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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 OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES IN THE UNITED KINGDOM**
(received on 26 October 2007)

Introduction

The United Kingdom Government welcomes this opportunity to comment on the Advisory Committee's 2nd Opinion on the UK under the Framework Convention for the Protection of National Minorities. We were pleased that the Advisory Committee were able to meet a range of officials and stakeholders during their March 2007 contact visit to the UK, and that they took the opportunity to visit Glasgow, Edinburgh, Belfast and London to see how policies to tackle racism, racial discrimination and promote community cohesion and minority languages are being implemented in different parts of the United Kingdom.

The UK Government, and the devolved administrations in Scotland, Wales and Northern Ireland, are firmly committed to the elimination of all forms of racism and related intolerance and to the development of policies which address racial discrimination, intolerance and violence. The Government's aim is cohesive communities in which every individual, regardless of ethnic origin, is able to fulfil his or her potential through the enjoyment of equal rights, opportunities and responsibilities.

Since the Advisory Committee visited the UK in March 2007, there has been further progress. In June 2007, the Government published a Green Paper on its plans for a single equality law in Great Britain to replace the current range of acts and regulations dealing with discrimination and equality. The Green Paper - *A Framework for Fairness* – indicates that wherever possible the discrimination law should be harmonised and simplified. It also asks a number of questions on what levels of protection would be appropriate for each of protected grounds. The Government is carefully considering all of the recommendations that it has received in response to the consultation.

In August 2007 the Government published its second annual progress report on its strategy to increase race equality and community cohesion. The report, *Improving Opportunity, Strengthening Society: Two years on*, provides information on the work undertaken over the last year to improve race equality and community cohesion. The report outlines the progress that is being made towards achieving equality in the key public services and in building community cohesion, including a detailed statistical breakdown called *Race Equality in Public Services*.

On 1st October 2007 the new Equality and Human Rights Commission came into full operation. The new Commission will bring a fresh approach to equality and human rights in Great Britain by working across the different equality strands, rather than focusing on single equality strands in isolation.

In October 2007 the Government announced a 10-point action plan to promote cohesion and tackle community tensions, including £50 million of investment. This forms part of the Government's response to the ten month review by the Commission on Integration and Cohesion which looked at the major challenges Britain faces in responding to increasing change in local communities.

On 9th October 2007 the Government set out its key targets for the next 3 years. For each of the key delivery Departments, these include a target to reduce the gap between outcomes for people from Black and Minority Ethnic backgrounds and those for the population as a whole. There are new targets on: narrowing educational gaps;

reducing worklessness; reducing discrimination in employment; reducing unfair treatment at work, college or school, or when using health services and public transport; reducing health inequalities, and access to psychological therapies; reducing hate crime; increasing engagement in public life (such as through being a school governor, magistrate, local authority councillor, etc); and improving confidence in the criminal justice system. These targets, and the funding that will follow them as part of the announcement, demonstrate the Government's commitment across the board to tackling inequalities.

For ease of reference, this response comments article-by-article on the Advisory Committee's 2nd Opinion on the UK and, where relevant, refers to the paragraph numbers from that Opinion.

Article 3

Scope of Application (paragraphs 35-37)

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 16-19 of its 2nd Report under the Framework Convention. The UK ratified the Framework Convention on the understanding that it would be applied with reference to members of racial groups within the meaning of the Race Relations Act 1976, i.e. any groups defined by "colour, race, nationality or ethnic or national origins."

Census Categories (paragraphs 44-45)

The UK Government is pleased to note the Advisory Committee's acknowledgement of the wide-ranging nature of consultations on the 2011 census. The Office for National Statistics, which is responsible for these preparations, has noted the Advisory Committee's recommendations. The current proposals include the collection of information on "non-visible" minorities via write-in answers to either the ethnic group question or a new national identity question. Possible new topics for inclusion in 2011 include citizenship and year of entry to the UK, which would provide additional information on new migrant communities. The content of the 2011 Census, including the questions and response categories, will be subject to approval by Parliament in 2010.

The Northern Ireland Administration notes the Advisory Committee's comments regarding data collection and will consider this in its contribution to framing of questions for the 2011 census in an effort to improve upon the information which can be provided regarding language proficiency.

New migrant communities (paragraph 46)

The Government has noted the Advisory Committee's recommendation concerning new migrant communities. There have been significant changes in migration patterns in the UK in recent years, particularly since the enlargement of the European Union in

2004. A cumulative total of 579,000 applicants from the EU accession states registered on the UK's Worker Registration Scheme between 1 May 2004 and 31 December 2006. While immigrants to the UK have tended to go towards the country's urban centres, recent migrants have also settled other regions. These new patterns of migration have brought considerable benefits to the UK, but have also presented challenges. In October 2007, the Government announced a 10-point action plan to promote cohesion and tackle community tensions including £50 million investment. This was part of the Government's response to the 10 month review by the Commission on Integration and Cohesion which looked at the major challenges Britain faces in responding to increasing change in local communities.

New data published in October 2007 from the Citizenship Survey confirmed the Commission's finding that the national picture is a positive one. It showed that 81% of people feel that individuals from different backgrounds get on well in their area, 85% of people feel they belong strongly to Britain and 77% feel they belong strongly to their neighbourhood.

But despite the overwhelming majority of people getting on together, the Government's initial response to the CIC makes clear that there are still new and often complex challenges that require action nationally and locally in order to bring communities together and tackle perceptions of unfair treatment.

Key Government action includes:

- £50 million investment over the next 3 years to promote community cohesion and support local authorities in preventing and managing community tensions (this is an increase from £2million in 2007-08);
- information pack for new migrants setting out rights and responsibilities, which will help new migrants get to grips with what is expected from them from national laws to local traditions;
- specialist integration teams will work to support local authorities in managing any major changes in the local population;
- new national indicators on promoting cohesion will help local authorities focus their attention on what really works in their local area and help other areas learn from it; and
- practical support on cohesion to individuals, groups organisations through a web-based "one-stop shop".

Article 4

Legislative and institutional developments in the field of anti-discrimination (paragraphs 62-64)

The Government is pleased to note the Advisory Committee's acknowledgement of the measures taken since their last report to strengthen anti-discrimination law in Great Britain and Northern Ireland. The Government has noted the Advisory Committee's further recommendations on the future development of discrimination law. The Government has indicated in its proposals for a Single Equality Bill for Great Britain that, wherever possible, practical discrimination law should be

harmonised and simplified, while broadly retaining the same levels of protection that we have in the current legislation. The Green Paper *A Framework For Fairness* asks a number of questions regarding what levels of protection would be appropriate for each of the protected grounds, including the grounds of religion or belief, and the Government will carefully consider all of the recommendations that it has received in response to the consultation. It is important to bear in mind that the advent of devolved administrations means that there may be variations in the legal framework within the UK.

The new Equality and Human Rights Commission (EHRC) came into full operation on 1st October 2007. The new Commission will bring a fresh approach to equality and human rights in Great Britain by working across the different equality strands, rather than focusing on single equality strands in isolation. It will be the principal agency charged with leading the fight against inequality and discrimination, and although the reasons for discrimination may differ, the tools for tackling it are often the same. Lessons from one situation can be applied to many, so sharing knowledge and experience under one roof, rather than six, makes sense.

The Commission will offer an effective service to both partners and users with systems in place from its first day of business on 1st October. An important focus for the Commission will be partnership work with others to maximise its outreach, enabling organisations and groups through a grants programme and providing information and guidance through its helpline and website.

In Scotland, the EHRC Transition Team and the Scottish Parliament Corporate Body (which is responsible for taking forward the setting-up and operation of the Scottish Commission for Human Rights) have been working closely together during the establishment of the two Commissions. It has been agreed that the two bodies will co-locate in the same building in Glasgow, and discussions regarding shared services are under way. The SCHR has yet to appoint its commissioners or staff but once these are appointed, discussions regarding a Memorandum Of Understanding, which would govern the interaction of the two bodies, will be able to take place.

Efforts to ensure full and effective equality (paragraphs 81-84)

The UK Government is committed to strong and effective action to promote equality. In August 2007, it published the second annual progress report on its national strategy to promote racial equality and community cohesion. That report contains a detailed statistical analysis, the sixth in a series of reports on race equality in the public services. This provides further evidence that many members of Black and minority ethnic communities are thriving in Britain today, but the picture is not uniform. In some areas of life, member of minority ethnic groups are leading the way – doing better than the wider population – and so strategies that simply consider all Black and minority groups to be disadvantaged are outdated, and an over-simplification that will not target action where it is needed most. For example, in education, the performance of pupils from most minority ethnic groups is steadily improving, with the notable exception of Gypsy/Roma and Irish Traveller pupils. Girls out-perform boys across all ethnic groups. Chinese pupils perform considerably better than any other ethnic group, including the White majority. In the labour market, economic inactivity rates have declined for all minority ethnic groups, including ones with high

rates on economic inactivity, like Pakistanis and Bangladeshis. In housing, there have been improvements in rates of overcrowding, but overcrowding rates remain consistently higher for minority ethnic groups. The Department for Communities and Local Government is taking forward work to address this. The Government is also taking forward work to address the health needs for all communities as part of the national drive to improve health overall. There is a considerable variation between different ethnic groups in terms of health status, disease patterns and health behaviours. This variation is being tackled, for example, through targeted health campaigns. The Government is also committed to a criminal justice system that is fair - and can demonstrate that it is fair to all communities, given that members of different ethnic communities can have very different perspectives and experiences of the different stages within the criminal justice system, whether this is being stopped and searched, as victims of crime, witnesses, defendants or convicted offenders. The progress report sets out the measures that are being taken to address these issues, including through tackling racist crime and increasing the diversity of the criminal justice agencies themselves.

The Equality and Human Rights Commission, which came into full operation in October 2007, is empowered to assess compliance with the public sector equality duties (including on race). It is resourced to take forward its agenda on equality and human rights, which includes the need to ensure compliance with relevant legislation. The Government agrees with the Advisory Committee's on the need to ensure that public sector duties are focused on outcomes.

The Government is considering the options to increase the use of positive action and public procurement to improve equality of opportunity for ethnic minorities and other disadvantaged groups through the Discrimination Law Review. The consultation documents – *A Framework for Fairness* - has proposed that Great Britain “*adopt wider balancing measures to allow employers and others to make more rapid progress towards redressing under-representation*”.

The National Employment Panel's Business Commission sent its final report to the Chancellor of the Exchequer on the 11th October on measures to improve the employment and progression of ethnic minorities in the private sector. The main recommendations include greater use of contract conditions and pre-qualification questionnaires to promote good diversity practice in businesses that supply the public sector, setting a firm outcome target to reduce the gap between the employment rates of ethnic minorities and Whites, and use of thematic reviews to examine issues in specific sectors. The report also recommends local action to be taken to improve outcomes from welfare to work programmes focussed in seven cities – London, Birmingham, Bradford, Leeds, Greater Manchester, Glasgow and Sheffield.

The Government is considering its response and will respond formally soon. The Ethnic Minority Employment Task Force is also examining ways to make greater use of procurement to achieve workplace equality and improve the employment rate of ethnic minorities.

One of the outcomes of the Scottish Government's review of race equality in 2004-05 was the establishment of a short life national strategic group to address the inequalities that exist for minority ethnic communities in the labour market in

Scotland. The membership included the Commission for Racial Equality, Department for Work and Pensions, Job Centre Plus, Scottish Government, Scottish Enterprise, key public sector organisations and private sector employers' groups.

The overarching objective for this work is to increase the number of people from ethnic minority groups in the labour market and to address barriers to participation. This linked to three specific objectives:

- Elimination of the ethnic penalty
- Reduction of the employment gap
- Reduction in occupational segregation.

To address the objectives, the group agreed to focus on the following areas-

- Government practice and leadership
- Entrepreneurship, finance and business support
- Education, training and skills support development
- Equality in the workplace
- Labour market segregation

The group's action plan will inform the development of the Scottish Government's National Strategy and Action Plan on Race Equality which will be issued for consultation in autumn 2007. The Strategy will include actions to support public authorities in carrying out their duties under the Race Relations (Amendment) Act.

City Strategy initiative

In Scotland, Glasgow has the largest minority ethnic population. The employment rate for people from minority ethnic communities is estimated at around 56% which is 10% points lower than the Glasgow overall rate (66%). This compares to an overall Scottish employment rate of around 76%. Glasgow is therefore seen as a key area where action can be taken.

In July 2006, Glasgow was selected as one of 15 UK Pathfinder areas to participate in the Department for Work and Pensions' (DWP) City Strategy initiative. City Strategy aims to bring together the public, private and voluntary sectors through a concerted local partnership – or consortium – to improve the way support for individual unemployed people is co-ordinated and delivered on the ground. Local consortia are expected to provide the drive and focus for cross-agency activity to help unemployed residents, particularly the most disadvantaged, to move into and progress through work.

The Glasgow Consortium has identified five priority groups including minority ethnic communities due to the very low employment rates amongst minority ethnic communities that have persisted for decades.

An action focused minority ethnic sub-group has been established as part of the Glasgow Consortium. The sub-group will help the Consortium develop an action plan around engagement and progression which will also outline key steps as to how those actions can be achieved. A range of strategic minority ethnic and mainstream

agencies are represented on the sub-group. These include the Black and Ethnic Minority Infrastructure in Scotland (BEMIS), Careers Scotland, the Glasgow Anti Racist Alliance (GARA), Glasgow City Council, Glasgow Equal Access, Glasgow Community Planning Ltd, Jobcentre Plus, NHS Scotland, Scottish Enterprise and the Scottish Government.

As part of the wider consultation process, the sub-group is currently in discussion with front line minority ethnic organisations in order better to understand barriers to partnership working between mainstream and minority ethnic organisations. Similarly, the sub-group aims to address any barriers to joint working between various minority ethnic organisations themselves.

The sub-group views positive action schemes as one of the ways of increasing employment rates for minority ethnic communities and sees monitoring as crucial to the success of such schemes.

National Employment Panel (NEP) Business Commission on Race Equality in the Workplace

Similarly, the GB-wide National Employment Panel (NEP) Business Commission on Race Equality in the Workplace selected Glasgow as a Business Commission City. Business Commission was established to look at how to increase the recruitment, retention and promotion of people from minority ethnic communities in the private sector. The Commission worked with five City Strategy Pathfinder areas – including Glasgow – with high or growing minority ethnic populations and employment gaps.

Through national and local research it identified six key levers to influence private sector employment practices. These were:

- public and private sector leadership,
- public procurement;
- thematic/sector reviews;
- communication to business;
- performance measurement; and
- critical advice and guidance to business.

The Commission has submitted its final report to the Chancellor. Although the Commission has produced its national level recommendations, it believes that each individual city's action plan will ultimately prove the key to success in increasing employment rates for people from minority ethnic communities.

Data Collection in Scotland

Collecting robust statistical data on minority ethnic groups in Scotland presents considerable methodological difficulties because of the small size of the minority ethnic population (2% of the total population according to the 2001 census, although this is thought to be an undercount). The best source of data continues to be the 2001 census, although these data are now some years out of date.

There is some data on the minority ethnic population available from other (Scottish and UK) surveys and administrative sources, such as the Scottish Household Survey, Labour Force Survey, and Family Resources Survey, but the sample sizes are too small for the data to be disaggregated (broken down) meaningfully by ethnic group for Scotland. Because most government surveys are designed to be representative of the population as a whole, the number of people from minority ethnic groups in the sample is usually too small to generate statistically reliable data for these groups. Furthermore, it is difficult to generate reliable trend data on minority ethnic groups as the small sample sizes can lead to high degree of volatility (the data appear to be very erratic with no clear indication of a trend). When dealing with small numbers there is also the risk that data are disclosive, and therefore cannot be published in order to protect individuals' confidentiality.

There are various ways of tackling the issue of small sample sizes:

- Aggregating (combining) data from more than one year or combining multiple ethnic groups. For example, the Labour Force Survey is the largest UK survey, with a sample of 60, 000 households, but data over several years has to be combined in order to allow the data to be broken down and analysed by individual ethnic group. Alternatively, data from two or more ethnic groups, such as all South Asian groups, can be collapsed together. However, combining ethnic groups can disguise differences in behaviour or outcomes between different minority ethnic groups e.g. different employment patterns of Indian and Pakistani women, or different educational outcomes for Indian and Pakistani/Bangladeshi people. Further, in practice, for much Scottish data this involves aggregating all visible minority ethnic groups together and analysing data by White/non-White population.
- Harmonisation of ethnicity questions across Scottish Government surveys. Work is currently on-going to harmonise ethnicity (and disability) questions used across the Scottish Government's five core surveys so that the problem of small numbers can be overcome by combining samples. However this is a long-term project, as there are complex technical issues involved in combining samples and each survey has a long lead-in time to incorporate changes.
- Booster samples involve increasing the sample size for specific sub-groups of a survey population. Ethnicity boosts have been used to generate better data on the minority ethnic population, for example in the 2000 Scottish Crime Survey. There have also been discussions about the viability of a potential ethnicity boost to the Labour Force Survey (LFS). The Scottish Government already funds a boosted Scottish sample to the LFS, increasing the sample size from approx. 8,000 households to approx 23,000 households. The LFS boost allows for better ethnic disaggregation, but is still not robust enough for reliable data at detailed ethnic group level, i.e. it does not allow for conclusions to be drawn about individual minority ethnic groups, unless data from more than one year is combined. There are various considerations and challenges to be taken into account when considering an ethnicity boost. Methodologically, the small size of the minority ethnic population in Scotland makes it difficult to develop a robust sampling frame with minimal sample bias, as it can be difficult to identify people from minority ethnic groups and where they live, and it would be prohibitively

expensive to send interviewers out at random to identify members of the minority ethnic population. Moreover, the costs involved in using a booster sample can be prohibitive.

Although the Scottish Government is continuing to explore options for improving the collection of data on minority ethnic groups in Scotland, given the small size of the minority ethnic population there will inevitably be limitations to what quantitative data can be provided. Depending on the type of information required, qualitative research can provide useful data, and is not subject to the same sampling restrictions as quantitative research. Qualitative research, such as that based on in-depth interviews and focus groups, provides rich, detailed data which allows the kind of in-depth analysis which is particularly useful when exploring people's subjective accounts of their experiences, behaviour and attitudes. Small samples are used in qualitative research, selected to cover a broad range of the population in question. Qualitative research reveals the range and diversity of views amongst that population, but does not provide information on what proportion hold particular views.

In Northern Ireland, the Advisory Committee will wish to know that on 28 June 2007 the Department for Health, Social Services and Public Services (DHSSPS) launched a new booklet, *Health and Social Care in Northern Ireland*, which provides key information about health services, including interpreting services, in English and 13 other languages.

Legal aid (paragraph 84)

In the case of discrimination at work, claims can be taken against an employer to an employment tribunal. Under the Access to Justice Act 1999, which came into force on 1 April 2000, representation in employment tribunal proceedings is outside the scope of the Community Legal Service (CLS) scheme. However, legal help is already available for advice and assistance in employment tribunals, and legal representation is available in the Employment Appeals Tribunal, subject to the standard tests of means and merits.

CLS funding is not generally available for representation in tribunals because, unlike courts, most tribunals question the user to find out relevant information rather than relying on the user to present an argument. This means that tribunals' users should be able to present evidence by themselves, and for this reason the Government does not believe it necessary to extend Community Legal Service funding to them for representation.

We recognise that in some cases, however, users might not be able to represent themselves, because of difficulties of language, for example. If this is the case, or if other strict criteria are met, the Lord Chancellor has the power, on receipt of a recommendation from the Legal Services Commission, to authorise 'exceptional funding' for representation under the Access to Justice Act 1999 s.6(8)(b).

Article 5

State support

Grants programmes – race equality, community cohesion and capacity building (paragraph 92)

The Government is pleased to note the Advisory Committee's acknowledgement of the assistance available to organisations that promote race equality and community cohesion through the Government's Connecting Communities Plus programme. The Government has also noted the Advisory Committee's recommendation concerning the importance of providing training to organisations on making grant applications.

For the purposes of applying for grants under Round Three of the Connecting Communities Plus, Community Grants Fund (2008-09) the Community Development Foundation (CDF) has produced comprehensive guidance intended to maximise applicants' chances of success. There is a dedicated helpline and an e-mail address where additional help may be obtained. The Foundation will also, if required, direct applicants towards people who will comment on a draft of completed application forms. In cases where English is not an applicant's first language, the Foundation will do its best to put the applicant in touch with someone who speaks the community language in question and understands this fund, and to provide the guidance notes in alternative formats if necessary.

In March 2007 the CDF published *Setting Up For Success*, a practical guide for community organisations compiled and written by CDF staff and inspired by the experience and learning of the 582 organisations funded in Round One of the Faith Communities Capacity Building Fund, together with all those groups and organisations that have approached CDF for funding and help in recent years, including those that applied for, and those that received funding in round one of the Connecting Communities Plus, Community Grants. These organisations vary from large national networks to small local community projects and all are at different stages of growth.

The Scottish Government provides funding to the Council of Ethnic Minority Voluntary Sector Organisations in Scotland (CEMVO), a national intermediary organisation which aims to build the capacity and sustainability of the ethnic minority voluntary sector. £55,902 was provided to CEMVO in 2006-07 and £84,792 in 2007-08 for capacity building work.

CEMVO has been running a capacity building programme in Scotland for minority ethnic voluntary organisations and community groups since July 2004. 30 organisations were supported during the first year, and between them have attracted £750,000 of funding with the support of the Capacity Building Officers. CEMVO provides four phases of support – pre capacity building, core capacity building, post-capacity building and a capacity building health check. Organisations are supported to develop in areas such as: constitution and legal structure; governance structures and processes; business and action planning; funding; management systems; communication and marketing; partnership and networking; financial systems, ICT.

The Scottish Government also supports the Black and Ethnic Minority Infrastructure in Scotland (BEMIS), the national umbrella body for the minority ethnic voluntary sector in Scotland to deliver a number of strategic objectives on its behalf, including around capacity building.

In addition, the Voluntary Action Fund (VAF) provides information and support to the minority ethnic voluntary sector. Among other things, VAF ran workshops for those intending to apply for funding under the Scottish Government's Race Equality, Integration and Community Support Fund in 2005. It continues to provide support to organisations even once funding has been secured.

Cultural activities and media

The Government believes that culture in its widest sense has great potential to promote cohesion between communities. The Government works through public bodies, and with local authorities and the voluntary and community sector to achieve this. Such activities range from support for community radio stations and local art exhibitions to the promotion of local and regional projects by our national institutions such as the National Gallery and Science Museum. These activities all help to achieve a greater understanding of ethnic minority culture.

Progress is measured through the Department for Culture, Media and Sport's *Taking Part* survey, the first national participation survey across their sectors, in addition to research carried out in the Department's Non-Departmental Public Bodies.

In Scotland, the Bòrd na Gàidhlig and the Scottish Arts Council already have in place funding streams which are available to Gaelic and Scots language organisations for the maintenance and development of these languages. The two bodies have already collaborated on a number of projects, including the publication of a national Gaelic arts strategy, which is due later in 2007.

In Northern Ireland, in addition to the funding provided by the Ulster Scots Agency, the Arts Council also provides funds for Ulster Scots artists and arts initiatives. The Joint Declaration 2003 made a commitment to encourage support to be made available to establish an Ulster Scots Academy (as well as an Irish Language Broadcast Fund), with a budget of £12 million over five years for each.

The Government has built positive relationships with independent bodies such as the Press Complaints Commission (PCC) and the broadcasting regulator, Ofcom, and media organisations such as the BBC have drawn up diversity programmes to attract members minority ethnic groups into jobs in the media and raise awareness of funding sources.

In January 2007 a forum was held in London to discuss Ethnicity and the Media. Those who took part in the debate included representatives from the main broadcasters in the UK, parliamentarians and media organisations. In addition to discussing representation of ethnic minorities in the media, the forum also addressed how ethnicity and faith issues are portrayed in the media, and the way forward for company, sector and public policy.

Broadcasting

Gaelic language

In fulfilling its remit under the 1990 and 1996 Broadcasting Acts and the 2003 Communications Act, the Gaelic Media Service has an obligation to grant-aid the production and development of Gaelic language programmes and projects on television, radio and new media. Funding for the GMS was devolved to the Scottish Government as part of the devolution settlement in 1999 and the Scottish Government remains supportive of the development of a new dedicated service for Gaelic viewers, which is due to be launched later this year, and has committed additional funding of £3m per year. Its total investment for 2007-08 is £11.9 million.

The Secretary of State for Culture, Media and Sport, in seeking a better deal for Gaelic language broadcasting, also committed a one-off contribution of £250,000 from the UK Government as part of an arrangement for establishing the service.

The BBC also has a crucial role to play in safeguarding Gaelic cultural heritage and it will be a key player in the development and future of a Gaelic digital television service. The BBC also runs and funds BBC *Radio nan Gaidheal* – a service which has a loyal following.

Welsh language

The Government is committed to a sustainable future for Welsh language broadcasting. A full Welsh language radio service is provided by the BBC. Both S4C and the BBC provide online services in Welsh, which complement their programme services.

The Welsh Fourth Channel Authority provides the television service Sianel Pedwar Cymru (or S4C) for the fourth channel in Wales. In addition to the S4C analogue and digital services, S4C also provides a second digital channel, S4C2. Like the BBC, S4C is both a broadcaster and a regulator; like Channel 4, it is a 'publisher-broadcaster' and does not produce programmes. Like both it is a public corporation. It was established by the Broadcasting Act 1981. The service opened in November 1982. S4C receives a Government grant, uprated annually in line with inflation as measured by the Retail Prices Index. The grant entitlement for the calendar year 2007 was £94.395 million.

Irish language

The new Irish Language Television and Film Production Fund will provide £12 million of funding over the next 5 years for Irish language programming.

Meeting the accommodation needs of Gypsies and Travellers (paragraphs 103-106)

The requirement for local authorities to conduct specific assessments of Gypsy and Traveller accommodation need is a new one. It has taken time for them to become

accustomed to best practice in conducting this complex task, so as to secure proper and meaningful outcomes in consultation with representatives of the Gypsy and Traveller communities in their area. 94% of local authorities have now addressed this task. The Government issued draft guidance for conducting these assessments in February 2006, which emphasised the need to consult closely with representatives of the local Gypsy and Traveller community from the outset. This guidance has since been subject to amendment in the light of lessons learnt and the revised version was published on 4 October 2007.

The Government published further guidance in March 2007 for Regional Assemblies to benchmark the robustness and consistency of Gypsy and Traveller accommodation needs assessments covering their region and develop a transparent and reliable method for translating the results into regional pitch requirements. Results of assessments will be open to public examination and to challenge where individuals believe them to be inaccurate.

The consultation on *The Governance of Britain - the Government's Draft Legislative Programme*, published on 11 July 2007, outlined the Government's draft legislative programme for the next session of Parliament. A Housing and Regeneration Bill was listed as one of the proposed Bills. As set out in that document, the Government intends to use this Bill to implement the ECHR judgment in *Connors vs United Kingdom* (referred to in paragraph 100 of the Committee's Opinion). The final legislative programme for 2007-08 will be confirmed in the Queen's speech to Parliament in autumn 2007.

There is a framework of legislation in place in respect of trespass and associated issues generally which must be allowed to run its course. Good practice advice has been produced by Government to cover circumstances involving the management of unauthorised camping (last issued in 2006) allowing instances of unauthorised camping to be dealt with effectively but sympathetically. This includes the conduct of welfare checks, the results being of material consideration in deciding whether or when an eviction should proceed. Decisions should be lawful, reasonable, balanced and proportionate, taking into account the rights and needs of both the settled community and Gypsies and Travellers.

In Northern Ireland there is an ongoing development programme of group housing and serviced sites. There is adequate funding in order to provide suitable accommodation for Travellers. However having established where a need for accommodation exists and what type of need exists, there are constraints in obtaining suitable sites. This is an ongoing problem but one which is being actively addressed by the Northern Ireland Housing Executive in conjunction with the Department for Social Development.

The Scottish Government does not recognise the statement that there are cases of Gypsies/Travellers in settled accommodation in Scotland living in "squalid conditions". There is no way to reliably identify Gypsies/Travellers in permanent housing so the Scottish Government does not know how this was concluded.

Article 6

Promoting inter-cultural dialogue and tolerance (Paragraphs 115-117)

The Government shares the Advisory Committee's concerns about the potential damage that inaccurate reporting can do, and recognises that the print media, particularly at local and regional level, can help shape opinion in a positive or negative way. The Government welcomes the Advisory Committee's acknowledgement of initiatives to address this issue in the UK, including the practical guide produced by the Society of Editors and the Media Trust with the support of the Government to help journalists to find accurate information on community cohesion, faith and race issues.

The Department for Communities and Local Government is also working with the Institute of Community Cohesion and Media Trust to train a number of local authorities in "myth-busting". The training helps local authorities to identify 'myths' that have a negative impact on community cohesion. Myths can take the form of dangerous rumours or deliberate mischief-making that people might believe. Local authorities have been given advice on how to build better relationships with local media, which often has more impact on local communities than the national media.

The Government is well aware that some communities feel that they are less favourably treated than others, which can challenge community cohesion. We have produced a set of fact cards to rebut some of the misconceptions and myths people have about housing allocation, health care, employment and immigration. The fact cards were published at the end of March 2007.

The Scottish Government is committed to continuing with and further developing the One Scotland Many Cultures anti-racism campaign. To date the campaign's messages have been promoted to a wide audience through a mix of advertising (TV/radio/outdoor) and supported by PR, a dedicated website (www.infoscotland.com/noplace), and national awareness raising projects such as the highly successful Show Racism the Red Card which receives significant funding from the Scottish Government. The One Scotland campaign is well supported by a range of other projects and activities aimed at tackling racism and promoting race equality for Scotland's minority ethnic communities including Gypsies/Travellers, refugees and asylum-seekers, and faith communities.

The 2005 Booklet *Reporting Diversity*, which offers advice to editors and journalists on reporting race, cohesion and faith matters, has prompted moves within the media to address diversity inside and outside the newsroom. This has included the setting up of a Journalism Diversity Fund, established to help attract minority ethnic students into journalism training. *Reporting Diversity* has also become a model for guidance on reporting other sensitive issues such as poverty and mental health.

The Commission on Integration and Cohesion was tasked with developing local and practical responses to building cohesion, and published its final report in June 2007 (www.integrationandcohesion.org.uk). In addition to its practical recommendations relating to meaningful interaction between different groups, it sets out four key principles for building integrated and cohesive communities - one of which is mutual

respect and civility. It also uses a new evidence chapter to underline the importance of work to tackle inequalities when building integrated and cohesive communities. The Government responded to the Commission in October 2007 (see comments under Article 3 above).

Hate Crime (Paragraphs 130-131)

The Government fully recognises the importance of collecting accurate data and has noted the Advisory Committee's recommendations. The Crown Prosecution Service has recently taken steps to record charges and prosecutions of racist crime and religiously aggravated crime separately.

The UK Government agrees with the Advisory Committee's view that the criminal threshold for the offences of incitement to racial and religious hatred should be the same. The Racial and Religious Hatred Bill as introduced by the Government in 2005 did just that. However, following votes in both houses, Parliament decided that the criminal threshold for incitement to religious hatred should be higher than that for racial hatred in order to protect freedom of expression.

The common law in Scotland already covers many of the situations in which a specific offence of incitement to religious hatred might be used. The Scottish Government will keep the law under review and if it appears that the existing law is unable to afford protection to members of religious communities it will consider how best to strengthen it.

All eight police forces in Scotland use the definition of a racist incident as given by Sir William Macpherson in his Report on the Stephen Lawrence Inquiry i.e. *"any incident which is perceived to be racist by the victim or any other person."* The Scottish Government published a bulletin presenting a set of centrally collated statistics on racist incidents recorded by the eight Scottish police forces using this definition in March 2007. This bulletin reports details of all incidents, all crimes or offences associated with each incident, and, where possible, details of the victims and perpetrators.

Five forces showed a consistent year on year increase in the number of racist incidents and crimes recorded from 2003/04 to 2005/06. Only Fife Constabulary showed a consistent decrease in both crimes and incidents over the three years presented. Grampian Police showed an increase to 2004/05 followed by a decrease to 2005/06 in the number of incidents and crimes. The number of incidents as a rate per 10,000 local population is generally much higher in urban areas (Aberdeen, Dundee, Edinburgh and Glasgow) than the more rural areas.

There have also been improvements in data collection, and the introduction of centralised call centres has encouraged the reporting of incidents.

Every year, each of the eight Scottish police forces submits an Annual Statistical Return to HM Inspectorate of Constabulary, providing details of racist incidents recorded from 1 April to 31 March.

The Association of Chief Police Officers in Scotland's Diversity Business Area are currently considering the best way to record the different kinds of hate crime. The

data extracts from the Scottish Criminal Record Office's criminal history system for the court proceedings database contain information on offence aggravators; there are separate aggravator codes for racist and religious prejudice. In 2005-06 there were 457 offences with a charge proved with a racist aggravator recorded and 330 with a religious prejudice aggravator. The great majority of these related to criminal damage, assault or breach of the peace.

It should be noted that the data on aggravators reflect the position at conviction – it is possible that a charge in a case may initially feature an aggravator which is then deleted in the course of judicial proceedings, e.g. where it is accepted or found that there is not a sufficiency of evidence for it. It should also be noted that as part of its data quality programme the Scottish government plans to review the reliability of the data available on offence aggravators – e.g. to check how consistently the information is being recorded across Scotland.

The specific offences of racially aggravated conduct or harassment, i.e. offences under section 50A of the Criminal Law (Consolidation)(Scotland) Act 1995, are also identifiable in the court proceedings database. There were 816 such offences with a charge proved in 2005-06.

Diversity in the police (paragraph 132)

The Government strongly believes that valuing diversity is crucially important to the development of policing in the 21st century. The Police Race and Diversity Learning Programme seeks to help fulfil this aim.

This five-year programme, begun in 2004, will ensure improvements in race and diversity performance across the police service. This will primarily be done through the delivery of effective race and diversity learning and development.

The focus of the Programme is to facilitate the development of knowledge, progress understanding, provide skills, challenge attitudes, and change behaviour. At the most basic level, officers and staff need to be able to work effectively with everyone in their local communities in reducing crime, including hate crime.

While the primary focus is on race, the Programme also encompasses gender, sexual orientation, disability, age and religion or belief. Furthermore, the Programme acknowledges the full scope of race-related issues, and includes those involving Gypsy, Traveller, immigrant and asylum seeker communities.

The Government is working towards the goal of everyone in the police service, including the wider police family, being assessed as competent against National Occupational Standards relating to race and diversity. It is important that everyone in the police service be held accountable for their performance in race and diversity-related issues. Performance will be monitored at local, force and national level through the policing performance assessment framework, by Her Majesty's Inspectorate of Constabulary as part of their baseline assessments. Furthermore, annual reports are to be published to monitor the programme's progress against the implementation plan of the strategy.

Policing in Scotland is committed to promoting and mainstreaming diversity across the full range of its business areas. Through the auspices of both the ACPOS Personnel and Training and the Diversity Business Areas there has been a number of notable achievements in recent years through the ACPOS People Strategy and the National Equal Opportunities Training Strategy (NEOTS) which delivered diversity training to all ranks and grades of the service. Post Macpherson, the 'Law at Work Report' recognised the Police Service as exemplars in the area of race relations.

The Scottish Police College has national responsibility for delivery of Diversity Awareness Training which is 'front loaded' in week one of the fifteen week Initial Training Course (ITC) in Probationer Training Division. This training includes an interface with members of minority groups which anchors the learning and underpins the entire training programme. The training content highlights the individual's right to preserve and promote their cultural activities free from discrimination or harassment. In addition, although the term 'hate crime' is not used, all new recruits receive specific training in how to deal with racially and religiously aggravated offences and their competence with regard to diversity issues is assessed continuously during their course.

The College promotes the mainstreaming of equality and diversity, encouraging continuous improvement in this area, with the aim of achieving equality of opportunity through training, policy and practice for people affected by the six equality strands, namely: age, disability, gender, race, religion and sexual orientation. To support this aim, the College consults an affiliated Independent Advisory Panel, with membership drawn from the 'six strands', and who independently monitor and scrutinise all College training courses.

Force level diversity training is co-ordinated nationally with staff attending the College to complete a challenging four week Diversity Awareness 'Training for Trainers' Course. Further mandatory Diversity Awareness Training Courses (2 days' duration) based on the ACPOS approved NEOTS programme are offered at supervisory and strategic management levels. At Command level, the College co-ordinates and hosts the Senior Leadership Development Programme II (for Executive Leaders) in partnership with NPJA in England and Wales. This four day programme includes a diversity exercise run over two days supported by a panel of critical friends drawn from diverse communities.

Impact of policing on minority ethnic communities (paragraphs 141-143)

Stop and Search continues to be a high profile feature of policing. Used in an intelligence-led way it can be extremely valuable in the fight against crime and terrorism. Used fairly it is key to the development of good relationships between police and communities. Used inappropriately it is ineffective and damages the police relations with communities and overall trust and confidence in the CJS. There is already a clear structure in place that ensures that the power can only be applied if an officer has a reasonable suspicion that the individual to be searched has committed a crime. The Police and Criminal Evidence Act guidelines, the Home Office Stop and Search Manual and the National Centre for Policing Excellence Practice Guidelines already emphasise that Stops and Searches conducted under the Police and Criminal Evidence Act require that an officer has a reasonable suspicion that the individual to

be searched has committed a crime. In addition, the manual recognises the potential negative impact on communities of the use of Stop and Search and encourages a proactive approach to working with communities. This includes publicising rights, improved facilities for complaints, publicising the use of the power, and discussions around future Stop and Search activity.

Nevertheless, disproportionality in the police use of Stop and Search remains a concern that the Government is determined to address. We must ensure that the tools that we already have in place to promote the effective use of Stop and Search are applied by all police forces. Both the level of disproportionality and disparity of arrest rates between racial groups arising from Stops and Searches are contained within the Basket of Indicators we are introducing for Local Criminal Justice Boards. These indicators, due to be introduced in 2008, identify key critical points where disproportionality occurs and requires local criminal agencies to account for them.

National work to reduce disproportionality in Stop and Search, led by the National Police Improvement Agency, includes:

- Requiring forces with high levels of disproportionality to use the Practice Orientated Package to account for and address any unjustified disproportionality in the use of the power
- Continuing oversight by the independent Stop and Search Action Team Community Panel
- Ensuring Police Authorities fulfil their statutory duty to hold forces to account in their use of the power
- The publication of a research paper on the identification of “hot spots” used to determine the use of Stop and Search

In Scotland, police operational matters are the sole responsibility of the relevant Chief Constable and neither Ministers nor the Scottish Government have powers to direct Chief Constables on enforcement of law or deployment of officers (although the Lord Advocate has the power to do so). Policing is a local function, responsive and responsible to local communities. The degree to which a Chief Constable devotes particular resources depends on a range of factors, such as force objectives and priorities.

In 2002 the Scottish Government’s Central Research Unit published a report on police stop and search in Scotland:

<http://www.scotland.gov.uk/cru/kd01/green/pssyp-00.asp>.

In terms of the overall impact of stop and search in Scotland the study noted that overall, the number of searches recorded on minority ethnic people was lower than might be expected given their resident populations in the three areas studied - parts of Glasgow, Dundee and Edinburgh. No evidence was gathered to suggest people from minority ethnic groups were being targeted for stop search activities in Scotland.

Counter-terrorism

The stop and search powers, together with all of our counter-terrorism legislation, is reviewed annually by Lord Carlile of Berriew QC. Lord Carlile is the independent reviewer of terrorism legislation. His reports, together with the Government's response, are published and can be debated by Parliament. The UK's counter-terrorism legislation is not aimed at any particular group or community and there is no intention whatsoever on the part of the police to target particular groups of people. In addition to being morally wrong and offensive, such an approach would also be counter-productive and bad policing because it would alienate the very people upon whom the police rely for support. We continue to work closely with communities to reassure them that law enforcement is intelligence led and proportionate.

National guidance for the police on the use of terrorist stop and search powers was published in July 2006. One of the key aims of the guidance is to set out a framework for the use of powers under section 44 of the Terrorism Act 2000 to ensure that they are used appropriately by officers on the ground.

The stop and search powers under section 44 are an important tool in dealing with terrorism. The powers help to deter terrorist activity by creating a hostile environment for would-be terrorists to operate in. We believe the powers are both necessary and proportionate given the threat from terrorism that we face in the UK. All authorisations for stop and search are carefully scrutinised. This includes renewals. Each authorisation requires a community impact **assessment**.

Relations between Northern Ireland's two main communities (paragraphs 145-151)

Work has already taken place in Northern Ireland as to how a more integrated approach to housing might take place. On 30 October 2006 Ulidia Housing Association, in partnership with the Housing Executive, opened the first housing project in Northern Ireland developed in accordance with the principles of the government's *A Shared Future* document. *A Shared Future* has been described as arguably one of the most important areas of public policy to promote sharing over separation; the elimination of sectarianism, racism and all forms of prejudice; and most importantly the development of shared communities where people of all backgrounds can live, work, learn and play together.

A Shared Future was launched in April 2005 and required the Housing Executive to bring forward as soon as practicable a number of pilot integrated housing schemes. In May 2005 the Housing Executive approached Ulidia Housing Association and nominated the Association's project at Carran Crescent, Enniskillen, which was under construction at the time, as the first pilot. In Carran Crescent, no more than 70% of any one religion will be allowed and all the residents have signed up to a charter. It is anticipated that work on a second pilot at Loughbrickland will commence soon. The sites at Enniskillen and Loughbrickland were selected following research by Queen's University. Future shared housing schemes are also planned for Banbridge, Ballycastle, Magherafelt and Lisburn.

In paragraphs 145 and 266 of its Opinion, and in the Executive Summary, the Advisory Committee refers to ‘Loyalist’ political parties. This term would not be appropriate. The more accurate term which should be used is ‘Unionist’.

Article 8

Blasphemy law (paragraph 154)

The UK Government acknowledges that there are a wide variety of views on whether the blasphemy laws should be retained, repealed or extended. The Government has noted the Advisory Committee’s recommendation, but at present has no plans to change the existing laws. The Scottish Government keeps the law on blasphemy under review, but also has no current plans to change it.

School regulations and practices concerning religion and/or belief (paragraphs 159-161)

The National Framework for Religious Education (RE), published in 2004, provides schools with detailed guidance on recommended provision and an understanding of the knowledge and skills that young people should gain at school in RE lessons. The National Framework and the revised secondary curriculum, including RE, which will come into effect from September 2008, both clearly stress the importance of learning about different faiths, including interfaith dialogue.

Schools are responsible for the supervision of those students who do not attend RE lessons or collective worship. The nature of the alternative activities provided for these students will depend on their individual needs and ages.

Guidance on School Uniform Related Policies has not been adopted by the Government. Consultation closed on 12 June 2007 and we are currently reviewing responses.

The Government has not suggested that schools ban full-face veils (the niqab), but have strongly suggested that, in setting their uniform policies, schools should act fairly and reasonably, bearing in mind their duties under the Human Rights Act 1998 and anti-discrimination legislation. We have suggested that schools should consider how the proposed uniform policy might affect each group represented in the school and consider whether the proposed policies amount to an interference with the right to manifest a religion or belief, or whether they are discriminatory. Schools might decide that the needs of individual groups are outweighed by factors such as:-

- health and safety;
- security - schools need to be able to identify individual pupils in order to maintain good order and identify intruders easily;
- teaching and learning - if a pupil's face is obscured for any reason, the teacher may not be able to judge their engagement with learning and to secure their participation in discussions and practical activities.

Most schools in England already have a school uniform or a dress code, and other rules on appearance. The Government’s guidance on school uniform related policies

is non-statutory; it is therefore for governing bodies to decide whether there should be a school uniform and other rules relating to appearance, and if so, what they should be.

In February 2005, the Scottish Government issued a revised circular on ‘The Provision of Religious Observance in Scottish Schools’. The aim of the circular is to provide guidance which will better enable schools to make religious observance meaningful in the social, cultural and educational context of today. It states that Religious Observance (RO) needs to be developed in a way which reflects and understands the diversity. It should be sensitive to our traditions and origins and should seek to reflect these but it must equally be sensitive to individual spiritual needs and beliefs, whether these come from faith or non-faith perspective. Learning and Teaching Scotland were commissioned to produce materials, in collaboration with faith groups, to support the document. The circular also stated that at present school assemblies are the most common vehicle for delivering religious observance. There should be a distinction between assemblies devised for the purpose of RO and assemblies for other purposes, such as celebrating success.

The Circular (1/2005) “The Provision of Religious Observance in Scottish Schools” states that where a child is withdrawn from religious observance, schools should make suitable arrangements for the child to participate in a worthwhile alternative activity. In no circumstances should a child be disadvantaged as a result of withdrawing from religious observance.

The Circular (1/2005) “The Provision of Religious Observance in Scottish Schools” states that local authorities are invited to work with the school community to plan the content, frequency, and location of RO. Schools are to produce a school policy statement on religious observance in conjunction with the school community.

Article 9

Northern Ireland (paragraph 167)

The UK Government stands by its commitment in the Belfast (Good Friday) Agreement to achieve more widespread availability of TG4 in Northern Ireland. There are a number of households in Northern Ireland which currently have access to TG4 and plans are in place to ensure that a similar proportion continue to receive the channel following the switchover to digital in 2012.

Scottish Gaelic broadcasting (paragraph 172)

The Scottish Government has noted the Advisory Committee’s recommendation on digital broadcasting in Gaelic. Adequate funding and infrastructural support are now in place, and the aim is to introduce the new service by March 2008. At this stage of development our main focus is launching the service – all partners involved are fully committed to achieving this.

Minority ethnic communities (paragraph 177)

Under Section 27 of the Communications Act Ofcom has a duty to promote training and equal opportunities in employment by television and radio broadcasters. Previously this requirement was a licence obligation for terrestrial licensees only. However, under S.27 it has been extended to cable and satellite and radio licensees. The BBC has also volunteered to report to Ofcom on equal opportunities in the same way as other broadcasters.

Ofcom has been discharging this duty in a number of ways. It has been in discussion with the Broadcast Training and Skills Regulator over the possible co-regulation of equal opportunities under Section 337 of the Communications Act. The BTSR are in agreement in principle. The proposals will be presented to the Ofcom Board and subject to approval. The formal consultation will start in October. It is also in the process of reviewing reports from broadcasters on their initiatives to promote equal opportunities during 2006. A summary report will be published in November 2007.

The NTA Broadcast Sector Awards have now been launched. Eleven broadcasters applied for the awards and were judged by a panel representing the BTSR, UK Skills Ltd, Skillset and Ofcom. Spanning the entire spectrum of broadcasting, six companies have been recognised by the judges. The BBC, ITV and Bloomberg News have been named as sector winners and the judges have also awarded Highly Commended status to Sky, QVC and KMFM Radio. The NTA Broadcast Sector Award winners now have the opportunity to go forward to the UK judging panel. Here they will be judged against organisations drawn from all sectors across the UK who are achieving the highest level of training excellence.

The sector winners will also be invited to the awards' UK gala ceremony at the Royal Lancaster Hotel on 13 December 2007 where the UK winners will be announced. At this event, BTSR and its partners will be hosting a special broadcast sector reception to present the NTA Broadcast Sector Award winners with their awards.

One of the areas that the public service broadcasters report on in their statements of programme policy and their reviews of the year is diversity. This includes information on portrayal on and off screen and in some cases information about any training schemes or other off screen projects that they are running.

In 2005-06 the UK publishing industry set up its Journalism Diversity Fund. This is a bursary scheme to help talented individuals from ethnic minority backgrounds become fully-trained journalists. Support consists of tuition and exam fees, contribution toward living expenses, work placement while training and personal mentoring from a successful working journalist. This stemmed from a report in 2004 produced for the Society of Editors Training Committee "Diversity in the Newsroom".

Article 10

Use of minority languages in private and in public (paragraphs 188-190)

Gaelic language plans

The Scottish Government has noted the Advisory Committee's recommendation on the development of Gaelic language plans. This is in hand, although the Scottish Parliament has since requested, and been granted, an extension to its deadline. In view of the recent change of government, the Scottish Government intends to request an extension, too.

Scots language

Since the Advisory Committee visited Scotland, a new administration has been elected. In its manifesto, the Scottish Government gave a number of commitments to promoting awareness and use of the Scots language. Officials are at an early stage of discussing with Ministers how these commitments may be realised, and identifying what the government's priorities may be.

Northern Ireland

Following the restoration of devolution in Northern Ireland in May 2007, responsibility for taking forward proposals for Irish language legislation falls to the Northern Ireland devolved institutions. The St Andrews Agreement (October 2006) does not mention adopting strategies in respect of Irish and Ulster Scots. The Northern Ireland (St Andrews Agreement) Act 2006 places a duty on the Executive to adopt a strategy to enhance and protect the development of Irish language (as well as Ulster Scots language, heritage and culture mentioned at paragraph 21 of the Committee's Opinion). Significant steps have already been taken on a strategy to enhance, develop and protect the Irish language through the Council of Europe's Charter for Regional or Minority Languages. Irish language is recognised under Part 3 of the Charter having applied 36 of the required provisions. Therefore the process of enhancing, developing and protecting the Irish language is ongoing.

The Opinion states (paragraph 186) that the Committee of Experts (COMEX) report on the European Charter for Regional or Minority Languages concluded that greater efforts were needed to ensure the implementation of the good practice guidance issued to public servants on implementing the provisions of the Charter relating to Irish. The COMEX report on implementation of the Charter does not make any conclusions with regard to the implementation of good practice guidance. It does however request further information on the possibility of submitting applications to Public Bodies in Irish to allow it to reach conclusions. It also asks that public awareness of the guidance be raised.

Steps are being taken through the Interdepartmental Charter Implementation Group, who work to take forward the European Charter for Regional or Minority languages, in association with the Ulster Scots Academy Implementation Group, to develop a "road map" to enhance the status of Ulster Scots to Part III under the charter.

Northern Ireland's Department of Culture, Arts & Leisure (DCAL) is currently considering the responses to a consultation which sought views on a number of draft

indicative clauses for Irish language legislation. The consultation document published by DCAL contained draft indicative clauses based on a language scheme model. The consultation on different models for potential legislation, referred to in the Advisory Committee report, was the basis of the consultation document prepared by DCAL in December 2006. The second consultation document, based on a language scheme approach, was published in March 2007. The consultation closed on 5th June 2007. It is intended that the Minister will make a statement to the Assembly in autumn 2007.

Article 11

Bi-lingual road signs in Scotland (paragraph 192)

The Advisory Committee's recommendation on road signs has been noted. Only road signs which are contained in the Traffic Signs Regulations and General Directions 2002 (the TSRGD) can be erected on roads in Scotland. Bilingual road signs are not contained in the TSRGD and require special authorisation. Highland Council applied for and were granted a special authorisation to erect bilingual directional road signs on local roads throughout their council area. To date, no other road authority has applied to Scottish Ministers for use of these non-prescribed signs. The Scottish Government would be willing to consider any applications from other local authorities on this matter.

Transport Scotland has an authorisation to erect bilingual directional road signs on trunk roads to the west of the A9, mostly to the west coast ferry ports. Scottish Ministers have received requests to consider extending this to other trunk roads but no decisions have been taken on this yet and this would be dependent on the outcome of a social, economic and environmental evaluation of the ferry routes signing project.

Article 12

Equal access to education (paragraphs 199-200)

The Government is pleased to see the significant improvements in achievement at GCSE level made by all pupils. The attainment gap between the average for all pupils in maintained schools and previously-underachieving BME groups has been closing steadily since 2003. The Government is particularly pleased to see improvements at Key Stage 2 for Pakistani and Bangladeshi pupils, as well as substantial gains over the last three years continuing for some groups (for instance, Black Caribbean pupils' GCSE attainment up 10 percentage points since 2003). This highlights the success of the Aiming High projects, aimed specifically at increasing attainment for these groups of pupils. Nonetheless the Government recognises that there is still more to be done, particularly for Gypsy/Roma and Traveller pupils.

Whilst schools often have to face the challenges that come from outside the school gate it is vital that they use an even hand in dealing with discipline matters and ensure that every effort is made to prevent unacceptable behaviour in the first place. The Government strongly supports head teachers in excluding pupils where behaviour warrants it, but the Exclusions Report takes a close look at missed opportunities in the lead up to exclusion, which contribute to the disproportionate rate of Black

exclusions. It reflects concern that the exclusions gap is part of a larger set of issues which can lead to misunderstandings, confrontation and disaffection within the education system.

The National Strategies are developing a system to track, identify and prioritise work to support schools and the issue of Black exclusions. We are also working with our key partner organisations to introduce planned measures building lasting capacity in schools to deliver on race equality and behaviour management. This will include:

- identifying local authorities with a high proportion of Black Caribbean and Mixed White/Black Caribbean pupils, helping them to take a key role in developing suitable strategic intervention and actions that will target this issue;
- Focused work with relevant organisations to strengthen race equality awareness in school leadership and management programmes;
- Focused work with relevant organisations to strengthen coverage of race equality issues (and their relationship to effective behaviour management) in performance management and initial teacher training;
- Production of guidance and effective practice materials on exclusions and ensuring these are available to both primary and secondary schools;
- Sharpening the awareness of those people who operate our main compliance inspection levers and considering best use of data to support future Government initiatives.

The Department for Children, Schools and Families (DCSF) is aware that a common theme emerging from formal research is the need to strengthen local authorities' and schools' compliance with the Race Relations (Amendment) Act. As part of the Aiming High 'next steps' document due to be published in autumn 2007, the Government is reviewing and considering suitable targeted actions to raise the profile of the compliance duties with schools and help build capacity in local authorities to strengthen their coverage of race equality through their corporate actions.

Guidance and training for schools will be available as part of the support for the revised secondary curriculum due to be introduced from September 2008. The Government has accepted one of the key recommendations from the Ajegbo Diversity and Citizenship Curriculum Review to add a new pillar to the statutory citizenship curriculum called *Identities and diversity: Living together in the UK*. This includes:

- appreciating that people living together in the UK have individual, group and national identities, which can change over time and are informed by a person's understanding of what it means to be a citizen; and
- exploring the different forces that bring about change in communities over time.

In the range and content section the following additions have been made:

- the shared values and changing nature of UK society, including the diversity of beliefs, cultures, identities and traditions
- reasons for migration to, from and within the UK and the impact of movement and settlement on places and communities.

Through the Primary and Secondary National Strategies the Department is delivering a programme of work for advanced bilingual learners and a focus on increasing notional grades for Key Stage 4 children. In July 2007 the Department launched the New Arrivals Excellence Programme. It aims to offer advice and guidance to local authorities and schools to deliver effective teaching and learning for new arrivals with English as an Additional Language. This will especially help those local authorities who have little experience of dealing with large numbers of migrant workers children and also refugee and asylum seeking children.

The curriculum in Scotland is not statutory. It is for schools and local authorities to decide the management and delivery of the curriculum. Guidance in the form of the publication 'Education for Citizenship in Scotland - A Paper for Discussion and Development (2002)' is available. This paper is the basis for a national framework for education for citizenship for young people aged 3-18. The perspectives and principles it sets out provide a framework for schools and early education establishments, local authorities, HMIE and others to evaluate the extent and quality of provision for education for citizenship. Education for Citizenship also permeates through a number of curricular areas, for example Environmental Studies and Social Subjects: understanding people in society, Personal and Social Development/Education and Religious and Moral Education. The 5-14 Guidelines for these areas also offer opportunities to teach citizenship.

Gypsies and Travellers in education (paragraphs 206-208)

DCSF will be working with other Government departments in 2007-08 to explore what more can be done to promote economic inclusion for those from Gypsy, Roma and Traveller communities and to tackle prejudice and discrimination in the wider community. Schools have a new duty to promote community cohesion. Guidance has been produced for schools to effectively record and deal with racist incidents. The Department is also exploring what a more relevant and flexible curriculum offer might be for Gypsy, Roma and Traveller children at Key Stage 3 & 4. The Department is expanding its e-learning and mobility project to offer a good quality blended approach to distance learning.

In Scotland, the Education (Additional Support for Learning) (Scotland) Act 2004 (the Act), which commenced on 14 November 2005, places duties on education authorities to make adequate and efficient provisions for the additional support needs of every child and young person for whom they are responsible and who requires additional support for learning. Education authorities must identify, support and review the needs of all children with additional support needs, including Gypsy and Traveller children. 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. The Scottish Government has provided the following funding to local authorities to help them implement the Act: £8million in 2004-05; £9.5million in 2005-06; and £12.5million per annum in 2006-07 & 2007-08.

The Scottish Traveller Education Programme has produced national guidance for schools and Education Authorities: Inclusive Educational Approaches for Gypsies and Travellers within the context of interrupted learning. Additionally, Her Majesty's Inspectorate of Education have published self evaluation guidance to provide schools

with examples of how they can implement best practice to meet the needs of Gypsy and Traveller pupils.

Furthermore, the Scottish Government is committed to supporting schools, authorities and communities to prevent and tackle all types of bullying whenever and wherever it arises, including bullying of Gypsy and Traveller children in schools. To support this commitment the Scottish Government has recently established a new national anti-bullying service which has the remit to assist those working directly with children and young people to create a preventative ethos and deal effectively with incidents of bullying when they arise. They work with key organisations to develop anti-bullying policies, review existing policies, and deliver a programme of ongoing training and support in addition to advice and information provided through the 'respect me' website to parents and practitioners.

Teacher training (paragraph 214)

The UK continues to provide teacher training for minority languages. Teacher training always responds to curriculum and school demands. Training places for foreign languages are allocated generally and if, for instance, schools seek teachers who can teach Urdu, then teaching training providers will offer courses to satisfy this demand - but that demand has to be led by schools acknowledging the need for such specialists.

The revised KS3 curriculum (in schools from Sept 2008) has removed the requirement that schools first need to teach a working language of the EU so they can teach any major European or world languages they choose. It is a school level decision which languages they teach, which provides them with more flexibility to reflect the needs of their community. In practice it will take time before we know the demand this will create in schools for e.g. Mandarin, Arabic and Urdu teachers, but if there is demand we will expect teacher training places to respond to this.

The Scottish Government continues to provide funding to local authorities to promote modern language learning and teaching in schools. One of the objectives of this funding is to ensure sufficient numbers of well-trained languages teachers. Additionally, it provides funding to the Scottish Centre for Information on Language Teaching & Research (Scottish CILT) to support language teachers in Scotland.

Article 14

Languages of minority ethnic communities (paragraph 215-220)

The new Key Stage 3 curriculum for modern foreign languages, to be introduced from 2008, states that the study of languages “may include major European or world languages, such as Arabic, French, German, Italian, Japanese, Mandarin, Russian, Spanish and Urdu. Schools may choose which languages they teach.” This will also depend in part on local needs and resources.

The Department for Children, Schools and Families (DCSF) is considering the need for more detailed guidance on the range of languages pupils might be taught. The Government has accepted the recommendation of the Languages Review that languages should become a compulsory part of the curriculum for pupils at Key Stage

2 (7-11 year olds) when the primary curriculum is next reviewed. The National Curriculum will not specify which languages should be taught, but this will provide further opportunities for pupils of this age group to be taught community languages, depending on local needs and resources.

At Key Stage 4 (14-16 year olds), schools must provide access to a minimum of one course in a modern foreign language that leads to a qualification under Section 96 of the Learning and Skills Act 2000. A number of community languages fulfil this criterion, for example Arabic, Bengali, Punjabi, Turkish and Urdu.

The Languages Ladder, the National Recognition Scheme for languages, was launched in 2005. It measures achievement in languages in small steps and is designed for learners of all ages and all abilities. Learners can have their achievements recognised through Asset languages. Qualifications for Asset languages are now available from Breakthrough to Intermediate level, equivalent to higher GCSE level, recognising competence in the 4 individual language skills of listening, speaking, reading & writing. Asset Languages qualifications are now available in 21 languages: Arabic, Bengali, Chinese, French, German, Greek, Gujarati, Hindi, Italian, Japanese, Punjabi, Polish, Portuguese, Russian, Spanish, Somali, Swedish, Tamil, Turkish, Urdu, Yoruba.

The Training and Development Agency funds CILT, the National Centre for Languages, to support teacher supply in modern languages, with a focus on community languages. This involves actively promoting the teaching of languages and providing information to specific groups such as foreign language assistants and existing teachers who have additional language skills. CILT also runs a Graduate Teacher Programme which recruits up to 50 native speakers of community languages from overseas.

The DCSF is also developing a project on community languages to look at how mainstream schools and supplementary schools offering community language programmes can work more effectively together. It will also look at how mainstream and supplementary schools can support students to gain recognition for achievement in their home language and other community languages.

The DCSF also recognises the significant contribution over a great number of years that many communities make towards the education of children, particularly children from minority ethnic backgrounds, through supplementary school initiatives.

In recognition of the many achievements of the supplementary and mother tongue school sector, DCSF, in partnership with voluntary and community sector organisations, has established a new National Resource Centre for supplementary education in England. The resource centre, jointly funded by the Department and the Paul Hamlyn Foundation will support the development of more and better supplementary schools through, in particular, the extended schools and specialist schools programme.

In Scotland, under the grant provision to local authorities mentioned earlier in this report, the Scottish Government encourages the authorities to provide a diversified range of languages for young people in schools so that they have an opportunity to try

lesser known or community languages. The Scottish Government will be looking to the forthcoming draft outcomes for modern languages in Curriculum for Excellence to raise the bar in terms of expectations of what young people can achieve with their modern languages learning.

Education in and of Gaelic, Scots, Irish and Ulster-Scots (paragraphs 228-229)

Increasing the number of Gaelic-medium teachers remains a priority for the Scottish government, and a number of initiatives are in hand, as mentioned elsewhere in this Comment. The Scottish Government has also increased investment in the support for Gaelic-medium teachers and Gaelic-medium curriculum and classroom resources. Bòrd na Gàidhlig intends to convene a national education steering group to oversee and assist with implementation of its National Gaelic Education Strategy.

Under current arrangements parents are entitled to have their children educated in the medium of Gaelic, subject to there being ‘reasonable demand’ for this service within the area they live. Local authorities must establish a numerical threshold to determine under what circumstances they will provide Gaelic-medium education (GME) within, or provide access to GME outwith, their respective areas. Since the Advisory Committee visited Scotland, a new administration has been elected. One of its manifesto commitments is to ‘guarantee in law the right to a Gaelic- medium education at primary level, where reasonable demand exists’ and officials will soon be discussing with Ministers how this may be taken forward.

In Scotland there is no national curriculum as in other parts of the UK, and local authorities are responsible for providing education. In recent years the Scottish Government has made Scots language resources available for use in the classroom, but ultimately it is a choice for schools and teachers whether these resources are used. In its manifesto, the Scottish Government gave the commitment to ‘actively encourage the use of Scots in education’, and officials will discuss with Ministers how this may be taken forward.

In Northern Ireland, there has been positive development work provided by the Ulster Scots Academy Implementation Group. It was set up and tasked with making recommendations on the governance, staffing and location of an Ulster Scots Academy and has produced proposals, which are currently out for public consultation.

The Department of Education considers demand for all forms of education, including Irish-medium and integrated, within the general framework set out in the 1986 Education and Libraries Order that ‘so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils shall be educated in accordance with the wishes of their parents.’ Following a commitment made in the Belfast Agreement, the 1998 Education Order placed a duty on the Department “to encourage and facilitate the development of Irish-medium education”.

Where demand is insufficient for a new school, an Irish-medium unit attached to, and under the management of, an existing English-medium school can be established.

Article 15

Electoral representation (paragraph 233)

The Government has noted the Advisory Committee's recommendation on electoral representation. Following the publication of the Local Government White Paper *Strong and Prosperous Communities*, an independent Commission on the role of local government councillors, looking at the barriers and incentives to becoming a councillor, was launched by the Secretary of State for Communities and Local Government in February 2007. The Commission will consider and make recommendations to encourage a more diverse and broader range of people, including those from ethnic minority groups, to become councillors so that communities are better represented. The Commission has been gathering evidence via:

- Commissioned social research projects
- A series of round table events with key stakeholders
- Large regional events with potential, current and ex-councillors, and officers
- The Councillors Commission web forum
- Written submissions sought from councils and key stakeholders

A number of factors have been identified. Both institutional and structural factors indirectly impact on the representation of people from Black and minority ethnic communities, by affecting them more severely or disproportionately, but are not related to ethnicity *per se*, while cultural factors, in particular, may relate directly and uniquely to ethnic distinctiveness (such as cultural differences or racially-motivated discrimination). Identified barriers include: disillusionment with mainstream political institutions and a preference for alternative spheres of engagement, the alienating culture, structures and procedures of many local authorities, and for some, selector hostility, as well as those issues which tend to discourage many people from standing, such as lack of time in the face of work and family responsibilities.

The Commission is independent of Government, but will report to the Secretary of State by 30 November 2007. The Government will examine the Commission's findings with interest.

The Government has also recently commissioned a report to be undertaken by Operation Black Vote, a leading independent non-party political organisation that works to encourage people from ethnic minorities to become more involved in the political process. The report will be produced by the end of 2007 and will look at the viability of introducing specific, permissive, appropriate and time-limited positive action measures with regard to electoral candidates and whether such measures would be likely to achieve the desired outcome of more diverse ethnic representation within the elected community.

The Government's commitment in this area was further demonstrated in the 9th October 2007 announcement of the Government's priorities for the next 3 years. This included a specific reference to increasing the number of people, and especially women, from black and minority ethnic groups who become local authority councillors. While no specific target has been set in this area (progress to some extent depends on the electorate, and on action by the different political parties), the

Government is confident that the workstreams outlined above will make a difference in this regard, and has made its commitment in this area very public.

Participation in economic and public life (paragraphs 244-247)

The recently-published Discrimination Law Review proposed that the Equality and Human Rights Commission should provide straightforward, practical guidance for public authorities on procurement and the public duties, which will be agreed with Government. This should focus, in particular, on ensuring that contracted-out public services are made available to disadvantaged groups, and on considering if there are barriers to participation of businesses led by such groups. It also proposes other measures to encourage best practice and to streamline processes. The Government will work in partnership with the Commission, the supplier community and others to develop these.

Appointments to the judiciary are the responsibility of the Judicial Appointments Commission (JAC). It is an executive Non-Departmental Public Body created under the Constitutional Reform Act 2005. In the selection of judicial office holders, its statutory responsibilities are:

- a) to select candidates solely on merit
- b) to select only people of good character
- c) to have regard to the need to encourage applications from a wider range of candidates

The Government takes note of the Advisory Committee's comments regarding the higher abandonment rate among Catholics than Protestants from the Northern Ireland Police Service, and the lower number of Catholics employed in the prison service in Northern Ireland (Paragraph 243). 132 officers recruited between 1 January 2001 and 31 December 2006 have left, 89 (67.4%) of these were Catholic. As at 15 August 2007 the Catholic composition within Service regulars stands at 22.78%, with 2,751 recruits having been selected for appointment on a 50:50 basis. The Northern Ireland Office remains on track to reaching its target of 30% Catholic representation by 2010/11.

The majority of administrative staff within the Northern Ireland Prison Service (NIPS) are Northern Ireland Civil Servants recruited by the Department of Finance and Personnel and all of the equality measures in place in the NIO core apply to them also. However, prison officers are recruited directly by the Northern Ireland Prison Service.

The NIPS has a predominately Protestant male workforce – as of 30 April 2007, 83.1% were male and 79.8% Protestant. Due to limited recruitment there has been little opportunity for NIPS to address the imbalance in recent years. There has been a significant improvement in recent campaigns, though, for Night Custody Officers and Prison Custody Officers.

Equality of opportunity is a clear priority for NIPS and measures in place to promote equality and to target underrepresented groups include:

- Positive advertising, which seeks to encourage members of under-represented groups to apply for recruitment competitions;
- Extending advertising to regional newspapers and making use of media such as radio;
- Ensuring that all interview panels are made up from a cross section of backgrounds;
- Targeting Catholic schools for recruitment campaigns.

Work is ongoing to develop a NIPS Staff Diversity Strategy.

Consultation (paragraphs 256-258)

A key part of the Government's work in promoting race equality and community cohesion involves building productive working relationships with national, regional and local voluntary and community organisations which have extensive experience of reducing inequalities and increasing cohesion. Communications, in terms of listening, engaging and seeking feedback as well as being able effectively to set out our priorities, the rationales behind them, and progress to date, are also an essential part of this work.

The Government wants to ensure that is getting the best advice on race equality issues at the right time. The Race Equality Advisory Group, for example, which has members from external organisations who meet every three months, has for its purpose to be a 'critical friend' to the Places and Communities Group in the Department for Communities and Local Government and to challenge the Department's role in tackling race inequalities in communities.

The Department for Communities also maintains a group of strategic partners from the voluntary and community sector which provide advice on race issues. The group comprises 11 national NGOs, drawn from across the spectrum of ethnic minorities in the country, and each focussing on a different area of public life. They include organisations such as the Runnymede Trust, which runs projects and research promoting a successful multi-ethnic society; the National Black Boys Can Association, which is focussed on raising the attainment of Black boys; and the Min Quan project, which is monitoring and addressing instances of racism suffered by the Chinese community in the UK. Each of these groups is currently receiving a significant Government grant, spread over 3 years, to promote their activities, and is helping the Government to understand and address the issues involved.

Our relations with the Muslim community are extremely important and we will continue to strive to improve them. The Government is indeed working to broaden and deepen its work with its stakeholder groups and individuals at national, local and individual levels. A key part of our strategy is that we need to get access to grassroots groups using Local Authorities' knowledge and democratic mandate in their areas. Increased funding into Local Authorities and local community groups will help the community-led approach to grow. We acknowledge we have more to do on this and are developing a range of ideas to increase our access to a range of credible and influential voices, for example looking to work more with groups led by Muslim women and young people.

The Scottish Government has met regularly with representatives of Scotland's Muslim communities, including through visits to Mosques and a reception held by the First Minister in his official residence, Bute House.

The Scottish Government also funded and supported the first Young Scottish Muslims conference in 2007 to garner the views of young Muslims. A report will be published shortly to inform public and statutory bodies. A newly formed Muslim Council of Scotland has recently held elections to its Executive and Scottish Government will shortly be writing to them asking that they nominate a representative to the Government's Faith Liaison Advisory Group (FLaG). The Scottish Government also now has a Muslim MSP, who facilitates contact between the communities and the Government.

Articles 17 and 18

Trans-frontier contacts and co-operation (paragraphs 259-261)

The UK Government remains firmly committed to the Belfast (Good Friday) Agreement and to working closely with the Government of Ireland and with the Northern Ireland Administration both to see that Agreement's full implementation and in the wider interests of both nations.