will be a key element of the Government's proposals for strategic planning.

The duty will require authorities to consider whether to enter into agreements on joint approaches, and whether to work jointly on local plans. Local authorities will be required to demonstrate how they have complied with the duty to cooperate as part of the independent examination of local plans. Failure to demonstrate compliance will mean that authorities may not pass the examination process.

We expect the duty to cooperate to bring about a real culture change with authorities taking on the leadership needed to ensure that strategic matters such as housing delivery are planned effectively. Authorities will see for themselves the benefits of cooperation, and in particular having an agreed planning approach across neighbouring authorities on issues such as infrastructure, employment, transport, and the natural environment. This will provide certainty for all parties engaged in the planning process and help to attract investors.

Gypsies and Travellers experience some of the worst social outcomes of any ethnic group. The Secretary of State for Communities and Local Government set up a cross-Government, ministerial-level working group to look at ways to prevent and reduce these inequalities in England, particularly in relation to health and education. Representatives from Gypsy and Traveller community groups were involved in setting the priorities for the working group. We plan to publish a progress report setting out a series of commitments by government departments on addressing Gypsy and Traveller inequalities.

Scotland

The Scottish Government notes the advice to take more vigorous measures to meet the accommodation needs of Gypsies and Travellers, and to improve the co-ordination of different levels of authorities involved in sites delivery. The then Minister for Housing in Scotland, Alex Neil MSP, set up a working group in the north east of Scotland in 2010 which considered these issues.

Tensions in the north east were, at that time, more acute than elsewhere in the country. The group considered the best way to ensure that provision of sites was adequate, as well as how best to resolve difficulties between the settled and Gypsy and Traveller communities. The group produced a strategy for the local authority and other stakeholders such as the police to use as guidance and the Scottish Government provided additional funding for Aberdeen City and Aberdeenshire Councils to improve the provision of sites in their areas.

As the working group and resulting strategy has seen positive outcomes, this is a model which we would consider replicating in other areas if there is a requirement to do so.

Turning to the point which suggests that authorities take measures as part of their planning strategies to ensure planning permission for sites is granted resulting in increased availability of sites, local authorities in Scotland are required to consider the needs for sites (both permanent and temporary halting sites) as part of their local planning strategies.

Finally, since the Committee's visit, the Scottish Government has commenced a consultation with the Gypsy and Traveller community on security of tenure as part of the wider consultation exercise in relation to the reforms to the Mobile Homes Act 1983.

Wales

On 29 September 2011 the Welsh Government launched 'Travelling to a Better Future' A Gypsy and Traveller Framework for Action and Delivery Plan. The document is the first of its kind to be published in the UK and sets out policy direction for the Welsh Government and its partners in respect of Gypsies and Travellers.

The Framework for Action focuses on several key policy areas which impact on the lives of Gypsies and Travellers, these being accommodation, education, training, health, social care, participation and engagement. The Framework was developed in close consultation with the Gypsy and Traveller community.

In particular the framework acknowledges that suitable and appropriate accommodation continues to be a key issue for Gypsies and Travellers and that accommodation underpins a person's ability to access other services including health and education.

The Welsh Government recognises the cultural preference of the Gypsy and Traveller community to live in caravans in extended family groups. It is a priority of the Welsh Government to increase the number of official Gypsy and Traveller sites in Wales and to improve facilities on existing ones. To support this, the Welsh Government offers funding to local authorities for the refurbishment or establishment of Gypsy and Traveller sites. Local authorities are required to assess the accommodation needs of Gypsies and Travellers

under sections 225 and 226 of the Housing Act 2004 and strategically plan to meet those needs. The completed accommodation needs assessments will inform Local Development Plans where local authorities are expected to identify land suitable for Gypsy and Traveller sites.

Local authority allocation schemes should be sensitive to the cultural needs of Gypsies and Travellers wherever possible. Tenancy support should be made available to help them make the transition from living in caravans to living in houses, where this is the applicants' choice.

Article 6

Fighting racism and intolerance (Paragraphs 105-107)

Islamophobia

As previously discussed with the Advisory Committee, many Muslims in the UK are also members of ethnic minorities and so come within the scope of the Framework Convention in the UK. The Government is determined to tackle Islamophobia and stamp out extremism and racism wherever it occurs. We deplore all religious and racially motivated attacks. We will not tolerate racists and trouble-makers disrupting our local communities. The Government is currently looking at setting up a cross-government working group to tackle Islamophobia similar to the cross-government working group to tackle antisemitism.

The Government is determined that events involving the Muslim community should not be exploited by anyone as an excuse to start blaming, persecuting, or preaching inflammatory messages about any particular group. British Muslims, like members of all communities, must be able to live their lives free from fear of verbal or physical attack. The Government has a shared responsibility to tackle Islamophobia and all forms of racism and prejudice against lawful religious traditions not only with those communities directly affected but with all members of society.

The Government is fully committed to engaging with faith and non-faith communities to help build a more inclusive, tolerant and cohesive society. The Government's relations with the Muslim community are extremely important and we will continue to strive to improve them.

Bullying in schools

Schools have a duty to promote equal opportunity and tackle discrimination. All schools must have measures to encourage good behaviour and prevent all forms of bullying amongst pupils. These measures should be part of the school's behaviour policy which must be communicated to all pupils, school staff and parents.

Gypsies and Travellers

England

The UK Government has funded several projects in England relating to tackling race hate crime experienced by Gypsies and Travellers. A number of the projects were aimed at raising awareness and improving community cohesion as well as combating racism. Projects concentrated on areas where race/hate crime had been reported and where a high concentration of Gypsies and Travellers reside.

The projects hoped to encourage increased reporting of race hate incidents by the Gypsy and Traveller communities and encourage better recording by Agencies of reported incidents.

Scotland

The Scottish Government notes the call to continue and step up measures to combat racism and intolerance in society. The Scottish Government's One Scotland campaign seeks to create a Scotland where racism is not acceptable. It hopes to inspire communities to pull together and be united and stronger.

The campaign has been running since 2002 and was re-launched in 2009, with the strap line 'No Us. No Them. Just We.' using both television and posters to promote it. It was updated and repackaged in March 2011 in the form of a USB stick containing all the One Scotland material. This will enable stakeholders who deliver anti-racism messages on the ground to use it as part of their wider education programmes.

The Scottish Government notes the recommendation that existing programmes to combat racism amongst youth and racist bullying at school should be supported and replicated as appropriate. The Scottish Government continues to fund the national anti-bullying service, *respectme*. They work with schools, local authorities and communities to help prevent and tackle all forms of bullying. *Respectme* offer a 'Training for Trainers' programme which helps them reach a wider audience by enabling further training to be carried out within authorities or organisations.

Wales

The Welsh Government is working hard to develop long-term positive change to eliminate unlawful racial discrimination, promote race equality and good race relations. To help the Welsh Government achieve this, a Race Forum will be convened. The Wales Race Forum will provide expert support and advice to the Welsh Government in terms of understanding the key issues and barriers within Black and minority ethnic communities. Stakeholders from across Wales will be represented on the Forum. It will meet bi-annually, with the first meeting being held in February 2012.

The Welsh Government shows its support of the different faith communities in Wales through the Welsh Government Faith Communities Forum. The First Minister is Chairperson and the Minister for Finance and Leader of the House is deputy Chairperson. The membership of the Faith Communities Forum consists of representatives of the seven main faith communities in Wales - Baha'i; Buddhism; Christianity; Hinduism; Judaism; Islam; Sikhism.

The Faith Communities Forum facilitates dialogue between the Welsh Government and the major faith communities on any matters affecting the economic, social and cultural life in Wales. The forum meets biannually.

Role of the media (paragraphs 112-113)

The UK Government strongly believes that a press free from state intervention is fundamental to our democracy. We will not therefore seek to interfere in what a newspaper chooses to publish. However, newspapers may not publish just what they like. They must abide by the law. UK laws against incitement to racial hatred cover all newspapers, including foreign-based newspapers, on sale in the UK. These laws also apply to material which people in the UK make available over the internet.

Newspapers have also chosen to restrict their historic right to freedom of expression by signing up to a Code of Practice, overseen by the Press Complaints Commission. The Code contains clauses on, amongst other things, discrimination and accuracy, but there is no role for Government in enforcing the Code.

Hate Crime (Paragraphs 114-119)

The United Kingdom has a robust approach to combating hate crime, including racism and religious hatred. The approach includes legislative and policy commitments which are underpinned by a human rights approach that respects every person's right to be protected from targeted abuse.

Legislation is in place to criminalise specific behaviours such as inciting hatred on the grounds of race, religion or sexual orientation. These offences have been applied by the courts in cases of behaviour on the Internet as well as physical offences. The cornerstone of the UK's legislative approach is the application of enhanced sentencing for cases where a court is satisfied that an offence was motivated by racial or religious hostility.

Whilst the United Kingdom records comparatively high levels of hate crime, the UK Government recognises that many people still do not report such offences to authorities. The Government has committed to increasing the reporting and recording of all forms of hate crime.

In order to accurately measure improvements in recording, all police forces now report hate crime using a common definition. This central data collection

will, in future, be included in national crime statistics. In the interim period, the Association of Chief Police Officers (ACPO) publishes data on the number of police-recorded hate crimes.

Hate crime policy is delivered by a cross-government hate crime programme which brings together government departments and criminal justice agencies. The programme benefits from a dedicated Independent Advisory Group which allows victims' groups to influence policy.

In order to meet its objectives to increase recording, but reduce the overall incidence of hate crime, the Government has, amongst other measures:

- Allocated over £2.1 million over three years to a range of non-government initiatives which are designed to increase confidence in reporting and improve the services offered to victims.
- Worked with the Association of Chief Police Officers to develop an online facility called *True Vision* (www.report-it.org.uk). True Vision offers a range of facilities for victims, support groups and professionals, which include printable materials and policy documents. It provides the ability to report hate crime online, including anonymously when the victim is unwilling to give details to the police. The site has had around 50,000 visits in its first 10 months and has received around 1,000 hate crime reports.
- Committed to refreshing guidance and training programmes for police officers and developing new guidance for local Community Safety Partnerships in responding to hate crime.
- Committed to producing a new cross-government hate crime action plan which will be published early in 2012 and will commit to activities over a three-year period.
- Committed to working with Muslim community groups to establish a national reporting mechanism and data collection system to improve understanding of the extent of hate crime which targets Muslim victims.

Crown Prosecution Service (CPS)

The Hate Crime Annual Report will contain disaggregated data for race and religion this year for the reporting period 2010/11. The report's format will also change to incorporate more information on progress and development in related areas in addition to key statistical returns.

CPS hate crime data are available through its Case Management System and associated Management Information System (MIS). The CPS collects data to assist in the effective management of its prosecution functions. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007. These data have been drawn

from the CPS's administrative IT system, which, as with any large scale recording system, is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

The official statistics relating to crime and policing are maintained by the Home Office and the official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice.

Local Scrutiny and involvement Panels are being established this year as the successor bodies to the former Hate Crime Scrutiny Panels and Community Involvement Panels. The overarching aims of the Panels are to:

- Assist CPS Areas to ensure the effective delivery of Core Quality Standard 2 and demonstrate compliance with the Equality Act 2010.
- Ensure that the CPS involves and considers the views of all communities to identify local concerns.
- Undertake case scrutiny of hate crime, violence against women and other cases of local interest to improve local performance and support to victims and witnesses.
- Undertake consultation with local communities on strategies, plans and policies to inform and improve policy, casework, employment and training.

The Panels may also work closely with criminal justice system and other statutory partners to share information and ensure that the views of local communities are considered and reflected in order to inform the development of joint local responses. The outcomes and successes of the panels will be assessed annually through the Core Quality Standard 12 validation measure.

Core Quality Standard 12 sets out the community engagement standard:

- We will engage with communities so that we are aware of their concerns when we make decisions
- We explain our role to our local communities and consult them about what our priorities should be through community groups and panels
- The Groups and Scrutiny Panels provide feedback on the way in which the communities are likely to view our decision making and our case handling procedures
- We use feedback to review how we conduct our cases

- We work with the police and local authorities to respond to the priorities that emerge in neighbourhoods and communities, such as anti-social behaviour

Scotland

The Scottish Government notes the comments in the *Main Findings* (paragraph 18) regarding measures to fight hate crime and the rise of anti-Irish feeling in Scotland. The statement on an increase in anti-Irish racism no longer holds true. Statistics on Racist Incidents for 2009-10, show a decrease in the number of anti-Irish racist incidents. However at the time of the meeting, the 2009-10 statistics had not been published so the comments would be based on 2008-09 data. Even allowing for this the increase was very slight (from 121 to 124), so it is inaccurate to say that there was an increase of great significance.

At the time of the Advisory Committee visit in March 2011, data was not available on hostility towards Gypsies and Travellers. Even in the 2009-10 publication, data on Gypsies/Travellers is not available for all police forces, due to changes to IT systems meaning they were unable to report at this level.

The Scottish Government notes the recommendation from the two previous cycles of monitoring in which Scotland was called upon to devote further resources to identifying and prosecuting hate crime. We can confirm that work is underway to collect information of recorded incidents of hate crime from police forces.

We note the assertion in this paragraph that reported instances of racially and religiously motivated crime in Scotland has remained steady over a number of years. This is true of racist incidents but we cannot comment on religiously aggravated crimes as we do not hold this data separately at present. It also appears as though para 117 contradicts slightly the comments in paragraph 18 which finds that there has been an increase.

Wales

A key manifesto priority in Wales focuses on the need to work with partners to reduce homophobic, transphobic, disability-related and religiously motivated bullying, and hate crime. This work will be taken forward through the programme for Government, which will be based on tangible outcomes.

The Equality and Human Rights Commission (EHRC) has undertaken an inquiry into disability harassment (September 2011), which has produced a final report, including 4 key recommendations for Wales. The National Assembly for Wales has also taken forward an evidence gathering exercise into disability related harassment through the Communities, Equality and Local Government Committee.

The findings will help to focus work within Wales and the Welsh Government will be meeting with stakeholders during autumn 2011. Although these findings have focussed on disability related hate crime, there will be a review of all current strands of hate crime.

The Welsh Government has passed legislation which brought the Welsh specific equality duties into law. The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 came into force on 6 April 2011. The regulations specify what public bodies in Wales must do to fulfil their legal obligations and perform better on equality and good relations.

The heart of the Welsh specific duties is on outcome focused equality objectives putting the spotlight on the practical differences we need to make to people's lives. If these are to be meaningful, credible evidence needs to be gathered and analysed to identify where action needs to be focused. Objectives will be based on the robust evidence that Welsh public bodies (including the Welsh Government itself) gather, and on engagement with organisations and individuals. The goal is to develop objectives that will make a difference to people's lives.

The Welsh Government will also continue to align work to tackle hate crime through the Community Cohesion programme. This will help to create a long term altitudinal change to help to overcome negative perceptions and stereotypes. The Welsh Government will also continue to work with partners to develop third party reporting and will look to build upon current practice to help to tackle under reporting.

Stop and search (paragraph 122)

The Advisory Committee's report mentions disproportionality in the use of police powers to stop and search, specifically under section 60 of the Criminal Justice and Public Order Act 1994, which is used in defined areas to deal with the risk of serious violence or the use of offensive weapons, and section 44 of the Terrorism Act 2000.

The power under section 60 is a vital part of the police's role in combating crime. However, the UK Government recognises that, in a number of areas of the criminal justice system, including stop and search, some groupings are significantly over-represented. Over-representation varies both geographically and by social group, and is particularly marked in cases involving those from Black and minority ethnic backgrounds. The Government is supporting police forces to identify and tackle the causes of apparent disparity in the use of these powers against Black and Asian people.

It can be misleading to analyse statistics at a national level. Stop and search is a tool to be used in local communities and we need to measure the use of these powers at the same local level.

76% of all section 60 stop and searches in 2008/09 were conducted by the Metropolitan Police - London's police force - largely as part of important

targeted operations which aimed to reduce the levels of knife crime in the selected areas, and 54 % of the Black population of England and Wales live in London.

The Metropolitan Police's figures show apparent disproportionality, which is of concern. However, these figures need to be viewed alongside the fact that some areas and communities in London are disproportionately affected by serious violence and knife crime. 34% of all homicide victims in London between 2006/07 and 2008/9 were Black (despite making up only 11% of the population of London) and 84% of victims of teenage deaths due to violence were Black. 73% of victims with serious stab injuries were also from Black and minority ethnic communities.

The power to stop and search under section 44 of the Terrorism Act 2000 was repealed in March 2011, following a ruling by the European Court of Human Rights. The power was used only 30 times in Great Britain in the last quarter of 2010, compared with over 23,000 in the corresponding period in 2009. It has been replaced since March with a new circumscribed power, which has not been used at all since it came into force.

Article 8

Religion (paragraphs 130-134)

Schools' responsibilities for accommodating (within reason) the wishes of parents for alternative Religious Education (RE)

It is the responsibility of a school to supervise children who are withdrawn from RE, although they are not required to provide alternative activities. They are not expected to incur additional costs through providing supervision for the child.

The parent cannot choose what the child does during that time. If the parent wants the child to receive a type of RE that is not offered at the school, it might be possible - if it is convenient, and not too costly - for the child to receive that type of RE in another school or somewhere else, like a place of worship.

Religious Education (RE) syllabuses

RE syllabuses are locally determined. In the case of maintained schools with a religious character, the syllabus is decided by the governing body in accordance with the trust deeds of the school.

Maintained schools without a religious character will use a locally agreed syllabus which is designed by an Agreed Syllabus Conference (ASC), taking advice from the local Standing Advisory Council on Religious Education (SACRE).

Academy and Free School Trusts are responsible for their own RE syllabus – although they can opt to use a locally agreed syllabus through mutual agreement.

In all cases we believe that those with responsibility for RE should be free to choose what is right educationally for the communities they serve. Our policy values the local determination of RE, which reflects the needs and traditions of the community, whether that is carried out by local authorities or schools.

Prescription on schools for teaching Religious Education

The Government believes that central prescription and the uniformity it implies do not necessarily produce the best outcomes. We are therefore reducing central prescription on schools - including guidance on what and how they should teach. We believe schools are best placed to make those decisions.

Article 9

Irish language broadcasting in Northern Ireland (paragraph 138)

The Government is committed to the widespread availability of TG4 throughout Northern Ireland. A not-for-profit Joint Venture comprising RTE and TG4 is establishing a multiplex to carry TG4 and also RTE1 and RTE2. Once the multiplex has been established, consideration will be given to including RTE radio services as well. Ofcom has confirmed that it will award the Joint Venture a broadcasting licence, once the Joint Venture is established. The UK Government is part-funding the carriage of TG4 in Northern Ireland. TG4 itself is funded by the Irish Government and some advertising revenues.

The UK Government has confirmed it will enter into a contract with the Joint Venture to meet TG4's costs (which are expected to be a third of the total costs). Officials are currently working on a funding agreement.

The UK Government hopes the procurement process for the multiplex can begin very soon. We were very encouraged to learn of RTE's willingness to begin the procurement process regardless of whether the Joint Venture has been formed.

In relation to the BBC, one of the BBC's Public Purposes, as set out in its Charter and Agreement, is to represent the nations, regions and communities of the UK, including the appropriate provision of minority languages. How the BBC fulfils its objectives is a matter for the BBC. The BBC is independent of Government and, within the framework of its Charter and Agreement, there is no provision for Government to intervene in its day-to-day activities.

Scottish Gaelic broadcasting (paragraph 141)

We note the Committee's comments about the launch of BBC Alba and their concerns that financial support is not sufficient to ensure regular production of an adequate range of programmes in Gaelic. In very tight financial circumstances, the Scottish Government has demonstrated its support for Gaelic broadcasting by protecting funding levels for MG ALBA at their current level over the next three year period.

Broadcasting in Welsh (paragraph 144)

The UK Government is committed to the future of Welsh language programming and to the future of S4C as a strong and independent Welsh TV service. We fully recognise the iconic status of the channel and the contribution it makes to the cultural and economic life of Wales. As well as sustaining and promoting the Welsh language, the channel provides a focal point for the celebration of Welsh national events. It is on this basis that the Government secured the future for S4C in the Comprehensive Spending Review.

The UK Government's priority, however, has to be reduction of the fiscal deficit and that is why S4C's funding was cut under the Comprehensive Spending Review. Guaranteed, inflation-proof funding from Government is completely untenable in the current fiscal climate. The Spending Review settlement is fair and the reductions in funding are proportionate to the reductions being made across Government departments.

The UK Government wants to ensure that S4C offers the best possible Welsh language service to its audience but believes that the S4C model is not sustainable in its present form. This is why the Government concluded that the best way to secure S4C's future while delivering a better service is through a partnership with the BBC. On 25 October 2011, the BBC and S4C announced the details of their proposed partnership arrangements, subject to the successful passage of the Public Bodies Bill.

The proposed partnership arrangements are a great outcome for Welsh language broadcasting. The arrangements ensure S4C's editorial and managerial independence and offer a very reassuring level of financial security for the next five years. This offers the stability and certainty S4C needs to go from strength to strength under its new Chairman and Chief Executive.

The UK Government will be consulting on the governance arrangements before implementation and looks forward to hearing what Welsh viewers think about the proposals.

Welsh Government

Although the Welsh Government is not responsible for funding S4C, it is very aware of the implications of decisions taken during the last few months in relation to the channel.

S4C has a key role to play in ensuring that the Welsh language continues to thrive. In this regard, its role is more than just a broadcaster. It has - and will continue to have - an important part to play in delivering the vision set out in the Government's strategy for the language. S4C has also greatly contributed to the growth in the independent media sector and to Wales's wider creative economy. The creative industries make a vital contribution to the Welsh economy and have been recognised as a key sector in the Welsh Government's plans to lead Wales to economic recovery

The proposals from the UK Government's Department of Culture, Media and Sport that S4C funding should in future become the responsibility of the BBC are of far reaching importance for Wales, the Welsh language and the creative industries sector.

The Welsh Government's would like to see a model developed which ensures that S4C is independent, has its own funding and is able to take its own editorial decisions.

The Welsh Government would be very concerned if any changes to S4C's legislative arrangements had an impact on its future funding. It will continue to argue the principle that Welsh language broadcasting should not be treated any less favourably than the other aspects of public service broadcasting. The Welsh Government will also continue to emphasise that the principles upon which S4C was established under successive Broadcasting Acts should not be abandoned – that this contract with the people of Wales should not be broken. In the Welsh Government's view, S4C was created by statute to ensure the organisation's long term stability and independence and to avoid annual wrangling over the Welsh language and its duties, responsibilities and its funding arrangements were laid down in law for very good reason.

The Welsh Government's position is that there should be a wide-ranging review of S4C commissioned jointly by the UK and Welsh Governments, which would be an opportunity to explore all aspects of the Welsh language television service and to inform the future direction of that service and the most appropriate governance arrangements. The Welsh Government's commitment to press for an undertaking for a review is outlined in its Programme for Government announced on 27 September 2011.

Article 10

Use of minority languages in the public sphere in Scotland and Wales (paragraphs 155-156)

Scotland

The Scottish Government notes that the Committee welcomes measures taken to promote better the rights of speakers of the Scots language, and the setting up of a task force to promote the language, as well as the suggestion of further encouragement to use Gaelic and Scots in the public sphere.

Bòrd na Gàidhlig works closely with public bodies to develop Gaelic Language Plans. The content of the plans will vary depending on the size and function of the body. Bòrd na Gàidhlig ensure that all Gaelic Language Plans meet the aims of the Gaelic Language Act 2005. A number of public bodies have Gaelic Language Plans approved by the Bòrd and another twenty-one are currently being prepared. A further eight organisations will be asked this year to prepare their plans.

Wales

The Welsh language is not considered a minority language in Wales and has equal status with English. However, as part of the UK state party report, Welsh language issues are included.

The Welsh Language Act 1993 established the Welsh Language Board and also, under Part II of the Act, makes provision about Welsh Language Schemes. Public bodies providing services to the public in Wales must prepare a scheme if notified by the Board to do so.

Schemes specify the measures that a public body proposes to take as to the use of the Welsh language in connection with the provision of its services to the public in Wales for the purpose of giving effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality. The Act specifies the public bodies within the scope of the Act, which includes local authorities. As such, it is a matter for local authorities and the Welsh Language Board to agree and ensure compliance with Welsh language schemes.

The Welsh Government is working to implement the Welsh Language (Wales) Measure 2011 which, amongst other things, will establish the office of the Welsh Language Commissioner and abolish the Welsh Language Board. The office of the Welsh Language Commissioner will, over time, lead the work on developing standards to replace Welsh language schemes. It is anticipated that the office of the Welsh Language Commissioner will be operational from April 2012.

Article 11

Bi-lingual sign-posting in Scotland and Wales (paragraph 161-162)

Scotland

The Scottish Government notes the Committee's invitation to Scottish authorities to develop a more consistent policy for bilingual signposting. The Scottish Government is keen to see more progress with Gaelic visibility in Scotland and would like local authorities to extend bilingual signage.

Our trunk road bilingual sign policy is currently being implemented, involving replacing English language advanced direction signs, direction signs and route confirmatory signs with bilingual signs. The policy applies to those trunk roads that both pass through communities where Gaelic is spoken and directly link with ferry services to the Western Isles. The Ordnance Survey has a Gaelic names policy that sets out how it will show Gaelic names and bilingual English/Gaelic names on its paper maps and digital products. Highland Council has decided that Gaelic will be included on road signs at the point of replacement, that all appropriate signs and corporate identity should be bilingual and that any public documents, the Council website and agendas would have a visible element of the Gaelic language. Comhairle nan Eilean Siar has decided that all Council signs, directional signs and street names will be bilingual with the Gaelic name first, and that place names will mostly appear in Gaelic only. Gaelic place names for road signage and other purposes are regulated by Ainmean Aite na H-Alba, the Gaelic place names committee.

Article 12

Promoting equality and diversity at school (paragraphs 168-170)

England - Attainment

Attainment gaps between minority ethnic groups and their peers have continued to narrow in England over recent years. For pupils in the category of Black (Other), for example, attainment gaps in relation to 5 or more good GCSEs (General Certificate of Secondary Education) including English and maths narrowed by 6 percentage points between 2005 and 2010, from 15 to 9 percentage points. For Pakistani pupils, against the same measure, attainment gaps narrowed by 4.3 percentage points between 2005 and 2010, from 10 percentage points to 5.7.

However, addressing those attainment gaps which remain is a complex task and the underperformance of specific ethnic groups may be due to a combination of factors including socio-economic background, parents' education, having English as an additional language and higher than average rates of exclusion from school. Particular combinations of pupil characteristics can indicate that a child is especially vulnerable. For example, currently Black

Caribbean boys who are eligible for Free School Meals (a proxy for socio-economic disadvantage) are amongst those making the slowest progress. Gypsy, Roma and Traveller children chronically under-perform and many of the lowest achieving pupils in receipt of Free School Meals also have a Special Educational Need and therefore face an even steeper struggle to succeed.

Raising the attainment of children from minority ethnic communities remains a priority for the Government but we believe that head teachers understand the particular needs of their schools and are best placed to decide for themselves how their money should be spent. That is why, as part of the school funding settlement for 2011-12, the Government decided to simplify the previous funding system by mainstreaming a number of grants – including the Ethnic Minority Achievement Grant - into the Dedicated Schools Grant. The Government has maintained the amount of money available for ethnic minority achievement at last year's funding levels of just over £201 million. This means that schools still have the resources they need to support underperforming minority ethnic pupils, as well as to contribute to the additional costs of supporting pupils with English as an additional language.

There is no statutory responsibility for local authorities to provide an Ethnic Minority Achievement Service. This is, and always has been, a decision for local authorities to make in accordance with local community needs and priorities. Under the new arrangements however, Schools Forums may invite them to retain some or all of the £201million allocation to run centralised ethnic minority achievement services on their behalf.

The introduction of the Pupil Premium, paid directly to each school per child in receipt of Free School Meals (or who has been in the previous 6 years) is a powerful indirect tool to boost low attainment levels by Black and minority ethnic pupils, who are disproportionately eligible for them.

At the school level, schools have a duty to promote equal opportunity and tackle discrimination. Assessing how well they do this is a key feature of the school inspection framework. Inspectors identify any apparent discrepancies between the outcomes for different groups of pupils, for example by gender, ethnicity or sexual orientation. They explore the reasons for underachievement by any particular group and take account of this when making their overall judgements about the school. Inspectors also receive specific equalities training to support them in their work.

The Government agrees that it is important to continue monitoring the performance of minority ethnic groups through regular data collections. Through its Pupil Level Database and regular Statistical First Releases, the Government will continue to monitor attainment, progression, exclusions and attendance data on an annual basis - not just for the general population but according to a range of pupil characteristics. These characteristics will include ethnicity as well as (among other things) gender, disadvantage (as measured by eligibility for Free School Meals); whether or not English is the pupil's first language and any Special Educational Needs they may have.

England - Curriculum policy

The aim of the whole school curriculum is to promote the spiritual, moral and cultural development of pupils for their own development and to prepare them for the opportunities, responsibilities and experiences of later life. Through the school's behaviour code pupils also learn to treat people with respect and to understand the principles of tolerance and fairness that underpin our society.

Earlier in 2011, the Government launched a review of the National Curriculum in England. The National Curriculum is a part of the whole school curriculum which comprises teaching particular subjects and a wide range of educational experiences. Much of what is taught is for schools to decide and tailor to the needs and interests of their pupils. It is our intention that the National Curriculum be slimmed down so that it properly reflects the body of essential knowledge in key subjects and does not absorb the overwhelming majority of teaching time in schools. A slimmed-down National Curriculum will give teachers greater flexibility to use their professional judgement to design a wider school curriculum that meets the needs of their pupils and to choose, as context for their teaching, issues that are relevant to their pupils.

Our core purpose is to improve the achievement and attainment of all children and young people. Giving schools the flexibility to provide the most relevant educational experience possible for their pupils is shown by international evidence as a potent means of achieving that aim.

England - Teacher Training

The Teachers' Standards define the minimum level of practice expected of teachers from the point of being awarded Qualified Teacher Status onwards. The Standards were recently independently reviewed and a new set produced for implementation from September 2012. Teacher training providers are expected to ensure that their programmes are designed and delivered to allow all trainees to meet the standards. Head teachers can then assess the further training needs of their staff to ensure they receive the appropriate continued professional development.

The new standards require teachers to be able to adapt their teaching to respond to the strengths and needs of all pupils. This includes having a clear understanding of the needs of all pupils, including those with special educational needs; those with English as an additional language; those with disabilities; and being able to use and evaluate distinctive teaching approaches to engage and support different pupils.

Scotland

The Scottish Government notes the comments on disproportionate exclusion rates among Black and Afro-Caribbean students. However, in general, ethnic minority pupils in Scotland do not have a disproportionately high rate of school

exclusion. In fact, with the exception of Gypsies and Travellers and Other Travellers, ethnic minority pupils in Scotland had a lower rate of exclusion than their White counterparts in 2009/10.

Scotland has very small numbers of pupils from ethnic minority backgrounds (around 10% of school population). This means that relatively small year-on-year fluctuations in numbers of pupils from ethnic minority backgrounds can have a huge impact on rates of exclusion, making it difficult to draw accurate conclusions around ongoing trends for these groups of pupils.

The Scottish Government note the recommendation that authorities should provide clearer guidance on how schools should teach citizenship. However, the curriculum in Scotland is not prescribed and it is a matter for schools and local authorities to decide what to teach, within broad general guidance, to best suit the needs of the learners. Citizenship education is a key cross-curricular theme within Curriculum for Excellence – the Scottish Government’s programme for improving educational outcomes - and provides learners with the opportunity to develop an understanding of fairness and justice, equips them with skills of critical evaluation and encourages the expression of attitudes and beliefs to respond to the challenges we face as global citizens in a constructive and positive manner. Issues addressed through citizenship education include human rights education as well as peace and conflict resolution, sustainable development, social equality and an appreciation of diversity.

In Scotland, the position in relation to attainment gaps is reversed, in that pupils belonging to various ethnic communities have more positive attainment and are more likely to be in a positive follow-up destination post school (ie employment, education or training) than the majority population. This has consistently been the picture for the last three years¹. The OECD report which reported on Scottish education indicated that children and young people’s learning is affected by their social circumstances more than the school they learn in, and therefore our policies are directed to enabling all children and young people regardless of their background to learn and achieve.

There are a number of policy frameworks in place in Scotland which promote equality and inclusion and support this aim. The Equality Act 2010 places education authorities under duties to prevent direct and indirect discrimination, discrimination on the basis of perception and association thereby ensuring that all children and young people are treated equally in schools. In relation to the effective prevention of, and dealing with, bullying in schools the Scottish Government has established *respectme*² the national anti-bullying service in Scotland. The service supports those working with children and young people to build capacity within organisations and staff to prevent, challenge and deal effectively with bullying for any reason.

¹ <http://www.scotland.gov.uk/Publications/2011/06/24142721/4>

² <http://www.respectme.org.uk/>

Curriculum for Excellence offers children and young people the opportunity to learn a wide range of experiences and outcomes across a range of curricular areas including people, places and society which deals with citizenship and societal issues³.

Wales

In Wales, funding in the form of the Minority Ethnic Achievement Grant is available to local authorities to support pupils for whom English, or Welsh, is an additional language, and to improve standards among groups identified as being at risk of underachieving. It is being used as match funding under the ESF Convergence scheme which will mean additional funding of £3.27 million flowing to Wales until 2013. The Minority Ethnic Achievement Grant is set to rise over each of the next two years to £10.5 million in 2013.

An important new resource, the 'Many Voices, One Wales' DVD, which provides best practice examples on meeting the needs of pupils from minority ethnic backgrounds, has gone to every school in Wales. The Welsh Government circular 'Unity and Diversity' provides guidance on promoting race equality and diversity in the school curriculum.

Gypsies, Travellers and Roma in education (paragraphs 176-177)

England

At present, Gypsy, Roma and Traveller pupils are amongst the lowest-achieving groups at every Key Stage of education, although individual pupils can and do achieve very well. The reasons for the underperformance of Gypsy, Roma and Traveller pupils are complex and multiple and may include issues of mobility, cultural dissonance, bullying and low levels of parental aspiration for their children's academic achievement.

We know that there is a particularly strong link between deprivation and underachievement and in primary schools, 43.2% of all ascribed Gypsy, Roma and Traveller pupils are currently eligible for Free School Meals; this figure rises to 45.3% in secondary schools and 57.5% in Special Schools. Those pupils who are eligible for Free School Meals now benefit directly from the Pupil Premium, which is providing an additional £430 per pupil this year to help raise their attainment. They also qualify for additional support through the £125m Education Endowment Fund, which is funding bold and innovative approaches to raising the attainment of disadvantaged children in underperforming schools.

³

<http://www.ltscotland.org.uk/understandingthecurriculum/whatiscurriculumforexcellence/index.asp>

The Government is clear that schools and Local Authorities are best placed to respond to local needs and priorities, and should take a lead in tackling the underperformance of disadvantaged and vulnerable pupils. For them to succeed however, they must be given the freedom and funding to do so. Schools have been allocated £201m this year via the Dedicated Schools Grant, to help them improve the performance of ethnic minority and Gypsy, Roma and Traveller pupils, as well as those with English as an Additional Language. Schools can use this funding to 'buy in' support or specialist advice, to employ an additional teacher or teaching assistant or to fund community outreach work with local Gypsy, Roma and Traveller communities. Where Schools Forums wish it, the funding may be retained at Local Authority level to provide centralised Traveller Education Support Services. This is a matter for schools and local authorities to decide however, and the Government has no plans to require local authorities to offer a centralised service.

As well as low average attainment, Gypsy, Roma and Traveller pupils have the lowest attendance profile of any minority ethnic group. Over the last few years we have successfully raised levels of participation among Gypsy, Roma and Traveller children in early years and primary education but these gains have not been mirrored in secondary education. By the end of this year the Government will review the statutory guidance in relation to Children Missing from Education, strengthening existing references in relation to the identification of Gypsy, Roma and Traveller pupils who are missing out on their education.

The Government remains concerned about unacceptably high levels of permanent exclusion among Gypsy, Roma and Traveller pupils. In the Education White Paper in December 2010, the Government announced its intention to test a new approach to permanent school exclusion which will see schools, rather than local authorities, placing excluded pupils in appropriate alternative settings, funding the placements from a devolved budget and monitoring both attainment and attendance. The exclusions trial will take place in 300 secondary schools and will cover three school years, beginning in autumn 2011. It will have a particular focus on those who are most affected by exclusion, including Gypsy, Roma and Traveller pupils.

The Government agrees that it is important to develop new approaches to the education of Gypsy, Roma and Traveller pupils in close cooperation with representatives of the groups concerned. That is why, in August 2010, the Department for Education established a Gypsy, Roma and Traveller Education Stakeholder Group made up entirely of representatives from the three communities. The group provides a forum for sharing effective practice in raising the attainment and aspirations of Gypsy, Roma and Traveller pupils and promoting more positive school / community links. It also provides an opportunity for Gypsy, Roma and Traveller representatives to help shape Government policy and allows officials to listen first hand to the concerns of the community representatives. The Government intends to continue working the Stakeholder Group both in supporting the delivery of existing commitments and in shaping future policy direction.

In December 2010, the Department for Communities and Local Government established a Ministerial Working Group on Gypsies and Travellers, with a view to tackling the inequalities they face around education, health, criminal justice, planning and access to benefits and financial services. The Working Group's agenda was set by members of the Gypsy, Roma and Traveller communities and the Group will report on the outcomes of its work, setting out a series of commitments by government departments.

The Government agrees that trainee teachers in England should be prepared to understand and teach a diverse range of pupils, including Gypsy, Roma and Traveller pupils. The professional standards for teachers, which all trainees are expected to meet before they are awarded Qualified Teacher Status, make specific reference to this:

“Q18 Understand how children and young people develop and that the progress and well-being of learners are affected by a range of developmental, social, religious, ethnic, cultural and linguistic influences.”

Teachers recognise the range of influences that affect the development, progress and well-being of children and young people. Understanding how children and young people develop and the factors that influence their development helps teachers to improve their pupils' education. It is important for teachers to have a full and accurate understanding of the needs of each pupil so that they can deploy a range of skills to tailor provision in ways that challenge, promote achievement and secure progress.

Those who might be at risk depend on teachers and a range of other colleagues with specific responsibilities to monitor and manage their learning and well-being, and provide them with the support that they need. These include children and young people with special educational needs and/or disabilities, learners from minority ethnic groups, including those for whom English is an additional language, those from particular socio-economic backgrounds such as those eligible for free school meals, those from a particular family background (e.g. single parent families, same sex parents and foster parents), and those children and young people who experience any form of bullying.

Scotland

Curriculum for Excellence puts the learner at the centre of the curriculum, no matter what their social, economic or ethnic backgrounds. All children and young people should benefit from an education system that is engaging, relevant, tailored to their needs, and best prepares them for their future lives.

Curriculum for Excellence should lead to improved quality of learning and teaching and increased attainment and achievement for all children and young people, irrespective of where learning takes place.

The Education (Additional Support for Learning) (Scotland) Act 2004, as amended, provides the legal framework which underpins the system for identifying and addressing the additional support needs of children and young people who face a barrier, or barriers, to learning including Gypsy and Traveller children in Scotland. The Act aims to ensure that all children and young people are provided with the necessary support to help them work towards achieving their full potential. It also promotes collaborative working among all those supporting children and young people and sets out parents' rights within the system.

The Scottish Government currently funds and meets with the Scottish Travellers Education Programme (STEP) which supports members' promotion and development of inclusive educational approaches for mobile and settled Gypsy and other Travelling families. The Scottish Government also funds STEP for their eLearning and Traveller Education Scotland (eLATES) programme. eLATES provides distance learning with 'anytime, anywhere' access via the Internet.

HM Inspectorate of Education produced a publication in 2005 which builds on self evaluation guidance given in *How good is our school?*, entitled *Taking a closer look at: Inclusion and Equality – meeting the needs of Gypsies and Travellers*. This guide can be used by schools to evaluate the quality of their approaches to inclusion and equality relating to Gypsies and Travellers, and also provide examples of best practice.

Wales

In Wales, the numbers of Gypsy and Traveller children on school rolls are rising gradually and more are progressing to secondary education. The Welsh Government grant for the Education of Gypsy and Traveller children supports local authority Traveller Education Services. The grant is set to rise over each of the next two years to £1.1 million. European Roma children are eligible under both this grant and the Minority Ethnic Achievement Grant to recognise their dual needs. It is being used as match funding under the European Social Fund (ESF) Convergence scheme which will mean combined ESF and Welsh Government funding of £2.5 million until 2013.

An important new curriculum resource has been commissioned that will celebrate Gypsy Traveller culture and heritage and challenge negative misconceptions and stereotypes about the travelling community.

In September 2011 the second national All Wales Conference on Gypsy Traveller Education, which focused on secondary school age children, was attended by 100 delegates and addressed by the Children's Commissioner for Wales and the Welsh Government Minister for Finance and Leader of the House. The event also saw the launch of 'Travelling to a Better Future' the new Framework for Action for the Gypsy Traveller community in Wales which includes a comprehensive chapter on education containing a number of objectives.

Article 14

Teaching in and of minority languages in Northern Ireland, Scotland and Wales (paragraph 182)

Scotland

The Scottish Government notes the recommendation to continue to improve opportunities to improve minority languages in Scotland. In line with the partnership working set out in the Concordat, the Scottish Government is in regular contact with its local government partners to discuss a wide range of additional pressures and consider how these can be addressed.

The Scottish Government is committed to working with local authorities to help them identify the challenges in support of children whose first language is not English and to support the development and sharing of best practice for EAL services.

The Education (Additional Support for Learning) (Scotland) Act 2004, (as amended), required education authorities to identify, meet and keep under review the additional support needs of pupils for whose education they are responsible, and to tailor provision according to their individual needs. Against this background education authorities should be reviewing their policies and provision for the whole spectrum of additional support needs. These needs may include those of a pupil who had English as an additional language.

Curriculum for Excellence puts the learner at the centre of the curriculum, no matter what their social, economic or ethnic backgrounds. All children and young people should benefit from an education system that is engaging, relevant, tailored to their needs, and best prepares them for their future lives.

Wales

The Welsh language is not considered a minority language in Wales and has equal status with English. However, as part of the UK-wide state party report, Welsh language issues are included.

The Welsh Medium Education Strategy sets the Welsh Government's national strategic direction. It also sets the direction for making improvements in the teaching and learning of Welsh as a language, including, in particular, Welsh second language. In 2007 the Welsh Government committed to

'creating a national Welsh-medium Education Strategy to develop effective provision from nursery through to further and higher education, backed up by an implementation programme'.

In response to this commitment the Welsh-medium Education Strategy was launched in April 2010.

The Implementation Programme that accompanies the Strategy details the work expected of the Welsh Government and its partners and stakeholders in all phases of education and training. In order to monitor progress made with implementing the Strategy, fixed five-year and indicative ten-year targets based on outcomes have been set. Progress made against the targets will be published in an annual report.

A key element in the implementation of the Strategy is the preparation by each local authority of Welsh in Education Strategic Plans and their submission to the Welsh Government. These plans set out local authorities' intentions with regard to the planning of Welsh-medium education, increasing rates of linguistic progression, the raising of standards of Welsh and Welsh Second Language and improving workforce development and continuing professional development.

Language of minority ethnic communities and teaching of English (paragraphs 186-187)

England

In the January 2011 school census, data showed that the proportion of pupils in English maintained schools reported as not having English as a first language increased this year, continuing the recent trend. In state-funded primary schools the proportion rose from 16.0% to 16.8%, in state-funded secondary schools the proportion rose from 11.6% to 12.3%. This small rise follows the trend we have seen in previous years as new arrivals tend to be young migrant workers with families.

Learners of English as an Additional Language (EAL) have, on average, lower levels of attainment than pupils whose first language is English. However this gap continues to narrow year on year and is much less pronounced by the time EAL learners reach the end of their secondary education. For example:

- At Key Stage 2, in 2010 the percentage of EAL learners reaching the expected levels in English and maths combined rose by 3.6 percentage points to 69.1 percent. This compared to 74.3% of pupils for whom English was their first language.
- At Key Stage 4 in 2010, the percentage of EAL learners achieving 5+ A*-C including English and Maths increased from 47.7 per cent in 2009 to 52 per cent in 2010 - a 4.3 percentage point increase. This compared to 55.2% of pupils for whom English was their first language.

The UK Government's priority for children learning English as an Additional Language (EAL) is to promote rapid language acquisition and include them in mainstream education as quickly as possible. Funding to support schools in achieving this is available via a mainstreamed ethnic minority achievement allocation of £201million in 2011-2012.

In England, pupils learning EAL are generally taught in mainstream classrooms alongside their peers. Newly arrived pupils are usually given additional help in learning English by specialist teachers or by bilingual classroom assistants. Classroom teachers have overall responsibility for ensuring that pupils can participate in lessons but at both primary and secondary level, EAL teachers or advisers work in collaboration with them to plan lessons and teaching materials. Where appropriate, schools may also set up small group withdrawal classes to provide more focused support.

To help schools address the needs of learners of EAL, a range of materials have been provided to schools and Local Authorities in recent years. These provide advice, guidance and examples of good practice covering all stages of compulsory education, from the Early Years Foundation Stage right through to secondary education. The 'New Arrivals Excellence Programme Guidance' focuses on supporting teachers in meeting the needs of pupils who have arrived in school as a result of international migration and are beginners in learning EAL. A key principle underpinning this guidance is that all newly-arrived bilingual learners have a right of access to the National Curriculum, and that provision for newly arrived EAL learners is not separate but integrated into all subject areas.

The Government recognises the benefits that derive from the maintenance of ethnic minority linguistic and cultural traditions, but believes the main responsibility for maintaining mother tongue rests with the ethnic minority community themselves. We believe that English should be the medium of instruction in schools. This does not mean that schools and colleges should not offer tuition in other languages. Schools and colleges will continue to offer other language tuition, including heritage languages, where demand exists and resources are available.

The Government is keen to see all people speak English so they can play an active part in society. The Government has already announced new language requirements for spouses and partners coming to the UK, and is looking at increasing the standard of English required for those seeking to remain permanently or become British citizens.

The Government will fully fund English classes for those on active benefits; we will continue to co-fund provision outside the workplace; and we are looking at the additional support we can offer at the local level to support isolated women and other priority groups to learn English.

Scotland

The Scottish Government notes the recommendation that further efforts should be made to support persons belonging to minority ethnic communities to learn or develop proficiency in their languages, in particular as part of the mainstream education system. The provision of teaching of community languages in schools is something which is agreed locally by local authorities in consultation with parents. This enables appropriate decisions to be taken which reflect local need.

Article 15

Effective participation in public affairs

Scotland (para 198)

The Scottish Government notes the comments made in paragraph 198. All Scottish police forces attempt to attract Black and minority ethnic applicants in line with the Association of Chief Police Officers in Scotland (ACPOS)'s Diversity policy, primarily through interaction with the communities via Safer Communities and Recruitment teams. It is important to note that the Black and minority ethnic community in Scotland is small relative to the UK population and the Police, as other Scottish employers compete for a small number of people who are in the job market. ACPOS work with Supporting Ethnic Minority Police staff for Equality in Race (SEMPER) Scotland in promoting the Scottish Police Service as a strong career choice and SEMPER members have been very supportive in agreeing to act as exemplars at recruitment events. Forces have run familiarisation events aimed at minority communities, explaining the selection process and criteria and forces have championed the Special Constables as a particularly useful means of enabling Black and minority ethnic candidates to experience the realities of the job.

Participation in social and economic life

Housing (paragraph 200)

The UK Government has undertaken an assessment of the likely impacts of its social housing reforms in England, including the effect of these policies on minority ethnic communities. The Government will continue to regularly monitor the housing situation of minority ethnic communities, making appropriate use of existing data sources, such as the Housing Strategy Statistical Appendix, COntinuous REcording of lettings (CORE) and the English Housing Survey, and will ensure that post-implementation assessment of the social housing reforms considers the outcomes for these groups.

We have also carried out Equality Impact Assessment and Impact Assessments of all the welfare reform policies in Great Britain, which are published on the Department for Work and Pensions website. They include the impacts on ethnic minorities.

In addition, we have commissioned an independent consortium to carry out a major evaluation of the Emergency Budget measures affecting housing, which will carry out a mixture of statistical analysis and surveys, including in 19 case study areas. One of the specific areas on which the researchers will focus is impacts on ethnic minorities in Great Britain.

Improving Judicial Diversity (para 202)

In February 2010, the independent Advisory Panel on Judicial Diversity published its final report on judicial diversity, which identified that there was no quick fix in moving towards a more diverse judiciary, making 53 recommendations, which would help to make sustained progress to a more diverse judiciary at every level and in all courts in England and Wales, and for some tribunals whose jurisdiction extends to Scotland or Northern Ireland.

In August 2010, the Lord Chancellor stated his commitment in principle to supporting the delivery of the recommendations. One year on from the publication of the Panel's findings, the Judicial Diversity Taskforce published its first annual report detailing progress to date against the implementation of the 53 recommendations. For each of these recommendations, work has started and in some cases has been completed, despite financial constraints.

<http://www.justice.gov.uk/publications/policy/moj/judicial-diversity-report.htm>

However, looking at the broader picture, the Taskforce is clear that there will need to be a much greater sense of urgency and commitment if meaningful diversity within the judiciary is to be achieved.

Since 1998 there has been gradual but slow progress in the percentage of women and Black, Asian and Minority Ethnic members of the judiciary. The latest published figures for April 2011 indicate that the percentage of women within the judiciary has increased to 22.3%, while 5.1% were of Black, Asian and Minority Ethnic origin. Within the senior judiciary (high court and above) the percentage of women is 13.7%, while the percentage from Black, Asian and Minority Ethnic communities is 3.1%. This compares with the 2001 census, where women represent 51.3% of the population and Black, Asian and Minority Ethnic communities represent 8.6% of the population.

The work completed to date is the first of many steps on what will be a long road. The Judicial Diversity Taskforce will aim to build upon this initial success and maintain momentum. The Taskforce will be working collectively to remove the barriers, whether real or perceived, in order to attain the goal of improving the diversity of the judiciary by 2020.

Judicial Appointments Commission (JAC) Outreach

The JAC works with key Black, Asian and Minority Ethnic legal organisations and other relevant networks including the Black Solicitors Network, Black Letter Law, the Society of Asian Lawyers and Society of Black Lawyers to highlight and promote judicial opportunities and to explain and demystify the selection process.

The JAC has attended conferences and seminars organised by Black, Asian and Minority Ethnic legal groups including the bi-annual Minority Lawyers Conference in 2009 and 2011.

The JAC has run a number of candidate seminars specifically for Black, Asian and Minority Ethnic lawyers co-hosting and co-chairing events with the Black Solicitors Network and Society of Asian Lawyers.

The JAC works with the Bar Diversity Champions and at their request has hosted events in several circuits, mostly recently in London and the Midlands. Each year the JAC annual report also include case studies of JAC selected Judges from a range of background. This includes at least one Black, Asian and Minority Ethnic Judge. The JAC have advertised vacancies in Equality Britain, with the Society of Asian Lawyers, Black Solicitors network and Black Letter Law (the latter both in print and online). All JAC vacancies are also sent to these groups with a request that they circulate to their members as they wish. At the end of 2009-10 the JAC ran a short awareness raising campaign called 'the face of the judiciary is changing'.

The Judiciary

The judiciary does not select new judges, however it is keen to do everything it can to achieve wider diversity of applicants in order to maximise the opportunity that the very best candidates for appointment are selected. In order to achieve that aim, the judiciary continue to undertake outreach initiatives, either stand-alone or collectively with other organisations, to encourage potential candidates to consider applying for judicial office.

Judges undertake outreach events with schools, colleges, universities and members of the legal profession. They have formed links with new universities, whose students often come from non-traditional backgrounds, with a view to raising their ambitions. Judges also conduct an extensive work shadowing scheme, which aims to give practitioners who are not connected with the judiciary a view of the life of a judge.

The judiciary participate in events organised by the Bar Council, the Law Society and by the Institute of Legal Executives (ILEX). Many, but not all such events are undertaken by dedicated Diversity and Community Relations Judges. This is a network of over seventy judges who take part in events across England and Wales, designed to encourage an understanding of the law and the court systems, and to promote the idea of a career in law and, ultimately, the judiciary, among diverse sections of the community.

The judiciary is undertaking work to increase the use of its appraisal scheme in order to encourage suitable candidates to apply for advancement, thereby increasing diversity at the top of the judicial "tree".

Scotland

Paragraph 200 – In Scotland, the Housing (Scotland) Act 2001 places a legal duty on social landlords (Local Authorities and Registered Social Landlords) to encourage equal opportunities and provide services in a way that promotes equality.

To support landlords to understand their legal requirements in relation to social housing allocations, the Scottish Government published an online guide in March 2011. The guide discusses understanding the needs of equality groups and taking these into account in the development of allocations policies and procedures. It also includes a section and practice example on equality impact assessment. The guide is available at:

www.scotland.gov.uk/allocations

The Scottish Government notes the Committee's comments about the significant effect housing can have on people's lives. There is a statutory requirement on local authorities to prepare a Local Housing Strategy (LHS) supported by an assessment of housing need and demand. The LHS provides the strategic direction for dealing with housing need and demand as well as the delivery of housing and related services across the local authority area. In accordance with the 2001 Housing (Scotland) Act the LHS must explain how equality issues, including the interests of ethnic minority communities, have been considered and evidence of how their statutory public sector equality duties have been met. This includes ensuring that the impact of the strategy and the policies and services within it have been the subject of a full equality impact assessment to ensure that the interests of all equalities groups have been fully considered through the strategy and its associated actions.

Local authorities are required to submit their LHS to Scottish Ministers and will undergo a review process which will consider the strategy against a number of key criteria. The extent to which the strategy addresses all equalities interests, including minority ethnic groups, Gypsies/Travellers and Travelling Show People is one of the criteria supporting this review process. The majority of LHS will be completed and submitted to Ministers this year and therefore expect the strategies will reflect the new equality duty, which came into force in April 2011.

Turning specifically to homelessness, the Scottish Government has introduced changes to legislation within the Housing (Scotland) Act 2010 to strengthen the protection of tenants in the social rented sector, including those tenants belonging to ethnic minority communities, against eviction for rent arrears. The changes to legislation around evictions are intended to reduce the variation in the way evictions cases are currently dealt with by landlords and provide added protection for all tenants to ensure eviction for rent arrears is a last resort.

We would also wish to point out that in the final sentence of paragraph 200, the word "allocations" should be replaced with the word "payments".

Paragraph 210 - In an attempt to address the issue of Gypsies and Travellers often finding it difficult to register with a General Practitioner (GP), the Scottish Government took forward work with NHS Scotland to provide a system of hand held records, which enabled Gypsies and Travellers to approach a GP or other health provided with a record of their health history,

meaning that they did not have to wait for records to be retrieved, perhaps from other Health Board areas.

Paragraph 202 – In response to the recommendation to continue promoting increased participation of persons belonging to minority ethnic communities in public services, particularly the police, in Scotland, the move to a single force will enable a more effective, coordinated and consistent approach to recruitment, using a standard process that will be similar to that developed within a four-force recruitment pilot in the East of Scotland. Similarly, career development opportunities across Scotland will be more accessible through movement around the service into promoted and specialist posts, facilitated by a common promotion and development process.”

Paragraph 203 - The Scottish Government undertakes the Twice Yearly Count of Gypsies and Travellers in Scotland to inform the development of public policies and services for Gypsies/Travellers, both nationally and locally and to understand more fully the characteristics of this population. The Count provides a twice yearly (January and July) ‘snap shot’ of the number of Gypsy and Traveller households recorded using local authority sites, privately owned sites, and those using unauthorised encampments.

The Count was never intended as a measure of the whole Gypsy and Traveller population in Scotland; there are practical difficulties in identifying families within permanent settled accommodation. But it does provide the Scottish Government and local authorities with a reference point for the development of policy and provision of services.

The Scottish Government has undertaken a review of the Twice Yearly Count to consider the data collected since it began and the effectiveness of the method of recording information. The review investigated the usage of the data; established whether there was future need for gathering the information; and how the scope of the information collated may change.

This review was undertaken in consultation with the Gypsy and Traveller community as well as local authority stakeholders. A new proforma has been developed and we hope to roll it out to all site managers soon and retrospectively collect data for 2010. However, we do not as yet have a timetable for the publication of this data. One key change of the refocusing of the count is that although the twice yearly count will continue, the findings will be combined and published once a year.

Paragraph 204 - Efforts to reduce inequalities in health care between persons from different minority ethnic communities and the majority population must continue, with particular emphasis on accessibility of health care to persons belonging to disadvantaged minority ethnic communities. We welcome the Advisory Committee’s acknowledgement of progress in this area. NHSScotland has been committed to improving health and access to health services for people from different ethnic minority groups since the establishment of our National Resource Centre for Ethnic Minority Health in 2002. We are committed to ensuring the needs of all groups are considered

and will work to improve this through an enhanced focus on Equality Impact Assessment of the design, development and delivery of health services.

Following the Advisory Committee's visit to Scotland and in response to the suggestion that there is a need for a more resolute and comprehensive approach by the authorities (including the devolved executives), a briefing on the current status of Gypsy and Traveller Health and current practice across NHSScotland has been produced by NHS Health Scotland (our national Health Board with responsibility for health improvement and health inequalities). This briefing has been used to instigate discussions with all Health Board equality leads on improving services service for the Gypsy and Traveller population.