IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

HEALTH
EDUCATION
EMPLOYMENT
POLICING
HOUSING

NORTHERN IRELAND
REPUBLIC OF IRELAND
SCOTLAND

EDITORS: PHILIP WATT
AND FIONA MCGAUGHEY

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

NORTHERN IRELAND
REPUBLIC OF IRELAND
SCOTLAND

EDITORS: PHILIP WATT AND FIONA MCGAUGHEY

HEALTH
EDUCATION
EMPLOYMENT
POLICING
HOUSING

Disclaimer

FOREWORD

Public service providers are increasingly aware of the need to ensure that there is due regard to ethnic diversity in the planning, implementation and review of the services for which they are responsible.

This innovative trans-national research reveals openness on the part of service providers in Northern Ireland, Ireland and Scotland, to ensure that public service provision is inclusive of the whole community. The report further reveals a wide range of innovative initiatives undertaken in each of the three jurisdictions which have the potential to inform initiatives elsewhere.

In short, this publication is in part a resource and in part a catalyst for further discussion and research that can be used to enhance the linkages and synergies between Northern Ireland, Ireland and Scotland in ensuring public services are more inclusive of minority ethnic groups. Further it is intended to contribute to discussion and debate at an EU level where there is increasing focus on 'integration' and its implications for public service providers.

The general approach adopted in this research is forward looking and constructive. It aims to engage a wide range of key stakeholders, including those working in the public service and organisations working with minority ethnic communities, to identify where gaps and weaknesses occur, but in doing so to also offer ideas, models and strategies to improve public service outcomes for minority ethnic communities.

These gaps and weaknesses in service provision can be a consequence of a range of factors including:

- The challenges inherent in change management in the public service, for example in relation to changing policies and demographics
- Institutional and systemic issues, including inadequate 'joined up' thinking, planning processes; as well as systemic discrimination
- Failure to consider and adopt a 'whole organisation' approach to combating racism and promoting equality and interculturalism

The research itself is structured according to whole organisation framework with four overlapping components:

- Mainstreaming
- Targeting
- Benchmarking
- Engagement

However it is important to emphasise that such a framework is only useful when considered in *context* and an important part of this research is to provide the reader with an overview of the different policy and demographic contexts that inform this study, particularly for those who are not familiar with the three jurisdictions.

One of the innovative elements of this research initiative was the presentation of an interim, rather than a final report, of emerging findings for discussion at a conference in Belfast in March 2006. The outcomes of the conference are incorporated into this report.

Finally as editors of this publication we wish to record how greatly we enjoyed working with the researchers and other key stakeholders of this research initiative; and to thank all those who participated in the research, including the Office for First and Deputy First Minister and the Centre for Cross Border Studies which commissioned the NCCRI to undertake this research.

Philip Watt
Director

Fiona McGaughey
Research and Policy Officer

National Consultative Committee on Racism and Interculturalism (NCCRI)
September 2006

CONTENTS

Please note a detailed glossary and list of acronyms is available at the end of this publication.

INDEX OF CASE EXAMPLES

HOW PUBLIC
AUTHORITIES
RITY
GROUPS

EXECUTIVE SUMMARY

This publication outlines findings from research commissioned by the Office of First Minister and Deputy First Minister in Northern Ireland. The research focuses on public authorities' service provision to minority ethnic (including migrant and Traveller) groups in three jurisdictions: Northern Ireland, the Republic of Ireland and Scotland. The primary focus of the research is to identify how public authorities in the three jurisdictions can learn from the experiences of their nearest neighbours. This includes highlighting case examples from each of the jurisdictions.

The Introduction explains that a number of service areas were selected for the research as sample areas of how public authorities provide services to minority ethnic groups and to act as a kind of barometer. The service areas selected for the research were:

- Health
- Education
- Policing
- Employment
- Housing (Northern Ireland only).

In Northern Ireland, three main local council areas were chosen for the study: Belfast, Dungannon and Ballymena. These areas represent urban and rural contexts and are areas associated with the growth of ethnic diversity in Northern Ireland.

In order to enhance the participation of interested parties, including service providers and NGOs, in the research process, this report was preceded by an emerging findings discussion paper published in March 2006.[1] This paper outlined emerging findings and provided a basis for discussion at a conference in Belfast, also in March 2006.

SERVICE PROVISION FRAMEWORK

For the purposes of this research, a template was developed to be used by the research team in each jurisdiction. This template comprised of four key elements essential for effective service provision to minority ethnic groups. These are:

1. Mainstreaming
2. Targeting
3. Benchmarking
4. Engagement.[2]

Whilst these are described as separate components, they are by no means mutually exclusive; in fact all are required and there is considerable overlap and inter-reliance between them.

Mainstreaming

Mainstreaming seeks to ensure that the needs of minority ethnic groups are included in the planning, implementation and review of the major activities undertaken at a policy and organisational level and the proofing of policy and implementation strategies for their impact on minority ethnic groups. Mainstreaming however does not mean that there is one 'mainstream' model of service provision of the 'one size fits all' kind, rather than the awareness of different needs and thus different models of service provision becomes central to an organisation's modus operandi.

Targeting

According to the Irish Government's National Action Plan Against Racism (NPAR), targeted initiatives must be employed to overcome the inequalities experienced by specific groups. Effective targeting strategies cannot be put in place without supporting data to identify racial disadvantage, and consequently to design targeted initiatives to overcome this discrimination. This research has identified that targeted initiatives are sometimes set up as pilot projects without long-term funding.

Benchmarking

In terms of service provision, the collection of data has a two-fold significance, the first is to facilitate effective policy-making and targets which are evidence based, while the second is to evaluate and track to implementation of such targets. Benchmarking protects against a focus purely on accessing services, rather than on outcomes. Specifically, data is essential in order to ascertain who is using services and who is not using services; and what outcomes they experience. This will track inequality and discrimination and facilitate planning, including targeted measures and the resources required.

Engagement

Engagement of minority ethnic groups and other interested parties is essential not only in planning service delivery, but also in monitoring and evaluating. Engagement strategies need to be sufficiently flexible to incorporate a wide range of groups. A number of authors have emphasised the risk of relying on the same people when it comes to consultation with minority ethnic groups, rather than trying to reach the most relevant groups and people for each situation.

In **Chapter 1**, the **Context** of the research is outlined including key policies and legislation in each jurisdiction such as action plans and strategies, and equality and criminal legislation. The context chapter also considers the international and EU policy context including the UN Convention on the Elimination of all forms of Racial Discrimination (CERD), the Durban Declaration and Programme of Action. The European Union has also been progressively working towards the elimination of racial discrimination and has introduced EU Council Directive 2000/43/EC of 29th June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

The chapter outlines developing practices at a European and international level in service provision to minority ethnic groups. It provides an example of an initiative set up to tackle systemic racism within the public sector in Australia and selects recommendations from the European Commission's Handbook on Integration for policy-makers and practitioners.[3]

The chapter concludes with a brief overview of the situation of minority ethnic groups including indigenous and longstanding minority ethnic groups (particularly Travellers/Gypsy Travellers), asylum seekers and refugees, and migrant workers.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

4_Equality Commission in partnership with Department of Health, Social Services and Public Safety (2002) *Racial Equality in Health A Good Practice Guide.*

5_*Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005*

6_*Employment (Miscellaneous Provisions) (Northern Ireland) Order 2005*

7_*Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003*

Chapter 2 contains the **Northern Ireland Research Findings** by Dr Jennifer Hamilton with Jennifer Betts and Dr Neil Jarman from the Institute for Conflict Research (ICR).

There are a number of pieces of legislation and policies have been developed regarding racial equality, most recently the Racial Equality Strategy published by the Office of First Minister and Deputy First Minister in 2005. Another key piece of legislation is the Race Relations (Northern Ireland) Order 1997, as amended by the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 to give effect to the EU 'Race' Directive. Of particular interest in this research is Section 75 of the Northern Ireland Act 1998. Under Section 75 (1) there is a statutory obligation for a public authority to promote equality of opportunity, "between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation". Section 75 (2) states that, "…a public authority shall in carrying out its functions in relation to Northern Ireland, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group". Both the Race Relations Order and Section 75 have meant that many public authorities have had to begin to identify and meet the needs of minority ethnic groups in Northern Ireland.

DEMOGRAPHICS

Northern Ireland has been home to minority ethnic communities for centuries, including the indigenous Irish Travellers; this diversity has broadened in recent years, particularly with the arrival of migrant workers from the EU Accession States. Ethnic diversity is estimated to be between 1% and 2.5% of the total population.

METHODOLOGY

The Northern Ireland research involved desktop research, a questionnaire for staff in public authorities, individual interviews and focus groups with service providers, NGOs and minority ethnic groups.

Mainstreaming

Section 75 was viewed by service providers as having had a positive impact on service delivery to minority ethnic groups.

Mainstreaming: Health

The Racial Equality in Health Good Practice Guide[4] concentrates on the quality, availability and accessibility of health care for black and minority ethnic service users. It identifies barriers, which these groups experience within the health care system in Northern Ireland.

Mainstreaming: Employment

Due to the growing concerns over exploitation of migrant workers a number of pieces of legislation have been or are being introduced that will have some impact on the employment of migrant workers in Northern Ireland. These primarily focus on the regulation and monitoring of businesses that employ or supply labour for other businesses:

- Gangmasters (Licensing Act) 2004
- The Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005[5]
- The Employment (Miscellaneous Provisions) (Northern Ireland) Order 2005[6]
- The Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003.[7]

Mainstreaming: Education

The "Equality Commission's Racial Equality in Education, A Good Practice Guide"[8] sets out that the aim of all those responsible for the provision of education in Northern Ireland should be "to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between different racial groups". It encourages education providers to accommodate different religious observances and festivals to ensure that "the religious and cultural needs of the child are accommodated".

Mainstreaming: Policing

The Criminal Justice (No. 2) (Northern Ireland) Order 2004[9] came about due to the high ratio of racist incidents being reported to the police in Northern Ireland compared to England and Wales. It creates new legislation for Northern Ireland in the area of 'hate crime'.

Mainstreaming: Housing

The Northern Ireland Housing Executive Equality Unit Race Relations Policy 2006[10] aims to ensure full and fair access to housing services and employment opportunities within the Housing Executive.

Targeting

Targeting: Health

All of those interviewed discussed the increase in minority ethnic groups accessing the health service in Northern Ireland. Northern Ireland has a Regional Interpreting Service for health care staff to access, now available 24 hours a day seven days a week. Case examples include; Bilingual Advocacy workers employed by the United Hospitals Trust, the development of a phrasebook in Craigavon Area Hospital Trust and a cultural diversity website developed under the Eastern Area Equality Best Practice Forum.

Targeting: Employment

Northern Ireland's economy is becoming more reliant on migrant labour to fill skills or labour shortages.[11] Case examples include the case of O'Kane Poultry, a private company in the food sector that employs migrant workers who comprise 19 per cent of their workforce. This company has set up specific initiatives to help migrant workers settle into the community. They also liaise with public authorities to ensure suitable services are available.

Targeting: Education

In discussions with the Department of Education it also became clear that the five education and library boards each have a different policy in relation to English as an Additional Language (EAL) provision. An EAL policy is being developed but many in the voluntary sector feel this has not been delivered quickly enough to meet needs.

Another issue raised by some NGOs was the lack of migrant worker children in the grammar school system in some areas of Northern Ireland. It appeared that interviewees with the Department of Education may lack an awareness of concepts of indirect and systemic discrimination. Indirect and systematic discrimination may not be intentional but can be measured in its disproportionate adverse impact on particular group(s).

The case examples include an example from East Tyrone College, which has seen a great increase in demand for English as a second Language (ESOL) places.

8_Equality Commission (2001) *Racial Equality in Education A Good Practice Guide*.

9_The Criminal Justice (No. 2) (Northern Ireland) Order 2004.

10_Northern Ireland Housing Executive Equality Unit (2006) *Race Relations Policy*.

11_Equality Commission Northern Ireland and Equality Authority, (2005) *Promoting equality in Intercultural Workplaces*, p.1, available at: www.equalityni.org/uploads/pdf/PromequalinInterculturalworkplaces.pdf

**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

12_Northern Ireland
Housing Executive (2002),
*Traveller Accommodation
Needs Assessment.*

13_Fair employment and
Treatment Order, Equality
Commission website www.
equalityni.org

14_PSNI Statistical Report
1st April 2004-31st March
2005.

Targeting: Policing

The PSNI define a racial incident as "any incident which is perceived to be racist by the victim or any other person". The PSNI have a Minority Liaison Officer (MLO) in each police district. These officers deal with incidents relating to hate crime including racial incidents. MLOs do not receive planned specialised training but are trained on various issues as and when required. A case example of the PSNI's public awareness programme 'Hate Crime is Wrong' is included.

Targeting: Housing

In 1999 the New Policy on Accommodation for Travellers (Department of the Environment) (D.O.E.) (NI)) gave the Housing Executive the strategic role in the provision of accommodation for the Traveller Community.[12] The interviews and focus groups with NIHE staff also highlighted the increased demand on housing in areas that have seen an increase in the numbers of migrant workers. Many immigrants are not eligible for public authority housing, this was noted to make it difficult for immigrants to get housing and as they were not legally entitled to public housing and as such the risk of homelessness increased.

Benchmarking

The Northern Ireland Census

The 2001 Northern Ireland Census recorded 14,279 adults and children coming from minority ethnic communities, although categories were restrictive and do not capture many people from Eastern Europe. It has been suggested that a question on nationality/citizenship and country of birth should be included in the 2011 Census.

Benchmarking: Health

Within the health service data is collected on the Patient Administration System (PAS). However, it was reported that although ethnicity is on the data system, those completing the details rarely record the information, and even when it is recorded it does not provide the necessary information such as the language spoken.

Benchmarking: Employment

The Equality Commission for Northern Ireland requires all public bodies and private companies employing more than ten staff to make a monitoring return.[13] However, there are no questions on ethnicity.

Benchmarking: Education

Schools in Northern Ireland complete an Annual Return Form for the Department of Education. This form includes ethnicity, religion and first language, but the language categories do not reflect the most commonly spoken languages in Northern Ireland at present.

Benchmarking: Policing

Over recent years there has been a substantial increase in the number of incidents being recorded by the police. In 2003/2004 453 incidents were recorded which was more than double the number for the previous year at 226. In 2004/05 813 racial incidents were reported to the PSNI with 1 murder, 10 threats or conspiracy to murder and 187 wounding or assaults.[14]

Engagement

Engagement: Health

All of those interviewed within the Health Sector referred to the need for engagement with minority ethnic groups.

Engagement: Policing

Within policing there are Independent Advisory Groups set up to help advise on policies and procedures for the black and minority ethnic communities. At a local level, many MLOs regularly meet with groups to consult and offer advice. In Ballymena the Inter-Agency Ethnic Support Group meet on a regular basis bringing together representatives from public authorities including the PSNI.

Engagement: Housing

The Housing Executive has engaged with the Traveller Community to assess their needs for housing. In addition the NIHE is also engaging with migrant workers and assessing the impact on housing needs in various areas of Northern Ireland including Dungannon.

Questionnaire for staff in public authorities

In total 59 questionnaires were returned from the various sectors. The questionnaire responses and focus groups indicated that there is a lack of awareness of Section 75. The results also indicate that the ease of providing services did differ between groups with many stating that it was more difficult to provide for migrant workers than longstanding minority ethnic groups. For many this was borne out in the language and communication barriers often faced. The importance of engaging with minority ethnic groups was highlighted in the survey with 67% stating this consultation was very useful. However, it was highlighted that at times it was difficult to get minority ethnic representatives who were willing to engage.

Views from ethnic minorities

A series of focus groups were conducted with ethnic minorities to ascertain their views on the delivery of services from public authorities in Northern Ireland. In addition key NGOs were consulted.

Health

Some NGOs interviewed stated that they were aware of people from ethnic minority backgrounds being refused treatment in hospitals and/or GP registration. Some of the migrant workers spoken with praised the service and had very positive experiences but recognised that this may not be that case for everyone.

Education

In addition to issues raised elsewhere in the research, language barriers and inadequate communication with parents was an issue highlighted by a number of interviewees. Many raised the issue of increased need for cultural diversity training in schools for staff and pupils.

Policing

Many minority ethnic groups stated that they were aware of racist attacks on members of their community which were not investigated adequately. What became clear in the discussions was that policing differed from area to area and some PSNI officers were more supportive than others.

**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

Employment

For many the problematic issues around employment are unequal rights such as contracts not being issued, unequal pay with low wages, longer hours, no right to sick leave and/or pay and unfair dismissal. In addition the issue of accommodation being tied to employment was also raised as problematic.

Housing

In regard to housing, issues of multiple occupancy were raised. Other respondents were also aware of rent being increased in areas with a high migrant worker population.

In **conclusion** this chapter finds that the service areas focused on in Northern Ireland show examples of interesting initiatives and approaches but these examples have to become more mainstreamed to begin to have a real impact on outcomes. Language barriers have emerged as a key issue for many interviewees and some service providers are tackling this through initiatives such as the Regional Interpreting Service and the employment of Bilingual Advocacy Workers in the area of health.

The first step in improving data collection would be to reassess the ethnicity categories to be more reflective of the current population therefore expanding the 'White' category and including questions on country of birth. Within all the sectors it is of concern that data collection was not considered essential for service delivery.

It is encouraging to note that there were examples of engagement between public authorities and minority ethnic groups. The groups being formed, such as the Ballymena Inter Agency Forum, are examples of how public authorities are trying to engage with communities and ensure that their service is being customer led.

Interviews and focus groups with people from minority ethnic backgrounds and NGOs revealed that many people feel services have improved for minority ethnic groups and that needs are now starting to be met. However it must be highlighted that standards of service varied with some public authorities failing to deliver in some aspects.

Chapter 3 presents the **Scotland Research Findings** from Wendy Davies and Ashok Ohri, Organisation and Social Development Consultants Limited. The methodology for the Scottish chapter of this research involved a combination of desk-top research and individual interviews.

The Race Relations Act 1976 (RRA) makes it unlawful to discriminate on the grounds of colour, race, nationality (including citizenship), or ethnic or national origin in employment, education, housing and the provision of goods, facilities and services. The Race Relations (Amendment) Act 2000 (RRAA) places enforceable duties on public bodies to eliminate unlawful discrimination, promote equality of opportunity, and promote good relations between persons of different racial groups. The Race Relations Act 1976 (Amendment) Regulations 2003 ('the Race Regulations') incorporated the EU Race Directive into UK law by making changes to the Race Relations Act 1976.

A Review of Race Equality in Scotland, published in November 2005, introduced a number of measures aimed at reducing discrimination and challenging racism. The Review also announced that there would be a Race Equality Strategy and Action Plan announced in the autumn of 2006.

There is a long history of immigration in Scotland and a Gypsy/Traveller community. The 2001 Census found the minority ethnic population in Scotland to be 2% of the total population. Scotland's population is predicted to fall by 10% by 2042. Further, Scotland's population is ageing rapidly. To address this issue, the Executive have launched a Fresh Talent initiative to entice people to live and work in Scotland.

Mainstreaming

The Scottish Executive's Equality Strategy emphasises the importance of mainstreaming equality and that the Race Relations Amendment Act 2000 requires public authorities to publish a Race Equality Scheme. The Commission for Racial Equality (CRE) Scotland has played an advisory role to many public bodies in relation to their racial equality duties. Under the Equality Bill, the CRE will be replaced by a Commission for Equality and Human Rights (CEHR).

Case examples include the National Resource Centre for Ethnic Minority Health (NRCEMH).

Targeting

This section explores the tensions between mainstreaming and targeting and finds that both approaches have risks but both are important. The Executive's Fresh Talent initiative which aims to encourage people to migrate to Scotland to live and work could be undermined by the levels of racism found in previous surveys. A number of initiatives seek to change public attitudes, including the One Scotland Many Cultures campaign.

Case examples include the Central Scotland Police Safer Businesses for Ethnic Minorities initiative and a primary healthcare project for asylum seekers.

Benchmarking

The Race Relations (Amendment) Act 2000 requires that all public authorities monitor, by ethnic groups, all employees and applicants for jobs, promotion and training. It also requires that schools and Education Authorities monitor pupil attainment levels by racial group.

In relation to data collection, the Census is the key national data collection mechanism. There has been research carried out on amending the ethnic classifications used in the Census. In addition, data is available from the Annual Scottish Labour Force Survey, the Scottish Household Survey Annual Report and the Scottish Crime Survey.

A benchmarking case example describing health initiatives to improve data collection on minority ethnic groups is included in this section.

Engagement

The Local Government Scotland Act 2003 aims to ensure that communities are genuinely engaged in the decisions made on public services that affect them.

Case examples in this section include good practice guides on consultation and engagement, developed by the Scottish Executive and Convention of Scottish Local Authorities (COSLA).

The **conclusion** of the Scottish section finds that the Race Relations Amendment Act 2000 has brought major changes to the race equality agenda in Scotland, although a criticism has been voiced that it has generated mountains of paper policies but not necessarily a corresponding amount of action.

While there is evidence of much targeted services for Black and Minority Ethnic (BME) communities, there is a need to move from a position of specialist provision that is not securely funded to one where it is recognised that the processes for delivering appropriate services to the whole community requires differential methods. Though targeting is important way of delivering services to BME communities it has to be seen in the context of mainstreaming otherwise a two-tier system for service delivery develops.

**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

Legislation requires that there is a level of consultation on race equality schemes and there are a number of guidance documents to assist this process. In rural communities engagement has required creative thinking and there are good practice examples to draw upon.

Chapter 4 outlines the **Ireland Research Findings** from Piaras MacEinri, with Jennifer O'Riordan and Aki Stavrou. Ireland has traditionally been a country of mass emigration; but there has been considerable broadening of cultural and ethnic diversity in Ireland in recent years, including significant numbers of migrant workers from the EU Accession States.

Legislation in this area includes the Prohibition of Incitement to Hatred Act 1989, the Employment Equality Act 1998, the Equal Status Act 2000 and the Equality Act 2004, which transposed, *inter alia*, the EU 'Race' Directive. The first comprehensive policy in this area is found in the National Action Plan Against Racism (2005). Legislation currently being drafted includes the Immigration and Residence Bill and the Employment Permits Bill 2005.

The research was carried out through detailed interviews with l7 expert individuals in education, health, employment and policing and valuable feedback was provided by means of focus group work with up to 25 people from ethnic minority groups.

Mainstreaming

Health

The Health Services Executive (HSE) is in the early stages of developing a National Intercultural Health Strategy which should improve service provision in this area. Service delivery currently varies and the lack of a nationwide interpreting service for GPs is a major issue and can lead to reluctance to register patients requiring language support. A pilot scheme on this is being planned. Case examples in this section include an information pack for GPs.

There is some training in anti-racism/intercultural awareness although these have not yet been mainstreamed to any significant degree.

Education

Most schools in Ireland belong to a particular religious denomination, mostly Catholic, which is problematic for children from different religious backgrounds.

A number of publications including intercultural guidelines have been produced, but it cannot yet be said that an intercultural approach has been mainstreamed into the education sector.

Employment

Employment is the one area where mainstreaming strategies have been developed and implemented. Employment protection legislation does not differentiate between Irish and migrant workers and a number of initiatives are under way to inform people of their rights; the information deficit remains one of the key issues in the employment area.

Policing

The Gárda Síochána have been very active in promoting the concept of policing in an intercultural society, following the principles set down in the 'Rotterdam Charter' (1997).[15] An Office for Racial and Intercultural Affairs[16] was established in 2000 and 145 Ethnic Liaison Officers (ELOs) were subsequently appointed throughout the country, operating within the established community policing framework. All ELOs receive training in intercultural awareness but also carry out other roles. There is a lack of data on the situation of people from ethnic minority backgrounds within the criminal justice system.

Targeting

Health

There is some evidence of targeted health services in Ireland. Case examples include services relating to male circumcision.

Education

Targeted approaches in education include provision of English as an additional language support. Teachers are available but this is up to a maximum of two per school which is insufficient for many schools with highly diverse populations. A targeted initiative for Travellers is the Visiting Teacher Service. Many schools have individual intercultural policies.

Employment

There has been a lack of targeted strategies in relation to migrant workers, although some have been developed for refugees. Case examples include a Roma Cultural Mediation Project.

Policing

The most significant targeted initiative in the area of policing has been the targeted recruitment of people from minority ethnic backgrounds to An Garda Siochana, a case example on this is provided.

Benchmarking

Service provision for minority ethnic groups is not yet grounded in a system of formal evaluation, based on hard targets and agreed indicators, backed by statutory force. Irish service providers are still largely reliant on a complaints-driven approach in evaluating service provision.

The 2006 Census included an ethnicity question for the first time and comprehensive results have not yet been published. The lack of data and associated indicators is an issue in virtually all sectors. The HSE probably has the best data but this is not yet being used systematically to address the needs of minority ethnic groups.

Engagement

The social partnership process in Ireland is a key engagement tool between Government and civil society through representative bodies. Whilst immigration related issues featured in the 2006 partnership talks, there is as yet no provision for the direct involvement of minority ethnic representatives in this process.

A number of specialised and expert bodies and NGOs engage with Government; however NGOs experience funding difficulties impeding their ability to engage.

15_http://english.
rotterdamcharter.nl

16_www.garda.ie/angarda/
racial.html

**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

In **conclusion**, the Irish chapter finds that a more dedicated focus, specifically on migrant workers, is required. Individual cases of discrimination continue to take place and need to be addressed by service providers; there is a need to develop understanding around the need to treat certain groups *differently*, rather than the same; and comprehensive audits of existing policies need to take place.

Chapter 5 provides a summary of feedback from the roundtable **discussions at the conference**. These were also used throughout this report; this section focuses specifically on feedback to the conference from the eight roundtable discussion groups on the service provision framework used in this research, namely: mainstreaming, targeting, benchmarking and engagement. Facilitators were asked to report three key points and pose two questions to the panel for discussion.

Of particular significance in this report is the final chapter, **Chapter 6**, which focuses on **Improving Service Delivery for Minority Ethnic Groups** based on the findings of the previous chapters, including conference discussions.

Mainstreaming

Joined-up Government can improve service provision

Co-operation between Government Departments and other public bodies is important. During this research, participants at the conference and NGOs interviewed by the researchers have expressed concern and frustration at the lack of inter-agency co-operation in relation to minority ethnic groups, sometimes feeling that it is not clear where responsibility lies and that they are being passed from one service provider to another. This can also have serious consequences, whereby anti-racism principles developed by and for Government are then ignored. Where there remain striking inequalities and issues with Government service provision to certain groups, specialised monitoring and/or implementation bodies, including both Government representatives and representatives from the minority ethnic communities should be considered.

Cross-border experiences can be shared to improve service provision

Despite the differences between Northern Ireland, Scotland and the Republic of Ireland, similar trends appear in each jurisdiction and this research has presented an important opportunity for cross-border learning and sharing of experience. Whilst there tends to be cross-border co-operation for security purposes, some of which has negatively impacted on minority ethnic groups, there needs to be a focus on cross-border co-operation for racial equality purposes. There is a need for a cross-border infrastructure to facilitate and co-ordinate ongoing cross-border networking and learning.

Understanding and tackling racism will improve service provision

Prejudice of individual staff members in a service provision context can result in them using their power to exclude members of minority ethnic groups either entirely or partially from a service, or to subject them to racism in the course of service provision. It is also important to understand that racial discrimination may also be systemic or institutional in nature. Institutional racism is an amalgamation of factors, including the attitudes of the individuals within the organisation. Systemic racism is less reliant on individual attitudes and is an embedded form of indirect discrimination; whose adverse impact on minority ethnic groups was often not the intention of the policy-maker. An example of this form of discrimination would be the requirement by some Government service providers in Ireland that job applicants should speak Irish. It was not intended to exclude minority ethnic groups, rather to preserve the language and cater for a minority language group; however it is a requirement that most recent migrants are extremely unlikely to be able to meet.

Positive duties can improve service provision

The statutory or positive duties in Scotland and in Northern Ireland have been found to play an important role in improving service delivery to minority ethnic groups. Although there remain some shortfalls and there has been some concern that these duties result more in bureaucracy than in action, it is clear that they provide an impetus for service providers and associated guides and impact assessments provide useful tools in developing services. There is clearly an onus on the Irish Government to consider introducing positive duties; this is line with existing commitments in the National Action Plan Against Racism.

Training is important in improving service provision

Some findings emerging from this research indicate that there is a need for more training and awareness among 'front line' staff in particular. For example, the Northern Ireland research found that the staff with least training were those who came in most contact with clients. The Northern Ireland research also suggested that there might be a communication gap between management and staff; for example, that management are aware of legislation, policies and strategies, but not all staff are aware.

Targeting

Mainstreaming AND targeting improve service provision

Mainstreaming and targeting are sometimes seen as distinct and discrete approaches in service delivery, which is not the case. Both are needed. Mainstreaming should mean that needs are systemically taken into account as minority ethnic needs are recognised as core components of service delivery and that targeted service delivery solutions can thus be recognised.

There is evidence in each jurisdiction of 'pilot projects', once-off initiatives, and indeed, initiatives undertaken by individual employees through their own goodwill and in their own time. There is a risk that these types of approaches effectively 'side line' service provision to minority ethnic groups and undermine its importance. Services (where appropriate) need to be developed with a long-term goal in mind and good models of service delivery require stable funding.

Recruitment and employment policies impact on service provision

A nexus between employment and service provision has emerged from this research. Questions remain over the demographic make-up of employees in Government bodies and whether this is reflective of the demographics in wider society. This research did not look into the issue of diversity in public employment in detail; however, there appears to be a lack of ethnic diversity, particularly at senior levels of organisations.

Benchmarking

Data collection is essential for improving service provision

Data collection is a key component of effective service delivery. It is linked to engagement and benchmarking as it informs the service provider who they should consult with, highlights gaps and inequalities that can be used to set targets and evaluate outcomes against those targets. Some current data collection is inadequate, missing, inaccurate or piecemeal. Ideally service providers in each jurisdiction would develop standard data collection categories or 'fields' for forms, databases and reporting. The following categories are required in order to build a comprehensive ethnic profile of service users:

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

17_Additional information on these data collection categories is provided at Appendix 3.

18_http://europa.eu.int/ rapid/pressReleasesAction. do?reference=IP/05/ 1226&format=HTML&aged =1&language=EN&gui Language=en

- Ethnicity
- Country of birth
- Language
- Religion[17]

Planning and migration strategies impact on improving service provision

There is some evidence that service providers, particularly in Northern Ireland and the Republic of Ireland, have been reacting to inward migration and increased and varied demands on their services, rather than proactively planning – both in terms of migration strategies and for service provision.

It is recommended that further research be carried out into a migration strategy for Northern Ireland based on more detailed demographic projections, analysis of migration patterns, skill deficits and the nature of migration policy as a reserved function. The research could also take into account cross-border opportunities and co-operation and opportunities for a data collection strategy.

Engagement

Specialised and expert bodies and NGOs can contribute to improving service provision

A number of bodies play an important role alongside Governments in informing service provision to minority ethnic groups; these include the Commission for Racial Equality (CRE) in Scotland, the Equality Commission in Northern Ireland, and the National Consultative Committee on Racism and Interculturalism (NCCRI) in Ireland. There is a move towards establishing bodies with responsibility across all 'equality grounds' and there are always concerns that the commitment to, and expertise associated with racial equality will be diluted by these developments.

Employers and Trade Unions also have a role to play in meeting the needs of minority ethnic groups; particularly migrant workers. NGOs have been active in advocacy and service provision. In order to effectively contribute, specialised bodies and NGOs must be adequately resourced.

Increased engagement is essential for improving service provision

This research indicates that service providers are by and large aware of the need for engagement with minority ethnic groups. Examples of community consultation good practice guides from Scotland are provided in this report and it is important that proper consultation strategies are developed in each jurisdiction. Many people will not be represented through the main NGOs, social partnerships and other structures; how they can be reached and how consultation should be carried out and resourced requires further attention.

Effective communication is essential in improving service provision

Language barriers have emerged repeatedly in this research, predominantly from service providers but also from NGOs and people from minority ethnic groups. Clients should have access to professional (preferably accredited) interpreters and translators. Some proactive steps have been taken by service providers, resulting in an improved level of interpreting and translating, for example the Regional Interpreting Service in Northern Ireland.

Effective communication also means using terminology that is acceptable to the minority ethnic group(s) themselves. Greater understanding can emerge from intercultural dialogue; the European Commission has designated 2008 European Year of Intercultural Dialogue.[18]

INTRODUCTION

This publication outlines findings from research commissioned by the Office of First Minister and Deputy First Minister (OFMDFM) in Northern Ireland. The research focuses on public authorities' service provision to minority ethnic (including migrant and Traveller) groups in three jurisdictions: Northern Ireland, the Republic of Ireland and Scotland. The primary focus of the research is to identify how public authorities in the three jurisdictions can learn from the experiences of their nearest neighbours. This includes highlighting interesting initiatives in each of the jurisdictions.

The research was commissioned from the Centre for Cross Border Studies and was co-ordinated by the National Consultative Committee on Racism and Interculturalism (NCCRI) in Dublin; working with the Institute for Conflict Research in Belfast, Piaras MacEinri in Cork; and Organisation and Social Development Consultants Limited in Edinburgh. The research project was governed by a Steering Group mainly comprised of representatives from key Government bodies in Northern Ireland, but including representatives from Scotland and the Republic of Ireland, and chaired by OFMDFM. Advice from an NGO and minority ethnic perspective was provided by a project Advisory Group. Information on the research project structure is provided in Appendix 1.

A number of service areas were selected for the research as sample areas of how public authorities provide services to minority ethnic groups and to act as a kind of barometer. The service areas chosen represent key Government services and areas of high service user-provider interaction. The service areas selected for the research were:

- Health
- Education
- Policing
- Employment
- Housing (Northern Ireland only)

Methodology

Researchers in each jurisdiction carried out a literature and policy review, and semi-structured interviews and focus groups with:[19]

- Government officials;
- Service providers (including customer-facing personnel and management/policy makers); and
- Service users (people from minority ethnic groups), and non-governmental organisations (NGOs).

In the Scottish and Irish contexts, research was primarily desktop with fifteen semi-structured interviews and/or focus groups. Of these fifteen interviews approximately eight were with service providers and seven were with minority ethnic groups and/or NGOs working closely with minority ethnic groups. A template was used for the research to ensure some level of consistency across the three jurisdictions. The template was based around the four elements of the service provision framework described below, (mainstreaming, targeting, benchmarking and engagement).

As funding for the research predominantly came from Northern Ireland and as the funding bodies requested that Northern Ireland be the main focus, the research carried out there is the most extensive of the three. Specific tools employed in the research in Northern Ireland included:

19_The organisations interviewed and involved in focus groups as part of this research are listed in Appendix 2.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

20_Watt, P. and McGaughey, F.(eds) (2006), *How Public Authorities Provide Services to Minority Ethnic Groups, Emerging Findings Discussion Paper*. Available at: www.nccri.ie

21_Anastasia Crickley, Chair of the European Monitoring Centre on Racism and Xenophobia, OSCE Special Rapporteur on Racism and Chair of the National Consultative Committee on Racism and Interculturalism (NCCRI).

- A quantitative survey focusing on a range of Government service providers;
- Five focus groups meetings with service providers and minority ethnic groups; and
- Fifty-five in-depth interviews (approximately twenty-five with Government service providers and thirty with NGOs/people from minority ethnic groups).

In Northern Ireland, three main local council areas were chosen for the study: Belfast, Dungannon and Ballymena. These areas represent urban and rural contexts and are areas associated with the growth of ethnic diversity in Northern Ireland.

In order to enhance the participation of interested parties, including service providers and NGOs, in the research process, this report was preceded by an emerging findings discussion paper published in March 2006.[20] This paper outlined emerging findings and provided a basis for discussion at a conference in Belfast, also in March 2006. Over 180 people attended the conference which comprised inputs from both local and EU levels as well as a minority ethnic perspective, and a series of roundtable discussion groups where groups developed questions for a panel discussion. Discussion points from the conference are included throughout this report and key points from the roundtable discussions groups are summarised in a separate chapter.

The keynote speaker at the conference made the following comment about this approach:

" I would like to commend the process and the way in which today has been constructed. I think it's a very useful way of doing business that instead of producing a piece of research at the end and saying here take it, and do what you like with it… the process of actually engaging with people at this stage I think is a very commendable one and it's one that's about building true participation, not just in the outcomes of research, but in the making of research and I think from that point of view, this process can only be an empowering one and hopefully will have a very direct impact on both the final research on the one hand but also hopefully a very direct impact on the outcomes."[21]

The research of the three jurisdictions is underpinned by a summary of international and European legislative and policy frameworks and good practice. This was gathered through desk-top research and semi-structured interviews focusing on European and international bodies. The research concludes with a chapter addressing the specific question of how public authorities can *improve* service provision to minority ethnic groups based on the findings from the individual jurisdictions.

SCOPE OF THE STUDY

Researching four to five service areas across three jurisdictions was an ambitious aim and naturally the research is less in-depth than it would be had fewer service areas been selected. Within the original budget and scope of work, there were limited interviews and/or focus groups in Scotland and Ireland – seven with minority ethnic groups and eight with service providers. As described in this report, there is a wide range of minority ethnic groups in each jurisdiction, including indigenous Gypsy Traveller/Traveller groups. However, the conference in March 2006 was highly participative and inclusive. Similarly, the methodology could have been adapted for minority ethnic groups, including cultural and linguistic factors. For example, in future studies, bi-lingual researchers or interpreters (where required) could be used to carry out interviews.

TERMINOLOGY USED

Some terms which are widely used and accepted in one of the jurisdictions included in this research are not common in the others. In general, the terms used in each jurisdiction and reflected in the research chapters for Northern Ireland, Scotland and Ireland have been retained here rather than using uniform terminology; meaning that different language may be used in each chapter. A glossary of terms and list of acronyms is available at the end of this report.

SERVICE PROVISION FRAMEWORK

For the purposes of this research, a template was developed to be used by the research team in each jurisdiction. This template comprised of four key elements essential for effective service provision to minority ethnic groups. These are:

1. Mainstreaming
2. Targeting
3. Benchmarking
4. Engagement

Whilst these are described as separate components, they are by no means mutually exclusive, in fact all are required and there is considerable overlap and inter-reliance between them. These terms are used in the National Action Plan Against Racism (NPAR) published in Ireland in 2005, but are familiar in each of the jurisdictions.

Mainstreaming

Over recent years mainstreaming has become a priority across the equality agenda, both domestically as well as in the European context, although it has traditionally focused on gender rather than ethnicity.

The Scottish Executive's Equality Strategy[22] defines mainstreaming as:

" …the systematic integration of an equality perspective into the everyday work of government, involving policy makers across all government departments, as well as equality specialists and external partners."

As Donoghy has pointed out, mainstreaming moves the focus from the results of discrimination towards its cause.[23] Mainstreaming seeks to ensure that the needs of minority ethnic groups are included in the planning, implementation and review of the major activities undertaken at a policy and organisational level and the proofing of policy and implementation strategies for their impact on minority ethnic groups. Mainstreaming however does not mean that there is one 'mainstream' model of service provision of the 'one size fits all' kind, rather than the awareness of different needs and thus different models of service provision becomes central to an organisation's modus operandi. Section 75 of the Northern Ireland Act is an example of mainstreaming identified in this research. The Scottish Executive has identified the benefits of mainstreaming as:

- it improves policy-making and delivery of public services;
- it gives greater transparency and openness in the policy process through better information;
- it changes the structures, behaviours and attitudes that contribute to or sustain inequality and discrimination;
- it avoids policies being adopted which continue existing inequalities or make them worse;

22_Scottish Executive (2002), *Equality Strategy: Working Together for Equality*:

23_T. Donoghy (2004) *Mainstreaming: Northern Ireland's participative-democratic approach,* Policy and Politics.

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

24_ECNI, *Health*, p. 21.

25_www.paveepoint.ie

26_Central Statistics Office (2004), *Quarterly National Household Survey*, available at: www.cso.ie (21.10.2005).

27_Discrimination for the purposes of the survey was defined on the basis of respondents experiences in a number of situations: 'In the workplace', 'Looking for work', 'In places like shops, pubs or restaurants', 'Using services of banks, insurance companies or financial institutions', 'Education', 'Obtaining housing or accommodation', 'Accessing health services', 'Using transport services', and 'Accessing public services'. Respondents may or may not have experienced discrimination as described in equality legislation, responses are based on their perception of the experience.

- it complements lawful positive action that is designed to address long term historic disadvantage experienced by specific groups; and
- it involves groups and individuals who experience inequality and discrimination in informing policy making through effective consultation mechanisms.

According to the Equality Commission for Northern Ireland, mainstreaming racial equality in the core of an organisation's work contrasts with the notion of 'special provision' whereby services are established specifically for the use of black and minority ethnic groups but not integrated into core funding, planning and service development.[24] This special provision equates to targeting, described below. However undertaking targeted initiatives to overcome discrimination and meet the specific needs of minority ethnic groups, is required *as well as, not instead of* mainstreaming. Effective mainstreaming should highlight the need for targeted initiatives, and targeted initiatives should sometimes be mainstreamed. Therefore, targeting and mainstreaming are complementary approaches.

Targeting

According to the Irish government's NPAR targeted initiatives must be employed to overcome the inequalities experienced by specific groups. This can also be achieved in some cases through better mainstreaming. In some cases, particular minority ethnic groups will require a specific and separate form of service provision. For example, for reasons of historical and ongoing disadvantage leading to low literacy levels and due to cultural concerns around mixed education, Pavee Point Travellers Centre in Dublin has identified a need for a targeted education strategy for Roma living in Ireland.[25]

Effective targeting strategies cannot be put in place without supporting data to identify racial disadvantage, and consequently to design targeted initiatives to overcome this discrimination. This research has identified that targeted initiatives are sometimes set up as pilot projects without long-term funding. In reality, achieving equitable outcomes for disadvantaged groups can take years and short-term pilot projects are unlikely to effect any real, long-term change.

Benchmarking

In terms of service provision, the collection of data has a two fold significance, the first is to facilitate effective policy-making and targets which are evidence based, while the second is to evaluate and track to implementation of such targets. Benchmarking protects against a focus purely on accessing services, rather than on outcomes.

Specifically data is essential in order to ascertain who is using services and who is not using services; and what outcomes they experience. This will track inequality and discrimination and facilitate planning, including targeted measures and the resources required.

Official forms of data collection are unlikely to provide a fully comprehensive picture of experiences of discrimination. For example, a study by the Central Statistics Office in Ireland concluded that almost 60 per cent of persons who reported experiencing discrimination took no action (verbal, written or official complaint or legal action) in relation to the discrimination experienced.[26] The survey also found that the groups reporting the highest rates of discrimination were also the groups least likely to take action. Much higher rates of discrimination were reported by 'non-Irish nationals' (24.4 per cent) and people from non-white ethnic backgrounds (31.5 per cent). The majority (271,300) of persons who felt discriminated against in the last two years stated that they had experienced discrimination more than once.[27] For this reason, complementary data collection is important; for example, the NCCRI has a racist incidents reporting system as a complementary data source to indicate trends.

Engagement

"…it has become very clear that policies and practices which don't involve the target populations in their development, in their implementation and in their monitoring are not only slightly unethical, but they have much less chance of success."[28]

Engagement of minority ethnic groups and other interested parties is essential not only in planning service delivery, but also in monitoring and evaluating. The importance of involving minority ethnic groups in consultations was recognised at a European level in 1991 in the Frankfurt Declaration which emerged from a Standing Conference of Regional Authorities of Europe. This also recognised the importance of minority ethnic led organisations "consultative councils should be set up within decision-making systems of local authorities and these should be staffed by persons either elected by immigrants or nominated by immigrants' associations".[29]

All key stakeholders have a role in ongoing negotiation and design in terms of effective service provision, this includes:

- Minority ethnic communities
- NGOs and other civil society groups, included those providing alternative services
- Frontline staff, management and policy-makers
- Other agencies and service providers

Engagement strategies need to be sufficiently flexible to incorporate a wide range of groups. Groups do not necessarily have to be organised along nationality or ethnicity lines as sometimes other interests unite minority ethnic groups, such as an area of employment, being students or refugees. A number of authors have emphasised the risk of relying on the same people when it comes to consultation with minority ethnic groups, rather than trying to reach the most relevant groups and people for each situation.

CASE EXAMPLES

Within the four components of mainstreaming, targeting, benchmarking and engagement, offering a whole organisation approach to service provision, case examples have been provided from each jurisdiction. Twenty four practical case examples have been included in this report, as well as international and European developments. Experience from the conference and emerging findings discussion paper indicate that practitioners, policy makers and academics have found these case examples useful. Case examples have not been evaluated as part of this research, therefore none are provided as 'best practice' examples per se and the following statement on best practice is a useful proviso:

"   [best practice is] approaches that have been shown, through research and evaluation, to be effective and sustainable and produce outstanding results, and that can be applicable and adapted to a different situation.
  - Lessons can be learned from both good and bad practices
  - Most practices have strong and weak elements
  - No practice can be replicated in its entirety
  - All practices need to be adapted to local circumstances."[30]

28_Conference Key Note Speaker, Anastasia Crickley, Chair of the European Monitoring Centre on Racism and Xenophobia, OSCE Special Rapporteur on Racism and Chair of the National Consultative Committee on Racism and Interculturalism (NCCRI).

29_Standing Conference of Regional Authorities of Europe, 1991, *Frankfurt Declaration, Towards a New Municipal Policy for Multicultural Integration in Europe.*

30_European Commission's Directorate-General Justice, Freedom and Security (2004), *Handbook on Integration – for policy-makers and practitioners.*

CHAPTER 1: CONTEXT

This chapter sets out the contextual basis of the study. From a policy perspective, the study is well timed as it coincides with the publication in 2005 of key strategies in the three case study areas, which this research seeks to reinforce and to build on. These are:

1. Office of First and Deputy First Minister, (2005) *A Racial Equality Strategy for Northern Ireland*
2. Government of Ireland (2005), *'Planning for Diversity' The National Action Plan Against Racism in Ireland*
3. The Scottish Executive, (2005) *Working Together for Race Equality 2005 The Scottish Executive's Race Equality Scheme*.

This study also coincides with, and seeks to inform, the ongoing discussion and emerging policy at a European level in respect of 'integration' and 'social inclusion', and EU Directives designed to address racism and racial discrimination. In short, this chapter seeks to provide the necessary context through which outcomes from this report including recommendations can be understood. Demographics form an important part of the context; these are considered in the chapters from the individual jurisdictions.

POLICY CONTEXT

2005 saw a number of important developments in the three case study areas as the Office for First and Deputy First Minister in Northern Ireland, the Scottish Executive and the Irish Government put in place strategies to achieve racial equality and promote the inclusion of minority ethnic groups. In Scotland the strategy was as a result of the review and update of a previous "race equality scheme"; however in Northern Ireland and the Republic of Ireland, the respective strategies marked the first comprehensive action plans in this area.

In January 2005, the Irish Government's Department of Justice Equality and Law Reform launched *Planning for Diversity, the National Action Plan Against Racism*. In July 2005, the Racial Equality Unit at the Office of First Minister and Deputy First Minister in Northern Ireland released *A Racial Equality Strategy for Northern Ireland*, and then in November 2005, the Scottish Executive's Equality Unit launched *Working Together for Race Equality 2005 The Scottish Executive's Race Equality Scheme*.

Both the Northern Ireland and Republic of Ireland strategies refer to cross-border co-operation; "maximising cooperation to combat racism within Ireland on a north/south basis and between Ireland and Britain" is an important outcome from the National Action Plan in the Republic. The Racial Equality Strategy for Northern Ireland makes clear that Northern Ireland is likely to differ from other jurisdictions as racism there may be to some extent shaped by sectarianism and patterns and attitudes from the conflict in Northern Ireland.[31]

" …we must be very clear about why it's so important that public services in particular do not discriminate and its simply because the public services are the window to the state. If people from minority ethnic communities are treated worse, get worse service from the public services it means the state is failing and its failing its citizens." [32]

Each jurisdiction also has anti-discrimination legislation in place. In 1997 the Race Relations (Northern Ireland) Order was introduced which made it unlawful to discriminate on racial grounds in five areas including employment and training, education, provision of goods and services, facilities or services, disposal and management of premises and advertisements. In addition, the Race Relations Order set out the principle duties for the Commission of Racial Equality in Northern Ireland, since 2000 incorporated into the Equality Commission. The Equality Commission has published guidelines for public authorities many of which have introduced race relation policies.

In Ireland, the Employment Equality Act 1998 prohibits discrimination in relation to employment on nine distinct grounds – gender, marital status, family status, sexual orientation, religion, age, disability, race (including nationality) and membership of the Traveller community. The Equal Status Act 2000 prohibits discrimination (with some exceptions) in the disposal of goods to the public, the provision of services or of accommodation to the public, in certain disposals of property, education, and advertising, on the same grounds as those included in the Employment Equality Act. However, the Equal Status Act does not include all areas of Government service provision, for example policing, and those services which are in scope are subject to certain exemptions, for example in relation to education.

The Equality Act 2004 amends a number of provisions of the Employment Equality Act 1998 and the Equal Status Act 2000, to give effect to EU Council Directives, which will be described below.

The Scotland Act 1998 which established the Scottish Parliament defines equal opportunities as:

" the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions."

The Scottish Parliament recognises the need to promote equal opportunities for all as a key principle in its operation and its appointments. Equality legislation is a matter reserved to the UK Government and the legislation that applies in Scotland is the UK legislation. The Race Relations Act 1976 makes it unlawful to discriminate on the grounds of colour, race, nationality (including citizenship), or ethnic or national origin in employment, education, housing and the provision of goods, facilities and services. The Act offers protection from direct discrimination, indirect discrimination and victimisation.

The Race Relations Act 1976 (Amendment) Regulations 2003 ('the Race Regulations') incorporated an EU Directive and offers stronger protection from racial discrimination and harassment. [33]

Other legislation relevant to criminal offences will be described in each case study under the heading of "policing".

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

34_Article 1(4).

35_Article 1.

36_Butler, F. (2005), *Improving Public Services: Using a Human Rights Approach*, Institute for Public Policy Research.

37_McCrudden, C. (1986), *Rethinking Positive Action*, Industrial Labour Journal, p.219.

38_Chaney, P & T. Rees (2004), *The Northern Ireland Section 75 Duty: An International Perspective*. Paper presented to the Section 75 Equality Duty – An Operational Review Conference, Belfast.

39_www.cre.gov.uk/duty/pa_specific_schemes.html

OVERVIEW OF THE ROLE OF POSITIVE DUTIES

There has been an understanding for some time that in order to address inequality, proactive steps may be needed; this has sometimes been described as 'positive action'.

At an international level, this concept was embedded in 1969 by the UN International Convention on the Elimination of all forms of Racial Discrimination (CERD):

" Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination..."[34]

Although as is clear from this Article, 'special measures' were not necessarily being advocated, rather they were being protected and differentiated from racial discrimination itself.

At a European level, the EU Council Directive 2000/43/EC of 29th June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin also allows Member States to take 'positive action' to compensate disadvantages suffered by a particular racial or ethnic group. Again, taking positive action is not *required* but rather allowed.

However, the notion of 'positive duties' which are required of public authorities has been developing. For example, in relation to human rights, the European Convention on Human Rights requires that the Convention rights be "secured to everyone"[35] and the doctrine of 'positive obligations' is being developed by the Strasbourg Court and, increasingly, by UK courts. Therefore, public authorities are required as a matter of law to adopt a proactive rather than a reactive approach.[36]

The concept of 'positive duties' is related to and yet distinct from the traditional concept of 'positive action'. Various categories of positive action have been identified, one of which is 'positive measures' to eliminate discrimination, which means identifying and replacing discriminatory practices.[37] This approach does not necessarily involve 'special treatment' for disadvantaged groups, but understands historical disadvantage and exclusion; and therefore is not unlike the 'positive duties' concept described below.

One of the first positive statutory duties, and perhaps the only one to be embedded in constitutional law, relates to public authorities in Northern Ireland and arises from Section 75 of the Northern Ireland Act 1998. Section 75 imposes a duty on specified public authorities to "have due regard to the need to promote equality of opportunity" across the nine equality strands and "to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group". It has been said that the Northern Ireland equality duty is "unique and pioneering" in mainstreaming equality and that in the future:

" …the unified yet multi-faceted approach to mainstreaming equality that is underpinned by S.75 will prove to have greater effectiveness than many contemporary approaches operating around the globe".[38]

The UK introduced a 'positive duty' for public authorities in 2001 in an amendment to the Race Relations Act. The specific duties introduced by the Race Relations Act came into full effect in Scotland on 30 November 2002. The Race Relations Act 1976 (Statutory Duties) Order 2001 set out the specific duty for public authorities to prepare and publish race equality schemes.[39] The duties on public authorities are to eliminate

unlawful discrimination, promote equality of opportunity and promote good relations between persons of different ethic groups. Race Equality Schemes set out how the organisation will:

- Assess whether their functions and policies are relevant to race equality
- Monitor their policies to see how they affect race equality
- Assess and consult on policies they are proposing to introduce
- Publish the results of their consultations, monitoring and assessments
- Make sure that the public have access to the information and services they provide
- Train their staff on the new duties.

In Ireland, no such duty exists as yet. The National Action Plan Against Racism refers to the Working Group on Equality Proofing, which had been in operation prior to the National Action Plan and which has made some important progress in this area. However, equality proofing is not mandatory and is not widely used. The National Action Plan Against Racism contains a commitment to consider a new statutory 'positive duty' requiring public bodies to promote equality of opportunity and commits to a review of existing models and legal frameworks for positive duties in other jurisdictions will take place, including the statutory duty that operates in Northern Ireland.

'Positive action' on the other hand is legislated for in each of the three jurisdictions under consideration. The Section 75 duty has been described by some as 'mainstreaming'.[40] Under the Racial Equality Strategy for Northern Ireland, positive action is seen as a component of mainstreaming rather than a separate approach:

" Mainstreaming involves the application of equality proofing, guidelines, participation of groups experiencing racism, *positive actions*, data collection, proactive monitoring and impact assessment."[41]
(Emphasis added)

During the parliamentary debate in the House of Commons on the legislation it was clear that Section 75 does not preclude positive action and in fact means that public authorities are bound to have regard to the need for affirmative action when considering their duty under the clause".[42]

In Ireland the Equality Act 2004 allows positive action to be taken in respect of all of the discriminatory grounds, including the 'race' ground; whilst in Scotland, the Race Relations Act does not allow positive discrimination except to prevent discrimination, or to overcome past discrimination.

International and EU Policy Context

2005 was also the first year that Ireland's compliance with the UN CERD Convention was reviewed. Ireland ratified the convention in 2000, whereas the United Kingdom had ratified in 1969 and so has been working towards compliance for some years. The CERD convention is the key international instrument on racial discrimination and is explicitly referred to in the Northern Ireland and Republic of Ireland strategies.

An additional international human rights instrument of importance to tackling racial discrimination and inequality is the Durban Declaration and Programme of Action from the World Conference against Racism which was held in Durban, South Africa in 2001. The UN General Assembly Resolutions 56/266 and 57/195 call for comprehensive implementation of the Declaration and Programme of Action. The Durban Declaration is particularly relevant here as one of the recommendations was that States establish and implement national policies and action plans to combat racism. Again both Northern Ireland's Racial Equality Strategy and Ireland's National Action Plan Against Racism make explicit reference to the Durban Declaration.

40_Chaney, P & T. Rees (2004), *The Northern Ireland Section 75 Duty: An International Perspective*. Paper presented to the Section 75 Equality Duty – An Operational Review Conference, Belfast.

41_Office of First Minister and Deputy First Minister (2005), *A Racial Equality Strategy for Northern Ireland*, p.42.

42_House of Commons, Official Report, 18 November 1998, cols. 1069–1070 (Mr. Murphy).

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

43_European Commission (2005), *A Common Agenda for Integration – Framework for the Integration of Third-Country Nationals in the European Union*, p.8.

44_Department of Justice, Equality and Law Reform, (2005) *Planning for Diversity, the National Action Plan Against Racism*, p.62.

45_www.immi.gov.au/ multicultural/australian/ index.htm

46_www.eoc.wa.gov.au

The European Union has been progressively working towards the elimination of racial discrimination at a European level, with significant legislative progress in recent years. Most significant is the EU Council Directive 2000/43/EC of 29th June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. This emerged following the Amsterdam Treaty which entered into force in May 1999. The treaty introduced Article 13 whereby the Community acquired the power to take legislative action to combat racial discrimination. The Commission proposed its package of measures to implement Article 13 in November 1999, including legislation prohibiting racial discrimination throughout the EU. The legislation was speedily adopted by the Council in June 2000.

The directive established a binding framework for prohibiting racial discrimination throughout the EU. It defines direct and indirect discrimination and prohibits discrimination in various areas including employment, social security, health care, education, provision of goods and services and housing. The directive also provides for redress for racial discrimination and shifts the burden of proof to respondents.

The EU is also increasingly influencing integration policy. The Justice and Home Affairs Council of 19th November 2004 adopted Common Basic Principles to underpin a European framework on integration. Principles identified as essential to integration for migrants include: employment; basic knowledge of the host society's language, history, and institutions; education; and "access to institutions, as well as to public and private goods and services, on an equal basis to national citizens and in a non-discriminatory way".[43]

The EU has emphasised the importance of integration being linked to broader EU employment and social cohesion policy, including the European Employment Strategy, National Action Plans Against Poverty and Social Inclusion and the structural funds, EQUAL, URBAN II, and a range of education and youth programmes.[44]

The Council of Europe is another European body working towards the elimination of racial discrimination, for example by establishing the European Commission against Racism and Intolerance (ECRI) in 1993. ECRI monitors and reports on countries' performance in relation to combating racism.

Ireland, the UK and Sweden were the only EU countries not to put in place transitional arrangements concerning admission to the labour market for citizens of the EU Accession States who joined the EU in May 2004. As the individual chapters on the research findings from Northern Ireland, Scotland and Ireland will outline, each jurisdiction has received significant numbers of migrant workers as a result.

International and European Developments

One of the objectives of this paper is to identify developing practices in service provision to minority ethnic groups. The bulk of the research has focused on Northern Ireland, Scotland and Ireland; however, it is useful to consider research already undertaken at an international and European level that may be of interest.

One recent example of emerging practice in relation to government service provision to minority ethnic groups comes from Western Australia. Australia is a culturally and linguistically diverse society with substantial inward migration and an Indigenous population. According to the 2001 Census, 23% of Australians were born overseas, and an additional 20% had at least one parent born overseas. Approximately 2% of the population is Aboriginal.[45] In December 2004, the State Government of Western Australia launched the Policy Framework for Substantive Equality (Policy Framework) which addresses systemic racism within the public sector and is designed to ensure that all people have access to a public service that best meets the different needs of the diverse community.[46] This policy framework has been endorsed by key Australian NGOs as an example of best practice:

" A strong example of a policy package that is rights based comes from Western Australia… PIAC endorses this approach because human rights are not treated as an 'add-on' but rather infuse the policy package. Further, the Policy Framework is a call to action, and supports implementation with 'how to' guides, capacity building initiatives such as a dedicated office in the Equal Opportunity Commission to support other public authorities' efforts, and accountability and monitoring strategies."[47]

The Policy Framework represents a shift from formal equality[48] to substantive equality[49] in the Western Australian public sector. As such, a Substantive Equality Unit has been set up in the Equal Opportunity Commission to assist the 21 State Government Departments with implementing the Policy Framework. The Departments include health, education, housing, police, and justice.

During consultations, it emerged that although Government departments were receptive to the idea of a policy on this topic, they required guidance, one manager said:

" Don't just tell me how to do it, *show* me how to do it."

Therefore, a supporting unit, a strong methodology, and training were important. The Policy Framework itself is not a high level policy statement but rather a methodology and the Substantive Equality Unit runs training sessions and workshops and develops tools to support departments. The methodology was 'tested' during pilot projects with four key departments including police and justice. The Policy Framework includes a methodology based on five key steps depicted in Figure 1 below.

Figure 1: the five key steps
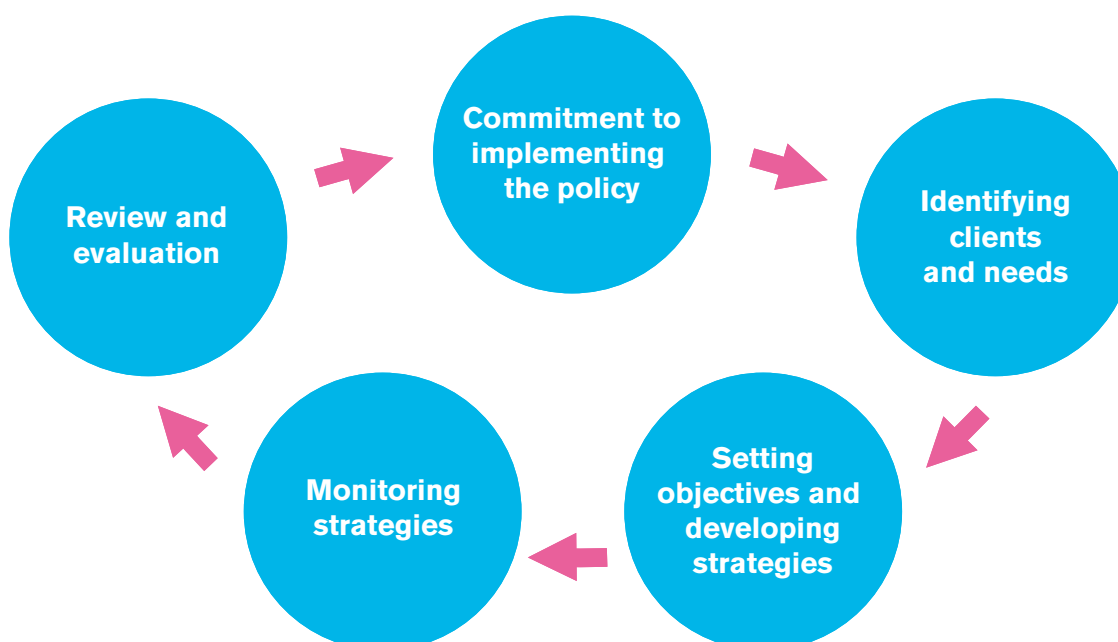
47_Public Interest Advocacy Centre (2005), *Submission to Human Rights Consultation Committee Victoria on a proposed Charter of Rights*, p.33. Available at: www.piac.asn.au/ publications/pubs/ VCRsubmission.pdf

48_The Policy Framework defines formal equality as follows:
Formal equality prescribes equal treatment of all people regardless of circumstances, on the understanding that all have the same rights and entitlements. Its underlying logic is that by extending equal rights to all, inequality has been eliminated. Sameness of treatment is equated with fairness of treatment. Formal equality does not take into account the accumulated disadvantage of generations of discrimination or the disadvantage faced by groups by a system that fails to recognise different needs.

49_The Policy Framework defines substantive equality as follows:
Substantive equality involves achieving equitable outcomes as well as equal opportunity. It takes into account the effects of past discrimination. It recognises that rights, entitlements, opportunities and access are not equally distributed throughout society. Substantive equality recognises that equal or the same application of rules to unequal groups can have unequal results. Where service delivery agencies cater to the dominant, majority group, then people who are different may miss out on essential services. Hence, it is necessary to treat people differently because people have different needs.

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

50_www.immi.gov.au/
living-in-australia/
help-with-english/
help_with_translating/
english-speakers/index.htm

51_European Commission
Directorate-General Justice,
Freedom and Security
(2004), *Handbook on
Integration for policy-
makers and practitioners*.

Shortcomings of this particular Policy Framework include the lack of funding available for government departments seeking to implement the Policy Framework and to undertake specific initiatives. This kind of approach whereby Government departments must be proactive is seen as a much more effective mechanism for ensuring equality than the traditional approach employed by the Equal Opportunity Commission in Western Australia and similar bodies in other countries, which are primarily set up to accept and mediate complaints of discrimination. One of the drawbacks of this approach is that it cannot address systemic issues.

Developments in the UK, including the work of the Commission for Racial Equality and the findings of the MacPherson Report were instrumental in the development of the Australian model; although as with all strategies, it had to be adapted to suit the local context. The Policy Framework was also introduced into an environment very experienced in dealing with ethnic diversity. The following are some examples of the framework already in place to support minority ethnic communities, including the Indigenous Aboriginal peoples:

- There is a dedicated Federal Department of Immigration and Multicultural and Indigenous Affairs
- In Western Australia there is a dedicated State Department Office of Multicultural Interests and Department of Indigenous Affairs
- There is an Australian wide Government interpreting and translating service[50]
- A number of guides and tools already exist, such as a guide on community consultation, guides on data collection and so forth.

The European Commission published a handbook of good practice on integration – Handbook on Integration for policy-makers and practitioners in November 2004.[51] Although the focus tends to be on recent migrants and thus other minority ethnic groups, including longstanding minority ethnic groups and indigenous groups such as Travellers, are excluded, it nonetheless provides a useful summary of best practice throughout Europe at least in relation to recent migrants. The handbook is divided into three chapters: introduction of newly arrived immigrants and recognised refugees, civic participation, and indicators.

One of the drawbacks of the handbook is its emphasis on "access and accessibility" of services. However, it is widely recognised that access to a service is just one of a number of barriers and that the entire service needs to be assessed for participation rates, satisfaction rates and outcomes for various groups. The European handbook provides useful discussion and recommendations on the selection and use of indicators. However, this is based on the assumption that governments have appropriate data collection. Indicators will be discussed later under the heading of 'benchmarking'.

The handbook offers a list of practical, succinct conclusions and recommendations at the end of each chapter. It suggests the use of dynamic ways of assessing the skills of newcomers, relying less on formal criteria and valuing different kinds of experience. It also suggests that governments engage with the private sector in relation to migrants by linking governmental programmes with companies' corporate social responsibility programmes. For example, in Cyprus, all arrangements for the reception (including housing) of temporary labour migrants are carried out by or with the assistance of employers and in the case of breach of these obligations, the employers are penalised and no further work permits are granted to them.

The need to closely cooperate with migrants' associations and NGOs is stressed in the handbook and it is recognised that these bodies often play an essential role in service provision. It also recommends having individuals from minority ethnic groups on boards and committees to help bring a broad range of views to bear on all key decisions.

A communication on integration from the European Commission in September 2005 begins to strengthen the implementation of the common basic principles on integration, described earlier.[52] The principles have been developed to include guidance for Member States. Some of the guidance mirrors that offered in the handbook on integration. One of the principles relates to access for immigrants to institutions, as well as to public and private goods and services, on an equal basis to national citizens and in a non-discriminatory way. It is recommended that the capacity of public and private service providers be strengthened in relation to interaction with minority ethnic groups, including "intercultural interpretation and translation, mentoring, intermediary services by immigrant communities, 'one-stop-shop' information points". It is also recommended that information tools are developed, such as manuals, websites and registers of staff's diversity skills. Schemes to gather and analyse information about the needs of groups through consultation, information exchange and surveys are also recommended.

Based on best practice, the European handbook outlines the importance of staff to providing appropriate services. It recommends that intercultural competence can be used as a component of job profiles. Likewise, this was recommended in the Australian example above. It also stresses that intercultural competence of those members of staff who come into contact with the public is particularly important, recruitment for higher-level positions without such direct contact should also use diversity criteria.

It is recommended that government initiatives can promote the recruitment of staff from minority ethnic groups. In the Australian example outlined above, recruitment of staff from minority ethnic groups was not included in the Policy Framework as this is already managed by the Office of Equal Employment Opportunity which is responsible for evaluating and reporting on public authority progress towards the achievement of a diverse workforce. This is primarily achieved through analysis of the demographic profile of employees.[53]

A report by the European Monitoring Centre on Racism and Xenophobia also urged governments to increase the ethnic diversity of their staff:

" Public authorities at the national, regional and local levels as well as other public and semi-public institutions should serve as a role model for anti-discrimination and equal opportunity policies. Therefore, legislators should review the regulations restricting access to employment in the public sector for third country nationals, especially in occupations like teaching, social work, public transport and health." [54]

The European handbook also suggests that organisations might want to recognise and possibly remunerate the linguistic skills, cultural knowledge and community contacts of their staff. It recommends the encouragement of and financial support for the study of languages by employees. Intercultural training is considered a fundamental requirement for all staff; however, it is also recognised that individuals staff members cannot be fully equipped to independently provide suitable services to people from all cultures and languages and it is stressed that it is important to have access to trained interpreters or to specialised advisors on cultural and religious matters.

It has been argued that governments have significant leverage as in many European countries governments are the largest employer and purchaser of goods and services.[55] Therefore, in addition to a focus on staffing and recruitment, some strategies focus on government procurement and outsourcing. In the Australian example provided, the Policy Framework includes explicit reference to outsourcing and contractors. This is in recognition that some government department effectively 'outsource' much of their service provision and it requires that the contractors operate under the same Policy Framework as the department themselves, for example in relation to

52_European Commission (2005), *A Common Agenda for Integration – Framework for the Integration of Third-Country Nationals in the European Union.*

53_www.oeeo.wa.gov.au/index.htm

54_European Monitoring Centre on Racism and Xenophobia (2003), *Migrants, Minorities and Employment: Exclusion, Discrimination and Anti-discrimination on 15 Member States of the European Union*, p.92.

55 _Cormack, J. and Neissen, Jan (2002), *Public Procurement and Anti-discrimination Legislation*, in Chopin and Neissen (eds), *Combating Racial and Ethnic Discrimination: Taking the European Legislative Agenda Further*, p.35.

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

56_Ibid, p.35.

57_Chaney, P & T. Rees
(2004), *The Northern
Ireland Section 75 Duty:
An International
Perspective.* Paper
presented to the
Section 75 Equality Duty
– An Operational Review
Conference, Belfast.

58_CRE (June 2005),
*Evidence to the Scottish
Parliament's European
and External Relations
Committee on Fresh Talent.*

needs assessment, learning and development, data collection, and monitoring. Cormack and Neissen in relation to European policy, focus more on the spending power of governments and argue that public procurement can be made an instrument to pursue the goal of socio-economic inclusion of minority ethnic groups.

" The role of government of all levels in promoting the socio-economic inclusion of immigrants and ethnic minorities can be evaluated both in terms of the government's formal capacity as policy-maker, legislator, enforcer and fiscal supporter, and in terms of its role as employer and purchaser."[56]

It has been suggested by some that the global trend in the promotion of equality is moving away from 'light-touch' approaches which rely on consensus and political will; and that there is a progressive move towards the promotion of equality, backed by rigorous and prescriptive monitoring and enforcement.[57] However, both the Australian example and the European context described above fall short of providing a legislative framework to ensure adequate service provision to minority ethnic groups through a proactive approach. In this way, both Northern Ireland and Scotland have more robust frameworks.

SITUATION OF MINORITY ETHNIC GROUPS

Whilst there can be a tendency to homogenise minority ethnic groups, and indeed the language 'minority ethnic' will be used throughout this report; it is important to consider the wide variety of groups, communities and individuals who may be described under the catch-all term 'minority ethnic'. Various factors including culture, language, country and region of origin, and religion/spirituality combine to form ethnic identities. The following headings are used to provide a brief overview of the situation of some minority ethnic groups in the three jurisdictions and the issues they face. Not everyone will fit neatly into a particular category and there are other categories not specifically mentioned, such as foreign students and people who migrate for family reunification.

Indigenous and Longstanding Minority Ethnic Groups

In all three case study areas there are longstanding minority ethnic communities, including indigenous Traveller/Gypsy Traveller groups. In Scotland for example, the majority of the minority ethnic community has lived there for generations. These groups experience what the UK's Commission for Racial Equality (CRE) describe as the "ethnic penalty" where a person from an ethnic minority background of the same age, with the same skills and qualifications and living in the same area as a white person is more likely to be unemployed, be in a more junior position and earn less than their white equivalent.[58]

In Ireland, Travellers are documented as being part of Irish society for centuries, and have a long shared history and value system which make them a distinct ethnic group. They have their own language, customs and traditions. However, Travellers' ethnicity in Ireland is still not officially recognised by the Irish Government. In Northern Ireland and Scotland on the other hand, Travellers *are* a recognised ethnic group. In Scotland, some Travellers prefer to be described as Gypsies or Gypsy Travellers; however others do not use the word Gypsy. There are also a growing number of people from Roma communities emerging in each jurisdiction, mainly from Romania, Slovakia and Poland. Roma have been widely recognised through the Organization for Security and Co-operation in Europe (OSCE) and Council of Europe Reports to be the most marginalised communities in Eastern Europe.

Whilst the situation varies slightly between the three case study areas, the poor living conditions of many Travellers has been well documented, through the use of indicators such as demographic profile; access to and standards of accommodation; infant mortality and morbidity; continuing high levels of educational disadvantage

and rapidly falling participation rates in school after early teenage years; though there has been some evidence of progress in participation rates at primary level in recent years.

The lack of progress in developing Traveller specific accommodation, including serviced halting sites/group housing schemes and transitory sites; and the lack of adequate standards in accommodation is a serious issue in all three case study areas. Many Travellers lack access to adequate water supplies, sanitation and electricity. Accommodation problems are directly linked to health and general quality of life. There remain serious challenges for service providers in meeting the varying needs of minority ethnic groups, including significant gaps between official policy and the implementation of such policy.

Asylum Seekers and Refugees

Many asylum seekers and refugees have experienced traumatising situations and have had to overcome political persecution, detention, and war to reach a country where they are unlikely to have a wider family or support network and have to deal with a new language, culture and systems of Government. This is compounded where access to education, training, and employment during these lengthy periods is restricted. In particular, asylum seekers and refugees may have specific physical and psychological health needs due to their previous experiences.

Asylum seekers in Northern Ireland and Scotland generally live in the community, although some asylum seekers in the UK are in detention and there has been concern expressed at the increasing numbers of asylum seekers in Northern Ireland prisons.[59] Asylum seekers in Ireland live in 'direct provision' – communal accommodation centres on full-board and with reduced social welfare payments. Criticisms of direct provision have included inconsistency in standards, choice of food and lack of ability to cook, cultural appropriateness of services and the concern that the system isolates asylum seekers from the rest of society. However, there is acknowledgement that possible alternatives to direct provision, such as the private rented sector has also pitfalls, including, inconsistent standards of housing and lack of direct supports for those who may need them most.

In Ireland, asylum seekers are entitled to a medical card for free general practitioner services, and to exceptional needs payments through Community Welfare Officers, and to a medical screening. In the UK, asylum seekers are entitled to free primary care medical services provided by the National Health Service.

In Ireland asylum seeker children are entitled to first and second level education, but not to third level education. In the UK the situation is similar, and although asylum seekers can access third level education, tuition fees at most institutions are high and asylum seekers are not eligible for any associated statutory financial support.[60] In Scotland asylum seekers can take part-time advanced level courses at further education colleges without paying tuition fees, but otherwise the situation is the same as elsewhere in the UK.

In all three jurisdictions, asylum seekers are not allowed to work. There have been calls for asylum seekers to be allowed to engage in paid employment, with active campaigning on the matter in Scotland and to a lesser extent in Ireland.

Refugees are either asylum seekers whose claim for asylum has been granted by the Government in question, or people who have come directly to the country as refugees through humanitarian programmes, sometimes referred to as 'programme refugees' or 'quota refugees'. Refugees are likely to experience many of the same issues as asylum seekers in terms of background; however the main difference is that they have for the most part the same entitlements as citizens, such as the right to work.

59_Amnesty International (2004), *New report shows more asylum seekers being imprisoned in Northern Ireland*. Available at: www.amnesty.org.uk/news/press/15439.shtml.

60_www.info-for-asylumseekers.org.uk

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

61_www.mrci.ie

62_www.animate-ccd.net/research.htm

63_It should be noted that at time of publication there has been some liberalisation of social welfare restrictions in Ireland and there may be further changes in all three jurisdictions, partly because of compliance with EU legislation.

Migrant Workers

Migrant workers are currently an important minority ethnic group given their numbers and the fairly recent increases in the population. NGOs report that migrant workers tend to be in highly vulnerable and isolated situations, sometimes working in poorly regulated sectors and that they are least likely to have access to accurate and clear information about what to do when they experience problems.[61] It should also be noted that some migrant workers are employed in highly skilled and comparatively well paid employment in sectors such as information technology and parts of the health service.

NGOs report that there is evidence of workers being exploited and that they have been subject to varying degrees of prejudice, racism and hostility and exploitation by some employment agencies.[62] Problems have also been highlighted in relation to non-payment or refusal of entitlement to holiday, sickness and maternity pay including unlawful dismissals. Undocumented workers are especially vulnerable to exploitation and often fear accessing essential Government services.

For migrant workers who lose their jobs leave due to exploitation or arrive in a country on promise of work which does not materialise they are placed in often extremely vulnerable positions due to restrictions on receiving social assistance in times of need and because their accommodation may be provided their employer.[63]

CHAPTER 2: NORTHERN IRELAND RESEARCH FINDINGS

Author: Dr Jennifer Hamilton

With: Jennifer Betts and Dr Neil Jarman
Institute for Conflict Research (ICR)

INTRODUCTION

" Northern Ireland is in many respects a latecomer to the cause of racial equality and good race relations. We need to catch up, and we need to catch up quickly." [64]

In 1999 Lord Macpherson, as part of the Stephen Lawrence Inquiry, defined institutional racism as:

" The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people." [65]

McGill and Oliver[66] looked at the implications of the Stephen Lawrence Report for Northern Ireland and concluded that the first step in Northern Ireland is for leaders in all sectors, whether MPs and MLAs, top Civil Servants, Councillors, company Directors, trade union officials or members and trustees of voluntary committees to recognise the importance of race as an issue.

Key Policies

Within the Northern Ireland context, legislation and policies have been developed in regard to race relations. The most recent document has been the Racial Equality Strategy[67] published by the Office of the First Minister and Deputy First Minister in 2005. The strategy establishes a framework:

- To tackle racial inequalities in Northern Ireland and to open up opportunity for all
- To eradicate racism and hate crime
- Together with A Shared Future, to initiate actions to promote good race relations.[68]

64_Lord Rooker's Ministerial Address at the conference, delivered by Ken Fraser, Racial Equality Unit, Office of First Minister and Deputy First Minister in Northern Ireland.

65_Macpherson, W. (1999) *The Stephen Lawrence Inquiry. Report of an Inquiry by Sir William Macpherson of Cluny*. Cm 4262-1, HMSO.

66_McGill, P and Oliver, Q. (2002) *A wake-up call on race. Implications of the Macpherson Report for Institutional Racism in Northern Ireland*. Equality Commission for Northern Ireland.

67_OFMDFM (2005) *A Racial Equality Strategy for Northern Ireland 2005–10*.

68_Ibid, p.5.

It states that the long term, high level vision of the society that we are working to achieve is:

" a society in which racial diversity is supported, understood, valued and respected, where racism in any of its forms is not tolerated and where we live together as a society and enjoy equality of opportunity and equal protection." [69]

The strategy sets out six aims that government will pursue in eradicating racism and tackling racial inequalities. These include:

- Elimination of racial inequality
- Equal protection
- Equality of service provision
- Participation
- Dialogue
- Capacity building. [70]

The strategy clearly states that it:

" Will have significant implications for the way that Northern Ireland Government departments and the Northern Ireland Office carry out their business. It draws together evidence and provides a coherent and consistent framework for action by individual departments and agencies for Government action across departments, the public services and more widely." [71]

It also highlights that the strategy, "will operate within the context of existing and proposed anti-discrimination legislation" which includes the Race Relations (Northern Ireland) Order 1997 and Section 75 of the Northern Ireland Act 1998. Responsibility for the strategy and its implementation falls to the Minister of State for Northern Ireland with the Race Equality Forum set up to oversee the detailed work of implementation. A Racial Equality Unit has been set up within OFMDFM to promote racial equality and good race relations. [72]

In 1997 the Race Relations (Northern Ireland) Order [73] was introduced which made it unlawful to discriminate on racial grounds in five areas including employment and training; education; provision of goods and services, facilities or services; disposal and management of premises and advertisements. The Order defined 'racial groups' as "a group of persons defined by reference to colour, race, nationality or ethnic or national origins". In addition the Order set out the three principle duties for the Commission for Racial Equality in Northern Ireland (CRENI), since 2000 incorporated into the Equality Commission as set out in the Northern Ireland Act 1998. The Equality Commission for Northern Ireland is an executive non-departmental public body with statutory functions. These include:

- Promoting equality of opportunity
- Promoting affirmative action
- Promoting good relations between people of different racial groups
- Working for the elimination of discrimination on the grounds of race, religious belief, political opinion, sex, marital status, disability and sexual orientation

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

74_*The Northern Ireland Act 1998.*

75_www.equalityni.org/ publications/downloadlist. cfm?id=5

76_OFMDFM (2003) Race Directive. *A Note on Implementation in Northern Ireland.*

77_OFMDFM (2002) *Tackling Racial Inequalities in Northern Ireland. Structures and Strategies.*

- Overseeing the effectiveness of the statutory duties under Section 75 of the Northern Ireland Act 1998 in respect to public authorities
- Keeping under review the working of anti-discrimination and equality legislation and, when required by the Department or otherwise thinks it necessary to draw up and submit to the Department proposals for amending legislation.

The Commission was established under the Northern Ireland Act 1998 and has published guidelines for public authorities, many of which have introduced race relation policies.

Under Section 75 (1) of the Northern Ireland Act 1998[74] there is a statutory obligation for a public authority to promote equality of opportunity, "between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation". Section 75 (2) states that, "…a public authority shall in carrying out its functions in relation to Northern Ireland, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group". Both the Race Relations Order and Section 75 have meant that many public authorities have had to begin to identify and meet the needs of minority ethnic groups in Northern Ireland.

Schedule 10 of the Northern Ireland Act 1998 requires all designated public bodies to go through a statutory Equality Impact Assessment (EQIA) on policies which are 'screened' and have potential 'adverse impact' on any of the nine equality grounds, which includes 'racial groups'. The Equality Commission has published 'Practical Guidance on Equality Impact Assessment.'[75]

The Race Relations (NI) Order 1997 was updated in 2003 under the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 to give effect to the EU 'Race' Directive 2003/43/EC. On 17 June 1997 the Treaty of the European Community at Amsterdam was revised by the governments of the fifteen Member States. Article 13 of the Treaty provides a legal base for community action to combat discrimination on the grounds of racial or ethnic origin. In Article 13 there is a Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. OFMDFM has said that the Directive will "help to ensure that Northern Ireland meets minimum standards of legal protections from racial discrimination across Europe".[76] The regulations also apply to Irish Travellers. However, 'nationality' and 'colour' are not explicitly covered by the Directive, this is of concern given that these tend to be the grounds for racist attacks and discrimination in Northern Ireland.

As well as these legislative developments the Government has also focused on racial equality through the New Targeting Social Need (TSN) Policy. The New TSN can be seen as an initiative which 'tends to compliment the equality provisions outlined under the Northern Ireland Act 1998'.[77] One aspect of this policy is to promote social inclusion including adopting "a strategic approach to the needs of minority ethnic people". A steering group of senior civil servants has been set up to oversee the implementation of the New TSN across government departments. A New TSN Unit within OFMDFM advises departments on how best to implement the New TSN and working groups have been set up for each aspect of the policy.

DEMOGRAPHICS[78]

Overview of Migrant and Ethnic Diversity

The recently published Northern Ireland Racial Equality Strategy stated:

" Northern Ireland has been home to minority ethnic communities for centuries. Irish Travellers are an indigenous minority ethnic group. There has been a Jewish community here for well over a century. The first members of the Indian community arrived here in the 1920s and 1930s. There have been significant numbers of Chinese people here since the 1960s."[79]

The Northern Ireland Census of 2001 estimates that a total of 26,659 people living in Northern Ireland were born outside the United Kingdom, while the minority ethnic population of Northern Ireland is estimated at 14,279 out of a total population of 1.68 million. Some key NGOs believe that these figures are significant under estimation of the ethic diversity in Northern Ireland and the 'non indigenous' population is closer to 45,000 people. Based on the lowest estimate, ethnic diversity accounts for about 1% of the Northern Ireland population. Based on higher estimates this figure could as high as 2.5% of the population. Recent trends would indicate that ethnic diversity will continue to gradually increase in Northern Ireland; more recently, increasing numbers of people from the EU Accession States have moved to Britain and Northern Ireland to take up employment.[80] There are also a small number of refugees and asylum seekers in Northern Ireland. It is estimated in June 2005 there were 141 asylum seekers in Northern Ireland, although. One NGO has estimated that there may be as many as 2000 refugees in Northern Ireland.[81]

The current cycle of migration appears to be different for two reasons. First the speed and scale of current immigration is much more rapid than has previously been the case for Northern Ireland and second because most migrants are coming from countries without a recent history of immigration to the UK and Ireland. The current migration is not simply an increase in scale of the previous patterns, but rather represents new trends, with migrants coming from Eastern Europe rather than Eastern Asia, from non-Commonwealth countries and from countries that do not necessarily have widespread use of the English language. Each of these factors adds new dynamics to the patterns of demography, service use and social diversity in Northern Ireland.

The Northern Ireland Racial Equality Strategy acknowledged these changes and the concomitant challenges for policy makers and service providers:

" The speed and extent of the increase in the numbers of migrant workers in Northern Ireland – and the sheer diversity of people involved – pose complex challenges for Government and society alike."[82]

The recent trends in inward migration to Northern Ireland appear to be driven by a number of factors, including:

- The lack of skilled labour in certain key areas of the public and private sectors
- Companies in Northern Ireland are increasingly active in seeking to source labour from outside Northern Ireland
- The pull factor from existing migrants in Ireland who are encouraging and assisting friends and relations to access employment in Northern Ireland
- The push factors from sending countries where migrant labour is sourced, including the new EU member states.

78_For additional information on data collection and demographics, please refer to the 'Benchmarking' section of this chapter.

79_Office of First Minister and Deputy First Minister (2005), *A Racial Equality Strategy for Northern Ireland*. See also Connolly, P. (2002), *'Race' and Racism in Northern Ireland: A Review of the Research Evidence*.

80_Jarman, N. (2005), *Migration and Northern Ireland*. Extract from briefing paper in Spectrum, Journal of the NCCRI, (December 2005). Available at: www.nccri.ie

81_Refugee Acton Group quoted in *A Racial Equality Strategy for Northern Ireland*, ibid, p20.

82_Office of First Minister and Deputy First Minister (2005), *A Racial Equality Strategy for Northern Ireland*, p22.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

83_HM Government (2005), *Controlling our borders: Making our Migration Work for Britain.*

84_A publication available since this chapter was written is a useful source of information on demographics: Beatty, R., G. Fegan & D. Marshall (2006), *Long-term International Migration Estimates for Northern Ireland (2004–5).*

It is important to note in the context of this study is that immigration policy is a reserved function of the British Government which is set out in a broad framework 'Controlling our borders: Making our Migration Work for Britain'.[83]

Data Collection[84]

There are two readily available sets of data that provide some indication of how the patterns of migration to Northern Ireland have developed in the last few years. These are:

1. National Insurance Number data; and
2. Data on people from the eight Eastern European EU Accession states who are required to register under the Worker Registration Scheme when they take up work in the United Kingdom.

National Insurance Numbers

The Department for Social Development (DSD) collects data on people who are not resident in the United Kingdom who apply for a National Insurance number (NINO). However the data set is an incomplete guide to the total migrant population as it only accounts for those people seeking to take up work, they do not monitor total immigration figures. For example the figures do not include:

-   Adult dependents who do not seek work and do not apply for a National Insurance number
-   Children under the age of 16
-   Adults who choose to work without legal documentation.

DSD figures indicate that a total of 45,560 people not from the UK or Republic of Ireland applied for National Insurance numbers in Northern Ireland between April 2003 and the end of January 2006. This includes 6,849 people who applied in 2003-2004, 16,440 people who applied in 2004-2005 and 22,271 people who applied between April 2005 and January 2006 (Table 1). These 45,560 people came from 120 different identified countries.

Table 1: National Insurance Number Applications for Top Ten Countries April 2003 – January 2006

	2003–2004	2004–2005	2005–Jan 2006	Total
Poland	229	3,594	8,197	12,020
Lithuania	91	2,036	2,860	4,987
Slovakia	37	1,130	2,302	3,469
Portugal	1,482	1,292	831	3,605
Latvia	42	558	758	1,358
Czech Rep.	20	570	748	1338
India	701	1,041	744	2,486
Philippines	549	501	474	1,524
China	405	486	426	1,317
Ukraine	218	367	282	867
NI Total	6,849	16,440	22,271	45,560

Source: DSD Operations Directorate Support

Figure 2: National Insurance Numbers 2005–2006 by Country
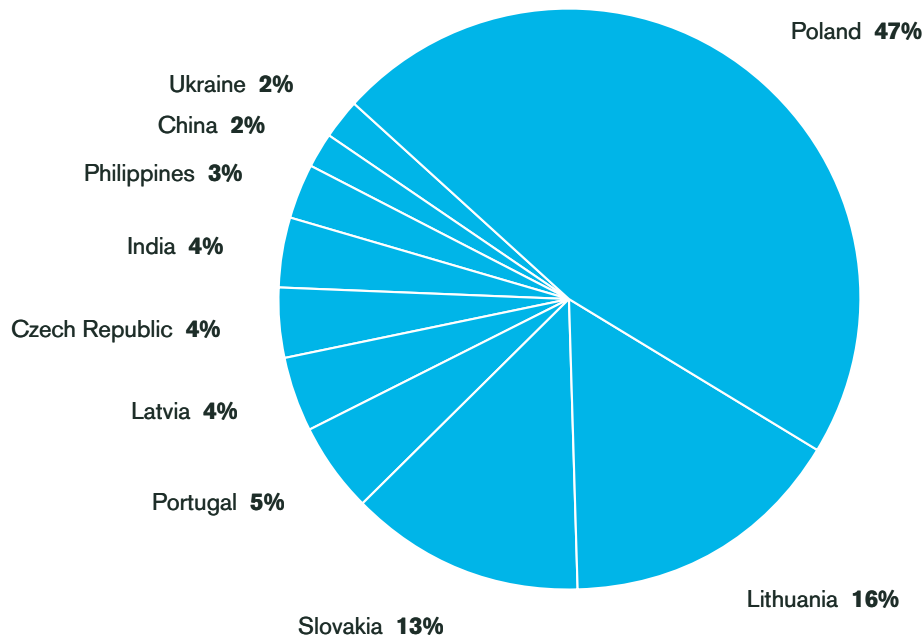
Poland **47%**

Ukraine **2%**

China **2%**

Philippines **3%**

India **4%**

Czech Republic **4%**

Latvia **4%**

Portugal **5%**

Slovakia **13%**

Lithuania **16%**

The table identifies the annual figures for the top ten nationalities over the period and these indicate how since the enlargement of the European Union, nationals of the East European accession states have become the main migrants to Northern Ireland, although previously prominent countries of origin such as Portugal, India and the Philippines still account for significant numbers of migrants.

A8 Worker Registration Scheme

The UK Government require nationals from eight Eastern European accession states (the so-called A8 countries) to register under the Worker Registration Scheme (WRS) if they take up employment for more than one month's duration. Workers are required to register for each employment they take and they must also pay a fee when they first register.[85] Once an individual has been registered continuously for 12 months they have the full range of EU citizen's rights to freedom of movement.

Registration is a legal requirement and there is some benefit from registering particularly for those people who plan to remain in the UK for longer than one year. However, the fee that is imposed may well prove to be a disincentive to some migrants to register, particularly if they do not intend to remain for more than one year.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

86_Northern Ireland Statistics and Research Agency (2003), *New Northern Ireland Population Projections*. Press Release 18 December 2003.

The UK Home Office publishes a quarterly report on the number of people registering under the WRS. This data provides general information on migration of A8 nationals to the UK and some specific information on immigration to Northern Ireland. However, although workers are required to register when taking up employment in the UK, they are not required to de-register if they leave the UK. The data published by the Home Office therefore only monitors inflow of migrants, it does not monitor out-flow nor does it provide any indication of the total number of A8 migrants in the UK (or in Northern Ireland) at any one time.

Work Permits

The work permit scheme allows employers based in the UK to employ people who are not nationals of EEA countries and who are not entitled to freely work in the UK. Applications for work permits must be made by the UK employer to the Home Office Immigration Service. Individuals cannot apply for work permits on their own behalf. Work permits are not issued to recruitment or employment agencies where they are employing a person solely to provide the person's services to one or more clients under a contract. These restrictions do not, however, prevent an employer using an agency to assist in recruiting a person, provided the permit is to be issued to the employer and not the agency. In making an application, employers must make clear why they have not been able to fill the post with a resident worker or an EEA national. They need to demonstrate that the vacancy has been advertised throughout the EEA, and that none of the applicants possess the required qualifications and work experience necessary for doing the job. The application for a work permit must be made before the potential employee leaves their home country.

If a person is granted a work permit, the worker must remain in the employment of the specified employer and in the category of employment for which the permit was granted. If the employer or worker ends the employment for which the permit was issued the work permit holder must leave the UK. A worker can only change employer if the new employer has applied for a work permit to take them on. A work permit has a maximum duration of five years

Future Trends

By 2017 Northern Ireland's population is projected to increase to about 1.8 million from 1.68 million estimated in the 2001 census. Longer-term projections suggest that if present demographic trends continue, by the early 2030s the Northern Ireland population will begin to gradually fall. The population projections also predict that the Northern Ireland population is ageing and the percentage of people of a pensionable age is projected to increase by 32% between 2002 and 2017.[86]

These statistics have significant implications for future policy planning and service provision in Northern Ireland. Significant inward migration could play an important role in slowing and reversing projected population decline, in expanding the workforce and reducing the percentage of the population who will be of pensionable age.

METHODOLOGY

Structure of Research Report

The Northern Ireland research involved ascertaining how government departments and agencies deliver their services within the legislative framework that informs their policies and strategies. All of the agencies in Northern Ireland are operating within an environment where the population is absorbing an increase in ethnic minorities, most of whom have come to fill a need in the labour market. The areas focused within Northern Ireland include health, employment, education, policing and housing. Views of minority ethnic groups and NGOs were also ascertained.

Methods

A questionnaire was designed for distribution among staff in the organisations in the case study. Staff at varying levels in the organisation, those with responsibility for designing policy and those who implement it, were surveyed. The purpose of the questionnaire was to:

1. Measure the level of direct contact staff had with members of ethnic minorities
2. Assess their understanding of the legislative framework
3. Ascertain their perception of how policies and practices impact in a practical way on the service they provide to the minority ethnic population.

The questionnaire also examined the training available and availed of in organisations, identified examples of perceived good practice, and revealed gaps in the practical application of policies. Five focus groups were also conducted with staff from the Northern Ireland Housing Executive (NIHE) and Police Service of Northern Ireland (PSNI). In total 38 staff took part from NIHE and 9 staff from PSNI.

Individual interviews were conducted with key players in policy making at government level and within the organisations targeted. These included the Equality Commission for Northern Ireland (ECNI) who has responsibility to oversee and enforce Race Equality legislation and to keep its effectiveness under review.

Interviews were also conducted in the three geographical areas chosen for the research in Northern Ireland. These included Dungannon, which has a high proportion of migrant workers, South Belfast, where the highest incidence of racially motivated crime in Northern Ireland is reported and Ballymena, where there is a large population of migrant workers and some interesting initiatives.

In addition focus groups were conducted with minority ethnic groups and individual interviews with representatives of some NGOs namely, South Tyrone Empowerment Programme (STEP), Animate (Action Now to Integrate Minority Access to Equality) and Ballymena Inter Agency Ethnic Forum.

MAINSTREAMING

The Racial Equality Strategy[87] states:

" Mainstreaming is the key to ensuring equality of services. Mainstreaming involves the application of equality proofing, guidelines, participation of groups experiencing racism, positive actions, data collection, proactive monitoring and impact assessment.
It involves each organisation accepting its own responsibility for promoting racial equality and challenging racism."

As a result of Section 75 public authorities have had to begin to identify and meet the needs of minority ethnic groups in Northern Ireland. All those approached for individual interview within the public sector in Northern Ireland referred to Section 75, with many stating that it had been "mainstreamed into their everyday business". Many felt that Section 75 had a positive impact:

" I think possibly prior to Section 75 there may have been ignorance of difference in Northern Ireland where there has traditionally been two communities and there has been ignorance about minority ethnic groups."

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

88_Equality Commission in partnership with Department of Health, Social Services and Public Safety (2002) *Racial Equality in Health A Good Practice Guide.*

89_Equality Commission (1999) *Code of Practice for Employers.*

90_*Gangmasters (Licensing Act) 2004.*

91_Concordia Policy Paper (2006), *Migrant Workers in Northern Ireland.*

Mainstreaming: Health

The Racial Equality in Health Good Practice Guide[88] concentrates on the quality, availability and accessibility of health care for black and minority ethnic service users. It identifies barriers, which these groups experience within the health care system in Northern Ireland. Some of the barriers are identified as:

- Language and communication difficulties
- Lack of access to appropriate services
- Lack of culturally sensitive services in relation to religious and cultural needs
- Institutional racism
- Different health belief system and procedures
- Negative previous experiences of the health service
- Attitudes of some health staff
- Fears about entitlement to health care
- Immigration restrictions and confusion.

The guide also highlights four key aspects to addressing inequalities in health and achieving cultural competence. These are:

- Recognising and valuing diversity;
- Auditing systems and processes within an organisation;
- Creating a more inclusive organisational culture; and
- Challenging individual attitudes and behaviour.

Mainstreaming: Employment

The Code of Practice for Employers, Equality Commission 1999[89] gives practical guidance to employers, trade unions, employment agencies and employees to understand the provisions of the Race Relations (N.I) Order 1997 and "how best they can implement policies to eliminate racial discrimination and to enhance equality of opportunity". The code emphasises that responsibility for providing and maintaining equality for all job applicants and employees rests primarily with employers. All are recommended to adopt an equal opportunities policy, which aims to ensure that:

- No job applicant or employee receives less favourable treatment than another on racial grounds
- No applicant or employee is placed at a disadvantage by requirements or conditions which have a disproportionately adverse effect on his or her racial group and which cannot be shown to be justifiable
- Where appropriate, and where permissible under the Order, employees of under-represented racial groups are given training and encouragement to achieve equality of opportunity within the organisation.

Due to the growing concerns over exploitation of migrant workers a number of pieces of legislation have been or are being introduced that will have some impact on the employment of migrant workers in Northern Ireland. These primarily focus on the regulation and monitoring of businesses that employ or supply labour for other businesses.

- Gangmasters (Licensing Act) 2004.[90] This Act affects gangmasters and recruitment agencies that provide migrant labour for sectors such as agriculture, shellfish gathering and associated processing and packaging. The act will be enforced by the Gangmasters Licensing Authority (GLA), which also has responsibility for issuing licenses to the gangmasters and recruitment agencies. The GLA will be based in Nottingham with a team of inspectors throughout the UK. An inspector will have responsibility for Northern Ireland but may not be based here.[91]

- The Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005.[92] The Regulations, which came into operation on 25 September 2005, establish an increased framework of minimum standards that the work-seekers and employers who use employment agencies/businesses can expect. Important features of the new Regulations include requirements that the suitability of work-seekers for vacancies be established and that terms and conditions be agreed; tighter controls on client accounts and the clarification of requirements to keep records; and tighter restrictions and greater clarification relating to charges and fees. Other provisions concern the clarification of contractual terms and the requirement to establish the suitability of both the work-seeker to undertake the work and the vacancy for the work-seeker.
- The Employment (Miscellaneous Provisions) (Northern Ireland) Order 2005,[93] which came into operation in January 2006, amends the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 to enable the Department for Employment and Learning to appoint officers with powers to enter and inspect employment agencies and businesses in Northern Ireland, and examine, remove and copy documents and records, in order to enforce the Conduct of Employment Agencies and Businesses Regulations (Northern Ireland) 2005. The first inspections began in April 2006.
- The Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003[94] established the NI Health and Personal Social Services Regulation and Improvement Authority with responsibility for monitoring and regulating the quality of health and care services in both the public and private sector. It provides for the registration of various categories of nursing and care establishments, the establishment of minimum standards and has provision for the regulation of managers and employees.

The three pieces of legislation relating to employment agencies and businesses have yet to be fully implemented so it is too early to determine any impact they might have. However, the Equality Commission has already undertaken a number of initiatives with regard to informing employers of their responsibilities in relation to migrant workers and the Commission, in conjunction with the Equality Authority as a cross-border initiative, has also worked with a number of unions and employer bodies to produce a good practice guide to Promoting Equality in Intercultural Workplaces.[95]

Mainstreaming: Education

The Equality Commission's Racial Equality in Education, A Good Practice Guide[96] sets out that the aim of all those responsible for the provision of education in Northern Ireland should be "to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between different racial groups". It encourages education providers to accommodate different religious observances and festivals to ensure that, "the religious and cultural needs of the child are accommodated". The guide also highlights steps which are recommended to promote equality of opportunity, the development of good relations and the elimination of unlawful discrimination:

- The development of equal opportunities policies and procedures
- A commitment and ownership of the process at a senior level
- An audit of existing policies and procedures
- The development of racial equality standards
- Implementation of a programme of action
- Monitoring, evaluation and review.

92_Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005.

93_Employment (Miscellaneous Provisions) (Northern Ireland) Order 2005.

94_Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003.

95_Equality Commission Northern Ireland and Equality Authority, (2005) Promoting equality in Intercultural Workplaces, available at: www.equalityni.org/uploads/pdf/PromequalinIntercultural workplaces.pdf

96_Equality Commission (2001) Racial Equality in Education A Good Practice Guide.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

97_*The Criminal Justice (No. 2) (Northern Ireland) Order 2004.*

98_Northern Ireland Housing Executive Equality Unit (2006) *Race Relations Policy*.

99_Equality Commission (2001) *Draft Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Housing and Accommodation*.

Mainstreaming: Policing

The Criminal Justice (No. 2) (Northern Ireland) Order 2004[97] came about due to the high ratio of racist incidents being reported to the police in Northern Ireland compared to England and Wales. It creates new legislation for Northern Ireland in the area of 'hate crime'. Article 2(3) defines an offence as "aggravated by hostility if, either at the time of the offence, immediately before or after its commission, the offender demonstrates hostility to the victim based on the victim's racial, religious or sexual orientation group, or on his/her disability". The legislation includes a statutory requirement for judges to treat racial and religious aggravation as an aggravating factor when sentencing.

Mainstreaming: Housing

The Northern Ireland Housing Executive Equality Unit Race Relations Policy 2006[98] aims to:

" Ensure that all Black and Minority Ethnic People in Northern Ireland can enjoy full and fair access to housing services and employment opportunities within the Housing Executive. It aims to support the promotion of good relations between and within ethnic groups and communities."

The main policy proposals include:

- Mainstreaming black and minority ethnic issues in policy development
- Racial harassment and intimidation
- Promoting black and minority ethnic social inclusion
- Community participation and development
- Migrant worker issues.

The policy has been well received and is considered by many in the community and voluntary sector to be a 'good race relations policy'.

The draft Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Housing and Accommodation was issued by the Equality Commission for consultation in 2001.[99] It aimed to:

" give practical guidance to all those involved in the provision and exchange of housing in Northern Ireland, including the Northern Ireland Housing Executive, housing associations, local authorities, house builders, private landlords and landladies, voluntary organisations providing housing services, estate and lettings agents and mortgage lenders."

TARGETING

For all organisations tasked with providing services, targeting minority ethnic groups brings about new challenges. One interviewee stated:

" In Dungannon where a large number of Portuguese arrived overnight with very little English or access to interpretation services…nothing had been done in preparation, employers hadn't done anything either so there were a lot of issues."

Targeting: Health

All of those interviewed discussed the increase in minority ethnic groups accessing the health service in Northern Ireland. Consequently, staff at all levels have to deal with people from different cultures, faiths and nationalities who often have little or no English. Similarly, staff tend not to have foreign language skills. Section 75 has brought with it the "obligation for training" and all of the service provider respondents felt that this training was essential to equip staff with the skills necessary to provide an appropriate service to minority ethnic groups. On the whole it was felt that Section 75 had improved service delivery and that the training had meant that many of the barriers faced by both staff and service users alike were now being dealt with:

" Section 75 has definitely improved service delivery. Previously there was no legislation to encourage the building of good relations.

Minority ethnic groups had difficulty accessing services due to the language barrier – now there are more efforts to inform them of the services available."

It must however be noted that GPs are not bound by Section 75 and many of the issues raised by NGOs and people from minority ethnic groups (covered under 'Views from ethnic minorities' below) focussed on GP care.

The health trusts all made reference to the fact that their organisation includes the needs of minority groups and there were specific units responsible for equality/anti racism. The South and East Belfast Health and Social Services Trust has employed an Ethnic Minority Development Officer who is the link between the Trust and ethnic minorities. Her role is to help people from ethnic minorities access health care services and to provide training to health service staff on cultural diversity.

Within the health service it was recognised that different groups have different needs. Communication and language issues were seen to be major barriers for minority ethnic groups when accessing health and social services. One interviewee highlighted that dissemination of information was problematic:

" Each country has a different system for accessing health services and it is difficult to know how to disseminate information…"

Northern Ireland does have a Regional Interpreting Service for health care staff to access, this service, up until recently was not operating 24 hours a day seven days a week. Whilst many interviewed recognised the value of this service the lack of an out of hours facility at the time posed problems and meant that other private interpreting services had to be accessed. However since 30th January 2006 the Regional Interpreting Service has commenced operating an Out of Hours facility from 5pm-9am at weekends and on public holidays.

100_www.unitedhospitals.org

101_Animate (2005) *Migrant Workers in Craigavon, a Health and Wellbeing Needs Assessment*, Dungannon.

Case Example 1 – Health

Bridging the Gap Between Service Providers and Community: United Hospitals Trust[100]

The United Hospitals Trust has set up a project for two part-time bilingual advocates one for the Chinese community and the other for the Portuguese speaking population. The Chinese and Portuguese speaking communities were identified as those accessing their services the most and thus represented the greatest need.

The project is "a key product of the Trust's approved Equality Scheme which was approved by the Equality Commission for Northern Ireland in 2001. The Scheme identifies how the Trust intends to promote equality of opportunity in accordance with Section 75 of the Northern Ireland Act 1998".

This project commenced in October 2005 and was officially launched in November 2005. It is a six-month flagship project based on a model of good practice adopted by NHS Scotland and Newham NHS Trust. The Trust following an eight month consultation process on the screening of their existing policies, identified issues concerning minority ethnic communities and persons with a disability. The issues were:

- Communication difficulties, due to language barriers
- Lack of information translated into a format that could be understood
- Dietary requirements of people from ethnic minorities.

Both communities were consulted concerning the project at a half-day workshop. Interpreters were at the workshop to enable maximum input from the two communities. The bilingual advocates accompany patients to appointments and are accessible to both the patient and the health worker.

As the project is relatively new, it is not possible to evaluate its success however the Equality Monitoring Manager for United Hospitals felt the initiative would be a success and an asset to the Trust with more than interpreting services being provided:

" Part of the work is also outreach... and to bridge the gap between staff and the community".

Although this is a positive example, there remains a lack of mainstreaming of such initiatives. Also, there seems to be a lack of funding available for other Trusts[101] trying to implement similar initiatives. This is likely to be due to a lack of planning for service delivery to minority ethnic groups, and to not prioritising these services.

Case Example 2 – Health
Craigavon Area Hospital Trust[102]

This Trust area found increasing numbers of Portuguese speaking patients being admitted to the hospital. Consequently communication between staff and patients was difficult. Two nurses decided to "undertake the development of a phrasebook to assist both staff and patients to communicate". The book contains common phrases used in day-to-day conversation and is utilised widely within the Trust as well as being on demand from other Trusts. The Equality Commission has used this initiative as an example of good practice.

However, it must be highlighted that some have raised concern about this initiative; not for its practice but due to the fact it had to be developed by nurses in their own time. One individual interviewed perceived this as lack of management support and felt that initiatives should be coming from the 'top down' to enable mainstreaming to take place.

It is also important to note that initiatives such as this do not replace the requirement for professional interpreters for conversations with the patient, particularly in relation to providing explanations and gaining consent.

In addition cultural differences have also been noted as a barrier to appropriate service delivery. An interviewee in the South and East Belfast Health and Social Services Trust highlighted the need to train and educate staff in cultural diversity. A web site set up by Eastern Area Equality Best Practice Forum[103] provides "information about the real differences which exist among people within our increasingly diverse society in Northern Ireland". The website is designed primarily for use by health and social services staff working at all levels. The aim is "to increase the awareness and knowledge of staff so that they will be better equipped to understand the needs of the patients, clients and carers with whom they work". The information has been compiled in partnership with local and national voluntary and community organisations. The interviewee stated that "staff can access this website if they are about to see a patient from a certain minority group that they haven't come into contact with before…to deliver a more sensitive and responsive service".

Targeting: Employment

The Equality Commission for Northern Ireland highlight how: "many areas of Northern Ireland are now beginning to experience a new and more positive economic climate. This has led to certain sectors of the economy becoming more reliant on migrant labour to fill skills or labour shortages".[104]

The report also clearly states that, "racial equality in employment is about valuing and harnessing the contributions that people from different ethnic and cultural backgrounds can bring to an organisation".[105]

However, for some migrant workers in Northern Ireland their experiences are far from being positive. Many myths exist which can demonise migrant workers and lead to a specific anti-migrant worker racism. A report by Animate, a strategic partnership project between statutory bodies and NGOs[106] seeks to address some of the myths relating to migrant employment including "migrants are taking our jobs", "they cost the country money" and "they get everything on social security". The paper puts forward a challenge that, "everyone has a role to play in preventing the hostility created by myths and rumours".

102_www.shsscouncil.net

103_www.workingwithdiversity.org

104_Equality Commission Northern Ireland and Equality Authority, (2005) *Promoting equality in Intercultural Workplaces*, available at: www.equalityni.org/uploads/pdf/PromequalinInterculturalworkplaces.pdf, p.1.

105_Ibid, p.2.

106_Animate (2005) *Migrant Workers: Myths and Facts.*

107_www.okanepoultry.com

108_EURES provides information on working in the EU and includes a job search facility, CV search and career guidance.

109_A voluntary Code of Practice developed by Business in the Community. The code is for the employment of migrant workers/overseas staff in Northern Ireland to help guide and reinforce best practice.

In the local council area of Ballymena, O'Kane Poultry, a private company in the food sector, employs migrant workers who comprise 19 per cent of their workforce. This company has set up specific initiatives to help migrant workers settle into the community. They also liaise with public authorities to ensure suitable services are available.

Case Example 3 – Employment

O'Kane Poultry, Ballymena – Private and Public Sector Meeting Needs of Migrant Workers[107]

In one company in Northern Ireland various initiatives have been put in place to help migrant workers not only integrate into their employment but also the community. The company also liaise with public authorities to inform employees of service provision.

19 per cent of the workforce at O'Kane Poultry are migrant workers. Vacant positions are advertised in local press and also with EURES.[108] The Welfare Officer in the company emphasised that, "no preference is given to any candidate for any position as a result of their national origin… effective integration must be integration at all levels and that migrant workers must be reflected and represented in managerial positions with O'Kane Poultry". A Slovakian Personnel Officer has recently been appointed to work within the Human Resources Department.

O'Kane Poultry has signed up to a Code of Practice[109] for the management of Migrant Workers. This assures the incoming worker that there is a floor of rights beneath which they may not fall and make the company a more attractive employer; alleviates concern within the community that some employers may exploit migrant workers; and provides confidence to our customers. Our customers need to know that their suppliers are behaving and trading in a fair and equitable manner.

On arrival new workers are met at the airport and taken to their accommodation. All documents are translated for employees including work instructions, handbook, induction and training records, contracts and hygiene and safety signage. An interpreter is always available to deal with day-to-day issues and English classes are provided free of charge on site. In addition, free English classes off-site are advertised on the notice board. O'Kane Poultry also organises membership of the local library for each employee and library books may be requested in the first language.

O'Kane Poultry meet local community groups and representatives on a regular basis. Regular meetings are held between the Welfare Officer and the PSNI Minority Liaison Officer to assess any threat to minority groups and also for advice on 'safe' areas. Meetings are also held in a local hotel to provide the new employees with advice on personal security and home security. A list of houses rented by O'Kane Poultry and housing migrant workers is regularly updated and passed on to the PSNI to increase security for occupants.

In addition the workers are encouraged to register with the company doctor and various health initiatives and clinics are highlighted to employees.

Case Example 4 – Employment[110]
Business in the Community

Business in the Community which describes itself as, 'a unique movement in the UK and Ireland of over 750 member companies', has developed a voluntary code of practice on employing migrant workers/overseas staff in Northern Ireland. It is to this that O'Kane Poultry have signed up. The Code has been designed to 'clearly identify a range of workers' rights and employer's responsibilities'. It states that the Code is not a legal obligation but a guide to 'reinforce best practice in relation to the employment of migrant workers'. In addition to this Business in the Community have a website also offering further advice and help to employers.

Targeting: Education

The Good Practice Guide for Racial Equality in Education[111] states that "over the past number of years concern has been expressed about the potential underachievement of children from black and minority ethnic communities in Northern Ireland". Connolly and Keenan[112] also found children from minority ethnic groups, and indeed their parents, had difficulties within the education system, mainly in terms of language barriers and lack of support with English as a second language.

Discussions with the Belfast Education and Library Board (BELB) for this study indicated that funding restricts what can be done but that support is given for children learning English as an Additional Language (EAL). In addition it was highlighted that interpreters are available for parents during parent consultation evenings and that this service has been set up for a few years.

Within the Southern Education and Library Board (SELB) there have been a number of initiatives put in place to help children from minority ethnic groups and their parents. One example has been the development of a visual letter with the use of pictures and visuals as opposed to words thus appropriate for non-English speakers. However it was stressed by representatives of SELB that there was a need to develop more user-friendly documentation to enable increased communication with parents.

Case Example 5 – Education (Primary and Secondary Level)
North South Project – SELB and IILT[113]

SELB are involved in a North South project organised by Integrate Ireland Language and Training (IILT). The project aims to 'explore how structural and management issues must be addressed in order to meet the educational needs from non-English speaking backgrounds; and to develop a toolkit to provide support for principals and teachers in addressing the language and learning needs of non-English speaking children in the primary classroom'.

SELB highlight in their report a series of recommendations including:

1. It is essential that budgetary provision has adequate flexibility so that the needs of schools, resulting from the arrival of newcomer pupils during the school year may be addressed appropriately; and
2. There should be access to contingency budgets.

110_www. guide2migrantworkers. org.uk

111_Equality Commission (2001) *Racial Equality in Education A Good Practice Guide.*

112_Connolly, P and Keenan, M (2000) *Opportunities for all. Minority ethnic people's experiences of education, training and employment in Northern Ireland.* NISRA.

113_www.selb.org

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

114_Quarterly Update.
Joint Consultative Forum
Education Sector. February
2006.

The Common Funding Formula (CFF) for the Local Management of Schools, introduced in 2005, provides for money to be allocated in a school budget to meet EAL provision. The money for a given academic year is calculated based on the School Census information collated in the October of the previous year. However, there are concerns that such monies are not used to meet such needs. There are also issues if a school receives an increase in the number of minority ethnic children during the school year in that no further funding is made available. This inevitably poses problems for schools, a problem recognised by SELB.

For each EAL pupil identified in the school a sum of £864.24 is allocated per pupil. EAL funding to be allocated direct to schools for 2006/2007 is £581,000 for 2679 children, the number recorded in the October 2005 School Census. These funds are intended to be in addition to Executive Programme Funds, which are earmarked by the Department and provided to the Boards. There are also centrally held resources, which are allocated by the Boards themselves at their discretion, to provide direct teaching in schools, including peripatetic teaching. According to the Department of Education this resource was to be continued even with the introduction of the allocation in CFF.

In discussions with the Department of Education it also became clear that the five education and library boards each have a different policy in relation to EAL provision. For example as of September 2005 the SELB withdrew peripatetic EAL provision and established a new Ethnic Minorities' Achievement Team. The team works with teachers and school leaders, providing advice and support to meet the needs of minority ethnic children.

The Department stated that, instead of each Board having its own arrangements, they would like to see a centralised service so that all children from a minority ethnic background living in Northern Ireland would receive the same support. This centralised service would include:

- An interpretation element
- A website with key documents in a range of languages for parents to access
- Common assessment to assess the level of English of pupils
- A training programme for teachers both existing and student teachers
- Teams to go into schools where there has been a high increase in the number of pupils from a minority ethnic background
- A teacher appointed within each school to be the co-ordinator for EAL
- A liaison officer at board level to update schools in population trends and help with future planning.

However, it must be noted that the Department of Education has been criticised by the voluntary sector for failing to have in place an EAL policy and for changing funding arrangements before any policy was in place. In interviews with the Department of Education it was revealed that the formulation of this policy is ongoing. It was stated that: 'The Department are working with the boards to create a centralised EAL service' which is anticipated to be operational by September 2006.[114] However, it is the view of some that this policy and service are not being delivered quickly enough to meet the needs.

Another issue raised by some NGOs was the lack of migrant worker children in the grammar school system in some areas of Northern Ireland. Apart from raising systemic issues, the lack of children from particular ethnic groups attending grammar schools may also contribute to segregation and would be contrary to the spirit of Section 75(2). When this issue was raised with the education and library boards it was highlighted that this was more to do with the education system in Northern Ireland than an issue of racism/racial discrimination. It was stated by many interviewees that failure to sit the transfer test in Northern Ireland resulted in non-selection in a grammar school for any child. Many migrant worker children do not sit this test for various reasons including a lack of English language knowledge at the time of the transfer test. This is an issue requiring further

research; however, it appeared that interviewees lacked an awareness of concepts of indirect and systemic discrimination, which may not be intentional but can be measured in its disproportionate adverse impact on particular group(s).

In Northern Ireland Further and Higher Education Colleges are bound by Section 75. Schools are not, although the Department of Education and Education and Library Boards who finance and govern schools are bound by Section 75. Currently the Equality Commission are looking at the inclusion of schools under Section 75 with a research project currently being conducted by the National Foundation for Educational Research at Queens University.

Within the Further Education Sector there are examples of colleges trying to plan for the future to ensure college life is welcoming to minority ethnic students and facilitates integration between students from minority ethnic backgrounds and other students.

Case Example 6 – Further and Higher Education
East Tyrone College – Section 75[115]

Senior management and staff were aware of the College's statutory duties in relation to Section 75 legislation and the East Tyrone College 'Equality Scheme' was approved by the Equality Commission in October 2002. Subsequently the College identified a member of staff to take forward the good relations duty and a 'College Equality Working Group' was constituted to address various issues including staff training and awareness raising (East Tyrone College Annual Report 2002-2003). The College, which is based in Dungannon, commissioned the Institute for Conflict Research to assess the impact on the College of the growing ethnic minority population in the area. The towns of Dungannon and Cookstown and the surrounding areas have seen a large increase in the numbers of migrant workers in the last five years.

One impact of this has been the demand on English as a second Language (ESOL) classes. The College during the 2004/2005 academic year catered for 560 students taking ESOL classes. This represents 500 more students than the College were expecting to enrol for this subject. At present, the students taking ESOL classes mainly attend part-time in the evenings and therefore the full-time students are not particularly aware of their presence on the campus. However this may change in the future if the ESOL students decide in large numbers to enrol for full-time courses. Therefore the College wished to measure attitudes within the indigenous student population toward the migrant population. A report was prepared and a series of recommendations made to help the College identify policies and practices to ensure that College, staff and students are equipped to meet any changes and demands. The College are currently addressing these recommendations and are drawing up an equality policy to include 'race'.

Targeting: Policing
One interviewee from the PSNI stated:

" Section 75 has focused a lot of organisations, ourselves included. We have our own diversity unit here that is tasked with looking at Section 75."

The PSNI define a racial incident as "any incident which is perceived to be racist by the victim or any other person". In a leaflet entitled 'HATE CRIME' Racial Incidents Protecting Your Rights, the PSNI state:

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

"The Police Service of Northern Ireland has a clear policy in respect of the investigation of these incidents. If you report at a police station a room will be made available where you can discuss the mater in private. A police officer will be appointed to carry out an investigation and you will be kept informed of any developments. You should note the police officer's name and station, date and incident number for future reference. The local Minority Liaison Officer will be informed and unless you indicate otherwise this officer will contact you to offer advice and support The police will deal with your complaint in a professional, confidential and sensitive manner."

The PSNI have a Minority Liaison Officer (MLO) in each police district. These officers deal with incidents relating to hate crime including racial incidents. MLOs do not receive planned specialised training but are trained on various issues as and when required:

" We would identify a training need and bring trainers in, quite often external trainers… we may do a day focussing on specifics…we've done training on asylum seekers and refugees and a day on religious diversity. However we are looking at a specific training course for MLOs."

It was recognised that larger police divisions such as the Metropolitan Police do have more specific training with Diversity Units in place but that this would be difficult for a police force the size of the PSNI. However, the police training college are conducting an audit into the training currently being provided and delivered.

The PSNI and An Garda Siochána in the Republic of Ireland do at times have joint initiatives. One such initiative is the diversity-training programme with funding being received from the Special EU Programmes Body Peace II to develop the training programme for both police services; the programme is currently being rolled out in the two jurisdictions.

The Report of the Independent Commission on Policing for Northern Ireland (The Patten Report) recommended that cooperation be developed between the PSNI and An Garda Siochána; thus a personnel exchange recently took place between the two organisations with the view of sharing expertise and building relations.

Case Example 7 – Policing

A Public Awareness Programme – PSNI 'Hate Crime is Wrong'[116]

The 'Hate Crime is Wrong' poster campaign was launched by the PSNI in the six district command units with the highest incidence of hate crimes in January 2005. Inspector Robin Dempsey of the Police Service Community Safety Branch said:

"This poster campaign is one of a number of initiatives which police are using to highlight the nature and impact of hate crime. Reporting is one way of ensuring that further incidents are prevented and offenders held to account and we want to encourage people, whether they are victims of a crime or witnesses to an incident, to report it to the police."[117]

The posters were placed throughout Northern Ireland and aimed to "prick the conscience of the Northern Ireland public".

The PSNI annual Human Rights conference – 'Real People, Real Crime' held on the 13th and 14th February 2006 focussed on hate crime and coincided with a re-launch of the 'Hate Crime is Wrong' poster across all 29 District Command Units. Opening the conference Sir Hugh Orde (Chief Constable of PSNI) said:

" The biggest challenge facing the police service is increasing the number of persons detected and prosecuted for hate crimes. I recently approved, along with my senior command, the implementation of a new hate incident policy which I believe will deliver a more consistent and effective police response to hate incidents."

The PSNI are endeavouring to raise awareness of hate crime including racist crime throughout Northern Ireland.

Targeting: Housing

In Northern Ireland public sector housing is managed by the Northern Ireland Housing Executive (NIHE), unlike Scotland and the Republic of Ireland where housing is under the control of local authorities. One area in which the NIHE have had to assess housing need has been accommodation for Travellers.

In 1999 the New Policy on Accommodation for Travellers (Department of the Environment) (D.O.E). (NI)) gave the Housing Executive the strategic role in the provision of accommodation for the Traveller Community.[118] Recommendation 5 of the Final Report of the Promoting Social Inclusion Working Group on Travellers stated:

" The Northern Ireland Housing Executive should undertake a comprehensive strategic needs assessment of current and projected accommodation requirements of all Travellers in consultation with Traveller organisations, members of Traveller Communities and District Councils."

There are four different types of housing:

1. Social Housing – any public sector housing (Housing Executive or Housing Association)
2. Grouped Housing – residential housing development with additional facilities and amenities specifically designed to accommodate extended families of Travellers on a permanent basis
3. Serviced Sites – a range of managed accommodation where Traveller families have a permanent base to park their caravan or erect timber framed Sectional Building where electricity, water and sewerage is provided and where other facilities such as communal or individual amenity units (providing toilet, washing and daytime living arrangements) may be provided
4. Co-operated Sites – sites on land owned by Government Departments where Travellers are located on a temporary basis.

The NIHE Traveller Unit stated that they had to focus on delivering "culturally appropriate accommodation". The needs assessment identified 1,228 individuals in 316 households across Northern Ireland. The assessment found that more than two-fifths (42 per cent) of respondents said that they would prefer social housing with similar numbers (38 per cent) stating grouped accommodation. Seventy-one per cent (47) of those in serviced sites said they would prefer grouped accommodation whilst 83 per cent (24) of respondents in co-operated sites said they would also prefer grouped accommodation.

**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

119_The European Union (EU) countries plus Iceland, Norway and Liechtenstein.

Currently there are four grouped housing pilot programmes either in operation or in planning two in rural locations and two in urban locations. There are five service sites, Belfast (x1), Derry London derry (x2), Coalisland (x1) and Omagh (x1). The five-year development program states that some of these sites require refurbishing to bring them up to health and safety standards. Co-operated sites are in the development plan with five being planned in Northern Ireland including Strabane, Belfast, Derry Londonderry, Craigavon and Newry. These sites would restrict parking to a maximum of 28 days and no more than 3 stops at that location per year and as one interviewee stated, "for nomadic Travellers this is really the key to let them travel around… have basic facilities and not be parking on the road side".

The interviews and focus groups with NIHE staff also highlighted the increased demand on housing in areas that have seen an increase in the numbers of migrant workers. Many immigrants are not eligible for public authority housing and this has impacted on the private rented sector. Such effects have included increased rent, which has also impacted upon local residents who are not able to afford private rented property and thus are applying for housing in the public sector. This also was noted to make it difficult for immigrants to get housing and as they were not legally entitled to public housing, the risk of homelessness increased.

The tragic experience of one female migrant worker in Coleraine during December 2004 was recounted in a number of interviews. This woman from the Ukraine found herself homeless after losing her job and after a few weeks ended up living on the streets. Due to the extreme weather conditions at the time she developed frostbite and as a result had to have both of her legs amputated. Many stated that when individuals were not eligible for public housing the NIHE could only offer advice and information. Indeed immigration policy restricts what the NIHE can actually do in such circumstances.

An advice leaflet for Migrant Workers by the Housing Executive states that 'any person from abroad who is not a national of a country within the European Economic Area[119] is a person subject to immigration control' and therefore is not eligible for an allocation of social housing.

In addition if an individual cannot prove that they are habitually resident they are not eligible. Habitual residence is decided on factors such as:

- Whether you have worked in the UK
- How long you have lived abroad
- Why you have come to the UK
- How long you plan to support yourself in the UK
- How long you plan to stay in the UK.

The NIHE are currently initiating research in Dungannon to analyse the impact of increasing numbers of migrant workers on the housing market. In addition they are also conducting a mapping exercise throughout district council areas on the current migrant worker population thus beginning to assess future housing needs.

BENCHMARKING

The issue of data collection and ethnic monitoring is dealt with in the Racial Strategy,[120] which states,

" Departments already hold an extensive amount of data on individuals, but the information currently held about people from minority ethnic backgrounds is incomplete…we need to establish baselines…assess the information currently available…gaps in the information.

We will work to improve administrative data in areas such as housing, education, employment, health, etc and where possible enhance surveys to provide a specific focus on minority ethnic people."

Northern Ireland Census

The 2001 Northern Ireland Census recorded 14,279 adults and children coming from minority ethnic communities. Categories in the 2001 Census were: White, Irish Traveller, Mixed, Indian, Bangladeshi, Pakistani, Other Asian, Black Caribbean, Black African, Black Other, Chinese and Other. Consultation for the 2011 Census found that these current ethnic classifications such as the 'white' category did not distinguish between someone born and bred in Northern Ireland from someone living in Northern Ireland but born in Eastern Europe, thus the categories were restrictive. Also 'elsewhere' for Country of Birth now included a number of other countries which could be added to the list and cover the home countries of the numerous migrant workers (perhaps expand on this – not immediately clear what is meant). It has been suggested that a question on nationality and/or citizenship should be included in the 2011 Census. This has started to be recognised and is being proposed by Armagh City and District Council in the Equality Impact Assessment of their Equality Opportunities Policy.[121]

Since the 2001 Census there has been a marked growth in the numbers of migrant workers coming to work in Northern Ireland. Animate, an organisation providing research and information about migrant workers to the local population in Dungannon and surrounding areas argues that because the migrant population is fluid and changing, any exercise to produce a head count will be out of date before it is completed. Currently figures for estimating numbers of migrant workers are calculated from the Worker Registration Scheme, numbers of overseas staff employed in the health sector, use of interpreting services, Trade Union membership and requests for National Insurance Numbers; thus the potential for inaccuracies is high.

Benchmarking: Health

" Information collected is often seen as irrelevant to patient care and focused on the needs of the 'centre' rather than frontline service delivery. In particular, more effort is needed to involve clinical staff in validating and using information produced."[122]

Within the health service data is collected on the Patient Administration System (PAS). However, it was reported that although ethnicity is on the data system, those completing the details rarely record the information and even when it is recorded it does not provide the necessary information such as the language spoken. Reasons for not recording included the placement of the question on the computer system, occurring after what is viewed as essential personal information thus the data collector does not complete the fields.

120_OFMDFM (2005) *A Racial Equality Strategy for Northern Ireland 2005–10*, p.48.

121_www.armagh.gov.uk/equality.php

122_Kmietowicz, Z (2004) British Medical Journal, Vol. 328, pp786.

123_Fair employment and Treatment Order, Equality commission website www.eqaulityni.org

124_PSNI Statistical Report 1st April 2004–31st March 2005.

The United Hospitals Trust have recognised the difficulties of not having such information on file as many patients will turn up for scheduled appointments and only on arrival is it realised that the patient does not have an adequate level of English, therefore the consultant cannot communicate. This Trust has proposed that patients should receive a short questionnaire with their appointments so that their needs can be assessed before arrival and appropriate provision made. However, PAS should be reassessed and the categories updated to ensure that the relevant necessary information is obtained on file from the commencement.

As an employer the health service also have an ad hoc approach to detailing ethnicity with some Trusts only asking employees for ethnicity under the same categories as the Census, whilst others also record Nationality, thus the same emerging problems occur as with the Census. As yet unpublished research by the Institute for Conflict Research (ICR) for the Department of Health found that when nationality is recorded a more accurate picture of the number of minority ethnic employees can be gained.

Benchmarking: Employment

The Equality Commission for Northern Ireland requires all public bodies and private companies employing more than ten staff to make a monitoring return.[123] On a monitoring return, employers are required to specify the composition of their workforce by community background, sex and occupational grouping and if they are employed for more or less that 16 hours per week. However, as can be noted there are no questions on ethnicity.

Benchmarking: Education

Schools in Northern Ireland complete an Annual Return Form for the Department of Education. This form includes ethnicity, religion and first language. However, on the form the languages listed to choose from is limited (Cantonese, Mandarin, Vietnamese, Hindi, Urdu, Gujarati, Bengali, Punjabi and Other). The 'Other' category tends to include the most categories such as Polish and the various languages associated with the Philippines. It would be more useful if the table on first language reflected more clearly the nationalities residing in Northern Ireland. Similarly the ethnicity table encounters the same problems as the Census data.

Benchmarking: Policing

The PSNI monitor and record incidents of hate crime, including perceived racist crimes/incidents, on an incident report form. This form is completed for any incident irrespective of its nature. In the past a 'race' form was completed for any racist incident but this is no longer carried out and all details appear on the incident report form. One PSNI interviewee stated, "Ideally we would like to be in a position to divide ethnicity by country of origin so that if people ask us for a breakdown we would have it".

A policy maker within the PSNI felt that the collection of data on ethnic groups was particularly important in relation to hate crime because they had requests for information from Ambassadors in relation to how many of their citizens had been the victims of racist attacks and this information was not available. Data collection would also allow police to try to identify reasons for any particular ethnic group being targeted and try to address the problem.

Over recent years there has been a substantial increase in the number of incidents being recorded by the police. In 2003/2004 453 incidents were recorded which was more than double the number for the previous year at 226. In 2004/05 813 racial incidents were reported to the PSNI with 1 incident being a murder, 10 threats or conspiracy to murder and 187 wounding or assaults.[124] These ongoing attacks led the PSNI to initially launch their 'Hate Crime is Wrong' poster campaign in January 2005 and to run it across Northern Ireland in February 2006.

Despite the increase in recorded incidents, a recent public consultation survey by the Northern Ireland Policing Board[125] found that only 2% of respondents in Northern Ireland placed racist crime in their top five policing priorities. In February 2004 the House of Commons Northern Ireland Affairs Committee set up an inquiry and its published report in 2005 found:

" …a lack of firm and effective leadership by the Government, the Police Service of Northern Ireland (PSNI), and the criminal justice agencies in Northern Ireland to tackle these appalling crimes."[126]

Recording Incidents of Hate (RIOH)

This project known as PROJECT RIOH is a multi-agency initiative led by the Community Safety Unit of the Northern Ireland with representatives from the key statutory, voluntary and community sectors. The main purpose of the project is to capture all types of hate incidents both on paper and in a secure internet site with both ethnicity and nationality being recorded on the basis of information being supplied by the victim. It is planned to pilot the project in South Belfast for six months before any decision is made on rolling it out in Northern Ireland. The pilot project was launched in June 2006.

ENGAGEMENT

Within all the sectors there was an appreciation of how essential it is to engage with minority ethnic communities concerning their needs and how services could be improved. A representative from one organisation stated,

" We are trying to address the needs of the people…we aren't in a position to say what their needs are. We need them to be confident that there is a policy to deliver what is needed – not what we think they need."

Many areas are launching 'Welcome Packs' for minority ethnic residents providing them with essential information relating to services and how to access them. Ballymena Community Forum launched a 'Welcome to Ballymena' pack. The pack was supported by many public authorities in the area and funded by Antrim and Ballymena Local Health and Social Care Group, Ballymena Borough Council's Good Relations Programme, the Community Relations Unit, OFMDFM and O'Kane Poultry.

Dame Joan Harbison (then Chief Commissioner for the Equality Commission) stated:

" The Commission commends the work of Ballymena Inter-Agency Support Group as a reflection of what can be achieved through partnership and a commitment to working together to improve the lives of people in local communities – well done."[127]

In addition, an important role is played by organisations such as Animate.[128] Based in Dungannon, Animate is a partnership project between statutory bodies and NGOs which aims to reduce exploitation of, and prejudice towards migrant workers, to empower migrant workers and improve service delivery and conditions for migrant workers.

125_Northern Ireland Policing Board (2004) *District Policing Partnership DPP Public Consultation Survey*, May 2004, Belfast: NIPB.

126_The House of Commons Northern Ireland Affairs Committee (April 2005) *The Challenge of Diversity: Hate Crime in Northern Ireland.*

127_Inter-Agency Ethnic Support Group (2005) *Welcome to Ballymena Pack.* Ballymena Community Forum.

128_Animate – Action Now to Integrate Minority Access to Equality

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

Engagement: Health

All of those interviewed within the Health Sector referred to the need for engagement with minority ethnic groups. Examples included consultations by United Hospitals Trust for their Bilingual Advocates as discussed in the Targeting section. In addition a project in partnership with Northern Ireland Council for Ethnic Minorities (NICEM), North and West Belfast Health and Social Services Trust, The Royal Hospitals, The Mater Hospital and Eastern Health and Social Services Board seeks to facilitate contact and dialogue between the various health trusts and minority ethnic communities. It also seeks to explore health and care needs of minority ethnic groups including migrant workers. Again this project highlights the importance of engaging with minority ethnic groups to ensure needs are being met.

Engagement: Policing

Within policing there are Independent Advisory Groups set up to help advise on policies and procedures for the black and minority ethnic communities. At a local level, many MLOs regularly meet with groups to consult and offer advice. In Ballymena the Inter-Agency Ethnic Support Group meet on a regular basis bringing together representatives from public authorities including the PSNI.

Ultimately the PSNI want to ensure that engagement between them and the minority ethnic community is positive rather than negative. In South Belfast there is an Ethnic Awareness Forum where the PSNI engage with a variety of organisations representing minority ethnic communities. However, one interviewee stated that at times these meetings can be poorly attended which can be discouraging to the public authorities.

Engagement: Housing

The Housing Executive has engaged with the Traveller Community to assess their needs for housing. The Executive recognised that they needed to talk to Travellers to find out their needs and what was appropriate to their culture. In addition the NIHE is also engaging with migrant workers and assessing the impact on housing need in various areas of Northern Ireland including Dungannon.

QUESTIONNAIRE FOR STAFF IN PUBLIC AUTHORITIES

The questionnaire was distributed both by hand (at the focus groups) and electronically to staff at varying levels in the PSNI, Housing Executive and Health Trusts after gaining permission from the appropriate personnel for administration. The purpose of the questionnaire was to:

1. Measure the level of direct contact staff had with members of ethnic minorities
2. Examine the training available and availed of in organisations
3. Assess how much of an understanding they had of the legislative framework
4. Ascertain their perception of how policies and practices impact in a practical way on the service they provide to the minority ethnic population.

Sample

It was not possible to track numbers being distributed as many were forwarded to colleagues without the researchers' knowledge. In total 59 questionnaires were returned from the various sectors (Table 2). This relatively low return rate may be due to some people having problems returning the survey electronically, in spite of clear instructions from the research team, and due to the postal strike as ICR provided free post envelopes for those wishing to return hardcopies. In addition five focus groups were conducted with three with NIHE staff and two with PSNI staff the findings of which are documented in this section.

Table 2: Breakdown of Respondents by Sector

Sector	Number of Respondents	Percentage of Respondents
PSNI	27	46
Housing Executive	20	34
Department of Health	12	20
Total	59	100

Figure 3: Breakdown of Respondents by Sector
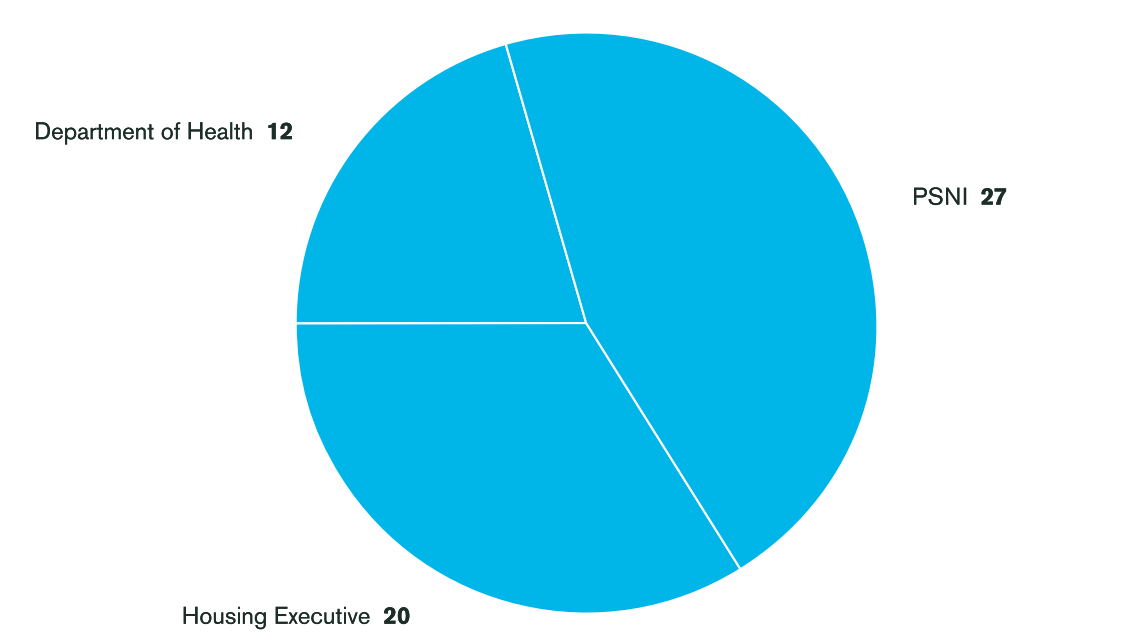
The sample consisted of 25 (42%) front line staff, 19 (32%) middle management, 10 (17%) senior management and 3 (5%) other, 2 people (5%) also failed to complete this question on their level within their organisation.

Training

Respondents were asked about the training they had received, namely anti-racism, cultural awareness, equality, service provision and Section 75. They were also asked to indicate how this was delivered internally, externally or both.

Twenty-one people (36%) had received internal training on anti-racism whilst 16 people, just over one quarter of the sample (27%) had received both internal and external training. A further 13 (22%) indicated they had not received any training on anti-racism. In terms of cultural awareness training 20 (34%) had received internal

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

training whilst 19 people (32%) had recieved both internal and external. Ten people (17%) stated that they had received no training. The number who had received training on equality issues was higher with 53 respondents (90%) having received either internal or external training. Only 2 people (3%) indicated that they had no training in this area. Forty-one per cent (24 respondents) had received internal training on providing services to minority ethnic groups. However, one quarter (15) had received no training (Table 3).

Table 3: Training Offered in Respondent's Organisation

Type of Training	Internal	External	Both	None	
Anti-Racism	21	2	16	13	7
Cultural Awareness	20	4	19	10	6
Equality Issues	39	1	13	2	4
Services	24	1	12	15	7
Section 75	28	1	9	14	7

In terms of training on Section 75 just less than one quarter (24%, 14 respondents) had received no training on this. There was also a lack of awareness of Section 75 among some focus group participants although this was dependent upon the sector of employment. Those within policing were very aware of Section 75 while those in the housing sector were less aware. When the survey results were broken down the findings would also indicate that the housing sector have had less training in Section 75 with 9 NIHE participants (50% of NIHE respondents) stating they had not received training (Table 4).

Table 4: Percentage of Respondents Trained in Section 75 by Respondent's Sector

Sector	Internal	External	Both	None
PSNI	68%	0%	16%	16%
Housing Executive	50%	0%	0%	50%
Department of Health	22%	11%	56%	11%

Figure 4: Percentage of Respondents Trained in Section 75 by Respondent's Sector
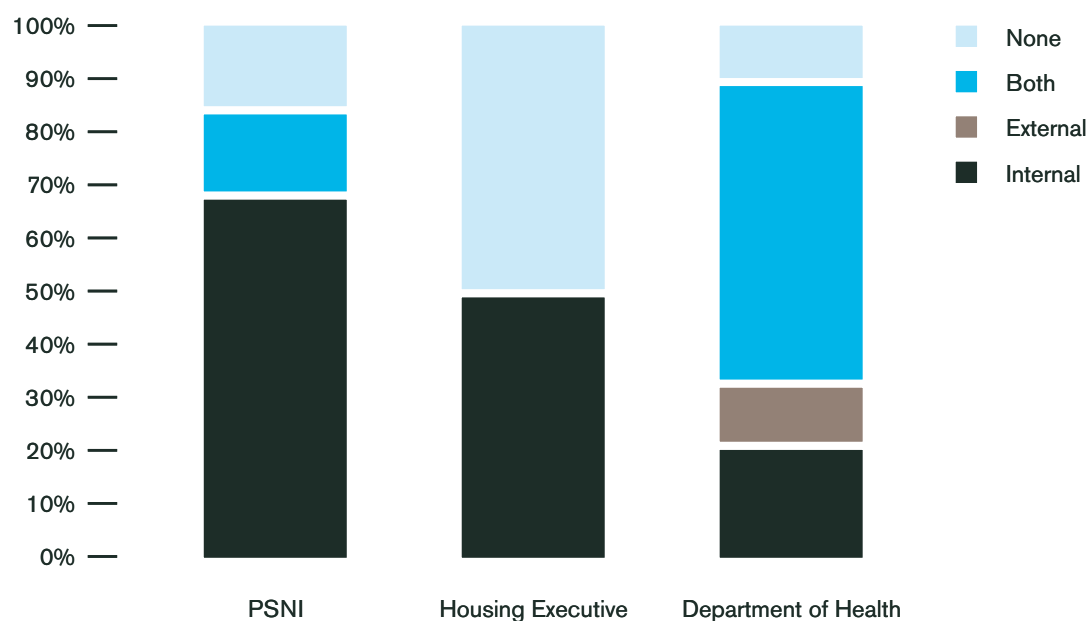
Again, it must be noted that this is a small sample size. However in spite of the lack of knowledge on the actual name 'Section 75' we cannot assume that training on aspects of Section 75 have not been received. It was also interesting to note that the majority of those indicating that they had no training were front-line staff.

Within the focus groups the issue of training was also discussed with many interviewees feeling that further training would not benefit them in their roles:

" *Do you think it would be useful if you received training on race equality?*
I don't see it would make any difference. As far as we are concerned if they…meet the criteria…, race equality doesn't come into it, they are eligible end of story.

What about an understanding of cultural issues?
We don't see that as a problem…we don't get involved in it (cultural differences)."

Of those who had received training on anti-racism 18 (31%) said that it was general and not specialised for either their job or organisation. Cultural awareness training was also thought to be general by 22 respondents (37%) although 15 (26%) said that it was specialised for their organisation. Twenty-three people (39%) felt that the equality training they had received was specialised for their organisation whilst 22 (38%) of those who had received Section 75 training also indicated it was specialised for the organisation.

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

Service Provision

In terms of service provision to various minority communities respondents were asked to indicate how difficult or easy it was to provide services and to see if provision differed between various groups such as longstanding minority ethnic groups and more recent migrant workers (Table 5).

One respondent made a general statement indicating that the main problem was 'language and cultural difficulties'. Another respondent highlighted that:

" Minority ethnic groups continue to highlight to public authorities the difficulties they experience in accessing services, especially if the first language is not English."

For longstanding minority ethnic groups, service providers responded that providing services was either quite difficult (26 people, 44%) or quite easy (20 people, 34%). However for provision for migrant workers more indicated that it was difficult to provide a service, 38 respondents in total (65%), with 27 respondents (46%) stating quite difficult and 11 (19%) very difficult. One respondent stated in their response that:

" The migrant population is fragmented, although many are from the same country, they are from different areas and there is no sense of community within their own nationality, as they do not know each other."

Again provision of services for asylum seekers and refugees was also viewed as more difficult with 31 respondents (53%) indicating either very or quite difficult (15 (25%) and 16 (27%) respectively). One respondent did however highlight that:

" In dealing with our organisation I would see it is quite difficult for refugees but very difficult for asylum seekers, as refugees are entitled to help from us whilst asylum seekers are not."

Service provision for Travellers was seen to be either quite difficult (19, 32%) or quite easy (21, 36%) but no specific reasons for these responses were supplied. However in one focus group some participants stated that they experienced more difficulties in providing services to Travellers than any other group and suggested that Travellers' demands and expectations of what could be offered were higher and were perceived by service providers as unrealistic at times.

Table 5: Ease of Providing Service for Minority Communities

Minority Community	Very Difficult	Quite Difficult	Quite Easy	Very Easy	Don't Know	Missing
Longstanding minority ethnic community	4	26	20	5	3	1
Migrant Workers	11	27	13	2	4	2
Refugees and Asylum Seekers	15	16	9	2	11	6
Travellers	6	19	21	7	4	2

Figure 5: Ease of Providing Service for Minority Communities
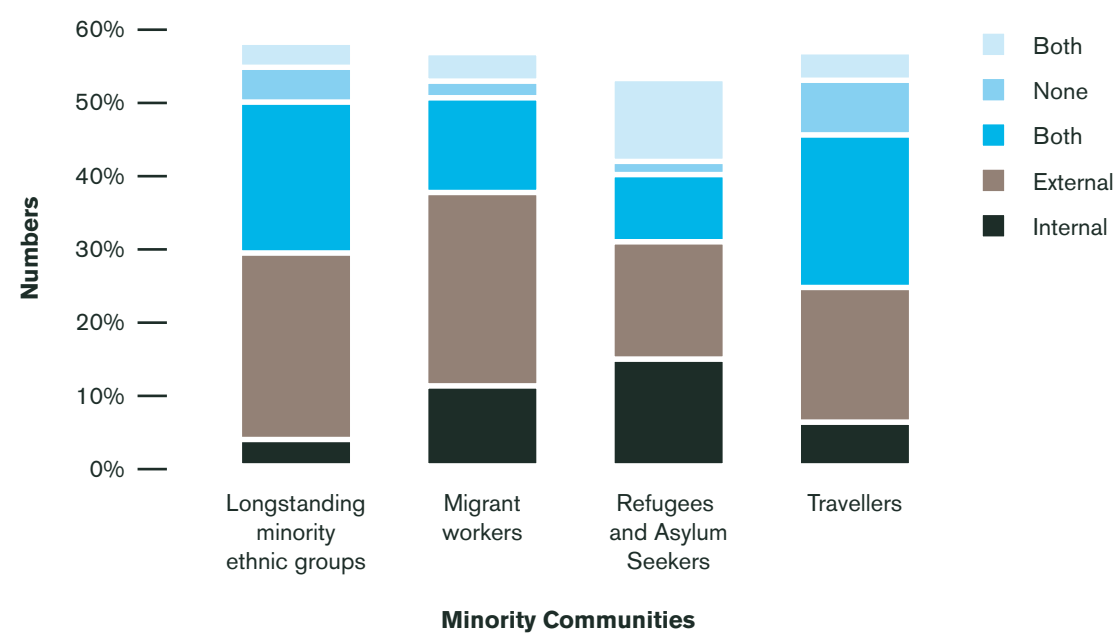
A range of factors were given that can act to prevent or make it difficult for minority ethnic groups to access services or to gain suitable outcomes from public authorities. Each respondent was asked to rate each factor from very important to not at all important (Table 6). The vast majority (52 respondents, 89%) felt that cultural issues were either very (39, 66%) or moderately (13, 22%) important. Immigration status was also seen to be important in preventing or making it difficult for minority ethnic groups to access services. Thirty-one (53%) respondents indicated that it was very important whilst 8 (13%) said it was moderately important. Institutional racism was also rated important with 25 people (42%) stating it was very important.

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

Table 6: Issue Importance

Issue	Very	Moderately	Hardly	Not at all	Don't Know	Missing
Language Issues	45	11	0	0	0	3
Cultural Issues	39	13	1	1	2	3
Lack of Information	34	19	2	0	1	3
Immigration Status	31	8	8	4	4	4
Overt Racism	31	11	7	4	3	3
Appropriate Documentation	30	18	2	3	2	4
Previous Negative Experience	28	13	5	3	7	3
Institutional Racism	25	18	3	6	4	3
Religious Issues	21	17	12	3	3	3
Gender Issues	16	25	11	2	2	3

Lack of information, an issue also raised in many of the interviews conducted, was seen to be a very important factor in preventing or inhibiting access to public authorities. Thirty-four respondents (58%) indicated it was very important whilst 19 (32%) stated that it was moderately important. Over three quarters of the sample (48 respondents, 86%) also felt appropriate documentation was an issue. Almost all of the respondents (56, 95%) stated that language issues were either very or moderately important. Overt racism (46, 75%), previous negative experiences, (41, 73%) and religious issues (38, 68%) were also viewed to be important factors.

Legislation

Respondents were also asked about their awareness of various items of legislation (Table 7). The three items of legislation which were most commonly known were Human Rights Act (1988), Race Relations (NI) Order 1997 and Section 75, Northern Ireland Act 1988.

Table 7: Awareness of legislation

Legislation	Awareness (Number of respondents)	
	Yes	No
Human Rights Act (1988)	46	7
Race Relations (NI) Order 1997	45	10
Section 75, NI Act 1998	43	10
Housing Order 2003	37	14
Criminal Justice (NI) Order	36	18
Race Relations Order (Amendment) Regulations (2003)	35	17
EU Council Directive 2000/43/EC	14	35

The impact of Section 75 on organisations was further investigated. The majority (37 respondents, 65%), felt that Section 75 (1) which deals with equality responsibility had either made a significant improvement (18) or some improvement (19) to their organisation. Comments included:

" It has raised awareness of issues…which may not have been understood.

It allowed a review of policies and functions thereby informing the production of the Equality Scheme."

The remainder of the sample either did not know (17), felt there was no change (1) or 1 individual felt there had been a degree of deterioration in the organisation since Section 75 was introduced.

Section 75 (2) which deals with good relations was also seen by the majority (37 respondents, 65%) to have brought about improvements in the way their organisation had done its job. Fourteen respondents (24%) stated it had made significant improvements whilst 21 (36%) said that there had been some improvement. One respondent stated that their organisation had seen the establishment of a unit to deal with good relations:

" The Good Relations Unit has improved consultation, increased awareness and improved the service."

Respondents were also asked if they were aware of the Race Equality Strategy published by OFMDFM in 2005. Twenty-five respondents (42%) said that they were aware of the strategy, 13 (22%) were not and 17 (29%) did not know or couldn't say. When asked what impact it had on their work comments included:

" Fairness, impartiality and equality of service delivery.

An understanding of how to provide a proper service.

Reinforces race relations and provides practical advice on good practice."

Comments were very general and in spite of 42% stating they were aware of the Race Equality Strategy the researchers felt that this awareness was limited in light of the comments made. It was also felt that there might have been confusion between the Race Equality Strategy and race equality schemes established within the organisations themselves.

Organisational Policies and Procedures

Respondents were also asked about their organisation and its policies. The majority (42 respondents, 71%) stated that there was a race equality policy in their organisation with 26 (62% of those with a race equality policy in place) viewing this to be very well disseminated around their organisation. Two thirds of those surveyed (39 respondents) said that there was an individual or unit within their organisation responsible for race equality. Thirty-five respondents also stated that there was a race relations policy in their organisation with 25 (71% of those with a race relations policy in place) feeling it was well disseminated. All but one of those who were aware of the policy stated that there was an individual or unit responsible for race relations.

**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

Less than half of the sample (24 respondents, 41%) said that their organisation's corporate/strategic plan included the needs of members of staff from minority ethnic groups. However this rose to 34 (58%) for the needs of customers of minority ethnic groups. Most of the respondents indicated, as can be seen in Table 8, that their organisation had policies and practices in place for recording and dealing with racist incidents.

Table 8: Racist incidents

Type of complaint	Are there policies and practices?		
	Yes	No	Don't know/Can't say
Made by an employee about another employee	45	1	7
Made by an employee about a client/customer	34	3	16
Made by a client/customer about an employee	48	0	5
Made by an employee about management	45	0	8
Made by a client/customer about management	47	0	5

It was interesting to note that 16 respondents (27%) did not know if there was a policy in place to enable them to complain about a client/customer. This was found in both the PSNI (9 respondents, 35% of PSNI respondents) and NIHE (7 respondents, 35% of NIHE respondents). As well, 30% of the NIHE respondents indicated that they did not know how to make a complaint about management (6 respondents).

Employee Profile

The survey also assessed the number of employees within each agency/department that were from a minority ethnic community. In terms of the number of managers from a minority ethnic background only 10 people completed the question. Of these ten eight stated none, one stated one, and one stated thirteen. When this was further analysed the respondent indicating that there were 13 managers was found to be from the health sector. Similarly the question on fieldwork staff was missed by 49 people and of those who did complete eight said none, one said one and one said 10 minority ethnic staff. Again this 10 were within the health sector. Of the 10 who completed the question on ancillary staff eight stated that there were no employees from a minority ethnic background, one stated nine, and one stated 60 minority ethnic employees again from within health. However it must be noted that this cannot be used as an indication of the number of employees within each sector and indeed the high percentage who failed to answer the question indicates either a lack of knowledge on this issue or willingness to respond.

Data Collection

Just over one third (34%, 20 respondents) said that their organisation had been involved in equality proofing however over one half (54%, 32 respondents) did not know. The collection of data was also ascertained with at least three quarters of the sample stating that data was collected on disability (66%), ethnicity (75%), nationality (68%), and religion (78%). However only 29% stated data was collected on sexual orientation (Table 9). Within the focus groups the collection of data was discussed with many stating that it was collected but that they did not know what it was used for and indeed some even stated that they did not care,

" We are asked to produce them (data), we don't know why and we don't care, we are asked to give them and we do end of story."

Table 9: Data Collected

	Yes	No	Don't Know	Missing
Disability	39	3	11	6
Ethnicity	44	3	7	5
Nationality	40	8	5	6
Community Background	46	3	5	5
Sexual Orientation	17	16	20	6

The data collected was seen to be either very useful (21 respondents, 36%) or quite useful (18, 31%). Comments concerning data collection included categorisation and sensitivity:

" There are some difficulties in terms of categorisation and addressing sensitivities. It would be useful to get some clear guidance for the Equality Commission and NISRA[129] on how the monitoring of these categories should be developed."

In addition some respondents felt that data was not 'uniformly collected' within their organisations which they felt needed to be addressed.

Thirty-six percent (21 respondents) felt that the data collected changed service delivery but 48% (28 respondents) did not know if it did. The use of client-based surveys appeared to be important with 45 respondents (76%) stating these were conducted. However less than half (22 repondents, 48% indicated their organisation conducted client-based surveys) said that the surveys captured information on minority ethnic communities. It was felt that the data collected helped improve service delivery and address needs in general.

Engagement

Engagement with minority ethnic groups has been discussed throughout this report with many in the interviews highlighting its importance. The survey found that 71% of the sample (42 respondents) said that their organisation did consult with clients and potential clients from minority ethnic groups in the planning of service delivery. Just over two thirds (67%) of the respondents who indicated that their organisation consulted with minority ethnic groups felt that this consultation was very useful with a further 24% stating it was quite useful. Only one individual stated that the consultations were not very useful. However, many highlighted that at times it was difficult to get representatives who were willing to engage, this was also raised in the interviews conducted. The focus groups also found that many front-line staff were also unaware of initiatives conducted at head office/senior management level, thus an organisation may have measures in place but staff are not aware of these.

Initiatives in place to meet the needs of minority ethnic groups focused mainly on interpreting and translating services. This was mainly highlighted in the case of migrant workers which is not surprising considering the increasing numbers in the three localities focused upon for this research. Again these issues were also raised within the focus groups and many front-line staff highlighted the difficulties they encounter in communicating with minority ethnic groups. However, it was felt by many that their organisations had set up systems to enable them to deliver a better service and indeed a more equal service to minority ethnic communities.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

VIEWS FROM ETHNIC MINORITIES

A series of focus groups were conducted with ethnic minorities to ascertain their views on the delivery of services from public authorities in Northern Ireland. In addition key NGOs were consulted. The previous section highlighted some case examples and the service provider perspective this section will now assess the perspective of service users.

The NGOs consulted for this research highlighted many issues that they felt posed problems for minority ethnic communities, especially migrant workers when accessing public authority service provision. These included:

- Racism
- Lack of public sector infrastructure to keep pace with the changes
- Rights and entitlements
- Exploitation
- Statistics and monitoring
- Poverty
- Existing government policies
- Workforce issues and community engagement
- Lack of visibility.

The discussions highlighted the following issues.

Health

Treatment in hospitals and GP (General Practitioner) registration

Some NGOs interviewed stated that they were aware of people from ethnic minority backgrounds being refused treatment in hospitals and/or GP registration. This raised concerns regarding unequal treatment, and was especially noted in the case of migrant workers. Some of the migrant workers spoken with praised the service and had very positive experiences but recognised that this may not be that case for everyone. Two participants who took part in one of the discussion groups felt that their GP did not always take them seriously but stated that they had never been refused care or registration:

" I have been to the GP but I didn't have a good experience…I don't believe much doctors say here."

One representative of the Chinese community also stated that many people are caught out by GPs de-registering them after two years even if they have their visas renewed. The GP practice does not approach the patient and check their status they just remove them from their list. The interviewee said she only became aware of this when she went to make an appointment and was told that she did not exist on the records.

Health tests on new migrant workers

Again this issue was raised by some NGOs who were concerned that migrant workers were forced to undergo tests for diseases such as TB and HIV. This adds to the myth that many migrant workers bring disease into the country and are a 'health risk'. Previous work conducted by ICR (unpublished data in Armagh) found that this was a prevalent attitude among some members of the public.

Lack of knowledge in the health sector

Representatives from various minority ethnic groups felt that on occasions problems arose within the health service due to a lack of information being given to staff. One representative of the Portuguese community felt that many staff were not aware of the Regional Interpreting Service and this needed to be addressed.

Other issues raised included the negative impact on mental health due to increased stress and anxiety around employment related issues, housing, isolation and financial distress. There is a growing awareness of this issue within the community and voluntary sector and it is seen to be an area requiring attention within the health sector.

Education

No English as an Additional Language (EAL) policy

The fact that there is currently no expressed EAL policy in the Department of Education was an issue raised by some interviewees. Although this policy is now entering a public consultation period, many felt that it had taken too long to draw up. One interviewee stated that this lack of policy meant that there was no joined up approach within the education and library boards and no standardised service.

Issues over the amount and allocation of funding

The issue of funding raised much debate both in terms of the amount and allocation. Many felt that although the Department indicate increasing funds the fact that this is not 'ring fenced' means that it may not always get used for EAL purposes, thus some children continue to miss out on support.

The admission criteria for placement within grammar schools

Some NGOs raised concern that there was a lack of migrant worker children entering grammar schools in various areas of Northern Ireland. This issue has not been researched in detail but was raised with representatives of various education and library boards who stated that this was due to the selection process currently in place for grammar school education.[130]

Language barriers and the issue of adequate support

Language barriers and inadequate communication with parents was an issue highlighted by a number of interviewees. One interviewee also stated that some schools in their attempts to communicate information had caused even more confusion, as translations were not accurate. This raised the issue of inadequate support to meet the needs of minority ethnic communities.

Integration and cultural awareness in schools

Many raised the issue of increased need for cultural diversity training in schools for staff and pupils. One Portuguese representative stated that she was aware of some schools inviting representatives of various communities to come into the school and tell the children more about their culture. This initiative had proved to be successful and was going to be repeated.

Policing

Racist attacks and failure to investigate

Many minority ethnic groups stated that they were aware of racist attacks on members of their community, which were not investigated adequately. However others disputed this and were very supportive of their local police,

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

131_Radford, K., Betts, J and Ostermeyer, M (2006) *Policing, Accountability and the Black and Minority Ethnic Communities in Northern Ireland*. ICR, Belfast.

132_Ibid.

The police here are keen to interact and are very supportive…I have had a good experience

What became clear in the discussions was that policing differed from area to area and some PSNI officers were more supportive than others,

*I am aware of discrimination in some areas ***(name of 3 towns) are particularly bad.*

Monitoring and recording of racist attacks

It was felt by many that incidents had to be monitored and recorded in a better way to give a more accurate picture of the situation.

Support to victims

Although some were very positive of the support received from the police others felt that victims did not get adequate support at the time of the incident or after an incident. Recent research conducted by ICR[131] found many of the problems minority ethnic communities had with the police were related to the quality of the service. These included a failure to take respondents seriously, unsatisfactory service, failure to keep victims informed or to follow up calls.

The issue of victims not wanting to report attacks directly

It was recognised by some representatives that some victims did not want to report attacks directly thus they went unreported. Many stated that there was fear of reprisals and also a lack of understanding of the process of reporting crimes. In the research conducted by ICR[132] one third of respondents stated that they had not reported the incident as they thought the police would ignore them because of their minority ethnic status. The report also found that those who had contact with the police were more likely to say that the police were racist.

Employment

Unequal rights

For many the issues around employment related to unequal rights such as contracts not being issued, unequal pay with low wages, longer hours, no right to sick leave and/or pay and unfair dismissal. It was noted by some that conditions were improving but that individuals still were experiencing unfair treatment.

In addition the issue of accommodation being tied to employment was also raised as problematic with cases where people lost their job and then subsequently lost their accommodation and became homeless.

Lack of support

Some respondents also stated that they found fellow workers unfriendly,

First day I say hello and my name…everybody you are Slovak…no good not friendly… they didn't want to have nice relationships between Slovak and Irish.

Others felt that management did not support their efforts to attend English classes,

I was in class Thursday and Saturday but my work changed…now no time because of my shifts…I was told it was my problem.

Housing

In regard to housing issues of multiple occupancy were raised. Some respondents said that they were aware of cases where a family may be housed with numerous other people.

Other respondents were also aware of rent being increased in areas with a high migrant worker population. This led to racist attitudes as many of the 'indigenous population' were resentful of minority ethnic population and blamed them for this increase not the landlords who were in some cases taking advantage of the situation. The migrant workers spoken to in this study did not report increased rent but rather an increase in deposits to cover any potential damage.

CONCLUSION

This report highlights some of the emerging issues in how public authorities provide services for ethnic and immigrant groups in Northern Ireland. The public authorities focused upon, health, employment, education, policing and housing show some examples of interesting initiatives and approaches but these examples have to become more mainstreamed to begin to have a real impact on outcomes.

Effective and suitable service delivery for minority ethnic groups brings challenges for public authorities, with all interviewees referring to the language and communication barriers that exist. Within the health sector there are examples of emerging initiatives in overcoming this specific barrier as evidenced by the United Hospital's Trust. The employment of two bilingual advocates at two of their hospital sites is currently only a pilot project but has been received favourably among the minority ethnic groups targeted, the Portuguese and Chinese communities. It would be encouraging to see such projects receiving more funding and where the need is identified becoming mainstreamed.

Raising awareness of minority ethnic groups and the issues they face is a challenge for all public authorities but unfortunately presents a very clear challenge for the PSNI. Incidents of racist attacks have been increasing throughout Northern Ireland from attacks on property to attacks on individuals themselves. In 2004/05 813 racial incidents were reported to the PSNI with 1 murder, 10 threats or conspiracy to murder and 187 wounding or assaults.[133] These ongoing attacks led the PSNI to launch their 'Hate Crime is Wrong' Poster Campaign in January 2005. The aim of which was to bring the seriousness of the situation to the attention of the Northern Ireland public. One interviewee stated that it was to "prick the conscience" of the public.

The issue of data collection has been recognised as problematic in the Racial Strategy. The first step in improving this would be to reassess the ethnicity categories to be more reflective of the current population therefore expanding the 'White' category and including questions on Nationality/Citizenship and Country of Birth. Within all the sectors consulted there was the attitude that data collection was not essential in front line service delivery but it must be emphasised that it is essential for planning which ultimately affects service delivery.

It was encouraging to note that there were examples of engagement between public authorities and minority ethnic groups. It was recognised that it was essential to assess needs and ensure that these needs were being met. The groups being formed, such as Ballymena Inter Agency Forum, are examples of how public authorities are trying to engage with communities and ensure that their service is being customer led.

In relation to the questionnaire, the lack of awareness of Section 75 among some participants would suggest that much of the information at managerial level is not being filtered down to staff on the ground. This was also evident in the focus groups as was the fact that some of the information that is passed down is too detailed for

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

134_ OFMDFM (2005)
A Racial Equality Strategy
for Northern Ireland 2005-
10.

135_ Bob Collins, Chief
Commissioner of the
Equality Commission
Northern Ireland speaking
at the conference.

136_ Lord Rooker's
Ministerial Address at
the conference, delivered
by Ken Fraser, Racial
Equality Unit, Office of
First Minister and Deputy
First Minister in Northern
Ireland.

staff to use. There is a need for all staff to be aware of policies and legislation and for relevant information to be produced. However in spite of this it was felt by service providers that Section 75 had made improvements to service provision.

The results of the questionnaire indicate that the ease of providing services did differ between groups with many stating that it was more difficult to provide for migrant workers than longstanding minority ethnic groups. For many this was borne out in the language and communication barriers often faced. The importance of engaging with minority ethnic groups was highlighted in the survey with 67% stating this consultation was very useful. However, it was highlighted that at times it was difficult to get minority ethnic representatives who were willing to engage.

Interviews and focus groups with people from minority ethnic backgrounds and NGOs revealed that many people feel services have improved for minority ethnic groups and that needs are now starting to be met. Many of the NGOs considered that public authorities were now engaging more with groups to assess needs and ensure services were tailored to meet needs. However it must be highlighted that standards of service varied with some public authorities failing to deliver in some aspects. It was also reported that there was a lack of communication between public authorities and that they could learn more from each other. Inter-agency forums as set up by Ballymena Community Forum were thought to be beneficial for both public authorities and minority ethnic groups alike.

The Racial Equality Strategy[134] published by OFMDFM in 2005 has been welcomed but the impact of this strategy will not become evident for some time yet. Section 75 however, has had a positive impact on public authorities that are striving to meet their statutory obligations. This is evident when assessing the number of policy documents being developed with one of the best examples being the Northern Ireland Housing Executive's Equality Unit Race Relations Policy. Also many organisations now have specific personnel to deal with minority ethnic communities, arising from Section 75 obligations.

" Section 75 is a remarkable legislative device. It is a very valuable piece of administrative, legislative, community forming provision which perhaps needs even within Northern Ireland more fully to be realised more seriously to be taken on board, perhaps its powers more rigorously to be exercised by the Commission."[135]

The many opportunities associated with increased ethnic diversity in Northern Ireland also have to be borne in mind, as the Ministerial address at the conference concluded:

" I have said quite a bit about the challenges that we face, but as well as posing challenges, the growing diversity in Northern Ireland offers enormous benefits, economic, social and cultural. It also offers a unique, exciting and never to be repeated opportunity. It offers us the opportunity to alter the way that people living here have viewed each other for too long. Our growing diversity can have a genuinely levelling effect on a society that has been… long been frozen in a two traditions divide. And it has the potential to act as a powerful lever on the old attitudes to difference that have maintained that divide."[136]

CHAPTER 3: SCOTLAND RESEARCH FINDINGS

Authors: Wendy Davies and Ashok Ohri
Organisation and Social Development Consultants Ltd.

INTRODUCTION

Legislation

Legislation relating to race equality, as with all equality legislation, is a matter which is reserved to the UK Government and it is the UK legislation that applies in Scotland. Currently there is anti-discriminatory legislation prohibiting discrimination in the areas of employment and the delivery of goods and services in relation to race, sex and disability. The legislation relating to sexual orientation and religion and belief covers all aspects of employment practice and, from December 2006, there will be legislation that prohibits discrimination in employment on the basis of age.

The Race Relations Act 1976 (RRA) makes it unlawful to discriminate on the grounds of colour, race, nationality (including citizenship), or ethnic or national origin in employment, education, housing and the provision of goods, facilities and services. The Act offers protection from direct discrimination, indirect discrimination and victimisation.

The Race Relations (Amendment) Act 2000 (RRAA) places enforceable duties on public bodies to:

- eliminate unlawful discrimination,
- promote equality of opportunity, and
- promote good relations between persons of different racial groups.

The Race Relations Act 1976 (Amendment) Regulations 2003 ('the Race Regulations') incorporated the EU Race Directive into UK law by making changes to the Race Relations Act 1976. It offers stronger protection from racial discrimination and harassment. The Race Regulations apply to acts of discrimination on grounds of race, ethnic or national origin.[137]

The Scotland Act 1998 which established the Scottish Parliament defined equal opportunities as:

" the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions."[138]

137_They do not apply to acts of discrimination on grounds of colour or nationality; these grounds are covered in the original Race Relations Act and they remain unchanged.

138_HMSO The Scotland Act 1998.

Although the power to legislate on equal opportunities is reserved to the UK Government, the Scottish Parliament has the power to encourage equal opportunities, as well as the power to impose duties on Scottish public bodies and cross-border public authorities in relation to their Scottish functions.

In 1999 the Scottish Parliament established an Equal Opportunities Committee as one of its eight mandatory committees. The committee has responsibility for considering and reporting on equal opportunities issues and monitoring equal opportunities in Parliament. The Parliament's standing orders also require that all proposed legislation presented to the Executive is accompanied by a statement of impact on equal opportunities. The Parliament has also used its powers to place more specific duties on certain bodies in respect of aspects of education, housing, care and social services.

Currently there is no Race Equality Strategy for Scotland. There is a generic Equality Strategy, first published in 2000. A Review of Race Equality in Scotland, published in November 2005, introduced a number of measures aimed at reducing discrimination and challenging racism. The Review also announced that there would be a Race Equality Strategy and Action Plan announced in the autumn of 2006.

DEMOGRAPHICS

Scotland has a long tradition of immigration with the first recorded Africans in Scotland in the Court of King James IV in 1505. However, more recently, from the mid twentieth century onwards we have seen increased migration to Scotland. People from India, Pakistan, Bangladesh, the Caribbean and Nigeria were recruited to come to Britain to fill labour shortages and many settled in Scotland. The largest community is the community of Pakistani origin and the largest Pakistani Community is well established in Glasgow. The 2001 census showed that 47% of the people of Pakistani origin in Scotland were born in Scotland. There is also an established Chinese community in Scotland. The pattern of self-employment within the Chinese community (mainly in the restaurant business) means that as a community they are scattered throughout Scotland, and in the rural areas the Chinese community is the largest visible ethnic minority group. A Chinese community has been established in Glasgow since the 1960s.

In Scotland the Scottish Executive have produced an analysis of ethnicity in the 2001 Census which consolidates all the data in relation to ethnicity in Scotland and which highlights key socio-economic data related to housing, the labour market, health care and education.[139] This is an important publication in the context of this study and provides policy makers and service providers a basis from which to benchmark the socio-economic progress of minority ethnic groups in Scotland in Intercensal periods. As a consequence, in this study there is significantly more detailed data available for Scotland than for Ireland and Northern Ireland.

Based on data from the 2001 Census, the size of the minority ethnic population was just over 100,000, which accounts for 2% of the total population of Scotland. (5.062 million in 2001). Pakistanis are the largest minority ethnic group, followed by Chinese, Indians and those of mixed ethnic backgrounds. Over 70% of the total minority ethnic population were Asian: Indian, Pakistani, Bangladeshi, Chinese or other South Asian and over 12% of the population describe their ethnicity as 'Mixed'. The size of the minority ethnic population has increased since the 1991 Census. Whilst the total population increase between 1991 and 2001 was 1.3% the minority ethnic population increased by 62.3%.
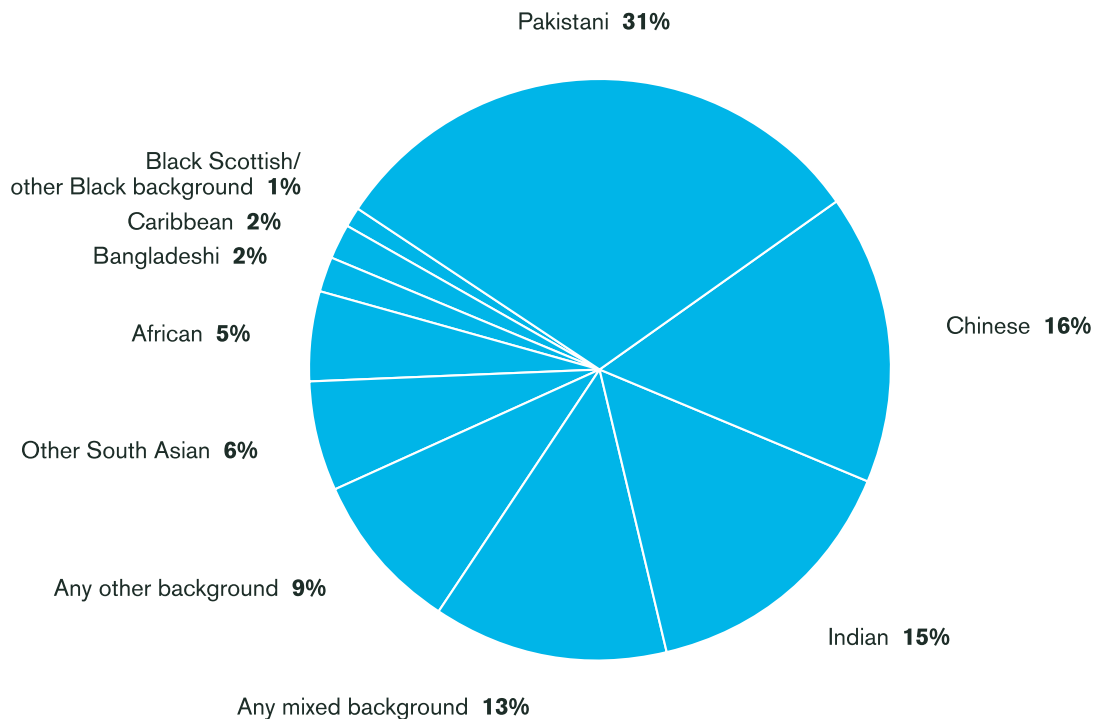
IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

140_www.onescotland.com

141_Barclay, A., A. Bowes, I. Ferguson et al (2003) *Asylum Seekers in Scotland*, Scottish Executive.

142_UHI Policyweb and the National Centre for Migration Studies (2005), *Migrant Workers in the Highlands and Islands*: Highlands and Islands Enterprise.

Figure 6: Minority Ethnic Population in Scotland

Pakistani **31%**

Black Scottish/ other Black background **1%**

Caribbean **2%**

Bangladeshi **2%**

African **5%**

Other South Asian **6%**

Any other background **9%**

Chinese **16%**

Indian **15%**

Any mixed background **13%**

More recent arrivals in Scotland have been the asylum seeker and refugee population. Since the introduction of the UK 1999 Asylum and Immigration Act, it is estimated that 9,000 asylum seekers have been dispersed to Glasgow. Studies have shown that asylum seekers in the UK are the most likely of the non-white population to encounter hostility. A poll in June 2002 found that 24% of Scots thought that it was justifiable to verbally attack asylum seekers who receive housing and benefits in Scotland.[140]

Research carried out in behalf of the Scottish Executive in 2003[141] found that:

" Service providers emphasised the 'steep learning curve' experienced in their work with dispersed asylum seekers. For some, expertise and resources were initially stretched to the limit, though over time provision was believed to have improved. Multi-agency working was identified as an area of strength."

More recently Scotland has seen the arrival of migrant workers from Eastern Europe. The Department of Work and Pensions record National Insurance Number (NINo) applications from overseas nationals including nationals from EU accession states. Between May 2004 and April 2005 there were 23,885 registrations of overseas nationals in Scotland and 67% of these were from EU accession states.[142]

Because of high standards, many Scottish Universities attract undergraduates and postgraduates from both within and outside the United Kingdom. A significant proportion of such students will inevitably be from diverse national and ethnic backgrounds, although evidence suggests that most students who are not Scottish leave Scotland once their education has been completed.

Scotland has a relatively small Gypsy/Traveller population with an estimated total population of 1370 people comprising 428 households.[143] However, this figure is contested by some Gypsy/Traveller groups who consider it to be a significant underestimation. This is a group with higher needs than many other minority ethnic communities in Scotland and there are a number of targeted programmes in place designed to impact on the disadvantage they have experienced to date.

Demographic Projections

Scotland, like Northern Ireland is facing a shrinking workforce though at a significantly steeper gradient. With a number of studies showing that the Scottish population is shrinking and getting older, in April 2005 the Scottish Economic Research Council (ESRC) announced a two-year research initiative into demographic trends looking at migration, fertility, and the impact of an ageing population.

Unless there is a significant change in Scotland's demographic profiles over the next few years, the outcome of the predicted trends will be very significant. Scotland's population is predicted to fall by 10% by 2042. Further, Scotland's population is ageing rapidly. The number of people of pensionable age is expected to rise by about 61% by 2042 and the number aged under 15 is expected to fall by about 30% by 2042.

The overall trend in birth rates in Scotland has been steadily declining and is still at a historically low figure. It now stands at 35 to 40% of the replacement figure of 2.1. It should be noted that outward migration is presently not a major factor in declining population as approximately 70,000 people migrate to Scotland annually and the same number emigrate each year.

The ESRC concludes:

" While many European countries are experiencing falling birth rates and an ageing population, the demographic challenges facing Scotland are particularly demanding. An ageing and declining population has important implications for public services the labour market, and the quality of everyday life."[144]

To counter these trends, in February 2004 Scotland's First Minister, Jack McConnell MSP, declared his intention to create a "national consensus" on the need to bring more migrant workers into the country.[145] In making this announcement he acknowledged that his proposals might provoke a reaction from some people but hoped that attitudinal change would take place. The First Minister went on to say that he wants to entice fresh talent to Scotland to prevent the economy from stalling.[146]

EVIDENCE OF INEQUALITY

There is still evidence of widespread inequality in Scotland as table 10 indicates.

143_Scottish Executive (2005), *Gypsies/Travellers in Scotland: The Twice Yearly Count – No.7: January 2005*

144_Public Health News (2005), *Why is Scotland's population shrinking and ageing?- a new research initiative.* (18 April 2005).

145_Scottish Executive (2004), *'Consensus' call over migration*. Press Release (25 February 2004).

146_BBC News Report, 25 February 2004. Available at: /news.bbc.co.uk/1/hi/scotland/3484884.stm

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

147_Scottish Executive (2004), *Analysis of Ethnicity in the 2001 Census: Summary report.*

148_In Scotland there is debate within the Gypsy/Traveller community about terminology and currently Gypsy/Traveller is term most commonly used.

149_Scottish Executive (2004), *Analysis of Ethnicity in the 2001 Census: Summary report.*

150_Scottish Executive (2004), *Analysis of Ethnicity in the 2001 Census: Summary report.*

151_Scottish Police Force Annual Return, 2004.

152_Bromley, C. & J. Curtice (2003), *Attitudes to Discrimination in Scotland*, Scottish Executive.

153_BEMIS (2004), *Listen to the Voice.*

154_Volunteer Development Scotland and BEMIS, *A Way of Life: Black and Minority Ethnic diverse communities as volunteers.*

Table 10: Evidence of racial inequality in Scotland.

Unemployment	Twice as high (15%) for the black population compared to the white population (7%).[147]
Health	40% of Pakistanis over 60 years describe themselves as having ill-health compared to 22% white Scots. Gypsy/Traveller[148] women live 12 years less than settled women and men 10 years less than settled men.[149]
Housing	30% of the Pakistani, Bangladeshi and African community experience overcrowded living conditions compared to 7% for white Scots.[150]
Education	The exclusion rate for Gypsy/Traveller children is 120 per 1,000 compared to 52 per 1,000 for white children. 92% of Gypsy/Traveller children say they have been racially abused at school.
Racist Incidents	The number of racist incidents recorded by Scottish Police Forces continues to rise annually; in 2003-04 it stood at 3,801 a year, up from 3,593 for the previous year.[151]

Attitudes to race equality

A survey carried out in Scotland in 2003 showed some disturbing attitudes to racism.[152]

- 56% of Scots felt there is 'a great deal' or 'quite a lot' of prejudice towards minority ethnic communities in Scotland.
- 18% of people said that attempts to give equal opportunities to people from minority ethnic communities had 'gone too far'.
- 52% of people said that most people in Scotland would mind either 'a lot' or 'a little' if one of their close relatives married someone from a different racial or ethnic background.
- 20% agreed that people from minority ethnic groups take away jobs from other people in Scotland.

Given the concern in Scotland about the declining population (predicted to be below five million by 2034) and given the need to attract new migrants to Scotland, it is imperative that the issue of racist attitudes is addressed.

The role of the voluntary sector

A number of reports provide evidence that the Black and Minority Ethnic (BME) voluntary sector struggles for recognition and resources; and that the mainstream sector struggles to engage with the BME community.

For example, the Black and Ethnic Minority Infrastructure in Scotland (BEMIS) commissioned a report on the infrastructure needs of the BME voluntary sector in Scotland in 2004.[153] They estimated that the BME voluntary sector makes up 1.25 per cent of the voluntary sector but its annual income of £12 million represents only 0.6 per cent of the income of the sector. Also, a recent report on volunteering in the BME community in Scotland[154] identified that there is substantial volunteering in BME communities and that much of it is informal and based on the individuals religious faith. They also identified the need to improve training, funding and resources to the sector.

The Scottish Executive's review of Race Equality in Scotland (2005) recognised that there had been a lack of development of the Minority Ethnic voluntary sector and that there was need for capacity building. They also recognised that the Minority Ethnic voluntary sector served a dual purpose: often it was the provider of services to its own community and it also had a major role in challenging racism and ensuring that race equality was embedded into mainstream service provision.

SCVO (Scottish Council for Voluntary Organisations), the umbrella body for the Scottish voluntary sector, secured European funding through the European Social Fund (Objective 3) for a project to deliver an integrated programme to promote equality through organisational development, research and information.[155] The organisational development project was targeted at 18 of the largest voluntary sector organisations to ensure maximum impact.

METHODOLOGY

The methodology for the Scottish chapter of this research into how public authorities provide services to minority ethnic groups has been a combination of desk-top research and individual interviews. In addition a number of organisations submitted written responses and provided relevant documentation that was not available online. Face to face interviews have been held with a number of Government and Non-Governmental bodies.[156]

This chapter explores the four themes of mainstreaming, targeting, benchmarking and engagement of the BME community in relation to the delivery of public services. In relation to each of those themes there is a discussion of the strategic context in which the work takes place and there are examples of practice from the areas of health, education, employment and policing.

MAINSTREAMING

Strategies for Service Provision to Black and Minority Ethnic Communities

The Scottish Executive's Equality Strategy[157] emphasises the importance of mainstreaming equality which is defined as:

" …the systematic integration of an equality perspective into the everyday work of government, involving policy makers across all government departments, as well as equality specialists and external partners."

The Scottish Executive describe the Equality Strategy as "a long term strategy that aims to make sure that policy making is fully sensitive to the diverse needs and experiences of people", and that:

" - it leads to improved policy making through better information, greater transparency and openness in the policy process
- it involves groups and individuals who experience inequality and discrimination in informing policy making through effective consultation mechanisms
- it tackles the under-representation of disadvantaged and excluded groups through encouraging wider participation

155_www.scvo.org.uk

156_Please refer to Appendix 2 for a full list of interviewees.

157_Scottish Executive (2002), *Equality Strategy: Working Together for Equality*.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

- it tackles structures, behaviours and attitudes that contribute to or sustain inequality and discrimination
- it can avoid policies and programmes being adopted that continue existing inequalities or make them worse
- it complements lawful positive action that is designed to address long-term historic disadvantage experienced by specific groups as a result of discriminatory practices and structures."

Mainstreaming aims to change organisational cultures so that an equalities perspective becomes integral. The Scottish Executive recognises that mainstreaming of equality requires:

" - leadership and political commitment to the principles and processes of mainstreaming equality
- commitment and ownership across the organisation for the principles and processes of mainstreaming
- integration of work on mainstreaming equality to be integrated with departmental work plans and policy objectives
- guidance, advice, training and support
- appropriate data and research to inform policy and programmes
- policy appraisal and impact assessment with ongoing monitoring, evaluation, audit and review
- networks and effective consultation with external bodies."

It also acknowledges that mainstreaming is not a quick fix and requires time and resources.[158]

The main legislation relating to race equality is the Race Relations Act (1976) and the Race Relations Amendment Act 2000. The 2000 Amendment places a general statutory duty to promote race equality on all public authorities. This requires public bodies to have 'due regard', when carrying out their functions, to the need to eliminate unlawful racial discrimination; promote equality of opportunity; and to promote good relations between people of different racial groups.

The specific duties that flow from the general duties require that public bodies prepare and publish a Race Equality Scheme (RES). The RES sets out how public authorities will meet their obligations under the general and specific duties and must:

- Identify functions and policies that are assessed as relevant
- Set out arrangements for:
    - *assessing and consulting on the impact of its proposed policies on the promotion of race equality*
    - monitoring for any adverse impact of existing policies
    - providing access to information and services to the public
    - publication of assessments, consultations and monitoring
    - staff training on the duties.

In addition to these duties, Scottish Ministers have used their powers to make a statutory order placing more specific duties on certain bodies, in furtherance of the general duty including:[159]

- Making the promotion of equality a national priority in education and putting a duty on education authorities to say how they will improve equal opportunities.
- Putting a duty on Scottish Ministers, local authorities and social landlords to encourage equal opportunities and comply with equality legislation in providing housing and related services.
- Putting a duty on the Scottish Commission for Regulation of Care and Scottish Social Services Council to encourage equal opportunities and comply with equality legislation when carrying out their functions.

Within the Executive, the Race Equality Scheme Implementation Group was established in April 2003 as an Executive-wide steering group with responsibility for the effective implementation of the Executive's own duties under the Race Relations Amendment Act. This group has been changed to the Equality Strategy Implementation Group as its work will encompass the other strands of new public duties.

The Review of Race Equality in Scotland

The review of Race Equality in Scotland was published in November 2005 and it announced that a Race Equality Strategy and Action Plan would be published in the autumn of 2006. The review also introduced a number of new measures aimed at reducing racial discrimination and disadvantage, challenging racism and improving service delivery to the black and minority ethnic communities.

The main measures include:

- A new £2m Race Integration and Community Support Fund for locally based projects to support cross community integration and organisations and communities to tackle issues of racism and promote equality.
- £2.3m further funding to strengthen the work and engagement of the Minority Ethnic voluntary sector and support public agencies in meeting their legal responsibilities.
- Establishing a National Coalition on race equality to help shape the development of further race equality work in Scotland. The Coalition will be chaired by the Communities Minister.
- Strategic Working Groups on minority ethnic communities living in rural areas and the needs of refugees and asylum seekers. These groups are in addition to the recently-established groups looking at issues affecting Gypsies/Travellers and employment issues affecting minority ethnic communities. The recommendations of these groups will be fed into the Race Equality Strategic Action Plan to be published in 2006.
- Work with Non-Governmental Public Bodies, Communities Scotland and Community Planning Partnerships to enhance performance on race equality, and embed race equality duties in local authorities' Best Value delivery, to ensure full compliance with the Race Relations Act 1976 (as amended).[160]

These new measures may go some way to translating the commitment to mainstreaming into a reality. Within the Black Voluntary Sector, most of those interviewed commented that they had not seen enough action to convince them that the commitment was anything other than on paper.

There was also a view expressed that when organisations make progress on the issue it is often because there are powerful champions within the organisation rather than because there had been a systematic approach to embed the issue in the mainstream of the organisation's work.

159_Scottish Executive (2004), *Race Equality Annual Report.*

160_Scottish Executive (2005), *Race Equality Strategy Review: Scottish Executive.*

**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

161_Race Equality
Regulations 2003.

162_CRE (2005)
*Submission to Scottish
Executive's Review of Race
Equality work.*

The requirements of the anti-discrimination legislation in relation to race

The requirements of the Race Relations Act (1976) and the Race Relations (Amendment) Act 2000 have been discussed above. The other major piece of legislation is the Race Relations Act (1976) (Amendment) Regulations 2003. The Regulations are a result of the EU Race Directive which stems from Article 13 of the Treaty of Amsterdam (1997) and they offer protection from discrimination in the areas of employment, training, education, access to social security and health care and access to goods and services including health care.

The new regulations strengthen some aspects of the 1976 Act including:

- introducing a new concept of indirect discrimination which is more likely to catch "informal" discriminatory practices as well as "formal" practices;
- introducing an explicit definition of harassment (as opposed to previously having to show that the harassment amounted to discrimination);
- changing the emphasis in relation to burden of proof so that when claimants establish a prima facie case of racial discrimination or harassment on the relevant grounds, the tribunal or court will up hold the complaint in the absence of a satisfactory explanation; and
- introducing the concept of genuine occupational requirement which allows the setting in which job takes place to be taken into account in deciding whether or not a job should be restricted to a racial group.[161]

Promoting diversity within service provision

The Commission for Racial Equality (CRE) is a GB wide body established by the 1976 Race Relations Act. It is an independent body funded by the Home Office and has three main aims:

- To work towards the elimination of racial discrimination and promote equality of opportunity;
- To encourage good relations between people from different racial and ethnic backgrounds; and
- To monitor the way the Race Relations Act is working and recommend ways in which it can be improved.

Although it is not an inspectorate, it can investigate and take legal action, in some circumstances, against companies and organisations if they are in breach of the RRA.

In Scotland its work is carried out by CRE Scotland which has an Advisory Board and there is a Commissioner for Scotland. The CRE Scotland's submission to the Scottish Executive as part of the Executive's Review of Race Equality[162] argued that progress on race equality was slower than was desirable and that the progress was patchy. It was argued that in some departments, although there was some progress on action plans, the plans did not necessarily meet all elements of the duty. In particular they noted that the Executive has been slow to progress issues of monitoring service provision which is crucial to the successful roll out of the Duty.

The CRE also argued that:

" A key barrier to the full implementation of the Duty is a lack of an effective complementary delivery mechanism on the ground. Indeed, there is currently an absence of national strategy – based on clear and consistent outcomes- in relation to the funding and delivery of race equality work in Scotland."

It is hoped that the measures to be introduced as a result of the review of the Race Equality in Scotland will go some way to addressing those criticisms.

Since the introduction of the Race Equality Duties in 2001, the CRE has taken an advisory role with many public bodies. It is now of the view that over the last three years enough promotional support and guidance has been produced to enable organisations to ensure that they are complaint. The emphasis on their future role is on:

" the strategic promotion of the overall race equality agenda and the appropriate use of the Commission's unique enforcement powers, rather than on the provision of individual feedback."[163]

The Equality Act 2006 introduces some major changes to the equality framework in GB. A Commission for Equality and Human Rights (CEHR) will be established and will replace the Equal Opportunities Commission, the Disability Rights Commission and the Commission for Racial Equality. The CRE has expressed concerns about a number of issues relating to the working of the CEHR including concern that there is not an intention to establish a statutory race committee comparable to the proposed disability committee. Another major area of concern is the security of funding for local race equality work (predominantly through local Race Equality Councils) and the CRE is proposing that there should be government support for the creation of a new body to deal with issues to do with community relations, civic engagement and citizenship – outside of the CEHR.

As a result of these concerns there will be a phased entry into the new CEHR and the areas for which the CRE has responsibility will remain with the CRE until April 2009, when the CRE's responsibilities will transfer to the CEHR.

The CEHR will have a Scotland Committee and there is not yet agreement about the remit of the committee and in particular the grant giving function. There is concern within the CRE in Scotland that some the specific differences in Scotland (including existing legislative framework, the composition of the population and the low baseline of progress in relation to race equality) will not be taken into account unless GB wide committees understand the issues relating to Scotland and to devolution. CRE Scotland is concerned that progress on equality in some areas is falling through a 'devolution gap'.

Social inclusion strategies

In March 1999, the Scottish Executive set out its long-term inclusion strategy Social Inclusion: Opening the Door to a Better Scotland.[164] As part of that strategy it established 48 Social Inclusion Partnerships (SIPs) as the main delivery mechanism. Fourteen of these were area based and fourteen were thematic. One of the thematic SIPs was Glasgow Anti-racist Alliance (GARA).

In 2004 the strategy was refocused as "Closing the Opportunity Gap" and the Scottish Executive announced the establishment of a new £318 million Community Regeneration Fund (CRF) to bring improvements to Scotland's most deprived areas and help individuals and families escape poverty over three years. The CRF replaced SIPs, and Community Planning Partnerships (CPP) became the local delivery mechanism.[165]

This new approach had six objectives:

- To increase the chances of sustained employment for vulnerable and disadvantaged groups – in order to lift them permanently out of poverty;
- To improve the confidence and skills of the most disadvantaged children and young people – in order to provide them with the greatest chance of avoiding poverty when they leave school;

163_CRE Bulletin, Nov/Dec 2005.

164_The Scottish Office (1999), *The Social Inclusion Strategy – Scotland*.

165_Communities Scotland (2004). *Community Regeneration Fund*.

166_GARA (2005),
*Integrating Race,
Regeneration and
Community Planning in
Glasgow*.

167_www.nrcemh.
nhsscotland.com,
telephone: +44 (0)141 300
1057.

168_CRE and NRCEMH
(2004), *Fair Enough?*

- To reduce the vulnerability of low income families to financial exclusion and multiple debts – in order to prevent them becoming over-indebted and/or to lift them out of poverty;
- To regenerate the most disadvantaged neighbourhoods – in order that people living there can take advantage of job opportunities and improve their quality of life;
- To increase the rate of improvement of the health status of people living in the most deprived communities – in order to improve their quality of life, including their employability prospects; and
- To improve access to high quality services for the most disadvantaged groups and individuals in rural communities – in order to improve their quality of life and enhance their access to opportunity.

The resources of the CRF are distributed on an area basis to the most deprived neighbourhoods as highlighted by the 2004 Scottish Index of Multiple Deprivation (SIMD).

The SIMD has been criticised for not taking into account racial discrimination and inequality. Black and Ethnic Minority communities have not traditionally resided in the geographical communities that are highly ranked according to the traditional indicators of deprivation. According to Glasgow Anti-racist Alliance (GARA) "the deprivation for which the BME communities suffer cannot be translated into data zone categorisation."[166] They also argue that the low take up of public services is not due to a lack of need but to a range of institutional and cultural barriers combined with a lack of knowledge about their availability.

Case Example 8 – Health

Dedicated Resource Centre for Ethnic Minority Health[167]

The National Resource Centre for Ethnic Minority Health (NRCEMH)

NRCEMH was established as a result of a report into the Health of Scotland's Ethnic Minority Communities "Fair for All" (2000). It aims to "help to ensure a quality service that addresses the concerns of marginalised minority ethnic communities and to facilitate the development of a sensitive and culturally competent service based on anti-discriminatory policies and practices." It is funded by the Scottish Executive's Health Department.

NRCEMH has worked with the CRE to review the Race Equality Schemes and Fair for All Action Plans of produced by Scottish Health Boards and Trusts.[168]

Some of the key findings of the review were:

- Most Boards and Trusts demonstrated clear leadership and commitment in their willingness to make progress in their Schemes and Action Plans. However, a number of Schemes and Action Plans failed to meet RRAA and FFA requirements.
- Boards and Trusts have submitted Action Plans. However, some of the Action Plans omitted milestones, targets or timescales based on the functions and policies assessed as having most relevance to the General Duty, or were not explicit about outputs and outcomes or did not have full and realistic costings.
- Schemes addressed different aspects of communication. Translation and interpreting was generally well developed in the thinking of Boards and Trusts, although more work was needed on ensuring staff and users knew about this.
- *(continued overleaf)*

The National Resource Centre for Ethnic Minority Health (NRCEMH) *(continued from previous page)*

Some Schemes and Action Plans did not fully meet the RRAA and FFA requirements in some areas, including:

- engagement with workers; workers who were not employees (for example contractors such as GPs or research consultants, volunteers, people on placement) were barely mentioned nor were the barriers for minority workers.
- serious failure to meet the FFA service area requirements explicitly and to show that staff and potential users would be made aware of services and staff would be appropriately trained, in particular in the areas of procurement, personal care and dietary needs.
- race impact assessments; there was little evidence that Boards understood the implications in terms of resource commitment and findings.

Case Example 9 – Policing

Central Scotland Police training initiative[169]

Central Scotland Police RES progress report 2005[170] details the actions taken to promote race equality. They include the development and introduction of a "Racist Crime Repeat Victimisation Scheme" and a service user's survey for such victims. They have also worked to develop a relationship with the BME community and are part a multi-agency strategy group on racist attacks and harassment. With regard to training:

- All Police and support staff completed the National Equal Opportunities Strategy (NEOTS) course. This course included guidance on staff responsibilities under the Race Relations (Amendment) Act 2000 and Race Equality Scheme.
- Senior managers attended an additional Diversity Awareness Strategic Course at the Scottish Police College to gain an overview of race and diversity issues from a management perspective.
- A Race Equality Scheme (RES) Lead Officer's Group was introduced to maximise progress and promote awareness and understanding of individual responsibilities within the RES.
- Representatives from the Force have attended a number of seminars and training events in relation to the Race Relations (Amendment) Act 2000.
- The Force is currently reviewing the outcomes of its local NEOTS training programme and nationally, is contributing to a review being conducted by the Association of Chief Police Officers Scotland.
- The Force Diversity Strategy Officer provides input to all probationary officers in respect of dealing with racist incidents.

169 _www.centralscotland. police.uk. Telephone: +44 (0) 1786 456000.

170_Central Scotland Police (2005), *Race Equality Scheme Progress Report.*

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

171_Communities Scotland: www.communitiesscotland.gov.uk

172_Communities Scotland (2004), *Improving Understanding of the Housing Circumstances of Minority Ethnic Communities in Aberdeen City*.

Government initiatives in relation to service provision

The Scottish Executive

In 1999 the Scottish Executive established a short-life Race Equality Advisory Forum which advised on the development of a race equality strategy and action plans to tackle institutional racism and promote race equality and advised on consultation with and for ethnic minorities. As required under the Race Relations (Amendment) Act 2000, a Race Equality Scheme was published in 2002, with a commitment to produce an annual review.

The Scottish Executive has produced a mainstreaming equality website which collates equality related web-based resources and is designed to help policy makers and researchers understand the broad range of equality issues that have relevance across policy areas. The site covers all equality areas, not just race equality.

Communities Scotland

Communities Scotland is an agency of the Scottish Executive with a role to help deliver the policy objectives and Partnership Agreement commitments of Scottish Ministers. Their objectives mirror the Scottish Executive's fundamental aim, which is to make Scotland a country where everyone has the opportunity to enjoy a decent quality of life through affordable housing in strong and confident communities, having access to learning and employment opportunities, and living free from poverty, inequality and discrimination.[171]

It has taken a number of initiatives to progress race equality, including commissioning a number of reviews in different local authority areas to assess the housing needs, preferences and circumstances of the BME communities in those areas.

In Aberdeen they identified that the BME community was made up of four different groups, namely the visible minorities, those who belong to a white minority, Gypsies/Travellers and the International Student Community.[172]

The report highlighted that there was a need for closer collaboration between housing, social work and other services to address housing needs which are related to social care issues and safety from racial harassment in neighbourhoods and schools. It also reported the need for joint working between Communities Scotland, Aberdeen City Council and Registered Social Landlords to increase the availability of larger-sized accommodation in areas which are perceived to be free of racial harassment; and recommended working with the main providers of international student accommodation to address the shortage of affordable accommodation.

The action plan for the Council proposed:

- the development of a communications strategy to increase understanding of Council policies and procedures by minority ethnic communities and the full range of housing options;
- ethnic monitoring of applications, waiting times and allocations and other areas of service provision to ensure equality of access and outcome;
- the mainstreaming of the housing needs of minority ethnic communities through existing initiatives and strategies, including the homelessness strategies, increasing the availability of family accommodation, housing stock improvements and measures to reduce domestic energy consumption;
- increasing the participation and representation of minority ethnic communities in the Council workforce and Committees and tenants' organisations; and
- increasing the knowledge base relating to the housing needs of minority ethnic communities.

TARGETING

Although the policy emphasis in Scotland has been on mainstreaming equality it is recognised that there is still a need for targeted initiatives and for positive action.

The Executive's Equality Strategy[173] recognised the need to consider a number of approaches:

" The equal treatment approach: recognising that the same treatment of different groups may lead to different (and unequal) outcomes. There is a need therefore to provide policies and practices that take account of different needs.

Positive action approach: taking into account the disadvantage that a particular group has experienced and recognising the need for specific actions to support/enable the disadvantaged group. This may be said to be 'achieving a level playing field'.

Equality perspective approach: recognising that there are differences amongst groups, and ensuring that the needs of all the groups are considered in developing policy and decisions about resources. This approach assumes that policy resources and practice may need to change to better reflect the needs of all."

The Executive's Strategy and Action plan "provides both an overarching approach and specific and focussed measures when required, that are consistent with the mainstreaming approach."

The CRE, in their submission to the Scottish Executive's Strategic review proposed that, "The key priority for the Scottish Executive should be narrowing the gap in experience and outcome between Scotland's different communities."

The 2001 Census data and other sources indicate that ethnic minority communities are disadvantaged in a number of key areas such as employment, housing, access to health and social care, and education. The CRE also drew attention to the need to address the specific needs of some of Scotland's communities of interest including Gypsies/Travellers, Asylum Seekers, new migrants and religious minorities.

They argued that much race equality activity was piecemeal rather than strategic and while they recognised the importance of the mainstreaming approach they argued that the pressure to mainstream service delivery to the black and minority ethnic communities could reinforce indirect racial discrimination because services were unable to respond to different expressions of need.

One of the key issues relating to targeting services within mainstream provision relates to the need for additional resources. In some instances, targeting resources simply means re-focusing and the cost is not great. In other instances it requires addition funding and experience suggests that it is often the work that is most resource intensive that gets cut back in times of crises.

The Director of one voluntary organisation commented:

" Sometimes the establishment of a targeted project hinders the development of mainstream provision as the white staff in the mainstream of the institution never learn."

**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

174_Scottish Executive
(2004), *New Scots:
Attracting fresh talent to
meet the challenge of
growth.*

175_CRE (2005)
*Broadening of Horizons:
Making Fresh Talent Work
for Scotland.*

176_Ibid.

177_www.onescotland.com

Public debate

Scotland's population is a declining faster than anywhere else in Europe and it is predicted that by 2009 it will be below 5 million. The low birth rate combined with the shift in the population structure is of serious concern to the Executive. In February 2004 the Executive launched its Fresh Talent initiative[174] with the aim of bringing new migrants to live and work in Scotland. They estimated the need for additional people to come and live in Scotland each year between now and 2009. The initiative aims to:

- Promote Scotland as a place to live and work;
- Promote Scotland as a destination for people applying for UK work permits;
- Encourage students at Scottish universities to stay in Scotland; and
- Improve first impressions of Scotland on arrival.

The CRE has expressed concern that the focus of the debate has been on the measures to bring people into the country at the expense of a focus of the wider issues, such as the readiness and capacity of Scottish businesses to attract and retain migrant workers; the impact of increased migration on public services and on existing ethnic minority communities, and the wider implications of Fresh Talent for Scottish society.[175]

Their concern is that without a strong commitment to tackling racism the initiative will fail. They point to a Scotland where:

" one in ten Scots believe that there is nothing wrong with attacking people from another ethnic background; a Scotland where 43% of people do not think terms like 'Paki' and 'Chinky' are racist; a Scotland where almost 40% of people believe that there is a real danger of race riots occurring soon and where 68% of people want to keep immigration low…The Executive may understand the benefits of increased immigration, but we are not certain that the wider public is ready for it."[176]

The Executive is tackling the issue of racism through its One Scotland Many Cultures campaign. The campaign aims to:

" raise awareness of racist attitudes, highlight its negative impact and recognise the valuable contributions that other cultures have made to our society – and make Scotland no place for racism."[177]

The awareness-raising campaign is supported by practical support and funding for a range of initiatives aimed at tackling racism through sport, the workplace, the arts and by providing information. It has included a series of television adverts that both challenge stereotypes and provide information.

One of the related projects has been a partnership project with the Scottish Trades Union Congress, "One Workplace – Equal Rights." The project aims to tackle racism and promote equal opportunities in workplaces across Scotland as well as build the capacity of trade unions to bargain for, and promote, equality in the workplace.

The aims are to:

- Mainstream equality in trade union bargaining agendas to combat systemic discrimination in the workplace;
- Develop models of best practice for trade unions and employers to promote equality;
- Provide resources to engage effectively on equality issues via innovative learning, campaigning and information sharing; and
- Create sustainable mechanisms to facilitate further progress on equality issues and highlight trade union successes, beyond the life of the project.

It does this by providing free information, support and advice to employers, employees and trade unions through awareness raising seminars, the distribution of promotional materials, training for trade union representatives and a free telephone help line. The project's website also contains materials that are relevant to promoting and mainstreaming equality in the workplace and through the trade unions; as well as examples of good practice.

Case Example 10 – Policing

Safer Businesses for Ethnic Minorities

Central Scotland Police Race Equality Scheme (RES) progress report 2005[178] details a number of actions that they have taken to promote race equality. They include:

- the development and introduction of a "Racist Crime Repeat Victimisation Scheme" and a service users survey for such victims;
- developing a relationship with the local BME communities; and
- involvement in multi-agency strategy group on racist attacks and harassment known as RAHMAS (Racist Attacks and Harassment Multi-Agency Strategy) which they currently chair.

Central Scotland Police have been a significant partner in the establishment of a Safer Businesses for Ethnic Minorities initiative. The initiative was initiated by RAHMAS in response to statistics which show that over 60 per cent of racist incidents occurred within business premises that were owned or managed by members of the ethnic minority communities. The initiative aimed to identify the true extent of racist crime against businesses as well as the impact such criminal activity had on the business and the staff. It also aimed to reduce crime and fear of crime in business premises.

The support which was offered through the project included the temporary supply of CCTV equipment (as a remedial measure), information booklets, safety and security advice and information roadshows and contact details for staff on how to deal with aggression.

The evaluation of the pilot project showed that it had successfully met its key aims and suggested that there should be a Business Plan for the project to widen it further into the local community. As a result there is a three year plan for 2005-2008 with the overall aim of creating a safe working environment that meets the needs of staff and customers in minority ethnic owned and managed business.

179_www.skillnetedinburgh.
org.uk. Telephone:
+44 (0) 131 475 2451.

Case Example 11 – Employment
Skillnet[179]

Skillnet is a voluntary organisation set up in 1996 to enable people from minority ethnic communities to compete more fairly in the job market by pursuing further educational and training opportunities, careers advice, and support to enhance their employability. It is funded by Scottish Enterprise's New Futures Fund, the Home Office, the European Social Fund, Scottish Enterprise Edinburgh and Lothian and Lloyds TSB. It runs a variety of courses from information technology to employability skills. It also offers a drop-in job search.

It is the only organisation within Edinburgh and the Lothians doing this work with the BME community and during the past year it has developed a range of support packages for over 350 clients that have been directed to them by Job Centre Plus and other organisations. Most of these new clients are in Scotland as a result of migration from EU accession states. In addition it has worked with over 200 resident members of the BME community.

Skillnet has in the past offered both Scottish Enterprise (Scottish Enterprise is Scotland's main economic development agency) and Careers Scotland desks in the Skillnet base but neither have taken up the offer. They have been in negotiation with Edinburgh City Council over potential work placements within the Council but as yet, these have come to nothing.

Skillnet's Director commented that much of their work goes unrecognised and the proof of this is in its current funding crisis. As from April 2006, the Home Office funding stream will no longer cover work carried out in Scotland and as yet no alternative stream has been found. However, the Scottish Executive's Equality Unit has provided £45,000 until longer term funding is sourced. There is a view within Skillnet that their concerns are still seen as marginal and that although public bodies have a paper commitment to mainstreaming, Skillnet's work is not integrated into the system.

Case Example 12 – Health
Initiative for Asylum Seekers

Primary Care Services in Glasgow for Asylum Seekers

Asylum Seekers who arrive in Glasgow through NASS (National Asylum Support Services) are entitled to the same health care system as the indigenous population, although additional services might be required such as interpreting.

Within two days of arrival in Glasgow, asylum seekers receive a Welcome Pack which explains how they can access medical and dental services in the city which are provided by the Primary Care Division. Included in this information is the name and address of the GP who will have already been sent information about the asylum seeker.

Asylum seekers are asked to attend their designated GP in the days after their arrival in the city, and the GP will be expecting him/her to visit their practice premises. When the family registers with the GP, a health visitor assess the family's needs and refers them, as requested, to other services.

Currently 36 GP practices and associated staff are providing this service throughout the city. This multi-agency approach was the first of its kind in Britain.

Case Example 13 – Health
Gypsy/Traveller Initiative[180]

NRCEMH, in consultation with Gypsy/Travellers have developed a Patient Record of Personal Health which is a handheld record to be carried by the individual. It is hoped that this will greatly improve the continuity of care for Gypsy/Travellers and that, in turn, this will have a significant impact on the inequalities of health experienced by Gypsy/Travellers.

The hand-held record system will only be successful if Gypsy/Travellers make use of it and if is readily accepted by the NHS. Training is being offered training on the use of hand-held records to NHS staff and other NHS partners.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

BENCHMARKING

Data Collection: the legal requirement to monitor by ethnicity

Employment

The Race Relations (Amendment) Act 2000 requires that all public authorities monitor, by ethnic groups, all employees, and all applicants for jobs, promotion, and training. Public authorities employing more than 150 people, also have to monitor the number of employees from each ethnic group who:

- receive training;
- benefit or suffer disadvantage as a result of performance assessments;
- are involved in grievances;
- have disciplinary action taken against them; and
- end employment with the authority.

The CRE also advises that other aspects of the employment process are monitored. For example as well as knowing the ethnicity of those who apply for jobs it would also be useful to know how many applicants from each ethnic group succeed and how many do not, at each stage of the selection process.

Policy and service delivery

Public authorities that are bound by the employment duty must set out how they will monitor the impact of the policies they have adopted, or are proposing to adopt, on promoting race equality. This applies to all functions and policies that are relevant to the general duty.

Educational institutions bound by the general duty also have specific duties. Schools must assess the impact of all their policies on pupils, staff, and parents from different racial groups. They must also monitor the way their policies work. The duty expects schools to place special emphasis here on pupils' attainment levels. Further and higher education institutions must assess the impact of all their policies on students and staff. They must also monitor, by racial group, student admissions and progress, and staff recruitment and career development.

However, it is not obligatory under the Race Relations Act for private sector organisations to keep ethnic records but the CRE suggests that without doing so it would be difficult know whether or not people are being racially discriminated against.

National data collection mechanisms

The key national data collection mechanism is the Census. Results of the last Census in 2001 provide an analysis by ethnicity of the population in relation to household size and type, housing tenure, labour market activity, health and care, education and religion.

The Annual Scottish Labour Force Survey provides a Scottish figure for the working-age employment rate for minority ethnic residents of Scotland, (55.2% for the minority ethnic population compared with 74.8% for the total population of people of working age resident in Scotland.)

The Scottish Household Survey Annual Report disaggregates data by ethnicity in relation to the characteristics of household members and the characteristics of the adult population. The information is not cross-tabulated with other data.[181]

The 2000 Scottish Crime Survey carried out a boosted ethnic minority sampling, with a sample size of 424. It examined the experience and impact of crime on the victims, concerns about crime, experience of contact with the police, attitudes to the police sentencing and prison, and awareness and attitudes to drugs. The survey was the 5th Scottish Crime Survey and the first to carry an ethnic minority booster sample

Information on ethnicity and health is sparse in Scotland. The 2001 Census provides data on ethnic groups, and other relevant variables including country of birth. There are no usable data from primary care, the Scottish Morbidity Register, child health information systems or from large-scale social surveys. Data from genitourinary services and drug misuse services are collected but have not been analysed.

There are attempts to remedy this problem, for example ethnicity and religion will be captured in the planned e-Health National Clinical Dataset.[182]

Effectiveness of data categorisations

The 2001 Census in Scotland collected information on country of birth, ethnic group, religion of upbringing and current religion. The ethnic group categories used in the Census 2001 forms were:

Table 11: Ethnic Group Categories Census 2001

A. White	B. Mixed	C. Asian, Asian Scottish or Asian British	D. Black, Black Scottish, Black British	E. Other Ethnic Background
Scottish Other British Irish Any other White background (please write in)	Any Mixed background (please write in)	Indian Pakistani Bangladeshi Chinese Any other Asian background (please write in)	Caribbean African Any other Black background (please write in)	(please write in)

The Commission for Racial Equality (CRE) in Scotland has slightly amended the categories so that under "White", "other British" is broken down to "English" "Welsh" and "Other" and headline "C" has been expanded to become "Asian, Asian Scottish, Asian Welsh or other Asian British". Overall, the categories can still be aggregated in a way which allows for comparison.

In April 2005, the Scottish Executive published a research report on the collection of data on ethnicity in Scotland, with particular reference to the Census.[183] The overall aim of the research was to inform the development of a classification of ethnic identity; ideally one that would meet a variety of needs. Issues included the representative-ness of the ethnic classifications used by the Census and the relevance of these classifications to those who use Census data. The research targeted three types of respondent: stakeholders (those with a special interest), data providers (the general public) and data users (people who collect and analyse ethnicity data).

182_Ethnicity Information in Scotland: forwarded by NRCEMH; no date.

183_Scottish Executive (2005) *Ethnic identity and the Census research report*.

184_For example, refer to the Scottish Executive's Racial Equality Strategy.

185_Lesley Irving, Scottish Executive, speaking at the conference.

186_Information provided by Glasgow City Council.

All three types of respondent recognised a variety of reasons for the collection of ethnicity data by the Census. However, stakeholders believed that current data collection needed to move beyond being a simple compliance exercise. They described the conflation of nationality and ethnicity with skin colour as problematic if not divisive. Data providers and stakeholders perceived there to be a lack of evidence showing how ethnicity data was being used. By contrast, data users described several ways in which they were currently using ethnicity data to improve practice. There was a distinct gap between these two views. Respondents generally agreed that the ethnicity classification used by the Census could be improved to better record diversity. Respondents recognised the fluidity of concepts such as ethnicity and identity, with a number referring to an evolving sense of Scottish-ness and multiple ethnic identities

There is also a debate on the classification of Travellers in Scotland. The CRE recommends that:

" Whilst current legislation protects Gypsies as a racial group, Travellers in Scotland are currently not protected. However, discriminatory practices against Travellers are also likely to be discriminatory against Gypsies. It is therefore recommended that Travellers be treated as if they were a racial group."

Within the Traveller community there are competing views about classification. There is a view that the term "Scottish Traveller" is the preferred term (as this is arguably the term that is most commonly used by Travellers themselves). The other view is to be classified as "Gypsy/Travellers" which would clarify the position of the group in respect of the Race Equality Legislation. The Scottish Executive also regards Gypsy/Travellers in Scotland as a distinct ethnic group at risk of discrimination and calls on others to do likewise.[184]

Changing populations

The 2001 Census revealed that the minority ethnic population was 100,000 (2% of the total population). However the Census cannot provide accurate data or up-to date data on migrant workers – most of whom have arrived since 2001. With the current classification system most migrant workers will be classified as "White – other". There is also a concern that given the small number in some geographical areas, the provision of some small level data might compromise the respondents' confidentiality. There is evidence from health providers that the number of new migrant workers in Scotland, particularly from the EU accession states is significant. There are steps to improve this as outlined at the conference:

" Yes, we have a difficulty with that in Scotland because with the minority ethnic population at the last census at 2%, without boosts it's very difficult to get good data. There are also difficulties as I'm sure you are aware with the ethnic identity questions that were asked in the 2001 census and the General Registry Office of Scotland will be trialling next month some new ethnic identity questions that developed out of consultation that we held. Hopefully these will give us better data to better reflect the changing demography of Scotland."[185]

Benchmarking examples

There are a number of data collection gaps that impede progress. For example, there is a still a reluctance by many staff (and potential staff) in public bodies and service users to complete the ethnic monitoring forms. Even where the systems are in place, there is still a need to convince people of its importance. Glasgow City Council does particularly well with 85% compliance.[186]

One of the key targets for the Executive's Strategy "Closing the Opportunity Gap" is getting 16/18 year olds into work rather than on benefit. However research within the BME communities shows that many BME young people of that age do go to college after school. The critical point for them is actually after the age of 25 (including university graduates).

Given that Scotland's anti-poverty and social inclusion strategy relies on targeting resources to the poorest and most disadvantaged communities in line with the Scottish Index of Multiple Deprivation, it is significant that the indices framework was developed without factoring in ethnicity.

In GARA's response to Glasgow City Council's Children Service Plan (March 2005), they argue that if planners rely on this index without any additional reference, it is likely that black and minority ethnic communities will continue to be excluded. In an earlier report on Housing and Young People[187] GARA stated:

" there is a dearth of statistical information about the position of young black people and their housing situations in Scotland and there is need for the key players to work together to plug gaps in intelligence where they exist."

Case Example 14 – Health
Initiatives to Improve Data Collection[188]

The Scottish Health Statistics website[189] acknowledges that there has been a lack of detailed information on equality and diversity in Scotland and that information on ethnicity has not been collected routinely. What is required at this moment is detailed person-based information to allow specification of the scope and scale of the problem facing NHS Scotland organisations, to inform the design of solutions to address these problems and to support NHS Scotland in its aim to be a culture that operates and promotes equality and diversity in all its business areas.

As a result NHS Scotland (through NRCEMH) has developed a programme to:

- assess the extent of health inequalities and monitor the impact of efforts to reduce them;
- establish the extent to which health service provision is culturally appropriate and monitor changes; and
- help NHS Scotland account to the public for equality and diversity within health.

They have developed an "Equality & Diversity Information Programme" which has consists of six strands:

1. Classification Standards
Define and implement the ethnicity and socio-cultural associated data standards to be used in all NHS Scotland systems for monitoring ethnicity and diversity in health.

2. Technical
Provide and implement a specification of requirements for use by NHS Scotland systems to ensure the correct and consistent recording and reporting of equality and diversity in health; to be used to modify computer systems in use across Scotland.

190_CRE (2002) *A Guide for Education Authorities and Schools in Scotland: Non statutory Code of Practice.*

191_Information from GCC Education department 17.10.05.

192_Local Government Scotland Act 2003: Community Planning; Statutory Guidance.

3. Patient Focus Public Involvement
Ensure that NHS staff and all ethnic groups across Scotland willingly consent to give more personal information about themselves.

4. Training
Train appropriate staff in data collection procedures, analysis and management of equality and diversity information.

5. Research and Development
Develop and implement national evidence base for health & ethnicity and other diversity groups.

6. Human Resources
Develop and implement ethnic monitoring of staff in partnership with the Scottish Executive Human Resource Partnership & Employment Practice.

Education

The Race Relations (Amendment) Act 2000 requires that schools and Education Authorities monitor pupil attainment levels by racial group. The guidance also suggests that it would be useful in the analysis of this data to also monitor rates of exclusion, racial harassment and bullying, curriculum, teaching and guidance (including language and cultural needs), punishment and rewards, support, advice and guidance and parental involvement in the school.[190]

In many local authorities some of these systems are still being developed. There was an issue of the incompatibility of the software; for example, incidents of bullying could be monitored but there was a difficulty in disaggregating racist incidents. In many areas this has now been addressed. In Glasgow City Council racist incidents in schools are tracked and the information is published annually. They also track by ethnicity: attendance, free meals entitlement, and national assessment levels in relation to the 5-14 curriculum. They are also developing tracking for Scottish Qualification Agency exam results and have started to record stages of English language acquisition in relation to bi-lingual learners.[191]

ENGAGEMENT

The legislation

The Local Government Scotland Act 2003 provides guidance for the Community Planning Process and sets out a framework for making public services responsive to the needs of communities. The two main aims of the process are to ensure:

- people and communities are genuinely engaged in the decisions made on public services which affect them; allied to
- a commitment from organisations to work together, not apart, in providing better public services.[192]

The Act places a duty on local authorities to initiate and facilitate Community Planning in their respective areas and to involve all the relevant local public, private, voluntary and community bodies. The Act also requires that those bodies involved in Community Planning should encourage equal opportunities and it requires that local authorities should use their facilitation role to ensure that equalities objectives are mainstreamed into the process.

Case Example 15 – Engagement
Good Practice Guides

Good Practice Guidance: The Scottish Executive[193]

The Scottish Executive has issued Good Practice Guidance on Consultation with Equalities Groups. The guidance explores the pros and cons of the various forms of written and face-to-face consultation and a number of issues are identified that might impact on the ability of some of the under-represented groups to participate. These include the issue of under-funding, lack of capacity and lack of experience of positive outcomes of previous consultation processes.[194]

Good Practice Guidance: Convention of Scottish Local Authorities (COSLA)[195]

COSLA produced guidance on mainstreaming equalities into the community planning process. Their recommendations include:

- The need for partnerships to identify the actions they intend to take to encourage equal opportunities;
- The need to ensure that equalities groups and interests are represented in the consultation process;
- The need to build the capacity of equalities groups to enable full participation;
- The need to build the capacity of the partners to enable them to engage with the equalities groups; and
- The need to monitor and evaluate their performance in relation to the encouragement of equal opportunities.[196]

Glasgow Anti-Racist Alliance (GARA) held a conference in December 2004 on "Race and Community Planning" and in January 2005 they held a meeting for the BME community to discuss the draft Glasgow Community Plan. Their response was critical not just of the Glasgow Plan but also of some of the broader issues in Community Planning. In particular they drew attention to a need to address issues broader than service delivery and to address institutional systems, behaviour and practice. They also argue that the emphasis on "inclusiveness" is at the expense of the issue of inequality and as a result there is little in the plan that explicitly outlines the actions that will be taken to challenge racism and discrimination or to deal with their impact. They recommended that the good practice guidance produced both by COSLA and the Scottish Executive should be followed.

193_www.scotland.gov.uk/Publications/2002/06/14850/5330 Telephone: +44 (0) 131 244 0123.

194_Scottish Executive (2002) *Good Practice Guidance: Consultation with Equalities Groups.*

195_www.cosla.gov.uk Telephone: +44 (0) 131 474 9200.

196_COSLA (2003) *Guidance on Equalities, Best Value, Community Panning and the Power of Well-being.*

197_www.glasgowcity
council.co.uk/healthycities
Telephone:
+44 (0) 141 287 6988.

198_www.glasgow.gov.uk
Telephone:
+44 (0) 141 341 0019.

Case Example 16 – Engagement
Greater Glasgow NHS[197]

In 2003 NHS Glasgow produced a report "Listening to Communities: Involving People in Health" which identified the need to build the capacity of the minority ethnic communities to be involved effectively with NHS Services.

As a result the "Building a Bridge Project" was developed as a partnership between Glasgow Healthy City Partnership, Greater Glasgow NHS Board, Ethnic Minority Enterprise Centre, NHS Health Scotland, Reid Kerr College and other interested groups.

The overall aim of the project was to "to enhance Black and Minority Ethnic community involvement in health promotion agenda through the establishment of a Health Promotion Initiative."

Central to the project's strategy was the development of a number of facilitators from the Black and Minority Ethnic and Refugee communities whose key role was to assist in a two-way communication process between the Health Board and the communities. This would both improve the provider's knowledge of community needs and effective ways of delivering those needs and the communities' knowledge of the available services.

Fifteen facilitators were recruited and they attended training provided by a local college. An important part of the training was a placement within a health setting.

Over all the project was successful but there were some useful lessons that were learned:

- Placements in a community setting were more positive experiences than those in an NHS setting.
- There was a mismatch of expectations between the placement providers and the facilitators. In some cases the expectations of the placement providers were higher than the participants were capable of and in some cases facilitators needed more support than was provided by the placement/ project. This highlighted the need for clarity of purpose, expectations and roles from the outset.

As a result of the project some of the facilitators found permanent employment within health settings.

Case Example 17 – Education
Translating and Interpreting[198]

Glasgow City Council's Education Department is a partner in the Glasgow Translation and Interpreting Service, which allows schools access to interpreters free at the point of delivery. The Department also produces a comprehensive file of standard letters translated into 15 different languages. For major consultation exercises all documents are translated into the four main languages; Arabic, Chinese, Punjabi and Urdu.

CONCLUSION

The Race Relations Amendment Act 2000 has undoubtedly brought major changes to the race equality agenda in Scotland. The requirement on all public bodies to assess the relevance all their functions to race equality and to be proactive in pursuit of race equality in respect of all those functions has undoubtedly generated a great deal of activity.

A criticism of the RRAA has been that it has generated mountains of paper and policies but not necessarily a corresponding amount of action. Without doubt it has raised the profile of race equality and all public bodies now have a race equality scheme. The enthusiasm with which they are pursued does however depend on the commitment of leadership in the organisation as well as the skills and competence to implement them at all levels of the organisation.

The demography of Scotland is rapidly changing. Not only is there an aging population but there are serious skills and labour shortages in many sectors. The combination of these two factors means that Scotland is positively encouraging migration to Scotland through the Fresh Talent Initiative. In addition to the BME communities that, by and large, have been here for several generations, there are increasing numbers of new migrant workers arriving from the accession states.

Mainstreaming is a key strategy for the Scottish Executive and the mainstreaming agenda has had an impact on policy development. However, for many in the BME voluntary sector, mainstreaming is seen as a paper exercise that has brought about little real change. There is still evidence of what the CRE describe as the "ethnic penalty."[199] The discriminatory attitudes and experiences that are faced by the BME communities, including Gypsies/Travellers and refugees will not make Scotland an attractive place to live unless the issues of racism and discrimination are addressed.

Because of the legislation described in this chapter, service providers recognise the need to be proactive in pursuit of race equality and they recognise the need to be transparent in their actions. However, many are still struggling with identifying and prioritising the appropriate actions. The CRE Scotland has moved from a position of providing public bodies with individual tailored feedback to a position of expecting compliance and it is now ready to move into its enforcement role. The role of Inspectorates is crucial in relation to the mainstreaming agenda. There is concern that with the advent of the CEHR there will be a dilution of focus and that issues of race equality may become marginalised within the broader agenda of equality and diversity.

While there is evidence of much good practice that targets the BME communities there is a need to move from a position of specialist provision that is not securely funded to one where it is recognised that the processes for delivering appropriate services to the whole community requires differential methods.

Within the BME communities there is experience of targeted services being delivered as pilot projects that do not go on to receive mainstream funding, or of research being conducted into the communities' needs and then there not being adequate funding for work to meet those needs. At the conference, Lesley Irving from the Scottish Executive outlined new funding opportunities:

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

" I'm in the happy position to be the custodian of a new stream of funding in Scotland called the Race Equality and Integration and Community Support Fund... One of the intentions of that funding is to do exactly that, to capacity build with community organisations so that they are in a position to engage, because we recognise that you can't expect people to engage without putting something in place to enable them to do so."

Though targeting is an important way of delivering services to the BME communities it has to be seen in the context of mainstreaming otherwise a two-tier system for service delivery develops.

The RRAA requires that there is recording and monitoring of many aspects of employment policies and service delivery. Where historically there have been gaps in benchmarking data these are being addressed because of the current legislation.

The debate about ethnic classification in Scotland has been heated, with a great deal of time being spent discussing the different emphasis that should be put on colour, ethnicity and nationality. In addition the arrival of new migrants from EU accession states, most of whom would be classified as "white – other" may require the process to be further refined.

Again the legislation requires that there is a level of consultation on race equality schemes and there are a number of guidance documents to assist this process. In rural communities engagement has required creative thinking and there are good practice examples to draw upon.

In addition the Local Government Scotland Act (2003) also requires that there is community engagement in the community planning process. However within the voluntary sector there was concern that the policies were not necessarily translated into practice and that there was a need for a more visible commitment to ensuring that the BME communities were fully engaged in the process.

CHAPTER 4: IRELAND RESEARCH FINDINGS

Author: Piaras MacÉinrí
University College Cork

Researcher: Jennifer O'Riordan, with assistance from Aki Stavrou

INTRODUCTION

European peripheral countries such as Ireland, Portugal, Spain, Italy and Greece have all changed in the relatively recent past from being states with strong traditions of emigration to being receiving societies, experiencing substantial, diverse and ongoing inward migration. Because the phenomenon is recent, they have tended to lack a range of experience, policy, legislation, and services. This contrasts with European receiving societies such as France, Belgium, the Netherlands, Germany and Britain. The characteristic feature of the latter group of countries, however different their policies, is that they have experienced relatively large-scale immigration, at least since the close of the Second World War, and that multi-generational ethnic minorities have therefore been a reality for a comparatively long time. By contrast the 'new' immigration countries have all had to develop rapid responses to a situation which has only arisen on a substantial scale within the past decade.

Immigration to Ireland prior to the 1990s, other than return migration, was extremely low and confined for the most part to managers and employees of multinational companies which began to invest in Ireland in the 1960s. Before that period Ireland was a largely mono-ethnic country, although there were small Jewish, Chinese and Italian communities. Few refugees settled before the 1990s apart from some Hungarians in 1956 (many of whom left again), Chileans in 1973, Vietnamese in 1979 and Iranian Baha'i in the mid-1980s. In the 1990s Ireland also received Bosnian and later Kosovar programme refugees. By then the general picture had also begun to alter with increasing immigration and a rise in the numbers of asylum seekers arriving at Irish ports and airports.

The challenge of service provision by the public authorities for minority ethnic groups did not therefore arise on a substantial scale before the very recent past, with one significant exception: the case of the Traveller community, an indigenous ethnic group. The Irish experience here has not been the happiest one and efforts until the relatively recent past were directed more at assimilation than towards recognition of the specificity of their needs as a separate community with ethnic and cultural norms of their own.

DEMOGRAPHICS

Until data from the forthcoming 2006 Census is published, it will not be possible to provide a comprehensive overview of ethnic diversity in Ireland because of the lack of an ethnicity question in the 2002 Census and because of the dramatic changes in inward migration into Ireland since the EU expanded in May 2004.

The 2002 Census of Population provides a breakdown by nationality in Ireland and identifies five main regions of origin for ethnic diversity in Ireland. These are the UK and other EU nationals (3.4% of the total population), Asian (0.5%), African (0.5%) non EU Europeans (0.5%) and the United States (0.3%). The Census also identified that the Traveller population in Ireland was around 24,000, representing 0.6% of the population of Ireland, although NGOs feel that the true figure is closer to 30,000.[200] The Central Statistics Office will be introducing an ethnicity question into the 2006 Census for the first time, which will give a much fuller picture of ethnic and related forms of diversity in Ireland.

Ireland has gone through a period of major social change in the past twenty years. Several significant changes have occurred in the areas of demography and migration:

- Ireland's emigration rate, which had fallen in the 1960s, reversed in the 1970s and peaked anew in the 1980s, has now fallen to a historically low rate of less than 17,000 per annum. Most modern-day emigrants are voluntary and the evidence of the 1980s suggests that at least half will return. For both demographic and economic reasons, it is reasonably safe to say that a return to mass emigration levels comparable to those of the 1950s and 1980s is unlikely.
- The demographic transition observed in other European countries arrived probably thirty years later in Ireland than in other places. Total fertility rates (TFR) in Ireland in the 1960s were, at more than 4.0, more than twice the average figure at the time elsewhere in northern Europe. From the 1980s onward a pattern of convergence toward the European norm was clearly visible. Today the Irish TFR is still, at 1.98, the highest in the EU and contrasts sharply with that of Italy and a number of other Member States, including some of the new Accession States, where the TFR is well below the replacement rate. But Ireland's demographic structure has changed for good and it is likely that the country will experience, albeit at a different pace, the same phenomena of an ageing population, diminishing young indigenous population and a rising immigration rate that can be noted in virtually every other wealthy European country.

EU Migrants and Non-EEA Work Permit Holders

In common with asylum seekers and refugees, the number of people moving to Ireland to seek work has increased dramatically. Non-EEA[201] citizens require work permits to work in Ireland.[202] These permits are issued through two different mechanisms: the Working Visa/Work Authorisation (WV/WA) programme and the Work Permits scheme. These schemes, while complementary, cater for people from different places with differing skills. The WV/WA programme targets high skilled, well educated workers needed for the service and high-skilled manufacturing sectors. The Work Permits scheme targeted lower skilled workers, from outside the EEA, needed for catering, agriculture, industry, nursing, and domestic home help. Prior to 1998 work permit applications were below 5,000 per year, from then on numbers of applicants rose steadily until 2003, peaking that year at 47,551.[203]

200_Pavee Point Travellers Centre (2005), *Irish Travellers Shadow Report to the Committee on the Elimination of Racial Discrimination*, p.18.

201_European Economic Area: EU states and Norway, Iceland and Liechtenstein. A separate but similar regime operates with Switzerland.

202_There are certain exceptions such as students, persons married to EU citizens and persons with refugee status or leave to remain.

203_Department of Enterprise, Trade and Employment http://www.entemp.ie/labour/workpermits/statistics.htm#byyear

**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

204_Spain, Portugal,
Finland and Greece have
also lifted restrictions, as
of 1 May 2006, while the
Netherlands is reported to
be considering a move by
the end of 2006.
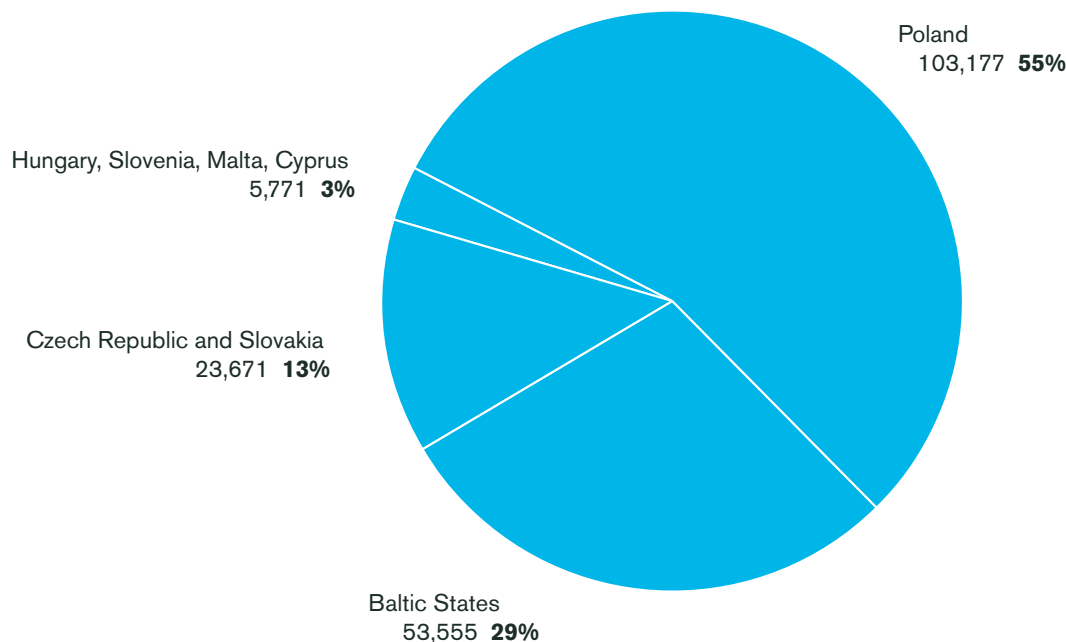
Figure 7: Work Permit Numbers
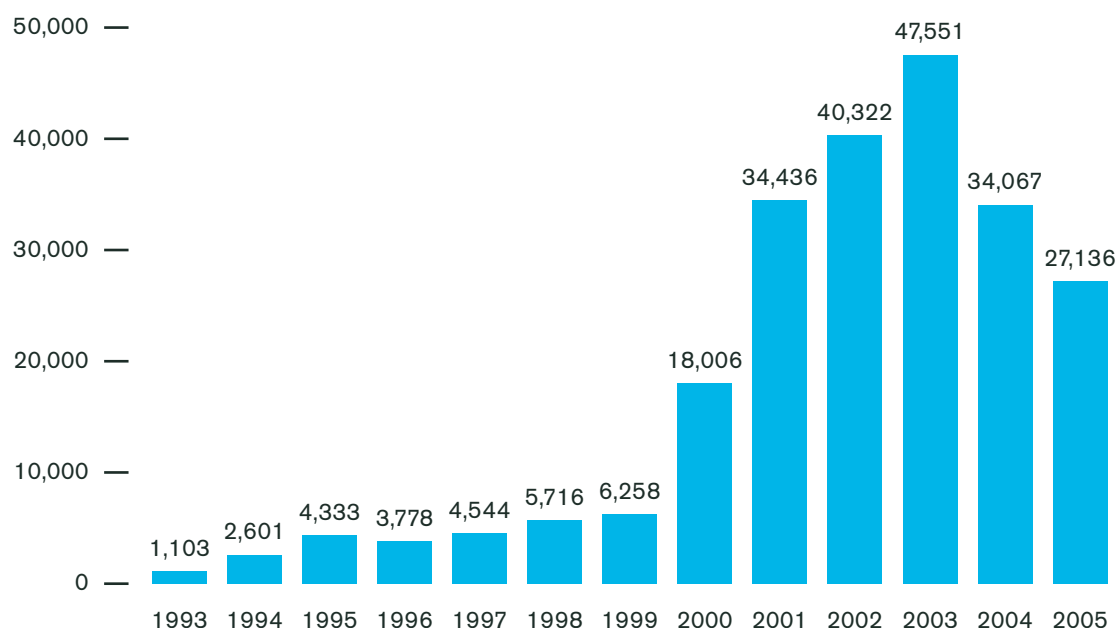
With accession to the EU by the ten new states from May 2004 the work permits scheme was altered. On the one hand the Government decided to allow migrant workers from the new Member States unrestricted access to the Irish labour market, although, following the UK example, it introduced restrictions on access to welfare benefits by imposing a two-year 'habitual residence' rule before migrants could claim the full range of welfare benefits. On the other hand, it moved to restrict immigration from outside the EEA, by limiting the categories of work for which it was possible to apply for a work permit. The result was a significant decline in non-EEA workers: the 2004 figure was 34,067 (including 23,346 renewals), a drop of 28% on 2003, and 27,136 for 2005 (including 18,970 renewals). The number of work permits issued has fallen further since that time. These figures do not include WV/WA permits. WV/WA permits are in the thousands rather than tens of thousands but it may be assumed that they will be continued into the future in order that people with high-demand special skills can be attracted in an increasingly globalised, demand-driven labour market.

Ireland was one of only three of the 'old' EU15 member states (the others being the UK and Sweden) which imposed no transitional arrangements concerning admission to the labour market for citizens of the accession states.[204] Sweden experienced a very modest inward migration of 3,514 workers in period May-December 2004. For the period 1 May 2004-30 September 2005, 293,000 workers from the new Accession States moved to the UK. In Ireland, 133,258 Accession workers obtained PPSNs (personal public service numbers) in the same period, an annualised figure of more than 94,000. To put this in context, the UK has fifteen times more population than Ireland. Moreover, that statistic does not include persons who migrated to Ireland from outside the EU with work permits, or work visas/authorisations, international students, workers and individuals from the other 14 'old' EU Member States, and the non-economically active spouses and families of any of these categories of migrants.

Figure 8: PPSNs

Poland
103,177 **55%**

Hungary, Slovenia, Malta, Cyprus
5,771 **3%**

Czech Republic and Slovakia
23,671 **13%**

Baltic States
53,555 **29%**

However (and it is a major however) it should be noted that these figures represent 'flows', not 'stocks'. We know relatively little about how many people come for a short period and leave again. In particular, the main data source available for new EU accession countries in intercensal periods is the issuing of PPSNs. Anecdotal evidence suggests that many Poles, for instance, register and work for a few months before returning home. They are somewhat similar to their Irish equivalents in the USA in the 1980s; that is, sometimes undocumented people with a good education who chose unskilled or semi-skilled work before returning to Ireland. It also appears that some migrants who obtained PPSNs never took up work in Ireland at all.

Immigration to Ireland on this unprecedented scale has not been trouble-free. Concern has been expressed about sectors such as domestic service where feminisation and casualisation of the workforce are occurring in a poorly regulated environment. A number of high-profile cases involving the exploitation of migrant workers have led to concerns in some quarters that migrant labour, especially in unskilled sectors, may be leading to the displacement of Irish workers as well as downward pressure on wages and working conditions. This is despite the fact that Ireland is viewed as a real beneficiary of enlargement with the economy performing exceptionally well; growth in employment and in labour force ahead of the EU average; and with one of the lowest rates of unemployment in the EU.[205]

**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

206_The granting of leave to remain to the parents of Irish-born children is not unconditional and permanent and will be subject to an initial review after a period of two years.

207_Also refer to the Context Chapter: *Situation of Minority Ethnic Groups.*

208_Pavee Point Travellers Centre (2005), *Irish Travellers Shadow Report to the Committee on the Elimination of Racial Discrimination*, p.18.

209_www.paveepoint.ie/ pav_culture_a.html

210_*First Progress Report of the Committee to Monitor and Co-Ordinate the Implementation of the Recommendations of the Task Force on the Travelling Community* (2000), available at: www.justice.ie/ 80256E010039C5AF/ vWeb/pcJUSQ5ZCBRV-en

Second Progress Report Of the Committee to Monitor and Co-Ordinate the Implementation of the Recommendations of the Task Force on the Travelling Community (2005), available at: www.justice.ie/ 80256E010039C5AF/ vWeb/pcJUSQ6K2L2B-en

211_Committee on the Elimination of Racial Discrimination (2005), *Concluding observations of the Committee on the Elimination of Racial Discrimination, Ireland*, UN Doc CERD/C/IRL/CO/2. 14 April 2005.

Asylum seekers and refugees

Apart from the dramatic increase in labour migration from EU and non-EU countries between 1995 and 2004, there was also an increase in asylum seekers. From a low of 39 applicants in 1992 the number seeking asylum grew to 11,634 in 2002. Following the world-wide fall in asylum-seeking numbers, the 2004 Citizenship Referendum, the adoption of a fast-track system for the processing of asylum claims from so-called safe third countries and the introduction of carrier sanctions (which had the effect of making it much more difficult for would-be asylum seekers to reach Ireland) applicant numbers fell dramatically to 4,304 in 2005. The number of applications for the first three months of 2006 was 1,135.

By the end of 2005, a total of 6,814 persons had been granted full refugee status since 2000; the largest communities were Nigerian and Romanian. This compares with a total of 48,632 applications processed since 20 November 2000. In addition, there were 1,985 applications for family reunion between 2000 and March 2006, for a total of 4,504 dependents, of which 3,822 have already been processed. 16,727 persons were granted leave to remain under a special application process for the parents of Irish-born children put in place after the Supreme Court 2003 Lobe and Osayande cases overturned the status quo ante whereby the majority of parents of Irish-born children acquired indefinite residence rights.[206] Currently, therefore, there are at least 27,000 persons legally resident in Ireland who originally arrived as asylum seekers or who were granted entry as family members. They now constitute a significant range of diverse ethnic communities, further augmented by the several thousand children born since their arrival in Ireland. Many of the estimated 167 languages spoken nowadays in Ireland are in use among members of these communities.

Travellers[207]

The census identified that the Traveller population in Ireland was around 24,000, representing 0.6% of the population of Ireland, although NGOs feel that the true figure is closer to 30,000.[208] Travellers are an indigenous minority, documented as being part of Irish society for centuries. Travellers have a long shared history and value system which make them a distinct group; they also have their own language, customs and traditions.[209]

Service provision to Travellers has been influenced by the 341 recommendations of the Task Force on the Travelling Community, published in 1995. The Task Force recommended that a formal monitoring mechanism should be put in place to co-ordinate, oversee and progress the implementation process. A Committee was put in place; and has published two progress reports;[210] however without having seen full implementation of the recommendations, it appears that emphasis has shifted from this Committee to the High Level Officials Group on Traveller issues, which does not include any Traveller representation. The serious issues in relation to service provision to Travellers in Ireland were recognised in the UN Committee on the Elimination of Racial Discrimination's (CERD) Concluding Observations in 2005.[211]

Students

Students are not usually regarded as 'immigrants' in the classic sense. But recent years have seen a dramatic growth in the numbers of international students in the Irish education system. A survey by Education Ireland records a total of 22,947 non-Irish students registered in participating Higher Education Institutions in Ireland during the 2004-2005 academic year, 14,106 of whom are from non-EU countries. This figure does not include the much larger number of students enrolled in private language schools. In the case of the Chinese community alone, estimates of the number of Chinese students in Ireland vary from 13,000 to 60,000 or even more.

Prospects for ongoing strong immigration

The Irish economy is extremely exposed to global trends, because of its dependence on foreign direct investment and its extremely export-driven growth patterns. However, barring unforeseeable catastrophic events, current projections suggest that continuing strong growth is likely. The Economic and Social Research Institute's Medium Term Review 2003-2010 suggests that employment is likely to grow by a further 220,000 jobs between 2005 and 2010, generating further net immigration of at least 100,000 for the period.

In addition, the Government appears to be moving towards a regime which recognises a continuing need for some high-skilled migration from outside the EEA. The assumption seems to be that migrants from the new accession states will take the less skilled posts, which in fact appears to be happening (although many have post-second level education). These patterns may change as other EU member states open their labour markets. Media reports suggest that the Government is unlikely to extend free access to the Irish labour market to the next accession states (Romania and Bulgaria in 2007), at least as long as a number of the major member states still have not opened their borders to the first accession states.

The effects of high levels of immigration are now visible across the geographical, economic, social, religious and cultural landscapes of Ireland. Goods and services aimed at ethnic niche markets, new revivalist churches and other faith communities, print and electronic media in various languages, the challenges of increasingly multilingual and multiethnic school, workplace and community environments, the need for more effective action against racism and discrimination, are all testimony to the scale of change. For the first time, the 2006 Census form was translated into 11 languages as well as Irish and English and information on completing the Census form was provided in a further five languages; it also contained a new question on ethnicity.

Demographic Projections

In a comparative context, Ireland's current demographic change is unique in Europe. Projections suggest that Ireland's population could reach 5 million in 2030, which could exceed the population of Scotland for the first time since the foundation of the State. The present population of Ireland is just over 4 million and the percentage of foreign-born people could exceed 1 million in 2030, compared with 400,000 at the time of 2002 census. This would equate to about 18% of the population in 2030, higher than the present rate of all EU countries, including those that have experienced high levels of inward migration in the past.[212]

The recent and projected population increase in Ireland are the result of two main factors, firstly the continuing comparatively high fertility rates in Ireland[213] and the level of net inward migration (which continues to include a significant, though declining proportion of returning Irish emigrants).

These dramatic projections have significant implications for policy makers and service provision in Ireland through the creation of additional demands on services and in ensuring that the way that services are delivered takes account of this increased diversity.
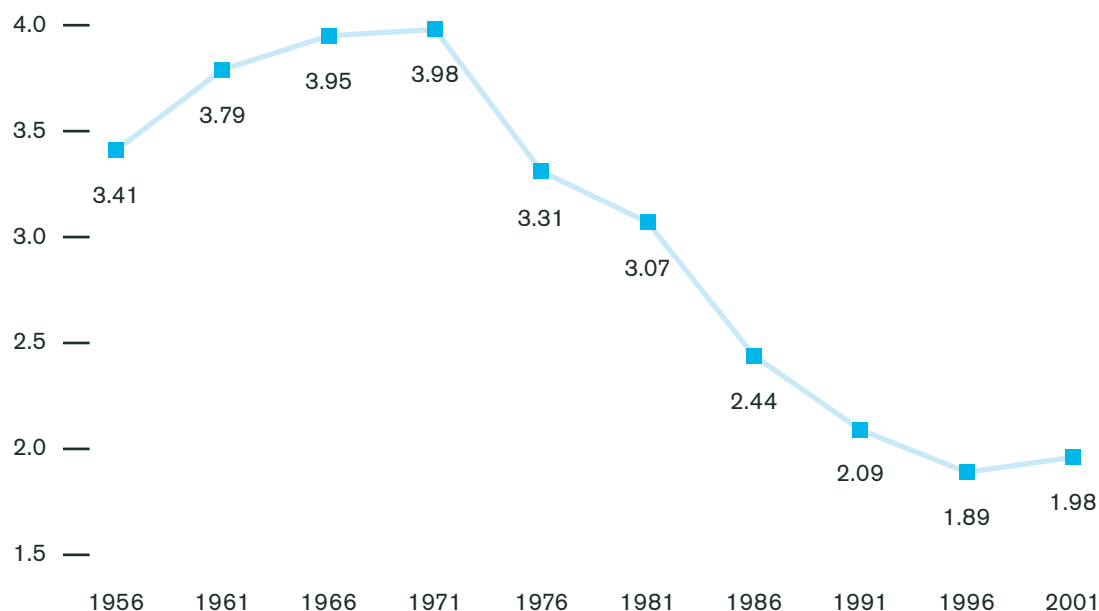
**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

Figure 9: Changes in TFR

Key policies and legislation

Legislation is recent although wide-ranging. The principal pieces of legislation are:

- Prohibition of Incitement to Hatred Act 1989
- Employment Equality Act 1998
- Equal Status Act 2000
- Equality Act 2004

The Prohibition of Incitement to Hatred Act, 1989 makes it an offence to incite hatred against any group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, or membership of the Traveller community. There have been concerns about the effectiveness of this legislation, which has resulted in very few convictions; however there is a lack of accurate data as the District Court does not publish decisions. A review of Incitement to Hatred Act, 1989 was initiated by the previous Minister for Justice, Equality and Law Reform in 2001.[214] The National Action Plan Against Racism (NPAR) has commissioned research into the criminal law in this area.

Both the Equal Employment Act 1998 and the Equal Status Act 2000 provide for a range of protections which prohibit discrimination in the workplace and in the provision of goods and services on nine grounds. These grounds are gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. However, in relation to Government services, only some services are explicitly recognised under the Equal Status Act (such as education); whereas others have been deemed not to fall under the Equal Status Act (such as the Gardai).[215] Even the areas which are covered, such as education, have certain exemptions.[216] To ensure the implementation of these protections and provide easy access to redress in cases of discrimination or victimisation, the legislation also provided for the establishment of the Equality Authority and the Equality Tribunal.

The Equality Act 2004 gave effect to more recent developments at European Union level in the area of equality protection, that is the Race Directive (2000/43/EC), the Framework Employment Directive (2000/78/EC) and the Gender Employment Equality Directive (2002/73/EC). In addition, the opportunity was taken in the Act of 2004 to introduce a number of technical improvements, including the significant development of transferring the jurisdiction in discriminatory dismissal cases from the Labour Court to the Equality Tribunal. This provides additional cohesion in the hearing of claims for redress under the *Employment Equality Act*.

Policy is at an early stage. An important initiative in 1978 (following the European Year against Racism) was the establishment of the National Consultative Committee on Racism and Interculturalism (NCCRI) which is an independent expert body working with both Government and NGOs on matters relating to racism and Interculturalism. The Irish Human Rights Commission, established in 2001 as one of the conditions of the 1998 Belfast Agreement, also plays an important role.

The key publication on interculturalism to date, referred to above, Integration: a Two-Way Process dates from 1999 (although this only covers the situation of refugees), while the National Action Plan against Racism (NPAR) was published in 2005; implementation will be rolled out over a number of years.

The five primary objectives underpinning the NPAR are:

- Effective protection and redress against racism, including a focus on discrimination, threatening behaviour and incitement to hatred.
- Economic inclusion and equality of opportunity, including focus on employment, the workplace and poverty.
- Accommodating diversity in service provision, including a focus on common outcomes, education, health, social services and childcare, accommodation and the administration of justice.
- Recognition and awareness of diversity, including a focus on awareness raising, the media and the arts, sport and tourism.
- Full participation in Irish society, including a focus on the political level, the policy level and the community level.

The NPAR may be regarded as the template that will underpin a range of Government initiatives in this field for the next three years. The identification of the need to accommodate diversity in service provision is of particular importance, as is the proposed focus on measuring outcomes rather than on a 'one size fits all' approach.

A Working Group on Equality Proofing, chaired by the Department of Justice, Equality and Law Reform and established under the Programme for Prosperity and Fairness[217] now operates under the Sustaining Progress agreement with a mandate to provide for the development of mechanisms for proofing of policies and services in the public sector to avoid any unanticipated impact on any of the groups protected by equality legislation.

215_Refer for example to Equality Tribunal decision: DEC-S2005/037 *A Complainant -v- An Garda Siochána*.

216_Equal Status Act Section 7(3) (c) "where the establishment is a school providing primary or post-primary education to students and the objective of the school is to provide education in an environment which promotes certain religious values, it admits persons of a particular religious denomination in preference to others or it refuses to admit as a student a person who is not of that denomination and, in the case of a refusal, it is proved that the refusal is essential to maintain the ethos of the school."

217_Ireland's social partnership programmes, which began in 1987, provide for negotiated agreements between Government, employers, trade unions, the agricultural sector and elements of the community and voluntary sector.

**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

This is currently a voluntary process; however under NPAR, research has been commissioned into considering a new statutory 'positive duty' for Ireland, including a review of existing models and legal frameworks for positive duties (or their equivalent) developed in other jurisdictions, including Northern Ireland.

Ireland does not, as yet, have a definition of 'institutional racism' comparable to that given in the Stephen Lawrence Inquiry Report and which has subsequently become a key factor in formulating new British policy. Moreover, the legislation, policies and structures described above, constitute a largely 'complaints-driven' mechanism where the main outputs currently measured are the volume of complaints and the redress which complainants receive.

New legislation in preparation

In 2005 the Department of Justice, Equality and Law Reform published Immigration and Residence in Ireland – Outline Policy Proposals for an Immigration and Residence Bill. Intended as a discussion document, proposals for legislation will be introduced in due course.

The Employment Permits Bill 2005, which is still going through the parliamentary process, is intended to provide a comprehensive statutory basis for a managed economic migration policy. This Bill is sponsored by the Minister for Enterprise, Trade and Employment.

A number of issues remain to be addressed. These include various aspects of integration policy; it is likely that the establishment by the Department of Justice in 2005 of the Irish Naturalisation and Immigration Service (INIS) as a one-stop shop for immigrants will lead to new initiatives in this area. A more detailed regime for economic migration, including the possible introduction of quotas and points-based admission systems, is also possible.

Data collection issues

The relative absence of data in intercensal periods presents an ongoing difficulty. While accurate data exists in the case of work permit, work visa and work authorisation holders, as well as asylum seekers, refugees and persons with leave to remain, we know little about their social conditions, economic circumstance, access to services and experiences of racism and discrimination.

There is no up to date data on EU/EEA migrant workers and citizens other than those from the new EU10 states. Moreover, Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 will abolish residence permits for EU citizens. This will mean that little data will be obtainable on EU citizens resident in Ireland. The situation for new Accession State migrants is somewhat different only insofar as relevant PPSN data is being published regularly. As pointed out already, the usefulness of such data is limited as it is not possible to say how long such migrants remain in the country.

Comprehensive data on foreign students attending Irish third level institutions is available but statistics are not published for the considerably larger number of foreign students attending private language schools.

Data is not published on the number of spouses of migrant workers present in the country, either where such spouses have an automatic right to be here (for example the spouses of EU citizens), or in family reunification cases (other than refugees), where such rights are discretionary. There is no comprehensive national database giving details of migrant children enrolled in the Irish school system or related data such as patterns of absenteeism.

METHODOLOGY

The NPAR will undoubtedly provide the basis for a more pro-active approach to the provision of services for minority ethnic groups although it is still at a relatively early stage (it covers the period 2005–2008) and there is as yet no statutory provision for the enforcement of hard targets and an absence of the kinds of indicators which would enable such targets to be benchmarked. In that sense it is more difficult to speak of mainstreaming, targeting and benchmarking in the same way as in the cases of Northern Ireland and Scotland. It would probably be fair to say that many of the initiatives in service provision by public authorities for ethnic and immigrant groups do not arise directly from formal legislative or statutory requirements although the general context created by the legislation referred to above is clearly relevant. Whether one can speak of 'mainstreaming' in such circumstances must be arguable, apart from the distinct area of action on discrimination, where effective legislation and institutional arrangements, as described above, are in place. This is in no way to minimise the progress made within many statutory organisations.

We have therefore sought to identify a number of cases whereas it can clearly be said that service provision for minority ethnic groups has been mainstreamed or targeted, whether or not a legal framework is in place and whether or not benchmarks are used in the sense of specific quantitative and/or qualitative targets which must be met within a specified structure and timeframe.

Data was gathered following detailed interviews with 17 expert individuals in education, health, employment and policing, using a modified version of the questionnaire developed by the Northern Ireland project partners. Valuable feedback was provided by means of focus group work with up to 25 people from ethnic minority groups through the good offices of Integrating Ireland, an umbrella group representing new minorities in Ireland.

MAINSTREAMING

Health

The Irish health system has been going through a period of change in recent years and health services are regarded as a key issue at national political level. Major reforms in management and administration are in train at present, with the abolition of the former Health Board structure in January 2005 and its replacement by a new Health Service Executive (HSE), although still answerable to the Department of Health and Children. Services for minority ethnic groups need to be seen against this background context of major change and significant pressures on existing services.

Reorganisation has also been taking place in the Department of Health and Children. A notable development has been the establishment of a Social Inclusion Unit, which will facilitate a new opportunity for Social Inclusion issues such as the health and support needs of persons from minority ethnic groups to be explored and addressed in a more comprehensive and integrated way than previously. In collaboration with the HSE, this Unit will be involved in such related areas as the National Anti Poverty Strategy and other targeted anti poverty initiatives including RAPID and CLAR, all of which have much relevance for service users from minority ethnic communities.

The HSE's own Social Inclusion Care Unit is also responsible for the development of a National Intercultural Strategy for the health sector, based on principles of inclusiveness, participation and community development. The HSE has recently committed to developing a National Intercultural Health Strategy and plans to carry out extensive consultations in autumn 2006. There are currently plans for six pilot schemes. The current development of a National Equality Strategy by the HSE is also relevant.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

From the point of view of services for minority ethnic groups, the key challenges highlighted by interviewees in the health sector are:

- Increased pressure of numbers
- Communications and language difficulties
- Attitudinal barriers, sometimes on both sides
- Lack of understanding of system and of services available
- Responding adequately to the specific needs of some minority groups, for example medical conditions which would rarely have been encountered in Ireland in earlier years
- Training and support
- Gender issues

The HSE's National Service Plan 2005 contains a section on meeting the needs of minority ethnic groups and identifies them as an 'at risk' group. The relevant section states:

" Minority ethnic groups are vulnerable to social exclusion and research shows that this applies to emigrants from Ireland as much as to immigrants to this country. Women within these groups are especially vulnerable *(National Anti-Poverty Strategy 2003–2005)*. The particular needs of minority ethnic groups require the provision of culturally appropriate services by an informed and culturally aware workforce throughout statutory, non-statutory, voluntary and community services."

Part of the HSE's ongoing work is concerned with awareness raising, for example through the organisation of conferences on meeting the needs of minority ethnic groups.

Case example 18 – Health
Information Pack for GPs

The General Practice Care in a Multicultural Society Information Pack was launched in November 2005 by the HSE, Irish College of General Practitioners and the Berkeley Clinic. Its content reflects the need to develop new ways of providing traditional general practice care to communities with different health needs and different understandings of health. It also reflects the need to deal with some illnesses that have only presented on rare occasions prior to the recent arrival of new communities to Ireland.

Service provision for minorities varies widely both at primary care level and within hospitals and other specialist treatment settings; in certain cases (for example counselling and mental health services) facilities for minority ethnic groups are very limited. Language and interpretation issues are probably the most immediate everyday issue. In fact, the issue of communication, including verbal communications but also difficulties based on misunderstandings, cultural differences, and negative expectations (sometimes based on bad experiences elsewhere), were highlighted by a number of sources.

GPs do not as yet have access to a nationwide funded interpretation system, although a pilot scheme is planned, to be based on collaboration between the HSE and the Irish College of General Practitioners. The lack of this service can act as a disincentive to registering patients from minority communities. It is not uncommon for children to interpret for their parents, which is not appropriate for the child, may result in inaccurate interpretation and has been known to involve children missing school to attend appointments.

In hospitals the provision of interpretation facilities is left to the discretion of management by the Department of Health. In practice the hospital will contact a translation/interpretation agency who will then supply face to face or telephone communication. On some occasions interpreters may have little training or experience in such work, which can sometimes take place in extremely sensitive or traumatic situations.

At the conference in March 2006, the following statement was made about the health service in Ireland:

" Ordinary immigrants are used as interpreters by the health service because of the language difficulty, and this is in breach of the confidentiality clause because these people being used as interpreters have no training whatsoever when it comes to medical practices."[218]

Some GPs have substantial numbers of migrants on their books while others do not, something which can lead to further difficulties for migrants who cannot find a GP as the latter is also the first port of call in Ireland, prior to a referral elsewhere in the medical system. Some immigrants who are entitled to medical cards do not have them because they may not know of their entitlements or because of bureaucratic delays. On the other hand some migrants assume they have a right of access to services to which they are not entitled under the Irish system, which can also lead to misunderstandings.

Case example 19 – Health
Eastern Regional Health Authority's Strategy for Ethnic Minorities

The development of the then Eastern Regional Health Authority's Regional Health Strategy for Ethnic Minorities reflected a growing awareness of the unique health and support needs of persons from minority ethnic groups. It is probable that this was first developed in the East because of the greater numbers of service users requiring a range of health services; although this does not negate the range of initiatives taking place in the rest of the country which addressed specific needs of asylum seekers and refugees in particular. The Strategy proposes a series of recommendations together with the establishment of a representative forum to oversee implementation of these recommendations. The topics addressed include the provision of interpretation services as well as ways and means of addressing the learning, training and development needs of staff in the health sector working with persons from minority ethnic groups. The HSE and NCCRI have already collaborated in the production of a document on this issue.

Support to NGO sector for service provision

While certain targeted services are provided directly by the HSE to service users from minority ethnic groups (for example voluntary health screening for asylum seekers and refugees, a maternity outreach services for asylum seekers in a Reception Centre, and interpretation services), funding is also provided by the HSE to a range of NGOs to provide additional identified services in acknowledgement of the fact that NGOs may be better positioned in certain instances to deliver services. Agencies such as CAIRDE, Spirasi and Access Ireland are examples of NGOs supported by the HSE in this way. A typical HSE-funded project, undertaken by CAIRDE, incorporates community development principles in addressing the health and support needs of persons from minority ethnic communities with HIV/AIDS. The HSE has already developed a similar cooperative model through the Traveller Health Unit, where a partnership operates between the HSE and Traveller representatives.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

All the above demonstrates that a range of initiatives is being undertaken throughout the country around the unique needs of persons from minority ethnic communities. The former Health Board structures allowed for the development of services delivered in many different ways, but these former structures resulted in a patchy, fragmented service delivery across the country. The challenge now for the HSE is for identification of good practice models and services across the Republic, with subsequent support for these initiatives and their replication nationally – with all efforts here aiming at coherent and integrated service delivery to this service user group.

Role of hospitals

The work of hospitals in addressing the service needs of persons from minority ethnic communities is of crucial importance. In this regard, certain hospitals, such as Galway and Connolly Hospitals are designated Migrant Friendly Hospitals, while Temple Street Children's Hospital has an extensive Diversity programme. Again though, there is a clear need to replicate such proven initiatives across the hospital sector. At the same time, progress is being made around working across the pillars of the health sector, with an example here being the establishment of a subgroup comprising hospital and community representatives, charged with implementing the recommendations of the Maternity Strategy 2005–2011 in the Eastern Region as they apply to persons who may be socially excluded – the situation of women and families from minority ethnic groups is very pertinent here.

Training and support

One of the challenges for medical staff is to become familiar with medical ailments which would heretofore have been very rare in Ireland. Training is provided nowadays for new medical students but existing hospital staff need ongoing in-service training; currently this is inadequate.[219]

At local level the main problem is that resources have not increased in a manner commensurate with Ireland's growing population, leading to increasing workloads. Some health workers also felt that different cultural views on the role of women among a minority of male immigrants can be an issue, with female HSE workers being treated disrespectfully on occasions. There was a feeling that better systems needed to be in place in order to deal with such issues.

The Irish College of General Practitioners offers courses in intercultural awareness. However there appears to be some reluctance on the part of some doctors to attend as they feel they may be accused of bad practice. People may be afraid that they will be called racist and generally it is the 'converted' that attend. GPs and other health professionals have many courses to attend in order to keep up to date in their fields and may not assign a high degree of priority to this type of training.

Community Welfare Officers (CWOs) have a frontline role in maintaining contact with HSE clients. Anti-racist training is provided by the HSE, which works on the basis that training courses on various issues are provided at different times but courses are not mandatory. CWOs interviewed felt there was not enough training in working with minority ethnic groups and that it should be mandatory for all CWOs. A training group has been set up between Ennis and Limerick comprised of individuals from various service provision agencies who discuss asylum seeker issues. Asylum seekers themselves are not represented.

Awareness of legislation and policy

In general there appears to be a good level of awareness among health service professionals of key Irish legislation and policy. However, there was a lower level of awareness of internal policy on race relations in terms of health staff who are themselves from a minority ethnic background and in terms of health service clients from a minority ethnic background.

The HSE mid-western region has policies and practices for recording and dealing with complaints about racist incidents. In the Department of Health there are policies concerning bullying and harassment; racism would be included as one of these but there is no specific policy. A senior Department of Health official said it would be unusual to have immigrant staff as yet in management as it would take at least six years in the civil service to advance to that level; it is something he would like to see happening. The CWOs said there are no immigrant staff where they work, but felt nonetheless that there are equal opportunities for progression for all employees in the Health services.

Cross-sectoral measures

Growing attention is being paid to cross-sectoral approaches as an effective means of addressing the needs of minority ethnic communities in a comprehensive way. NAPS (the National Anti-Poverty Strategy) is a ready example here, while the establishment of an Interdepartmental working group – with representation from the Departments of Justice, Equality and Law Reform, Health and Children, Education and Science, and Environment and Local Government – reflects a very real effort to address all aspects of refugee resettlement in an integrated and sustainable manner.

Education

As pointed out earlier, the structure of the Irish education system is unusual and poses specific challenges for minority ethnic groups. On the one hand, the vast majority of schools are of one particular religious denomination, something which makes it possible to have Islamic schools as well as Roman Catholic, Anglican and Jewish schools within the state sector. On the other hand, the fact that nearly all schools are confessional in nature means that many members of migrant and ethnic minority groups have little choice in practice when they send their children to schools in their area. For those who do not belong to the dominant faith community in the school this can be problematic. It seems likely that this will become an increasingly prominent issue in the coming years. It is likely to be a difficult matter to address at political level; the primary legislation (Education Act 1998) is quite recent.

Ireland has a centralised national curriculum, allowing guidelines and content to be disseminated nationally and to be taken up within the individual school. Publications in recent years include:

- Intercultural education in the primary school: guidelines for schools (2004) National Council for Curriculum and Assessment.
- Guidelines on Traveller Education in Primary Schools (2002) Department of Education and Science.
- Guidelines on Traveller Education in Second Level Schools (2002) Department of Education and Science.
- Promoting anti-racism and interculturalism in education: draft recommendations towards a national action plan (2003) Department of Education and Science.
- INTO intercultural guidelines for schools (2002) The Irish National Teachers Organisation is the trade union which represents primary school teachers.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

220_Kenny, M. and Shevlin, M. (2004) *Traveller Community in Anne Lodge and Kathleen Lynch* (eds.), *Diversity at School,* Equality Authority: Dublin, pp.92–101.

It should be noted that much of the above represents work in progress. While these publications, and a range of information resources produced by curriculum development units in teacher training colleges or by NGOs, are extremely valuable for teachers and school managers, there is some distance to go before it can be said that an intercultural approach has been mainstreamed in a cross-cutting way across the educational sector. Such an approach would necessarily address a wide range of issues, include the curriculum, teaching practice, anti-racism and pro-diversity best practice for management, teachers and pupils, language policy (see section on targeting) and the issue of religion. In the meantime, the creation of an intercultural classroom is in practice largely left to school management and teachers.

Some of the main challenges in educational provision for minority ethnic groups are:

- Accommodation
- Language
- Financial support
- Structures/Legislation
- Prejudice
- Qualifications
- Lack of information
- Lack of coherence and communication

The list above highlights the main challenges identified by those spoken to within the education sector, in terms of provision of services and access to services for minority ethnic groups. While there is an increasing awareness of their needs within the education sector and much policy has been put into place, many barriers exist on the practical level. At primary and second level, some areas of high population density are under more strain than others, compounded by increasing levels of migration into these areas, thus increasing the pupil teacher ratio and placing teachers under strain. While English as an additional language support teachers are available, there is a maximum of two teachers per school. For various reasons, there may be some segregation in the schools children attend; for example, recent migrants will not have had their children on a waiting list for a school in the way that some Irish parents will have. Research has also found that enrolment policies relating to "feeder schools", catchment areas and having siblings who attend the school have a disproportionate negative impact on Traveller children;[220] it seems likely that some of such policies would also disproportionately affect recent migrants.

The challenge of dealing with diversity is not just one for teachers and school managers, but also for schoolchildren and their parents or guardians. Migrants come in some cases from countries where there may be a limited tradition of active parent-school engagement; such interaction may need to be actively fostered. Communications difficulties can also arise between schools and parents or guardians because the latter may have anxieties about their visa status or because for some other reason they may not wish or may not feel able to provide full disclosure of all relevant details of the schoolchild. Schools may be reluctant to press for such details if they feel it would be seen as intrusive. This can lead to a situation, for instance, where managers and teachers may not know important relevant information about the family situation or background experience of the child. A number of other communications difficulties may also arise, from language problems to differences in attitudes toward the use of corporal punishment, which is not banned in all countries as it is in Ireland.

While there is a universal right to education for children until they have completed the second-level cycle in Ireland, this does not extend to post-Leaving Certificate courses (PLC) or to third-level education. Migrant students from outside the EU, except for those who are granted full refugee status, will usually find that they will

be expected to pay the non-EU fee, which acts as a barrier and effectively excludes them in practice in the vast majority of cases. There are also issues with non-recognition of qualifications, as Benedicta Attoh outlined at the conference:

" In the area of education, third level certificates from outside the EU are not recognised. There are people you know among my community, who have masters degrees from Africa but their certificates are not recognised."

Asylum seekers face particular problems. They receive a payment from the HSE until they achieve refugee status and are transferred onto a social welfare payment. In order to get funding to attend PLC courses a prospective student needs to be on this social welfare payment for six months to be eligible. However, asylum seekers' prior HSE payments are not taken into account; so that students must wait a further six months on social welfare before becoming eligible. Prospective students also say that the Immigration Office is very difficult to deal with:

" they won't answer the phone… we get nowhere with them".

The fact that people still in the asylum seeking process are not permitted to work or given access to tertiary education, and that their overseas qualifications are frequently not recognised, will in all likelihood have consequences, in the case of those who remain in Ireland, in de-motivating second generation migrants and limiting their full inclusion in future Irish society.

Services

According to the Department of Education, the principal immediate difficulties for immigrants are (a) the admission of pupils into overcrowded schools and (b) language support services. At national level the majority of the Department's publications are in Irish and English only. However, plans to translate a substantial number of the Department's main documents into languages such as Polish, Latvian, Russian and Lithuanian are well advanced. These plans include the translation of documentation on appeals procedures, procedures on bullying, publications for parents and information on schools and the Equal Status Act, 2000. The translations will be made available on the Department's website. The Department has considered the question of guidelines for the provision of interpretation services in schools but this is still at a preliminary stage.

At the local school level, religious issues, as pointed out earlier, can sometimes be a problem for non-Catholic children at some schools. A few people report being told, when applying for a place in school, that the Catholic ethos of the school prevails and there would be no negotiation around alternatives. For practical and insurance-related reasons, many Catholic schools do not make provision for non-Catholic children to be removed from the class during religion class although in practice non-Catholic children do not participate actively in the class. While these questions affect Irish-born children as well as immigrants, they are likely to loom larger as Ireland's multi-ethnic and multi-religious population continues to evolve.

Training

Anti-racism training is not provided in all cases but cultural awareness training and equality issues training are offered on an in-service basis to serving primary and second-level teachers. Courses of this kind are now the norm in teacher training colleges and for Higher Diploma in Education (HDip) courses. In contrast, those spoken to at post leaving-certificate level had not received any training in anti-racism, cultural awareness, equality issues or the provision of services to immigrants and/or minority ethnic groups. The view was expressed that such training was badly needed.

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

Awareness of legislation, policy, agencies

The Department of Education has a detailed awareness of all relevant legislation and policy but at the schools level the legislation they are most conscious of is the Equal Status Act 2000 which has been published in brochures and distributed to all schools. The view was expressed that primary school principals, since the Education Act 1998, are acutely aware of legislation and were familiar with all the listed legislation and policy instruments except the 'Race' directive. By contrast, those at post leaving-certificate level were not aware of the Equal Status Act 2000 or the EU 'Race' directive.

Those at the Department are also very familiar with the new official agencies and said the Department was one of the first to produce a "Promoting Anti-Racism" document as a contribution to NPAR. At the primary school level not all are aware of the NPAR or the Equality Authority, but they are generally better informed about the Equality Tribunal and the NCCRI and its work. In the PLC sector there appears to be a less developed level of awareness.

School policies

The mission statement of one typical school is to welcome children from all ethnic backgrounds. There is no individual or unit responsible for racial equality as 'there is total integration within the school'. The corporate/strategic plan of the school does not specifically include the needs of members of staff from immigrant and minority ethnic groups (there are none at present).

Most schools at both primary and second levels do not have specific policies or practices for recording and dealing with complaints about racist incidents. At the PLC visited there is no racial equality policy or intercultural relations policy and there are no teaching staff from minority ethnic groups; interviewees did not know if the corporate/strategic plan of the organisation specifically included the needs of members of staff from minority ethnic groups. While there is no mechanism to deal with specifically racist incidents, such complaints could be dealt with under existing policies on bullying and harassment.

Employment

Employment is one area where it may be said that mainstreaming strategies have been developed and implemented:

- The Department of Trade, Enterprise and Employment provides information on employment rights in Chinese, Czech, English, Hungarian, Irish, Latvian, Lithuanian, Polish, Portuguese, Romanian and Russian.
- FÁS, Ireland's State training and employment agency, launched a comprehensive 'Know before you go' information resource in 2005, aimed in particular at would-be migrants to Ireland. The material is available in Czech, German, Estonian, Greek Cypriot, French, Polish, Latvian, Lithuanian, Hungarian, Maltese, Slovakian and Slovenian.
- Key legislation does not distinguish in any way between Irish and migrant workers; rights and entitlements in employment are unrelated to country of origin.
- The Employment Equality Act 1998 as amended by the Equality Act 2004; as well as the work of the Equality Authority, Equality Tribunal and NCCRI have provided effective ways of ensuring the mainstreaming of anti-racism in the workplace.

Interviews carried out with employer representatives confirmed a high degree of awareness of how State services are provided in this sector. However, there were some criticisms, mainly about the complexity of legislation, policy and procedures. The Irish Business and Employers Confederation (IBEC) pointed out that many migrant workers do not understand the legislation under which they are employed and may not know exactly what documentation is required of them when entering the State. HR managers sometimes find it difficult to determine if a potential or existing employee fall within or outside the legislation, given the complexity of migration regulations and employment law.

IBEC would like to see a system where people would be automatically informed of what they need when coming through customs on entering Ireland. However, it is felt that the Department of Justice Equality and Law Reform will not give approval for this, as it is claimed to be the responsibility of Immigration and Customs. This raises a broader problem, namely that there is insufficient co-ordination between State Departments and agencies dealing with minority ethnic issues.

Training

The following are the types of training which people in the business and employment sector were asked if they had received. It highlights whether anti-racism is high on the list of priorities in this sector and how much is being done to raise awareness among employers and their staff and includes:

- Anti-racism
- Cultural awareness
- Equality issues
- Providing services to immigrants and/or minority ethnic groups.

At managerial level, staff of major advice centres, including the Citizens Information Centres (CIC),[221] the Congress Information Opportunities Centre (CIOC),[222] (formerly the Unemployment Resource Centre) and FÁS Local Employment Services (LES) were well versed with the various directives, having received both general and specialised training. This training has been provided by a number of organisations, including the NCCRI and the Chambers of Commerce. LES and IBEC provide in-house training for staff, primarily aimed at creating the ethos of a client friendly service delivery. However, only IBEC explicitly stated that specific training on issues related to interculturalism was provided. The CIOC indicated that staff would be receiving training on antiracism, cultural awareness, equality issues and service provision to immigrants that month (November 2005) and that it would become compulsory from then on.

Role of Local Employment Services in service and information provision

The LES meets people from minority ethnic groups every day in several ways: through migrants who come to use their services, for example advice and information on employment possibilities, to attend workshops, get help on CV writing and so forth, and initiatives to support the migrant community through workshops. Some groups are run directly by migrants. The participants in such groups are from mixed ethnic backgrounds; all are highly qualified and they look at needs and issues in relation to minority ethnic groups.

The LES comes into contact mostly with immigrants who are entitled to work in Ireland as they are the ones who seek help from the LES. However, it would also at times come into contact with asylum seekers as they have an information programme targeting asylum seekers whom they know to be on the verge of refugee status. They go to direct provision centres and give information about rights and entitlements and provide them with contacts.

221_Citizens Information Centres are managed by Comhairle. Comhairle is the national agency responsible for supporting the provision of information, advice and advocacy on social services to ensure this access. It comes within the remit of the Department of Family and Social Affairs.

222_Under the control of the Irish Congress of Trade Unions (ICTU).

An information deficit?

Within the employment sector, lack of information about rights, entitlements, and documentation is the single most important issue facing both employers and migrant workers. While internal communication within migrant communities can often be strong, it remains at an informal level. Information from official sources is not necessarily lacking but the mode of delivery seems to be inadequate and inappropriate in terms of language and presentation. Language is still one of the major problems as many migrant workers are not conversant beyond basic English and receive their information through other migrant workers whose command of the language is better than theirs. There is no official group or service to provide interpreting or translation services. For instance, it was stated that migrant workers often bring their children to the CIC with them to interpret directives and work related issues.

Local partnership programmes

The above notwithstanding, cultural misunderstandings are less common in LES, possibly because there is a lot of interaction with minority ethnic groups and a very pro-active approach is taken by the LES. Cork LES is part of Cork City Partnership; which, along with the 38 other Partnership Companies in Ireland, is independent and located in a designated disadvantaged area. It produces multi-annual Integrated Action Plans which are implemented across a range of sectors including enterprise, education, infrastructure and community development, using the community development principles of consultation, participation and inclusion. There are seven LES offices in Cork whose services are aimed at supporting job seekers to find work. They provide information on opportunities available for training, education and employment, supports employers in their search for staff with the Recruitment and Placement Service, mediators help people to get back into the workplace, or back to education or training.

All that said, migrants are often perplexed about how jobs are filled and in main do not understand why they are not selected for positions when they perceive themselves to have the right qualifications. This, together with the fact that getting initial jobs is often difficult, can lead migrants to conclude that they are being discriminated against. Indeed, the Small Firms Association felt that overt racism can be a very important issue in preventing migrants from gaining suitable outcomes from services.

Legislative and policy framework

The key employment legislation specific to racial equality is as follows:

-   Employment Equality Act 1998
-   Equality Act 2004
-   EU Council Directives 2000/43/EC and 2000/78/EC.

Most employer and employee organisations are well aware of the legislative and policy framework and many have as a matter of course run equality and diversity training for their staff and feel competent to deliver the necessary advice when required. LES senior management, although aware of all relevant legislation and policy, do not have detailed knowledge of all aspects of it, although it was argued that this does not effect their remit because the LES works towards social inclusion and equality already. Their job is to work with the marginalised and excluded so 'even without these acts they would be working towards the same goals anyway'. Many in both the employer and employee sectors argued that although the Employment Equality Act is a necessary instrument, it is difficult to enforce at the point of first employment as it is much more difficult to sanction an employer who does not want to employ somebody than to act against a case of discrimination against someone already in employment. The lack of union membership amongst many migrant workers limits their rights to such representation when labour disputes arise.

Official agencies and policies in this field include:

- National Action Plan against Racism
- Equality Authority
- Equality Tribunal
- National Consultative Committee on Racism and Interculturalism (NCCRI)
- Labour Court and Rights Commissioners

Interviews found that the NCCRI is the agency which has achieved the highest level of awareness and visibility; but that there is some confusion between the Equality Authority and the Equality Tribunal. One of the problems noted in the business sector is that if an employer is not a member of a business organisation, there are limited sources of advice.

Policing

" Relations between powerful and powerless are nowhere more clearly articulated than in the services provided by police."[223]

An Gárda Síochána have been very active in promoting the concept of policing in an intercultural society, following the principles set down in the 'Rotterdam Charter' (1997).[224] An Office for Racial and Intercultural Affairs[225] was established in 2000 and 145 Ethnic Liaison Officers (ELOs) were subsequently appointed throughout the country, operating within the established community policing framework. ELOs are tasked with the development of good relations with ethnic minority communities and their representatives and work is ongoing on formalising a new system for reporting racially motivated crimes (the NCCRI has already deployed its own reporting system).[226]

All ELOs receive training in intercultural awareness. ELOs interviewed were aware of the legislative and policy framework although awareness of the implications of the Equal Status Act 2000 was not as strong as it might have been. There is ongoing liaison through seminars with barristers and solicitors who explain the implications of the various Acts. Social workers, doctors and others also attend these meetings. While this represents considerable progress ELOs are not dedicated specialists and must perform their duties along with a range of other community policing tasks.

Some progress has also been made in the matter of languages – persons under arrest and/or persons assisting in an enquiry have the right to an interpreter and information leaflets are made available in five foreign languages, but there is no general right to use a language other than English or Irish when dealing with the Gárda. The Gárda works closely with the NCCRI in developing its policies in this field.

At Gárda HQ there is a detailed awareness of all relevant policy and legislation. In terms of the dissemination of such awareness within the force in general, a number of projects to 'train the trainers' have been initiated and a training video has been produced. The Gárdaí also have partnerships with NCCRI and Pavee Point (a Traveller organisation) as well as informal contacts with Muslim representatives and other minority groups.

223_Conference Key Note Speaker, Anastasia Crickley, Chair of the European Monitoring Centre on Racism and Xenophobia, OSCE Special Rapporteur on Racism and Chair of the National Consultative Committee on Racism and Interculturalism (NCCRI).

224_http://english.rotterdamcharter.nl

225_www.garda.ie/angarda/racial.html

226_www.nccri.ie/incidents-about.html

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

Finally, because of an excessive workload, ELOs may spend very little time performing ELO duties because they have to deal with other station issues as well and because their ELO role is part of their wider community policing responsibilities. ELOs interviewed strongly disagreed with the idea that there is too much legislation dealing with discrimination against ethnic minority communities. However, one ELO said it is difficult to put the legislation into effect. The fact that there are no 'dedicated' ELOs whose sole or primary task it is to be responsible for migrant and minority group relations was regarded as a significant issue.

There is an equality policy in the Gárdaí but not a racial equality policy in a more specific sense. Information about the ELO structure is disseminated throughout the whole organisation through a directive from Gárda Head Quarters. The Dublin-based Community Relations unit includes racial and intercultural officers. The corporate plan contains a reference to the needs of minority members of staff and clients from immigrant and minority ethnic groups and its Goal 6 is dedicated to race relations. With regard to policies and practices for recording and dealing with complaints about racist incidents there is an internal policy on bullying and harassment. The Prohibition of Incitement to Hatred Act 1989 also exists and any such incidents can and are recorded but the numbers are very low. This is monitored by the Community Relations division of the Gárda but overall responsibility is in the hands of a different section, Crime Policy Administration.

At Gárda HQ there is one clerk from Croatia, but the only other foreign staff are cleaners. The tourist support services have volunteers from minority ethnic backgrounds working for them. Informal initiatives have been put into place to deal with the needs of particular minority ethnic communities and will continue to be considered in the future.

The interviewees felt there are equal opportunities for progression for all employees in the Gárda, whilst they strongly disagreed with the notion that the organisation generally provides a worse service to clients from ethnic minority communities than it does to other clients. When asked if dealing with clients from immigrant and ethnic minority communities presents more of a problem than dealing with the community in general the interviewee from Gárda HQ strongly disagreed. However, one ELO said there are not enough resources. The example cited was the racial and intercultural office in Dublin, which started as a pilot program seven years ago, but is 'completely under-resourced' now. Interviewees felt that the organisation would be fully supportive of members of staff from ethnic minority communities who are subjected to racial harassment from clients and other from other staff.

In sum, it could be said that much work has been done within the Gárda to mainstream service provision for minority ethnic groups. This has also included a notable initiative, discussed in the section on targeting, to foster recruitment to the Gárda from such groups. Nonetheless, there has been some slippage in terms of resources. A pro-active policy distinguished by adherence to the Rotterdam Charter, the creation of the Office for Racial and Intercultural Affairs and the deployment of ELOs throughout the country has not been followed up by the allocation of appropriate resources to deal with these challenges.

Finally and on a more general level, there is a lack of core research data which might enable us better to understand the experience of minority ethnic groups in dealing with policing and justice issues generally. For example, we need to know much more about how minority ethnic groups are treated at all stages of their interaction with the criminal justice system, from arrest (are minority ethnic groups more likely to come under suspicion?) to court appearance (are there differential patterns, for example, with regard to bail conditions?) to sentencing and prison conditions (are minority ethnic group individuals over-represented in terms of the likelihood or duration of custodial sentences? What about provision for the needs of minority ethnic groups within the prison system?) to after-prison conditions. At present there are little or no data on these matters, but experience in other countries would suggest that they need to be investigated.

TARGETING

The need to target ethnic minority groups in a specific and focused way is gradually being recognised. An example of this was the approach followed in 2006 to facilitate an inclusive, intercultural focus in the Census enumeration. This was done through a series of measures including the provision of full translations of the Census questions into 11 languages as well as Irish and English and information on the process in a further five foreign languages, multilingual radio advertisements, advertisements places in foreign language newspapers. In addition the Census itself, as noted, included a new question on ethnic and cultural identity. The Central Statistics Office (CSO) consulted with the NCCRI, the Equality Authority and Pavee Point Traveller Centre; the latter also launched a DVD to encourage Travellers to be part of the Census. All of these actions were taken in pursuance of the aims set out in the NPAR.

Health

The major absence in the health sector, in contrast, for example, to Northern Ireland, is the provision of systematic targeted support services in interpretation and translation. Much informal work to identify the specific health heeds of minority ethic groups is being carried out *via ad* hoc consultative structures in the various HSE board areas. Such committees do not have statutory or other formal consultative status but represent the beginning of a more inclusive process; something which it must be said has not been a feature of the Irish health system to date.

Case example 20 – Health and Targeting

Male Circumcision Services in the Public Health Service

The issue of male circumcision came to public attention following the tragic death of an infant in Waterford in 2003. The case in question involved a family who had approached an individual without the appropriate recognised medical qualifications. It also raised issues of access to medical services and the question, in particular, of whether Irish general medical services were sufficiently sensitive to the need to provide culturally appropriate services in areas where no conflict with broader health service principles could be identified.

The Department of Health and Children commissioned a report, delivered in 2006.[227] It recommended that 'cultural male circumcision' should be provided in the Irish Health Service by appropriately trained persons. Medical staff who had an ethical objection to the procedure should be given the right not to be asked to be involved; parental consent should be mandatory and the operation should be carried out in the first year of the child's life, preferably in the second six months. It was also recommended that the HSE should provide the service at regional level in accordance with demand. The welfare of the child is identified as the paramount issue.

The report of the Department of Health and Children contains the following interesting comment:

" This report is not concerned with the medical arguments for and against male circumcision. The report is about male circumcision for cultural and/or religious reasons. Male circumcision is standard practice in Orthodox, Jewish society, in Muslim communities, and in many African Christian groups. In recent years, there has been a growing request for cultural circumcision to be available in Irish public hospital service."

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

Accordingly, it is clear that the proposed change is an example of a targeted initiative, where the action proposed reflects the need to provide a service, not on grounds of formal equality, but reflecting the specific needs of particular ethnic communities. A key passage in the report reads:

" If doctors are unwilling or unable to carry out the procedure in a timely fashion, parents would turn in greater numbers to individuals who lack the skills and experience to perform circumcisions safely and competently. The welfare of children who are circumcised must be paramount, whatever the reason for undertaking the procedure."

Case Example 21 – Health

Migrants, Asylum Seekers and Refugees Project

MARTA (Migrants, Asylum seekers and Refugees Training for Action) is a Galway Refugee Support Group health action project, funding by the Combat Poverty Agency's *Building Healthy Communities* programme. The broad aim of MARTA is to work towards the reduction of health inequalities through the empowerment of a user-led group of community representatives in the HSE Western Area's multidisciplinary committee. This committee has representation from community care, primary care, mental health, maternity services, family support and childcare services and is responsible for the health of refugees and asylum seekers. The objective of MARTA is to secure greater participation in the refugee/asylum-seeking/migrant community in ensuring more equitable access to health services that are culturally appropriate.

Education

The principal targeted measure in the field of education is the provision of support for pupils whose first language is not English. The Department of Education and Science allocates full-time temporary language support teachers to schools, depending on the numbers with English-language difficulties. Schools that have fourteen or more non-English-speaking pupils enrolled are automatically entitled to a full-time temporary language support teacher for up to two years. Schools with twenty eight or more such pupils are entitled to two full-time temporary language support teachers; such appointments are made on a temporary basis. However, there is a maximum of two teachers per school.

In relation to Travellers, a targeted initiative is the Visiting Teacher Service. In 1980 this service was set up to support parents and schools in maximising Traveller students' participation and attainment and in promoting antiracism and intercultural policies and programmes. Visiting Teachers have responsibility at primary and post-primary levels and liaise with preschool providers.

It would be unfair not to recognise that many initiatives have also been taken by individual schools. A number have promoted intercultural programmes, whole-school anti-racism policies and outreach programmes to the parents of migrant children.

Employment

By and large Irish immigration policy has been *laissez faire* and market-driven. Administrative structures are light and state intervention is minimal. The advantage of such a system lies in its flexibility, but a lightly regulated labour market has also led to some difficulties. Apart from responding, albeit in a less than comprehensive manner, to the obvious issue of exploitation, the state has been relatively slow to develop specific, targeted approaches to the education and training needs of migrant workers. It would be fair to say that by and large migrant workers are recruited to specific employment opportunities and to that extent there may not be a perceived need to provide specific, targeted training and assistance. Nonetheless in certain employment sectors such as tourism there is a growing recognition of the need to provide appropriate training to migrant workers.

The situation of persons who obtain refugee status is different and some efforts have been made to develop pathways to employment for people who may find that after a period of enforced exclusion from economic activity they need various kinds of support in order to re-enter the labour market and find employment commensurate with their qualifications and skills. Other issues such as the recognition of foreign qualifications are also relevant.

Case Example 22 – Employment

Equal Community Initiative Programme

The EQUAL Programme is an initiative of the European Social Fund (ESF) covering the period 2001-2007. EQUAL seeks to identify and address fundamental forms of discrimination and inequality in the labour market through the development of new and innovative policies and practices initiated by EQUAL Development Partnerships. A number of EQUAL initiatives address the specific needs of asylum seekers, refugees and labour migrants. In Ireland, the EQUAL programme is managed by the Department of Enterprise, Trade and Employment.

An Equal project: Roma Cultural Mediation Project

Roma are among the most excluded of minority ethnic groups, experiencing racism and discrimination as well as social, linguistic, cultural and economic exclusion. The Dublin-based Roma Cultural Mediation Project is a partnership initiative supported by the HSE Northern Area, City of Dublin Vocational Education Committee (VEC), Dublin City University, Tallaght Intercultural Action and the Roma Support Group.

The project aim is:

" to give Roma people greater equality of access to health, social, educational and probation services; more benefits from their utilisation of them; and to develop appropriate professional skills and intercultural competences among service providers."

228_www.rotterdamcharter.
nl/files/site49_
20050603092740_
Rotterdam_Charter_
%28english%29.pdf

Case Example 23 – Policing
Targeted Recruitment

It has been recognised by the Irish authorities that a multiethnic society needs to be policed in a manner which reflects the diverse ethnic composition of that society. The Rotterdam Charter,[228] whose principles have been accepted by the Gárda Síochána, sets out five areas of concern:

- Recruitment and retention;
- Training of police officers;
- The implementation of anti-discrimination law;
- Building bridges between ethnic minorities and police; and
- Migrant participation in crime versus police participation in criminalising migrants.

The most significant targeted initiative in this field in Ireland to date has been at the level of recruitment. They quote the Charter 'the Police as a Mirror of Society':

" The composition of the population in most European cities is changing rapidly and dramatically. To establish their importance as a legitimate force in society, the police have a professional interest in reflecting the same ethnic diversity in their organisation. One of the most important means to reach this goal is recruitment."

In 2005 the Minister for Justice, Equality and Law Reform announced a significant initiative whereby the usual requirement of certified proficiency in Irish and English for recruitment to the Gárda was replaced by a requirement to hold a qualification in two languages, at least one of which must be Irish or English. As the Minister put it at the time:

" These new changes will open up entry to An Garda Siochana to persons in Ireland from all parts of the community and from all ethnic backgrounds. This is a hugely significant step which will help ensure that future intakes of recruits to An Garda Siochana reflect the composition of Irish society, to the benefit of the Force and the people it serves. Irish society is increasingly multi-ethnic and multi-cultural, and the old requirement for Garda trainees to hold an academic qualification in Irish was a barrier to membership of An Garda Siochana for many persons."

The change in recruitment regulations followed consultations with a number of Government departments, consultations with Gárda representative associations, representatives of ethnic minority groups and the NCCRI. It was accompanied by an awareness campaign to ensure that minority ethnic groups were aware of the proposed change. To those who expressed concern that the changes could lead to a diminution in the status of the Irish language, it was pointed out that post-recruitment training in Irish would be provided to all those who did not have a prior qualification in Irish and that members of the public would continue to have right to deal with the Gárda, if they so wished, in Irish. Consultations about related issues such as dress code, religion and integration within the Gárda are ongoing.

(continued from previous page)

The Department of Justice, Equality and Law Reform released some data on the outcome of the first recruitment campaign after these changes were introduced in 2005.[229] The data showed that a total of 8,462 people applied. 6,890, or 81 per cent, completed a voluntary survey in which they indicated their ethnicity. Some 5,573 candidates classified themselves as "white Irish". Of these, 4,066 sat the aptitude test with 2,679, or 66 per cent, passing, making them eligible for the interview stage. The largest ethnic minority group was the "Asian Chinese" community, represented by 602 applicants. Of these 463 sat the aptitude test with 101, or 22 per cent, progressing to interview. 348 candidates described themselves as "white other", meaning they are white but not Irish. Of these, 146 sat the aptitude test with 57, or 39 per cent, passing and progressing to the interview stage. 124 applicants described themselves as "black African". Of these 45 turned up for the aptitude test with two, or 4 per cent, passing and progressing to the interview stage. Five applicants described themselves as "black other", with four sitting the aptitude test and one progressing to the interview stage. The final ethnic category was "Asian other", with 153 candidates. Of these, 76 presented for an aptitude test with 10, or 13 per cent, proving successful and progressing to the interview stage.

The results suggest that a significant start has been made but significant statistical differences disparities between the success rates of the various minority groups require further investigation; language difficulties may be a factor.

BENCHMARKING

Benchmarking strategies comprise two components. In the first place, appropriate indicators provide the essential baseline data which can be used to measure the presence of minority ethnic groups in any particular sector as well as their levels of inclusion, socio-economic and cultural disadvantage, linguistic needs, and any other relevant issues. Secondly, such indicators should be used in the formulation of mainstreaming and targeting programmes in order to promote equality for such communities.

For reasons which have already been explained, this is an area where much remains to be done in Ireland. Service provision for minority ethnic groups is not yet grounded in a system of formal evaluation, based on hard targets and agreed indicators, backed by statutory force. Irish service providers are still largely reliant on a complaints-driven approach in evaluating service provision. Such an approach necessarily conflicts with the notion of measurable outcomes based on objective indicators and time-related targets.

This situation will undoubtedly change over time as the provisions of the NPAR are translated into sectoral audits and action programmes, based on the identification of appropriate targets, indicators, timelines and benchmarks. This process will requite a significant shift of in attitudes and forms of governance. In the case of an indigenous minority, the Traveller community, local authorities were required to adopt fixed targets for the provision of accommodation but some years after such provisions were put in place little action had been taken.

The lack of indicators and basic data is a pressing issue in virtually all sectors. For example, the Gárda National Immigration Bureau have information on country of origin and immigration status but only immigrants from outside the EU are registered as such information is not required for EU residents. Gárda HQ stated when interviewed that the only information they collect is name, date of birth, gender, physical appearance and nationality. In the schools, there is at present no nationally collated data on ethnicity at primary level and the information available is rudimentary and unsystematic. Although it has been estimated that an overall figure of approximately 6,000 pupils of non-Irish origin are enrolled in the primary system, this figure seems improbably low. Better data is available for second-level enrolment, where numbers are more modest and needs are arguably not as great. Within the employment sector, data is rudimentary and unsystematic.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

230_*First Progress Report Of the Committee to Monitor and Co-Ordinate the Implementation of the Recommendations of the Task Force on the Travelling Community*, 2000.
Available at:
http://www.justice.ie/
80256E010039C5AF/
vWeb/pcJUSQ5ZCBRV-en

231_*Second Progress Report Of the Committee to Monitor and Co-Ordinate the Implementation of the Recommendations of the Task Force on the Travelling Community*, 2005.
Available at:
http://www.justice.ie/
80256E010039C5AF/
vWeb/pcJUSQ6K2L2B-en

Policing data is handicapped by the lack as yet of a systematic and effective reporting system for racially motivated crimes, although the NCCRI has carried out pioneering work in this area, and by the absence of studies of the interaction between ethnic minority groups members and the justice system in general. The HSE probably has better data than the other sectors but such data is not yet being used systematically and pro-actively to address mainstreaming and/or targeting issues for ethnic minority groups. There is work ongoing on the use of an ethnic identifier in patient data collection.

Census data on the Traveller community is available however, and there has been more evidence of benchmarking in relation to service provision to Travellers. For example, the Monitoring Committee for the Implementation of the Recommendations of the Task Force on the Travelling Community reported that in 1999 that the accommodation provision of Travellers had actually become worse than the position in 1995, which lead the Government Monitoring Committee to comment in its first report:

" The Monitoring Committee wish to highlight the fact that in reality one in every four Traveller families are currently living without access to water, toilets and refuse collection. The accommodation situation has dis-improved *(sic)* over the past five years…It is also particularly unsatisfactory that the numbers of Travellers on the roadside has increased".[230]

However, in the second report of the Committee in 2005, it reported that whilst problems still exist the number of families on unauthorised sites had has reduced under the programmes from 1,207 families when they started, to 601 families at the end of 2004.[231]

ENGAGEMENT

The engagement of key stakeholders, including bodies involved in policy-making and the social partners in the NPAR

The need for integration between members of minority ethnic groups and mainstream Irish society and the need to fight poverty, discrimination and social exclusion is fast becoming a key political issue. The NPAR will be a key platform for the development and implementation of appropriate mainstreaming and targeting policies but other official initiatives are also relevant. These include, in particular, the social partnership process and the National Action Plan against Poverty and Social Exclusion 2006-2008.

The social partnership process, already referred to elsewhere, has gone through several iterations, of which the current programme Sustaining Progress, is the sixth such agreement since they were first introduced in 1987. Sustaining Progress contained the following reference to immigration, interculturalism and minority ethnic groups.

" Government and the social partners agree on the desirability for the development of a comprehensive policy framework on migration (immigration and emigration). This would incorporate issues which properly fall to Government, acting in accordance with national and international law, including regulation of inflows into the State. It will also incorporate issues on which the Government will consult with the social partners – specifically, economic migration and the labour market, integration issues, racism and interculturalism and issues affecting emigrants. The policy framework will encompass the agreement of the parties to the Pay and Workplace Agreement in relation to work-related aspects…. The National Action Plan against Racism will be published by end 2003 and measures agreed by Government implemented.

An anti-racism intercultural programme at every level of the education system will be implemented in line with the recommendations of the National Action Plan on Anti-Racism. This will build on existing initiatives and focus on curriculum, training and support issues. Literacy and language training for adult minority linguistic groups will also be expanded as resources become available."

As will be noted, the NPAR was itself one of the commitments given in Sustaining Progress, although it was not published until some time after the original target date. While progress is being made, an anti-racism intercultural programme is not yet in place 'at every level of the educational system' and literacy and language training for adult minority linguistic groups are still in short supply.

Negotiations between Government and the social partners for the next national partnership agreement are currently in train and it is already clear that immigration-related issues will assume a greater degree of importance than heretofore. As of yet, however, there is no provision for the direct involvement of ethnic minority communities in the negotiating process.

The National Action Plan against Poverty and Social Exclusion 2006-2008 is part of an EU-wide process designed to assist Member States in achieving the EU goal of making a decisive impact on poverty by 2010 and beyond. Of particular use is the fact that it provides consistent and robust indicators for the measurement of poverty,[232] although in the present case these are of limited us if it is not possible to disaggregate data for minority ethnic groups from the overall statistics. Thus, data published by the CSO in December 2005[233] provides a detailed breakdown of relative and absolute poverty in Ireland, as part of the broader EU Survey on Income and Living Conditions (EU-SILC) but it does not enable poverty within minority ethnic groups to be tracked. Nonetheless the Report on consultation for National Action Plan against Poverty and Social Exclusion 2006-2008[234] clearly identifies minority ethnic groups and Travellers among the most vulnerable groups and proposes various concrete steps to address their situation. Issues identified include housing, education, languages support, employment, improved data collection and policy 'poverty proofing'.

The engagement of specialised and expert bodies

The NCCRI has a key role to play as an independent expert body bringing together Government and NGOs to address racism and promote interculturalism. It is also represented on the Steering Group of the NPAR. NCCRI carries out a wide range of sectoral consultations as well as policy initiatives, information and awareness campaigns, conferences and seminars, 'training the trainers' programmes, community development, research and publications. Now in its eighth year, the NCCRI has achieved a high public profile and has established a leading role in promoting public awareness of issues of racism and interculturalism in Ireland.

The Equality Authority is guardian of equality legislation in Ireland it has supported a substantial number of cases before the Equality Tribunal. Discrimination on the ground of 'race' is an increasingly important aspect of its work:

" The race ground (32%) remains the largest category of casefiles under the Employment Equality Acts, involving discrimination against migrant workers in accessing employment, working conditions, harassment and dismissal."[235]

The Equality Authority also works with statutory agencies and the private sector in developing equality and diversity policies, including training strategies and conducts or commissions research in the field.[236]

232_www.socialinclusion.ie/poverty.html

233_www.cso.ie/releasespublications/documents/labour_market/current/eusilc.pdf

234_www.socialinclusion.ie/documents/ConsultationReport2006-2008.pdf

235_www.equality.ie/index.asp?locID=135&docID=537

236_See, for example, Anne Lodge and Kathleen Lynch, (Eds), *Diversity at School* (2004) notably pp. 66–76. www.equality.ie/getFile.asp?FC_ID=180&docID=255

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

The engagement of local communities and minority ethnic groups

A multiplicity of local community organisations have emerged in this field. For example, Integrating Ireland, a national umbrella grouping with more than 150 member organisations. Such organisations vary from loosely organised community based groups to formally structured NGOs and engage in a range of activities including information and service provision, legal advice and support, campaigning and advocacy, policy and research.

Apart from Integrating Ireland, four other substantial Dublin-based NGOs should be mentioned in particular – the Refugee Information Service, the Irish Refugee Council, the Migrant Rights Centre Ireland and the Immigrant Council of Ireland. A number of prominent NGOs are based outside the capital, such as Nasc (Cork), Doras Luimní (Limerick) and Galway Refugee Support Group.

These organisations face significant challenges in terms of capacity building, role and funding. Although the growing involvement of private foundations has eased the financial situation of some of the largest, there is little Government funding to date for NGOs working in this field in Ireland. Much of the cooperation which has been achieved with statutory agencies and Government Departments, where it has been achieved, has been informal and *ad hoc* in nature. There is not, as yet, a recognised 'policy community' in this field, although much progress has been made.

In terms of public engagement, migrant and ethnic led organisations face particular difficulties. In general, they experience problems of capacity, funding and recognition which place them at a distinct disadvantage compared to indigenously led NGOs.

Case Example 24 – Engagement

Refugee Information Service/Citizens Information Centres

An interesting example of public engagement between the statutory and non-statutory sector has been the relationship established between the Refugee Information Service, an NGO, and the Citizens' Information Centres, operated by Comhairle under the aegis of the Department of Social and Family Affairs. The RIS has developed an independent and confidential service that refugees and asylum-seekers trust.

Consequently the ethos of the RIS is:

- inclusive: involving refugees and asylum-seekers in the management and delivery of the service;
- co-operative: working with and giving assistance to community groups (and other organisations working with refugees and asylum-seekers);
- anti-racist: countering racism by the dissemination of accurate information on the rights and entitlements of refugees and asylum-seekers in Ireland.

Migrant workers: requiring specific attention?

It will be noted that many of the specific initiatives in the area of appropriate services for minority ethnic groups in Ireland have tended to target the asylum seeking and refugee communities. However, their numbers are modest compared to migrant workers and their families in Ireland, especially since the accession of the new EU10 in May 2004. While the employment sector has been quick to respond to some of their needs, notably through the provision of multilingual information, much remains to be done in developing comprehensive policies in the statutory sector to address the various needs of these different communities.

CONCLUSIONS

The Irish statutory sector has a number of characteristic features which mark it out from its UK equivalent. One of the most significant is that a less comprehensive range of statutory services has been offered in Ireland and a greater reliance has been placed on the voluntary sector. In the area of health services, a significant role is played by faith-based service providers. Provision for education in Ireland is unique insofar as the majority of schools have most of their running costs met by the State but are controlled by confessional management boards. Moreover, legislation designed to protect the religious ethos of the school permits discrimination on religious grounds in recruitment and other matters. Many other services are provided by a range of voluntary bodies but significant state support has yet to be made available to organisations working with ethnic minority groups. This lack of funding is a particular problem for ethnic and minority led organisations (MELOs).

Irish governance and practice has developed its own innovative approach to social partnership (referred to above), a system of consultation and negotiation which embraces the Government, employers and trade unions, agricultural interests and a number of key players from the community and voluntary sector. However, it has yet to include ethnic minority group interests in any substantial way. Political debates to date have tended to be reactive and focused on urgent issues of the day such as alleged exploitative practices by employers rather than looking to a more long-term strategic approach, although this is changing.

Municipal and local authorities are key players in the UK. In Ireland, by contrast, the county, city and town councils are not yet involved to a comparable degree. There has been some progress in recent years, notably with the setting up of City and County Development Boards in the mid-1990s to 'bring about an integrated approach to the delivery of both state and local development services at local level'. The boards provide a platform for all of the relevant players – the State, local government, social partners, local development agencies such as area partnerships, EU Leader projects and city and county enterprise boards. A cross-sectoral approach to more effective service provision for minority ethnic groups could well be based on such bodies.

In recent times only one TD from a minority ethnic background has been elected to the Dáil.[237] However, the political system at local level is relatively open as the right to stand for election or to vote is not dependent on migrant status. In most recent local elections in Ireland in 2004 two local councillors of immigrant backgrounds were elected, in Portlaoise and Ennis respectively.

From the admittedly narrow point of view of service provision, it is suggested that the following might serve as a useful agenda for action:

- Individual discrimination against someone on any of the nine grounds covered in the legislation (gender; marital status; family status; age; disability; race; sexual orientation; religious belief; membership of the Traveller Community) is unacceptable. Yet a number of reports[238] and surveys carried out in Ireland in recent years, as well as the NCCRI's system for the reporting of racially motivated incidents, suggest that incidents of individual racism and racial discrimination are common. Service providers need to implement appropriate and effective policies including awareness training, information campaigns and enforcement mechanisms.
- Service providers need to consider the extent to which they may need to vary the ways in which services are *delivered* and whether these need to take cultural differences into account. One frequently hears the assertion from frontline staff that 'of course no-one should be discriminated against, but they are in this country now and they have to learn how things are done here'. If we are to achieve an approach to service provision which stresses equality but is flexible in delivery methods, we must address the *specificities of the needs of migrants and ethnic minorities* – that is, those needs, over and above those of others who may use the same services, which arise because they are members of migrant and ethnic minorities.

237_Dr Mousajee Bhamjee, born in South Africa and of Indian descent, became Ireland's first Muslim TD when he was elected in 1992 to the constituency of Clare for the Labour Party.

238_See, for instance the 2005 report of the Equality Authority: www.equality.ie/index.asp?locID=136&docID=536 launched on 8 May 2006.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

239_For example, female frontline staff report being told by male clients that they wish to do business with a male civil servant.

The questions raised are not simple ones and provision for diversity must always take place within an agreed framework of common values. Certain core values, such as gender equality, may conflict with issues of cultural specificity.[239]

- Service providers, both voluntary and statutory, are players and stakeholders within broader civil society. Policy and service provision will need to take account of emerging policy and legislation at national level.

- Service providers need to carry out comprehensive audits of their existing policies with a view to implementing specific targets for change, reliable indicators for monitoring and evaluating change and measurable outputs. Such an approach should reflect the understanding which we now have of the nature of institutional racism and xenophobia and should include recruitment and promotion practices within the organisation. There is a considerable body of experience in Ireland on a related topic – gender discrimination – which could usefully be drawn upon. The aim should be to 'equality-proof' and 'diversity-proof' service provision in the same way that some organisations have already sought actively (although not always successfully) to gender-proof their services.

CHAPTER 5: CONFERENCE DISCUSSIONS

Discussions from the conference are used throughout this report; however it is important to report specifically on the feedback from the roundtable discussion groups. All conference participants attended one of eight roundtable discussion groups on the service provision framework used in this research, namely: mainstreaming, targeting, benchmarking and engagement. Facilitators were asked to report three key points and pose two questions to the panel for discussion. Responses to the questions from the panel are referred to throughout this report. This section records the three key points provided from all groups. Also provided at the end of this section is a short summary of key points from the conference.

A. MAINSTREAMING
Facilitator: Ashok Ohri

- Mainstreaming has to be driven from a policy level, from the top. There was recognition in our group that the leadership has to drive it, has to create the conditions for it and the mainstreaming idea is not just about the grand overall policy, but has to be very specific in relation to particular areas like language, like positive action, like targeting and so on without some of the other mechanisms, other policy areas, the mainstreaming policy will just not stand up.
- There is a real concern about the generic nature of the notion of mainstreaming and the generic nature of staff that tend to be appointed equality officers and so on and so forth. There is a lot of discussion in our group about can you really treat everybody the same? What we concluded was that actually if we treat everybody the same we are discriminating, and so if you are actually trying to mainstream you need to be very conscious of diversity; the organisation must have the skills, the capacity, the knowledge and the confidence to deal with diversity; the enormous diversity of people and their backgrounds and their experiences of inequality.
- We need to create the conditions through capacity building, education and skill. We need to make sure there is sufficient education and training within organisations so staff are confident and understand what mainstreaming means, what it is they need to be doing and how to be able to respond to the particular needs of the diverse community.

Facilitator: Daniel Holder

We came up with a definition of mainstreaming, taking account of the different realities and delivering things in a different way. We also discussed not leaving it necessarily to the opinions and perceptions of the majority group who will generally raise issues like language barriers or culture; but one of the key issues from a minority perspective being racism. So we started with a definition, then we ran into of three main areas.

- Long term planning is required. For example, there will be more cases going through industrial tribunals employment tribunals, in which case there is a need to plan the capacity of those tribunals and increase the capacity unless we are to be left with a huge backlog. We also discussed the resourcing issue in terms of mainstreaming and maybe moved away from the issue purely of resourcing to one of prioritisation. Not everything can be done, but there are examples of when maybe it's an issue of prioritisation or an attitude that holds things back rather than actual hard cash. There are huge amounts of additional tax revenue that have been brought due to inward migration; what's being done with that money; is it really a resourcing or more a prioritising position? Of course in terms of a strategic framework we discussed the legislative framework and the absence of a statutory duty in the South.
- Martin Luther King said that legislation can't change attitudes but it can actually make people behave. There needs to be work on ethos and attitudes and around changing ethos and attitudes and if mainstreaming is going to be successful. We discussed service provision areas where there is considerable discretion and when discretion is mixed with prejudice that has a discriminatory outcome. We also discussed the fact that as well as a positive equality duty there are negative pressures from some policies and legislation that staff have to operate under in terms of the restrictions to access of social systems and particular services that makes implementing that agenda difficult. Also on ethos and attitudes, there is sometimes an emphasis on indirect discrimination which isn't always intentional, but let's not take our eye off the ball from the examples of direct blatant and malicious racial discrimination, and there were very powerful examples of issues faced by Travellers in that regard.
- Some of us felt that if we were going to be able to mainstream, we didn't feel we had the necessary skills in the organisation to be able to mainstream, which is obviously a training issue and an issue from which broader skills framework.

B. TARGETING

Facilitator: Ronaldo Munck

Our group was primarily consisting of people working in the health sector and a lot of our discussion revolved around issues of language, community interpreting and so on. We derived what we thought were three principles:

- We discussed the principle of ensuring bottom up consultative approaches because that would involve the end user at all stages of service development and ensure therefore the relevance of the service. Without that it isn't possible.
- The need for a dynamic approach needs to be recognised; cognisant of the ongoing situation and of change. In other words, it's a dynamic situation, you can't have a one-off intervention, because it's constantly evolving.
- There is a need for joined-up thinking within the service provider organisation and across agencies to ensure consistency and enable opportunities for sharing good practice.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

Facilitator: Ronnie Fay

- In relation to terminology, the current language must be seen to be evolving and be open to discussion and change because many minority ethnic groups are very aware of being targeted but targeted in a negative sense and that perhaps the use of the word 'positive action' might be more positive and reflect the reality.
- Nothing should be imposed on minority ethnic groups and maybe not all minority ethnic groups require targeting, and it needs to be done in partnership and you need to have the participation of NGOs and minority ethnic groups to represent their own issues, and they need to be resourced to do so. In terms of new initiatives regarding targeted employment, these are very welcome initiatives in terms of recruitment but we need to look at retention and progression for those individuals but also to be clear that those individuals shouldn't replace formal consultative mechanisms because there is a danger that within an institution because you have a Traveller or a black person or Muslim that they may be used as the mechanism for consultation and that's not acceptable.
- Successful targeted initiatives or models of good practice should be mainstreamed either through funding or through incorporation into policy and that information on these should be widely circulated and that we don't have to reinvent the wheel within each of the three jurisdictions or across the three jurisdictions.

C. BENCHMARKING

Facilitator: Katy Radford

- In benchmarking there is a need to capture data and monitor the information that we are trying to get together, and we need to consider the political context from which this data is being captured. That's particularly relevant perhaps in Northern Ireland one might suggest, but also if we look at the process of how issues around immigration, can cause difficulties for individuals, that is key to the sensitivities around capturing data.
- There is a need for an explanation for individuals as to why data needs to be captured, why we need disaggregated data, why we need to capture and monitor information. And as part of that process we felt it was important to address this within the context of anti-racism training and how this could be brought to bear on the process.
- There is a need to ask government to work with communities in partnership and for government to resource partnerships in pulling together information and data about the communities in which we're existing.

Facilitator: Eleanor McKnight

Our points reflect very much what you heard from the first group on benchmarking. I don't think we were able to identify any examples of current benchmarking clearly that indicates that there is a lot of work to happen in this area.

- The first point was around the collection of data and that that had to be integral to benchmarking obviously in order to plan services accordingly and to be able to measure change more effectively. There was a need to focus more on qualitative rather than just quantative data and also that we should be sharing existing data more, that a lot of the time we're looking at ways of collecting new data but there are some examples of where fairly robust data has been collected and we need to look at ways of sharing that.
- The second point is to ensure benchmarking is effective, capacity building should be integral to consultation and community engagement. An example was given in Scotland where community reviewers were being trained to actually measure progress in health boards in partnership with health providers.
- The final point was around the need for continued discussion on how quality of outcomes are measured and we did have a discussion around whether we should be measuring equality of outcome or equality of life chances, and I think latter is something that in Northern Ireland in particular is looking at now.

D. ENGAGEMENT

Facilitator: Patricia Clarke

- Firstly in terms of policy makers assuming that they actually know what the issues are and the needs of ethnic minority ethnic groups; we agreed that these need to be properly articulated through a consultation process. Sometimes it's done with the best intentions but service providers don't actually get it right. There were various examples given this morning of this.
- Secondly there is a need for greater flexibility in how services are delivered. In terms of regionalisation and being able to adapt the delivery of the service at a local level to reflect the emphasis on individual needs, the fact that one size/type does not fit all is clear.
- And thirdly in terms of the funding which seems to come up at every conference; funding needs to be identified and delivered for groups representing ethnic minorities which will lead to a better engagement. The capacity of service providers actually needs to be improved as well to involve those groups within the engagement process.

Facilitator: Joe Lenaghan

- In relation to how engagement can build capacity and how capacity building supports further engagement; obviously that's dependant on resources and in terms of public bodies, they have a responsibility to minority ethnic organisations to facilitate their engagement in policy development which will deliver the services which will meet their needs. So capacity building and resources are key in the engagement process.
- Good models of engagement that were identified include the Ballymena Interethnic Forum where the employment of a coordinator from a minority ethnic community facilitated the development of a minority ethnic forum to engage with a forum of service providers. In relation to Travellers there is a need to develop capacity of Travellers to engage on a regional basis with the housing executive on accommodation issues within their own communities and within their own local area.
- Some sectors can learn from other sectors. For example in health where there is a model of employing bilingual staff who act as in an engagement process in terms of the delivery of the service and also providing feedback to the service provider at a policy level about the difficulties and barriers faced by those communities in accessing the services; which is a good model of employing members of minority ethnic communities in the delivery of the service and the development of the policy. But that can be replicated across other public sector organisations for example policing and education.

SUMMARY OF KEY POINTS FROM CONFERENCE

Philip Watt, Director NCCRI

- The demographics of this island, indeed the demographics of Scotland as well are rapidly changing. We're seeing new communities springing up all over the place in Ireland, but also there's a challenge to ensure that the existing communities here, whether it's the Traveller community, whether it's the long established Asian and African communities that already existed in Ireland and Scotland are included in the challenge to public services to be as inclusive as possible.
- The political context has been highlighted as being absolutely crucial and we've talked a lot about joined up government. But I think the point was made over and over again by a number of people on the panel this afternoon was the consistency of policy; it's no good just developing policies to tackle discrimination or to promote interculturalism if you don't ensure that there's consistency across the board whether it's in relation to immigration, whether it's in relation to asylum and refugee policy or whether it's in relation to Traveller policy. And unless those policies are consistent, then the policy will not follow through adequately.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

- I'd like to focus on the point made by Ken Fraser speaking on behalf of the Minister this morning. The failure to accommodate diversity actually contributes to racism by default. In other words it's not good enough to tackle discrimination, you have to promote a more inclusive and intercultural society, and we need to get away from just the concept of integration, what has to be asked is integration into what? If we are not building a more inclusive and intercultural society whether it's in Ireland North and South or it's in Scotland, then that integration will not go very far.
- We need to get beyond the ideas of equality of opportunity and much more into equality of outcomes and impact. I think the framework which we discussed today is a very useful vehicle, a toolkit if you like, in terms of getting that result. We need to look across the board on issues such as mainstreaming, targeting, engagement and benchmarking. But unless those strategies are actually aimed at changing the lives of people on the ground, they will have seen to have failed.

CHAPTER 6: IMPROVING SERVICE DELIVERY FOR MINORITY ETHNIC GROUPS

240_Lesley Irving, Equality Unit, Scottish Executive, speaking at the conference.

241_The Social Inclusion Strategy – Scotland: The Scottish Office: 1999

" What people are looking for now is the action that comes from that research so I think it is incumbent on all of us, because we all have a role to play in making sure that pieces of research such as this don't just sit on the shelf and they do move forward into some form of action."[240]

One of the objectives of this research project is to contribute to improving service delivery to minority ethnic groups by comparing how public authorities provide services in Northern Ireland, Scotland and Ireland; and to identifying interesting practices and initiatives with a view to sharing experiences across borders. The following conclusions are responses to the question: "How can we improve service provision to minority ethnic groups?".

Mainstreaming	• Joined-up Government • Cross-border experiences • Understanding and tackling racism • Positive duties • Training
Targeting	• Mainstreaming AND targeting • Recruitment and employment
Benchmarking	• Data collection • Planning and migration strategies
Engagement	• Specialised and expert bodies and NGOs • Increased engagement • Effective communication

MAINSTREAMING

Joined-up Government can improve service provision

For Government service provision to all groups in society, co-operation between Government Departments and other public bodies is important. During this research, participants at the conference and NGOs interviewed by the researchers have expressed concern and frustration at the lack of inter-agency co-operation in relation to minority ethnic groups, sometimes feeling that it is not clear where responsibility lies and that they are being passed from one service provider to another. This can also have serious consequences, whereby anti-racism principles developed by and for Government are then ignored.

Disparate approaches by Government Departments can unwittingly reinforce racial inequality; for example the Scottish research has explained how black and minority ethnic groups are effectively factored out of Scotland's Social Inclusion Strategy,[241] whereby funds are allocated on the basis of the Scottish Index of Multiple Deprivation. This index does not take into account racial discrimination

and inequality and black and ethnic minority communities have not traditionally resided in the geographical communities that are highly ranked according to the traditional indicators of deprivation.[242]

A lack of a joined-up approach can result in openly contradictory Government policies, or in anomalies and systemic (probably unintentional) barriers. For example, the research from the Republic of Ireland outlines problems faced by asylum seekers. They receive a payment from the Health Services Executive (HSE) until they achieve refugee status and are transferred onto a social welfare payment from the Department of Social and Family Affairs. In order to get funding to attend post-leaving certificate courses a prospective student needs to be on this social welfare payment for six months to be eligible. However, asylum seekers' prior HSE payments are not taken into account; so that students must wait a further six months on social welfare before becoming eligible.

Communities Scotland (an agency of the Scottish Executive) has taken a number of initiatives to progress racial equality, including commissioning a number of reviews in different local authority areas to assess the housing needs, preferences and circumstances of the black and minority ethnic communities.[243] The report highlighted that there was a need for closer collaboration between housing, social work and other services to address housing needs which are related to social care issues and safety from racial harassment in neighbourhoods and schools. It also reported the need for joint working between Communities Scotland, Aberdeen City Council and Registered Social Landlords to increase the availability of larger-sized accommodation in areas which are perceived to be free of racial harassment; and recommended working with the main providers of international student accommodation to address the shortage of affordable accommodation.

Where there remain striking inequalities and issues with Government service provision to certain groups, specialised monitoring and/or implementation bodies, including both Government representatives and representatives from the minority ethnic communities should be considered. A prime example would be in relation to service provision for Travellers/Gypsy Travellers.

" …for the last two years we've had in the South a committee called High Level Senior Officials Group… for two years we lobbied and campaigned to have Traveller representation on that committee and our pleas fell on deaf ears. And really this is a throwback to the '60's whereby non-Travellers felt that they had the God given right to make decisions on Traveller affairs, decisions which impact on our lives. And anyway, this committee published its report yesterday, and there was no Traveller involvement, and the report itself is quite problematic, and it's setting a tone and direction which is really not in Travellers interests, and that could have been so different if there was a real partnership between Travellers and this High Level Senior Officials committee, and it's also in direct contradiction with the National Action Plan Against Racism, the Plan has five themes and one of those is participation."[244]

Joined up approaches apply within individual organisations as well. For example, in Northern Ireland people from minority ethnic groups reported differing levels of service provision from organisations such as the PSNI.

Examples of joined-up approaches:

The research from the Republic of Ireland indicated that the establishment of an Interdepartmental working group (with representation from the Departments of Justice, Equality and Law Reform, Health and Children, Education and Science, and Environment and Local Government) to address all aspects of refugee

242_GARA (2005) *Integrating Race, Regeneration and Community Planning in Glasgow*.

243_Communities Scotland (2004) *Improving Understanding of the Housing Circumstances of Minority Ethnic Communities in Aberdeen City*.

244_Martin Collins, Assistant Director, Pavee Point Travellers Centre, Ireland, speaking at the conference.

245_SELB, Trinity College Dublin (2005), *Together Towards Inclusion*.

resettlement in an integrated and sustainable manner was an example of a more joined-up approach. Interviews and focus groups in Northern Ireland indicated that inter-agency forums as set up by Ballymena Community Forum were thought to be beneficial for both public authorities and minority ethnic groups alike. In this research, the example of O'Kane Poultry in Ballymena was used as an example of how an employer can liaise with other bodies to meet the needs of migrant workers.

Cross-border experiences can be shared to improve service provision

Despite the differences between Northern Ireland, Scotland and the Republic of Ireland, similar trends appear in each jurisdiction and this research has presented an important opportunity for cross-border learning and sharing of experience. Some organisations included in the Emerging Findings Discussion Paper and involved in the conference have been approached by service providers and other interested parties from outside their jurisdiction keen to learn from their experience.

Whilst there tends to be cross-border co-operation for security purposes, some of which has negatively impacted on minority ethnic groups, there needs to be a focus on cross-border co-operation for racial equality purposes. Roundtable discussions hosted by the NCCRI's Synergy project (a project focusing on racial equality in the border area in Ireland and assisting with cross-border co-operation on racial equality) have identified issues relating to the border affecting minority ethnic groups including Travellers who have crossed from one jurisdiction to another have had long delays in enrolling their children in schools or registering with a GP whilst waiting on paperwork from the other jurisdiction and recent migrants to Ireland crossing the border into Northern Ireland without realising they have entered a different jurisdiction and being deported by UK immigration police without a chance to explain/contact people at home.

Other projects have also identified common issues for service providers North and South. For example, a pilot study of the educational needs of pupils from non-English speaking backgrounds in a group of primary schools in Dublin, Kildare and Tyrone[245] made a number of cross-border recommendations. Among these were that North-South co-operation would be valuable in preparing a pre-service training module for teaching English as an additional language (EAL) in all teacher training colleges on the island, as well as helping to develop the expertise of classroom teachers to deal with various levels of English language proficiency in mainstream classrooms and developing 'toolkits'.

While this research clearly shows the benefits of learning from one's nearest neighbours, the research is likely to have had an impact through the mechanisms by which it has operated and been governed. The research has engaged key representatives from several Government Departments, various NGOs and minority ethnic groups, and researchers from several organisations from the three jurisdictions. A series of Steering, Advisory and Research meetings have been held throughout the project where people have developed their knowledge of legislation, policies and practices in each jurisdiction.

There is a need for a cross-border infrastructure to facilitate and co-ordinate this cross-border networking and learning on an ongoing basis. Those already involved in this project could meet bi-annually to discuss the strengthening of co-operation in areas such as exchange of information and staff, analysis of common problems, joint training, sharing of best practice and even convergence in policy-making based on effective practice. In addition this group could assist with identifying key projects and approaches for future funding proposals to programmes such as the EU Programme for Cross Border Territorial Cooperation Ireland/Northern Ireland/Scotland 2007–2013 and the EU Programme for Peace and Reconciliation (PEACE II) and INTERREG IIIA Programmes.

Understanding and tackling racism will improve service provision

Prejudice of individual staff members in a service provision context can result in them using their power to exclude members of minority ethnic groups either entirely or partially from a service, or to subject them to racism in the course of service provision. This is described as direct discrimination. Indirect racial discrimination occurs when a seemingly neutral rule or practice actually has a disproportionate negative impact on people from a particular ethnic group(s).

Racial discrimination may also be systemic or institutional in nature, which is particularly relevant to service providers. Institutional racism, as described below, is an amalgamation of factors, including the attitudes of the individuals within the organisation. Systemic racism is less reliant on individual attitudes and is an embedded form of indirect discrimination; whose adverse impact on minority ethnic groups was often not the intention of the policy-maker. An example of this form of discrimination would be the requirement by some Government service providers in Ireland that job applicants should speak Irish. It was not intended to exclude minority ethnic groups, rather to preserve the language and cater for a minority language group; however it is a requirement that most recent migrants are extremely unlikely to be able to meet. An Garda Síochana tackled this issue by removing the requirement to speak Irish at recruitment stage.

Service providers in the UK have been made aware of institutional racism as a result of the Stephen Lawrence enquiry which described institutional racism as:

" the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination though unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people."

Described as 'racism', it is inevitable that there reticence among Government service providers to recognise and take ownership of institutional and systemic racism, even though it is by its very nature often unintentional. In fact, as policies and services were traditionally devised with the majority in mind, and often before significant cultural diversity, institutional and systemic racism are inevitable:

" I think also the public authorities and individuals within them and particularly those in leadership roles needs to recognise more clearly the character of discrimination; its deep rootedness, the variety of its manifestations, its virtual inevitability." [246]

It has been argued that in Ireland discussions on racism have tended to focus exclusively on the acts of individuals, whether public or private, rather than how the state itself operates – through its legislation, policy or practice – through its institutions or as a whole.[247] Conversely, there has been a high-level of awareness of institutional racism in Scotland and Northern Ireland, primarily as a result of the Stephen Lawrence Inquiry and its influence on policy development in the UK. For example, in the questionnaire distributed to service providers in Northern Ireland, institutional racism was rated 'important' with 25 people (42%) stating it was very important. However, there is some evidence of a lack of acknowledgement of systemic issues emerging from this research, for example concerns raised by NGOs that in certain areas of Northern Ireland with highly diverse populations, there are no children from migrant worker families enrolled in grammar schools were seen by a service provider interviewed not as discrimination but simply the way the system works.

246_Bob Collins, Chief Commissioner of the Equality Commission Northern Ireland speaking at the conference.

247_Beirne, L. & Jaichand, V. (2006), *Breaking Down Barriers: Tackling Racism In Ireland at the Level of the State and its Institutions*, Amnesty International.

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

248_Lord Rooker's Ministerial Address at the conference, delivered by Ken Fraser, Racial Equality Unit, Office of First Minister and Deputy First Minister in Northern Ireland.

249_Lord Rooker's Ministerial Address at the conference, delivered by Ken Fraser, Racial Equality Unit, Office of First Minister and Deputy First Minister in Northern Ireland.

At the outset of the conference, it was made clear that racism is multi-faceted and has a particular relevance to service provision:

" …we need to understand that racism is not just about the fist, the boot, the offensive graffiti or the hurtful name calling, it's every bit as much about the failure to accommodate diversity and how we provide services to minority ethnic members of society… The fact that this failure is not deliberate doesn't make it any less damaging in terms of its impact on people."[248]

Racial inequality has been undermined in the past by the emphasis on equality of *opportunity*, rather than equality of *outcome*. In relation to service provision, this manifested itself in a preoccupation with access to services, rather than a focus on the service itself when it was accessed and indeed the outcomes as a result of the service. However a shift of emphasis does now appear to be taking place.

Positive duties can improve service provision

The statutory or positive duties in Scotland and in Northern Ireland have been found to play an important role in improving service delivery to minority ethnic groups. Although there remain some shortfalls and there has been some concern that these duties result more in bureaucracy than in action, it is clear that they provide an impetus for service providers and associated guides and impact assessments provide useful tools in developing services. People from NGOs and minority ethnic groups in Northern Ireland felt that services have improved and service providers interviewed expressed the feeling that Section 75 had been useful to them. The following extract from Lord Rooker's Ministerial Address at the conference explains the importance of positive duties:

" If the delivery of public services is not set up to counter racial inequalities then inevitably it will reinforce these inequalities."[249]

In other words, Government service providers must be proactive in ensuring that they are not contributing to racial inequality. Whilst there is also a need for ongoing commitment to positive duties in Scotland and Northern Ireland, and in particular to ensure that they deliver outcomes and do not become a mere 'box ticking' exercise; there is clearly an onus on the Irish Government to consider introducing positive duties. This is line with existing commitments in the National Action Plan Against Racism that a new statutory positive duty requiring public bodies to promote equality of opportunity will be considered and that a review of existing models and legal frameworks for positive duties in other jurisdictions will take place, including the statutory duty that operates in Northern Ireland.

Training is important in improving service provision

Some findings emerging from this research indicate that there is a need for more training and awareness among 'front line' staff in particular. For example, the Northern Ireland research found that the staff with least training were those who came in most contact with clients. This may be a result of the unfortunate perception of positive duties as a largely bureaucratic exercise, as the Scottish research discussed. The Northern Ireland research also suggested that there might be a communication gap between management and staff; for example, that management are aware of legislation, policies and strategies, but not all staff are aware.

As discussed above, there is a lack of understanding of the importance of data collection by those responsible for collecting client data, which could also be addressed in training. Whilst in Northern Ireland some interviewees from service providers saw the 'obligation for training' under Section 75 as essential, others clearly did not value training:

" *Do you think it would be useful if you received training on race equality*?
I don't see it would make any difference. As far as we are concerned if they…meet the criteria…, race equality doesn't come into it, they are eligible end of story.

What about an understanding of cultural issues?
We don't see that as a problem…we don't get involved in it (cultural differences)."

Anti-racism training is not an end in itself but is a valuable tool in an overall package of measures to address racism and promote the inclusion of minority ethnic groups.[250]

TARGETING

Mainstreaming AND targeting improve service provision

This research was based on a service provision framework comprising four key elements essential for effective service provision to minority ethnic groups (Mainstreaming, Targeting, Benchmarking and Engagement). Whilst these are described as separate components, they are by no means mutually exclusive, in fact all are required and there is considerable overlap and inter-reliance between them. In particular, mainstreaming and targeting are sometimes seen as distinct and discrete approaches in service delivery, which is not the case. Both are needed. The tension between mainstreaming and targeting was explored in the Scottish research. The Director of one voluntary organisation commented:

" Sometimes the establishment of a targeted project hinders the development of mainstream provision as the white staff in the mainstream of the institution never learn."

The CRE, in their submission to the Scottish Executive's Strategic review recognised the importance of the mainstreaming approach but argued that the pressure to mainstream service delivery to the black and minority ethnic communities could reinforce indirect racial discrimination because services were unable to respond to different expressions of need.

In fact what mainstreaming should mean is that such need is systemically taken into account as minority ethnic needs are recognised as core components of service delivery and that the need for targeted service delivery can thus be recognised. Mainstreaming means that people from minority ethnic groups are seen as core clients who need to be considered in every element of service delivery; more so simply because services are typically developed to suit the majority. It is also clear that mainstreaming does not mean treating everyone the same:

" if you are actually trying to mainstream you need to be very conscious of diversity; the organisation must have the skills, the capacity, the knowledge and the confidence to deal with diversity; the enormous diversity of people and their backgrounds and their experiences of inequality."[251]

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

There is evidence in each jurisdiction of 'pilot projects', once-off initiatives, and indeed, initiatives undertaken by individual employees through their own goodwill and in their own time. Whilst piloting as a way of introducing a new service is not in itself disadvantageous, there is a risk that these types of approaches effectively 'side line' service provision to minority ethnic groups and undermine its importance. Services (where appropriate) need to be developed with a long-term goal in mind and, for example, discontinuing a successful pilot project which has benefited minority ethnic groups sends a very negative message. Good models of service delivery for minority ethnic groups require stable funding.

Recruitment and employment policies impact on service provision

A nexus between employment and service provision has emerged from this research. Questions remain over the demographic make-up of employees in Government bodies and whether this is reflective of the demographics in wider society. This research did not look into the issue of diversity in public employment in detail; however, there appears to be a lack of ethnic diversity. An Garda Siochana in Ireland have attempted to address this imbalance by actively recruiting people from minority ethnic backgrounds and by removing barriers in the recruitment process (the requirement to speak Irish). There also appears to be a lack of senior employees from minority ethnic backgrounds.

Having emphasised the value of ethnic diversity in public sector employment, which undoubtedly brings new ways of thinking to public sector bodies, it is important to differentiate between employees and service users or clients. One discussion group at the conference raised the point that employing people from diverse backgrounds does not replace formal consultative mechanisms. The group felt that there was a danger that a Traveller or a black person or Muslim (for example) working within an institution could be used in consultation as opposed to approaching external people and NGOs, who are the people who should be consulted. Experience from overseas has also indicated that people from a minority ethnic background can often be called upon to deliver 'diversity' training. In reality, the person may not be an experienced trainer and may deliver their own subjective view on the topic.

There are interesting initiatives emerging in relation to bilingual workers, which have been very successful; however, interpreting is a skill and indeed a profession and it is important that staff are appropriately trained for the roles. For example, a requirement of the bilingual advocacy positions in United Hospitals in Northern Ireland was that the applicant have a certificate in community interpreting or would work towards this. Specific interpreting training in the area of health was also provided to the successful applicants.

Similarly, recommendations are sometimes made that Government staff should be encouraged to learn additional languages. The difficulty with this recommendation is that it might undermine the skills required. It can take several years to learn a language to proficiency level. In addition, as stated above, interpreting is a skill and specific training and codes of conduct are required.

BENCHMARKING

Data collection is essential for improving service provision

Data collection is a key component of effective service delivery. It is linked to engagement and benchmarking as it informs the service provider who they should consult with, highlights gaps and inequalities that can be used to set targets and evaluate outcomes against those targets. This research indicates that some staff involved in service delivery do not fully understand the importance of data collection or are reluctant to collect data (Scotland and Northern Ireland) and as they are frequently instrumental in collating client data at the organisational level, this is a matter of concern.

It is important that training on service provision to minority ethnic groups explains the importance of data collection. There are examples in this report that could be used to explain effective use of data, such as the Central Scotland Police initiative 'Safer Businesses for Ethnic Minorities' in which statistics indicated that over 60 per cent of racist incidents occurred within business premises owned/managed by members of ethnic minority communities and so a project was set up to address the issue.

Data can be gathered from a number of sources, and it is important that complementary data sources are used. For example, Census data in Northern Ireland is widely acknowledged to be out of date and provides inadequate differentiation of ethnicity vis-à-vis the actual ethnic make-up of the jurisdiction; or in the Republic of Ireland data on PPSN provides only flows of workers from the EU, including EU Accession States and does not represent the actual number of workers in the country. Quantitative and qualitative research may also be required to provide an accurate profile of service users and potential service users. As described above, traditional quantitative research may not in itself be adequate in planning service delivery for minority ethnic groups. One panellist's view at the conference in response to a question on data collection was:

" I work with what is probably a very highly nomadic community [migrant workers] as are some are the Traveller organisations that are here. One size doesn't fit all. The kind of data that we use to provide services for the majority of the community does not necessarily work for the minority community. I would prefer to see qualitative information, really good examples of good models…"[252]

This is indicative of the fact that traditional data collection mechanisms in Northern Ireland have not served the migrant worker population well and service providers are struggling to deal with this. Data collection based on a variety of sources will help with service delivery planning, including target setting, and resource planning and will be useful for benchmarking against the targets set. The table below describes the data collection process, uses and sources.

Table 12: Data Collection

	Ascertain:	Purpose	Data source
1	Who is currently using the service	Clients to be engaged in relation to planning and evaluating service provision.	Internal data collated by the organisation.
2	Who is *not* currently using the service	Need to engage and ascertain why they are not accessing the service (e.g. systemic barriers).	External data (e.g. Census – if accurate), cross-referenced with internal data (from no.1 above).
3	What the outcomes are for the client groups	Establishing trends in minority ethnic groups in relation to outcomes (e.g. socio-economic indicators).	Internal and external data sources (e.g. examination results within a school as an internal data source).

What has emerged from the research is that some current data collection is inadequate, missing, inaccurate or piecemeal. Ideally service providers in each jurisdiction would develop standard data collection categories or 'fields' for forms, databases and reporting. Also, for the purposes of cross-border co-operation and comparability,

**IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS**

ideally service providers in Ireland, Scotland and Northern Ireland would use the same categories. This research indicates that the following categories are required in order to build a comprehensive ethnic profile of service users. One or two of these categories in isolation is not adequate, rather all are required.

- Ethnicity
- Country of birth
- Language
- Religion

Additional information on these data collection categories is provided at Appendix 3.

Planning and migration strategies impact on improving service provision

There is some evidence that service providers, particularly in Northern Ireland and the Republic of Ireland, have been reacting to inward migration and increased and varied demands on their services, rather than proactively planning – both in terms of migration strategies and for service provision.

The Republic of Ireland's population is set to increase over the coming years, whereas Northern Ireland's population is set to decline, as is Scotland's. Whilst acknowledging that immigration is a matter reserved to the UK Government, the emerging findings discussion paper has already recommended that Northern Ireland public bodies should consider a strategy for migration (refer for example to the Scottish 'Fresh Talent' initiative), so that Departments can proactively plan rather than constantly react to rapid demographic changes. This is based on the following:

- There is a lack of Northern Ireland-specific data in relation to demographics.
- Recent years have seen large flows of migrant workers to Northern Ireland which government service providers have not always been well prepared for in terms of meeting the diverse needs of the ever changing population. These numbers will increase as major public works projects such as the Titanic Quarter and the Maze prison site redevelopment come on stream.
- Government policies lag behind the changing demography and seem destined not to 'catch up'.
- There is a lack of 'joined-up' government, with various departments developing 'stand alone' policies which are not always complementary.
- Northern Ireland's society is rapidly ageing and the population is declining.
- There is no overarching strategy for migration uniquely tailored to suit Northern Ireland's needs.
- Discussions on these topics are often less than fruitful as immigration is a function reserved to the UK Government.
- Problems of trafficking and undocumented workers (often for the sex industry) need to be further examined.

It is recommended that further research be carried out into a migration strategy for Northern Ireland. This research would address:

- Patterns of migration – both immigration and emigration – UK-wide, cross-border on the island of Ireland, and Northern Ireland specific.
- More detailed demographic projections for Northern Ireland, taking into account changes in relation to EU enlargement.

- Existing UK migration powers vis-à-vis Northern Ireland, with particular reference to how the Scottish Executive has used the powers available to it.
- Economic and social requirements for migrant workers in Northern Ireland, existing population skill sets and skill deficits, and associated projections.
- Reference to neighbouring jurisdictions, notably Scotland and Republic of Ireland, both for the purposes of cross-border co-operation and for 'lessons learnt'.
- Data collection associated with a local migration strategy and associated benefits.
- North-south issues and opportunities with the Republic of Ireland.
- East-west issues and opportunities with Scotland, with a particular engagement with the Scottish Executive.
- The relationship between a migration strategy and other key policies such as the Shared Future and the Racial Equality Strategy, as well as policies in areas such as employment.

Whilst data collection is essential for planning and there may be a lack of accurate data at present, the fact that ethnic and cultural diversity has increased significantly and looks set to continue to increase in each jurisdiction should provide a strong impetus for planning Government services to meet this need. Planning to meet the needs of a significant minority of our societies now needs to be a priority. As one Roundtable Discussion Group at the conference pointed out:

" …move away from the issue purely of resourcing to one of prioritisation. Not everything can be done, but there are examples of when maybe it's an issue of prioritisation or an attitude that holds things back rather than actual hard cash."[253]

ENGAGEMENT

Specialised and expert bodies and NGOs can contribute to improving service provision

A number of bodies who have played an important role alongside Governments in informing service provision to minority ethnic groups have been described in this report. These include the Commission for Racial Equality (CRE) in Scotland, the Equality Commission in Northern Ireland, and the National Consultative Committee on Racism and Interculturalism (NCCRI) in Ireland. The Equality Commission in Northern Ireland replaced the CRE in Northern Ireland and is responsible for equality across all grounds of discrimination. Similarly, the Equality Act 2006 in the UK provides for a Commission for Equality and Human Rights (CEHR) to be established to replace the Equal Opportunities Commission, the Disability Rights Commission and the Commission for Racial Equality. These developments are in line with EU developments as the European Monitoring Centre on Racism and Xenophobia (EUMC) is being replaced by a Fundamental Rights Agency, not limited to racism.[254] There are always concerns that the commitment to, and expertise associated with, racial equality will be diluted by these types of developments.

Employers and Trade Unions also have a role to play in meeting the needs of minority ethnic groups; particularly migrant workers

NGOs have also been active in both advocacy and service provision, including for example Animate and STEP in Northern Ireland. It is important to note this dual role. Whilst some NGOs focus on service provision, other NGOs have an important role to play in advocating for change and in contributing to the racial equality agenda.

253_Daniel Holder, Animate, Northern Ireland, Roundtable Discussion Facilitator at the Conference.

254_http://ec.europa.eu/ justice_home/fsj/rights/ fsj_rights_agency_en.htm

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

255_Eileen Chan-Hu, Ballymena Inter-ethnic Forum, Northern Ireland, speaking at the conference.

256_Rob Berkeley, Runnymede Trust, UK, speaking at the conference.

In order to effectively contribute, specialised and expert bodies and NGOs must be adequately resourced. For example the research from Ireland indicates that there is a lack of financial stability within the NGO sector.

Increased engagement is essential for improving service provision

This research indicates that service providers are by and large aware of the need for engagement with minority ethnic groups; as one interviewee from a service provider in Northern Ireland said:

" We are trying to address the needs of the people…we aren't in a position to say what their needs are. We need them to be confident that there is a policy to deliver what is needed – not what we think they need."

It is not only Government service providers who must engage with minority ethnic groups; many specialised bodies and NGOs are not led by people from minority ethnic backgrounds and as such must consult regularly with minority ethnic groups. NGOs and specialised bodies have expressed the importance of engagement with minority ethnic groups:

" We have based everything around people, without them we're nothing." [255]

However, engagement must become mainstreamed. There is a need to engage with a variety of groups, in a variety of ways at every stage of service design, delivery and review. Sometimes service providers express concern at the potential cost of such engagement; in reality, it prevents resources being misdirected into unsuitable services. It also ensures that minority ethnic groups are involved in agenda setting and not just as passive recipients of services. This research has indicated some examples where minority ethnic groups have shown a reluctance to engage in consultation. The following comment made a panellist at the conference provides an insight into some of the issues in this area:

" Participation is often inviting people in to comment on your agenda and not allowing them to set the agenda at all. And it's very often: "guess what I've written on this piece of paper", because you very rarely see your view turn up in the final outcome. So in order for participation to be real, it needs to be done with some level of feedback to show that OK, I decided to ignore you this time and be bold enough to say that. Thanks for your views, we disagree. The challenge is to get people to come back to the table to think that they may win the battle next time." [256]

Also, there is sometimes a tendency for service providers, whose employees tend to be from the dominant ethnic group, to focus on compliance and enforcement related services which affect minority ethnic groups (for example, driving offences, immigration control, etc.), rather than on the priorities for the groups themselves. It is only through engagement that Government service providers can ascertain whether services comply with the four 'A's:

" …the four As that the previous Rapporteur in Education in the United Nations elucidated when she was considering education for minorities and for migrants, that education needs to be Acceptable to minorities, it needs to be Available, it needs to be Appropriate and it needs to be Accessible."[257]

At the conference the heterogeneity of minority ethnic communities was discussed.

" I think it's OK to have a number of organisations representing the same community as indeed there are four or five organisations representing Travellers, or you have four or five organisations representing the Chinese community… it's OK to have a multitude of organisations because that was made earlier on that ethnic minorities are not a homogenous group, they are varying needs and concerns within those communities, so it's perfectly valid to have a number of different groups representing different perspectives and different concerns within those communities."[258]

Examples of community consultation good practice guides from Scotland are provided in this report and it is important that proper consultation strategies are developed in each jurisdiction. In some cases there appears to be a lack of understanding for the need to consult differently with different groups in society, taking into account cultural background. Many people will not be represented through the main NGOs, social partnerships and other structures; how they can be reached and how consultation should be carried out and resourced requires further attention.

Effective communication is essential in improving service provision

Language barriers have emerged repeatedly in this research, predominantly from service providers but also from NGOs and people from minority ethnic groups. Clients should have access to a professional (preferably accredited) interpreters and translators:[259]

- to ensure accurate communication between people of different languages while taking into account cultural sensitivities and confidentiality;
- because it is well known that in times of crisis or in traumatic or emotionally-charged situations, second-language competency may decrease dramatically;
- as effective professional practice is dependent upon the worker's ability to understand the client's situation, through verbal and non-verbal communication;
- because some interpreting requires specific technical terminology, which is a specialised skill; and
- because people have right to equality in service delivery and interpreters are an important tool in allowing people who do not speak English well to achieve that right.[260]

Some proactive steps have been taken by service providers, resulting in an improved level of interpreting and translating, for example the Regional Interpreting Service in Northern Ireland. The Scottish research indicates a level of awareness of the need for interpreting and translating and has some interesting initiatives, such as the translation of standard letters into 15 languages by Glasgow City Council's Education Department. In the Republic of Ireland however, provision of interpreting and translating services is piecemeal and depends on the individual service provider; sometimes interpreters are simply not used and there are little or no standards in place, casting doubt on the quality of service when interpreters and translators are used.

257_Conference Key Note Speaker, Anastasia Crickley, Chair of the European Monitoring Centre on Racism and Xenophobia, OSCE Special Rapporteur on Racism and Chair of the National Consultative Committee on Racism and Interculturalism (NCCRI).

258_Martin Collins, Assistant Director, Pavee Point Travellers Centre, Ireland, speaking at the conference.

259_Interpreting refers to verbal communication, translating refers to the translation of written documents.

260_Adapted from the Australian Translating and Interpreting Service website: www.immi.gov.au/tis/index.htm

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

261_Benedicta Attoh, providing a minority ethnic perspective at the conference, African Experience, member of the Louth African Women's Group, Dundalk branch co-ordinator of the Integration of African children in Ireland (IACI).

262_Bob Collins, Chief Commissioner of the Equality Commission Northern Ireland speaking at the conference.

263_http://europa.eu.int/ rapid/pressReleasesAction. do?reference= IP/05/1226&format= HTML&aged=1&language= EN&guiLanguage=en

Effective communication also means using terminology that is acceptable to the minority ethnic group(s) themselves. Terminology is not static and terms develop to reflect changes in society and its values. In relation to minority ethnic groups, terminology is sometimes problematic, with service providers afraid to 'say the wrong thing' and even worse, make a racist comment. At times, terminology used to describe some minority ethnic groups has been problematic, even in unintentionally so. For example, in Ireland the term "non-national" has been widely used by both Government and the media to refer to recent migrants who do not have Irish citizenship.

" …what I've heard here today from representatives from Northern Ireland and Scotland is they refer to foreigners as people from black and minority ethnic communities and migrants, but in the south, the Republic of Ireland, we're referred to as non-nationals, that is deeply offending."[261]

Apart from implying that the person does not have a nationality, the term 'non-national' negates people. It is divisive to describe someone as a "non" anything and to define them negatively as not one of the dominant minority (i.e. Irish national versus 'non-national').

" …it causes me the greatest offence and anger when the word non-national is used, and it is everywhere, newspapers, radio, television and in common speech, and we have for so long described people by what they are not and that we continue to do it is a continuous source of amazement."[262]

At the conference, Martin Collins from Pavee Point Travellers Centre spoke about terms such as "itinerant" that were used to describe Travellers in the past, even when they asked for such terms not to be used. Communication involves Governments listening and responding to the views of minority ethnic groups on these issues. Greater understanding can emerge from intercultural dialogue and the opportunities afforded by the European Year of International Dialogue in 2008.[263]

APPENDIX 1: RESEARCH PROJECT STRUCTURE

Project Managers

Dr Patricia Clarke and Andy Pollak, Centre for Cross Border Studies (CCBS)

Editors and Research Team Co-ordinators

Philip Watt and Fiona McGaughey, National Consultative Committee on Racism and Intercultural (NCCRI).[264]

Steering Group

Jim Alford, Northern Ireland Office

Garrett Byrne, Department of Justice, Equality and Law Reform, Ireland

Seamus Camplisson, Department of Health, Social Services and Public Safety, Northern Ireland

Patricia Clarke, Centre for Cross Border Studies

Pauline Donnan, Race Equality Unit – Office of the First Minister and Deputy First Minister, Northern Ireland

Ken Fraser (Chair), Race Equality Unit – Office of the First Minister and Deputy First Minister, Northern Ireland

Vincent Gribbin, Race Equality Unit – Office of the First Minister and Deputy First Minister, Northern Ireland

Daniel Holder, Action Now to Integrate Minority Access to Equality (Animate)

Lesley Irving, Race, Religion and Refugee Integration Team, Scottish Executive

David Malcolm, Department for Social Development, Northern Ireland

Elaine McFeeters, Department of Education Northern Ireland

Fiona McGaughey, National Consultative Committee on Racism and Interculturalism (NCCRI)

John McGuinness, Department for Employment and Learning, Northern Ireland

Andy Pollak, Centre for Cross Border Studies

Stuart Robinson, Police Service of Northern Ireland

Ray Russell, Equality Commission Northern Ireland

Tony Steed, Northern Ireland Housing Executive

Philip Watt, National Consultative Committee on Racism and Interculturalism (NCCRI)

Nick Perks, Joseph Rowntree Charitable Trust

Margaret McAteer, Race Equality Unit, Office of First Minister and Deputy First Minister

Advisory Group

Tony Adams, Northern Ireland Citizens Advice Bureau

Nathalie Caleyron, Multicultural Resource Centre (NI)

Caroline Coleman, South Tyrone Empowerment Programme (STEP)[265]

Daniel Holder, Action Now to Integrate Minority Access to Equality (Animate)

Joe Lenaghan, NCCRI Synergy

Anna Lo, Chinese Welfare Association (CWA)

Kathleen Lynch, Equality studies Centre, University College Dublin

Salome Mbugua, Akina DADA wa Africa (AKiDwA)

Eleanor McKnight, Resource Centre for Ethnic Minority Health, NHS Scotland

Siobhan O'Donoghue, Migrant Rights Centre Ireland

Mercy Peters, Association of Refugees and Asylum Seekers in Ireland (ARASI)

Patrick Yu, Northern Ireland Council for Ethnic Minorities (NICEM)

RESEARCH TEAMS

Northern Ireland

Dr Jennifer Hamilton with Jennifer Betts and Dr Neil Jarman, Institute for Conflict Research (ICR).

Republic of Ireland

Piaras MacEinri, based at University College Cork, with Jennifer O'Riordan and Aki Stavrou.

Scotland

Wendy Davies and Ashok Ohri, Organisation and Social Development Consultants Limited (OSDC).

265_Caroline Coleman replaced Bernadette McAliskey on this Group in January 2006.

APPENDIX 2: LIST OF ORGANISATIONS INTERVIEWED

1. NORTHERN IRELAND

Health
- Department of Health
- South East Belfast Health and Social Services Trust
- Southern Health and Social Services Board
- United Hospitals Trust
- Craigavon Southern Area Equality and Human Rights Forum

Education
- East Tyrone College of Further and Higher Education
- North Eastern Education and Library Board
- Staff Commission for Education and Library Boards
- Ballymena Central Library
- Belfast Education and Library Board
- Belfast Institute for Further and Higher Education
- Southern Education and Library Board
- Department of Education

Policing
- Minority Liaison Officer Ballymena
- Minority Liaison Officer Dungannon
- Minority Liaison Officer Belfast
- Focus Groups x 2 –   Dungannon (6 people)
                                    Belfast (3 people)

Employment
- O'Kane Poultry
- Citizens Advice Bureau

Housing (NIHE)
- Northern Ireland Housing Executive (6 people)
- Focus Groups x 2 –   Dungannon (8 people)
                                    Ballymena (24 people)

NGOs
- Action Now to Integrate Minority Access to Equality (Animate)
- Ballymena Inter-Agency Ethnic Forum
- Focus Group attended hosted by United Hospitals Trust with Chinese Community (15 people)
- Focus Group with Advisory Group members (5 people)
- South Tyrone Empowerment Programme (STEP)

Policy Makers

- Office of First Minister and Deputy First Minister
- Equality Commission (Section 75)
- Equality Commission (Policy and Education Issues)
- Ballymena Borough Council
- Dungannon and South Tyrone Borough Council
- Belfast City Council

2. IRELAND

Employment Sector

- IBEC, Dublin
- Small Firms Association, Dublin
- SIPTU, Dublin
- Citizens Information Centre (CIC) Ennis
- Citizens Information Centre (CIC) Ennis
- Local Employment Services (LES), Cork
- Congress Information Opportunities Centre (CIOC), Ennis.

Health Sector

- Department of Health and Children, Dublin
- Community Welfare Officer (CWO) Health Services Executive, Mid-Western Region, Ennis X 2

Education Sector

- Dept. of Education
- Integrating Ireland
- Colaiste Stiofan Naofa (Post Leaving Cert College) Cork x 2
- Holy Family Junior School, Ennis
- (a secondary school principal and primary school teacher were also approached informally)

Gárda Síochána

- Racial and Intercultural Office/Community Relations, Garda HQ, Dublin
- Ethnic Liaison Officer, Ennis
- Community Gard, Anglesea Street, Cork

Migrant communities

- With the kind assistance of *Integrating Ireland*, 25 migrants were consulted at a broadly representative national level meeting in December 2005

IMPROVING GOVERNMENT SERVICE DELIVERY TO MINORITY ETHNIC GROUPS

3. SCOTLAND

Face to face interviews were held with:

Statutory bodies

- Scottish Enterprise: Equality Opportunities Strategic Director
- East Renfrewshire: Corporate Equality Manager
- Glasgow City Council: Corporate Policy Officer
- NHS Lanarkshire: Equality and Diversity Officer
- National Resource Centre for Minority Ethnic Health: Policy Project Manager

Telephone interview conducted with:

- East Lothian Council: Equality and Diversity Manager and the Principal Officer – Information
- Face to face interviews were held with:

Voluntary Sector

- Glasgow Anti-racist Alliance: Director
- Africa Centre Scotland: Chair
- Skillnet: Director

Telephone interview conducted with

- Lochaber Roots – a Scottish Traveller Project: Project Worker
- Scottish Refugee Council: Integration Manager

Other

- European Structural Funds Scotland: Equality Opportunities Adviser

Written submissions/information was received from

- East Lothian Council
- Scottish Executive Office of the Chief Statistician
- Black Community Development Project (Edinburgh):   Project Coordinator

Documentation has been received from

- Central Scotland Police
- The Scottish Trades Union Congress
- National Resource Centre for Minority Ethnic Health: Equality & Diversity Information Programme Manager
- East Renfrewshire Council
- East Lothian Council
- Glasgow City Council
- Glasgow Anti-racist Alliance
- National Health Service Lanarkshire
- National Resource Centre for Ethnic Minority Health
- Black Community Development Project
- Lochaber Roots (Scottish Traveller Project)

- Scottish Refugee Council
- Scottish Enterprise
- European Structural Funds (Scotland)

Written submissions/correspondence

- The Scottish Executive; Office of the Chief statistician
- Central Scotland Police
- Scottish Trades Union Council

4. INTERNATIONAL

- Substantive Equality Unit, Equal Opportunity Commission, Western Australia

APPENDIX 3: RECOMMENDED DATA COLLECTION CATEGORIES

The following categories are required in order to build a comprehensive ethnic profile of service users.[266] One or two of these categories in isolation is not adequate, rather all are required. Additional data collection categories such as age, disability and gender are complementary and relevant to all service users (including the majority ethnic group).

Category	Rationale
Ethnicity	Ethnicity is an essential component in data collection for the purposes of service provision to minority ethnic groups. Some service providers have tended to collect 'nationality' alone and not ethnicity; however this has a number of shortfalls: - Nationality does not reflect the ethnicity of vulnerable minority groups. For example, recording a person's nationality as Romanian does not indicate whether the person is Roma, or recording a person's nationality as Irish does not indicate whether the person is a Traveller. - People from minority ethnic backgrounds can experience specific forms of racism, including racism based on skin colour. However, if they have been living in countries which have some cultural or linguistic similarity to Northern Ireland/Scotland/Ireland and their nationality is recorded as, for example, American; their ethnicity and the specific needs and barriers associated with that will not be known. - Long-term minority ethnic groups may have the nationality of the country in which they are living and in terms of data collection and reporting, would not appear any different from the rest of society based on nationality alone. For countries with a shorter history of immigration, there is a tendency to focus more on nationality than ethnicity; however, this will quickly become outdated as people settle in and receive citizenship of the new country. Ethnicity data collection is often done through a series of 'tick box' categories. It is important that these categories are reflective of the ethnic make-up of the society. For example, in Northern Ireland a significant section of the migrant community are from Eastern Europe but are predominantly 'white' and thus are not accurately captured as separate ethnic groups in the ethnicity categories traditionally used.

Category	Rationale
Country of birth	Nationality is the category which is often used by service providers and can be useful. However, as described under 'ethnicity' above, when migrants settle in their new country, they often adopt the nationality of that country and may not be accurately reflected in traditional ethnicity categories (particularly 'white' migrants); therefore country of birth can be a useful data collection category. It will not capture second-generation migrants, but neither will nationality as a category.
Language	Accurate communication is an essential prerequisite for quality service provision. It is essential that information on language is captured in order to identify client needs. The question asked depends on the service being offered, some options include: - Preferred language - Interpreter required? - English language support required? (For example for school children). This data is useful for an overview of which languages the service provider needs to accommodate, but also should be kept on the individual client's file so that interpreters/ translators can be used when there is interaction with the client.
Religion	It is recognised that there is substantial overlap between racial discrimination and religious discrimination and also that religion can contribute to a person's ethnicity. Particularly given the rise in Islamophobia and vulnerability of the Muslim community, (especially Muslim women in traditional dress) it is important to capture clients' religion or lack thereof.

GLOSSARY

267_Scottish Executive (2002), *Good Practice Guidance Consultation with Equalities Groups.* Available at: www.scotland.gov.uk/ Resource/Doc/ 46729/0025644.pdf

268_Equality Commission for Northern Ireland, *A short guide to the public sector statutory duties to promote equality of opportunity and good relations.* Available at: www. equalityni.org/ uploads/pdf/ S75ShortGuide0206(A).pdf

An Garda Síochána
Irish Police Service.

Anti-Racism/Intercultural Training
Anti-racism and/or intercultural training seeks to challenge racism and to contribute to creating the conditions within an organisation that make it more difficult for racism to exist.

Benchmarking
Benchmarking is about setting and reaching targets within a timescale. It relies on reliable data collection or ethnic monitoring to establish targets and measure progress against those targets.

Consultation
Seeking views of interested parties on a particular service or policy. Interested parties can include people from minority ethnic backgrounds, staff NGOs and special bodies. "Consultation is when we provide opportunities for all those who wish to express their opinions on an area of our work (such as identifying issues, developing or changing policies, testing proposals or evaluating provision) to do so in ways which will inform and enhance that work".[267] (See also engagement).

Data collection
In this report, data collection refers to process of capturing data from one or more primary or secondary sources. In relation to minority ethnic groups, both quantitative and qualitative data is required. Data collection involves defining the data to be collected, setting up the relevant data collection systems and using the data for the purposes of benchmarking. (See also ethnic monitoring)

Diversity Training
Diversity training addresses all grounds of equality legislation, such as 'race', gender, disability and so forth.

Engagement
The participation of key stakeholders in the policy and service provision processes, including people from minority ethnic backgrounds, NGOs and special bodies. Engagement includes identifying those who should be involved and developing culturally appropriate strategies to engage with them. It includes consultation. (See also consultation).

Equality Scheme
Under Section 75 of the Northern Ireland Act 1998, "each public authority is required to draw up an equality scheme which sets out how it proposes to fulfil the statutory duties over a five year period. This scheme must be submitted to the Equality Commission for approval. An equality scheme must set out how the public authority will identify where it impacts on equality of opportunity most significantly, how it will assess the equality impact of its policies, and its arrangements for consultation with those affected by the policies."[268]

Ethnic Minority/Minority Ethnic Group
A group whose ethnicity is distinct from that of the majority of the population. In the UK an ethnic group was defined by the House of Lords as a group that regards itself or is regarded by others as a distinct community by virtue of certain characteristics that will help to distinguish the group from the surrounding community.[269]

Ethnic Monitoring/Equality Monitoring
"Ethnic monitoring is the process you use to collect, store, and analyse data about people's ethnic backgrounds. You can use ethnic monitoring to:

- highlight possible inequalities;
- investigate their underlying causes; and
- remove any unfairness or disadvantage."[270]

(See also data collection)

Ethnicity
Shared characteristics such as culture, language, religion, traditions and so forth, contributing to a person or group's identity.

Equality Proofing
Ensuring that all policies and decisions have taken full account of the needs of different equality groups and considered the possible impact of policies on different groups.

Institutional Racism
"The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin which can be seen or detected in processes; attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people."[271]

Integration
Although widely used, integration can be a problematic term with different meanings. At one end of the spectrum is the view that integration is a two-way street to developing an intercultural society: "Integration means the ability to participate in Irish society to the extent that a person needs and wishes in all the major components of society without having to relinquish his or her own cultural identity."[272]

At the other end of the spectrum integration is used to suggest that minority ethnic groups should integrate into the dominant ethnic group: "In practice the demand for integration is a cover for insisting on assimilation, and is a revival of the same systematic 19th-century oppression of the native-born majority, with the same aim – to eliminate diversity."[273]

Interculturalism
Interculturalism is essentially about interaction between majority and minority cultures to foster understanding and respect. It is about ensuring that cultural diversity is acknowledged and catered for. "Developing a more inclusive and intercultural society is about inclusion by design, not as an add-on or afterthought. It is essentially about creating the conditions for interaction, equality of opportunity, understanding and respect."[274]

In the Republic of Ireland, the concept of interculturalism has all but replaced concepts such as multiculturalism.[275]

269_Commission for Racial Equality, www.cre.gov.uk/duty/grr/glossary.html

270_Commission for Racial Equality, www.cre.gov.uk/gdpract/monitoring.html

271_*The Stephen Lawrence Inquiry: Report of an inquiry by Sir William Macpherson of Cluny*, (1999) Cmd 4262-I, London: HMSO.

272_O'Neill, J. *Integration of Refugees in Ireland: Experience with Programme Refugees 1994–2000.*

273_Harris, N. *Integration into what?*. Available at: www.cre.gov.uk/publs/connections/articles/04wi_integration_what.html

274_Department of Justice, Equality and Law Reform, (2005) *Planning for Diversity, the National Action Plan Against Racism*, p.38.

275_Farrell, F and Watt, P (2001) *Responding to Racism in Ireland*, Dublin: Veritas, pp.26–27.

IMPROVING
GOVERNMENT
SERVICE
DELIVERY
TO MINORITY
ETHNIC GROUPS

276_Farrell, F and Watt,
P (2001), *Responding to
Racism in Ireland*, Dublin,
Veritas, pp.26–27.

277_Legal definitions of
discrimination are available
in the relevant legislation in
each jurisdiction.

Mainstreaming

Mainstreaming is essentially about how service provision policies and processes are inclusive of the needs of minority ethnic groups, including consideration of these needs in the planning, implementation and review of policies and practices for their impact on minority ethnic groups. Mainstreaming does not mean that there is one 'mainstream' model of service provision of the 'one size fits all' kind, rather than the awareness of different needs and thus different models of service provision becomes central to an organisation's modus operandi.

Multiculturalism

Multiculturalism acknowledges the need for recognition and celebration of different cultures. However, it has been said that the emphasis of the multicultural approach is on the need for tolerance and "better community relations" rather than on acknowledging the need to change the attitudes and practices of the majority population.[276]

Positive duty/Statutory duty

This is an obligation on public authorities to be proactive rather than reactive. In the context of this report, it refers to the requirement to promote racial equality and good relations between groups enshrined in Section 75 of the Northern Ireland Act 1998 and the UK Race Relations (Amendment) Act 2000.

'Race'

The term 'race' is a social construct used to classify people. It is problematic as originally race was based on a false belief that biologically there were different species of humans, with the implication that some races were superior to others. However, research has proved that there is no single race-defining gene and therefore no biological basis for dividing the human population into different races. The term race is still widely used in legislation and has become somewhat embedded. In this report the term is used commonly in Scotland and in Northern Ireland.

Racial discrimination

Racial discrimination can be direct or indirect. Direct racial discrimination occurs when a person receives less favourable treatment or outcome than another person in the same situation would have received on the grounds of their 'race'. Indirect racial discrimination occurs when a seemingly neutral policy or requirement actually has an adverse impact on a person from a minority ethnic background.[277] Indirect discrimination can be unintentional.

The International Convention on the Elimination of All Forms of Racial Discrimination defines racial discrimination as "Any distinction, exclusion, restriction or preference based on 'race', colour, decent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on a equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

Racism

Is a specific form of discrimination and exclusion faced by minority ethnic groups. It is based on the false belief that some 'races' are inherently superior to others because of different skin colour, nationality, ethnic or cultural background. (See also racial discrimination)

Section 75

See Positive duty/Statutory duty.

Targeting

Targeting is about the development of specific policy and service provision priorities and strategies tailored to meet the needs of minority ethnic groups. Targeting can include, but is not limited to, positive action measures.

Traveller/Gypsy Traveller

In Ireland and Northern Ireland, the term 'Traveller' is generally used. "Travellers are an indigenous minority, documented as being part of Irish society for centuries. Travellers have a long shared history and value system which make them a distinct group. They have their own language, customs and traditions."[278] Travellers may or may not be living a nomadic lifestyle.

In Scotland, the term 'Gypsy Traveller' tends to be used. "This is in reference to those groups of Travellers in Scotland who variously refer to themselves as Travellers, Scottish Travellers, Scottish Gypsy Travellers or Gypsy/Traveller people (plural Gypsies/Travellers). This includes English Gypsies, Irish Travellers and European Roma."[279]

Whole Organisation Approach

Is a holistic approach to address racism and support inclusive, intercultural strategies within an organisation, with reference to equality policies and equality action plans. The framework used in this report: mainstreaming, targeting, benchmarking and engagement, is one form of whole organisation approach.

278_Pavee Point, www.paveepoint.ie/pav_culture_a.html

279_Commission for Racial Equality, *Gypsies and Travellers, A Strategy for the CRE*. Available at: www.cre.gov.uk/downloads/scottish_gtstrategy2006.pdf

ACRONYMS[280]

A8	The eight Eastern European Accession States who joined the European Union in 2004
ANIMATE	Action Now to Integrate Minority Access to Equality, Northern Ireland
BELB	Belfast Education and Library Board
BEMIS	Black and Ethnic Minority Infrastructure in Scotland
BME	Black and Minority Ethnic (e.g. community), Scotland
CEHR	Commission for Equality and Human Rights, UK
CERD	The United Nations International Convention on the Elimination of all forms of Racial Discrimination
CFF	Common Funding Formula (Schools), Northern Ireland
CIC	Citizens Information Centre, Ireland
CIOC	Congress Information Opportunities Centre, Ireland
COSLA	Convention of Scottish Local Authorities
CPP	Community Planning Partnerships, Scotland
CRE	Commission for Racial Equality, UK, Scotland
CRF	Community Regeneration Fund, Scotland
CSO	Central Statistics Office, Ireland
CWOs	Community Welfare Officers, Ireland
DSD	Department for Social Development, Northern Ireland
EAL	English as an additional language
EEA	European Economic Area
ECRI	European Commission Against Racism and Intolerance (Council of Europe body)
ELO	Ethnic Liaison Officer, An Garda Síochana, Ireland
EQIA	Equality Impact Assessment
ESRC	Scottish Economic Research Council
EU	European Union
EURES	European Employment Services
FÁS	Irish National Training and Employment Authority
GARA	Glasgow Anti-racist Alliance
GP	General Practitioner
HSE	Health Services Executive, Ireland

IBEC	Irish Business and Employers Confederation
IILT	Integrate Ireland Language and Learning
LES	Local Employment Services, Ireland
MARTA	Migrants, Asylum Seekers and Refugees Training for Action, Ireland
MLO	Minority Liaison Officer (Police Service of Northern Ireland)
NAPS	National Anti-Poverty Strategy, Ireland
NASS	National Asylum Support Services, Scotland
NCCRI	National Consultative Committee on Racism and Interculturalism, Ireland
NGO	Non-governmental organisation
NHS	National Health Service, UK
NICEM	Northern Ireland Council for Ethnic Minorities
NIHE	Northern Ireland Housing Executive
NISRA	Northern Ireland Statistics and Research Agency
NPAR	National Action Plan Against Racism, Ireland
NRCEMH	National Resource Centre for Ethnic Minority Health, Scotland
OFMDFM	Office of the First Minister and Deputy First Minister in Northern Ireland
OSCE	Organization for Security and Co-operation in Europe
PLC	Post-Leaving Certificate Courses, Ireland
PSNI	Police Service of Northern Ireland
RAHMAS	Racist Attacks and Harassment Multi-Agency Strategy, Scotland
RES	Race Equality Scheme, Scotland
RIOH	Recording Incidents of Hate Project, Northern Ireland
RIS	Refugee Information Service, Ireland
SELB	Southern Education and Library Board, Northern Ireland
SIMD	Scottish Index of Multiple Deprivation
SIPS	Social Inclusion Partnerships, Scotland
SCVO	Scottish Council for Voluntary Organisations
TD	Teachta Dala, member of the Irish Parliament.
TSN	Targeting Social Need Policy, also New TSN – New Targeting Social Need Policy, Northern Ireland
VEC	Vocational Education Committee, Ireland
WV/WA	Work Visa/Work Authorisation Programme, Ireland

HEALTH
EDUCATION
EMPLOYMENT
POLICING
HOUSING

design_www.reddog.ie