

# Consultation Response

## May 2009



## Government Equalities Office- Multiple Discrimination: Single Equality Bill

### About Race on the Agenda (ROTA)

Race on the Agenda (ROTA) is one of Britain's leading social policy think-tanks focusing on issues that affect Black, Asian and minority ethnic (BAME) communities. Originally set up in 1984, ROTA aims to increase the capacity of BAME organisations and strengthen the voice of BAME communities through increased civic engagement and participation in society.

**ROTA's Articles of Association state that the charity is set up "to work towards the elimination of racial discrimination and to promote equality of opportunity, human rights and good relations between persons of different groups".**

For historical and demographic reasons, our work prioritises London, but our activities and a number of our projects have national and international significance. To this end we work in close partnership with our membership and others interested in race equality, human rights and the promotion of good relations.

Our presence in London is enhanced by our two regional networks, MiNet and HEAR.

**MiNet** is the London focused BAME network of networks, which joined ROTA in 2002 to strengthen the voice for London's BAME Third Sector in the development of regional policy.

**HEAR** is London's only pan-equalities and human rights network, which joined ROTA in January 2005. Its focus is on issues affecting London's equality and human rights third sector organisations.

As part of ROTA's work on the Bill, we have formed a national coalition of BAME and other third sector organisations that are generally supportive of our views. The 36 Winning the Race Coalition members can be found at <http://www.rota.org.uk/pages/WTRC.aspx>

### ROTA definition of BAME and Approach to Race Equality

ROTA works on social policy issues that have an impact on race equality and BAME communities. ROTA's definition of 'race' is based on Clause 9 of the Single Equality Bill, which regulates that the protected characteristics of race include:

- colour
- nationality
- ethnic or national origin

Consequently, we use the term BAME to refer to all groups who are discriminated against on the aforementioned grounds. This definition includes but is not exclusive to people of

African, Asian, Caribbean, European and Eastern European, Irish, Greek, Turkish, Jewish, Roma and South East Asian decent as well as refugees and asylum seekers.

ROTA adopts a holistic approach to race equality and works in partnership with other Third Sector organisations that complement its expertise and have a similar vision

## Methodology for this response

ROTA's policy work is evidence based in the sense that everything we do is informed by the views and real life experiences of BAME communities and the organisations that are set up to serve them. We collect evidence through:

- Action **Research** (qualitative and quantitative surveys)
- The ROTA based networks of **HEAR** and **MiNet**
- Events, consultations and conferences
- Working in partnership with others.

ROTA also strongly supports the response of the Equality and Diversity Forum to the consultation.

## Multiple discrimination in the Single Equality Bill

ROTA welcomes the Government's recognition of multiple- discrimination and their consequent discussion paper on ways to address it. People's identities are complex and multi-layered and the law needs to acknowledge and respond to this complexity; it needs to reflect the discrimination that actually occurs. We welcome in particular the proposal to introduce provision for taking multiple discrimination claims, although we also have some reservations about the limits of aspects of the proposal

ROTA, and the **Winning the Race Coalition** we have formed, strongly support the inclusion of multiple-discrimination in the provisions of the Equality Bill. This should cover both direct and indirect discrimination and should be extended to more than just the proposed two grounds. Currently, case law rules out cases involving combination of race and sex and this should be rectified by the bill. The work that ROTA undertakes, both through its research projects and networks, addresses the impact of multiple-discrimination on BAME individuals and communities who are also women, trans, younger, older, subscribe to faith, have a disability and are of various sexual orientations. In order for policy and services to meet their needs these must all be taken into account, along with the points at which they intersect.

While ROTA is a race equality organisation, given the complex nature of human beings, we have long recognised the multiple-discrimination that BAME communities and individuals can face. In response to this we have developed a number of mechanisms, and specific research projects, which reflect the complex identities of those we represent. Underpinning all of our work is our recognition in the value of Human Rights and the fact that these are compromised via discrimination. For those who experience multiple-discrimination, they have the potential to become the most excluded and vulnerable in our society, and rely on the BAME third sector, and other specialist community support, to address their needs and concerns. It is crucial that the Government Equalities Office and the Equality and Human rights Commission uses their position to advise on intersectionality and avoid the splitting humans into identity/equality silos as the law does as present.

At present ROTA runs the Female Voice in Violence (FVV) project in partnership with the Women's Resource Centre. FVV looks at the impact of gangs and serious group offending on women and the BAME women's third sector. Developing this project since 2008 ROTA has not only had to work across women's and BAME organisations and policy, but also engage with youth organisations as a number of those affected are under 25. Looking at policy and service provision for children and young people, women, BAME communities and the third sector currently supporting them identifies a number of occasions where women and girls experience multiple-disadvantage – either as a result of direct or indirect discrimination. *For example, the ability of a 15 year old African girl to access mental health services to deal with the impact of her boyfriend going to prison on gang related offences. At present, is extremely difficult for young people to access Children and Young People's Mental Health Services (CAHMS), especially if they are not accessing a service like a youth offending team. Given that young boys, rather than young girls, are more likely to access such services, girls have a reduced chance of gaining support. The difficulties that the BAME women's sector is facing in securing funding also reduces the likelihood that she will be able to seek grass roots support. Her age also means that she is less likely to know what her rights are and where she can seek appropriate support.* Understanding how the complexity of her identity impacts on her ability to gain support, or on public services to meet her needs, requires us to better understand the intersectionality of disadvantage; and how in turn this can create an environment for both direct and indirect discrimination.

ROTA support the Equality and Diversity Forum's (EDF) position that the government should reconsider its proposal to restrict claims to direct discrimination only, and that if the limitation to claims is kept to two grounds that this should be re-considered and extended in two years. At present these are to significant limitations of the Government Equalities' Office proposals. It is not always clear, until the facts of a case are heard, whether discrimination has been direct or indirect. Therefore, it makes no sense to impose restrictions in the way that the proposals suggest. It is such restrictions, rather than addressing multiple-discrimination itself, which will create complications for tribunals and courts. As EDF have demonstrated considering multiple-discrimination should not have huge implications for tribunals or courts. The impact is in fact manageable and has the potential to understand discrimination that otherwise would not be identified (consider

ROTA is in agreement with EDF that there is an increased burden of proof in a multiple discrimination case, and would urge the GEO to consider what increased support can be offered for claimants to ensure that they are not disadvantaged by this burden. Some researchers have claimed that the increased burden of proof in race hate-crime cases leaves the prosecution at a disadvantage- this must not be the case.

## **Multiple discrimination and the role of the equality third sector**

The role of specialist third sector organisations such as those in place to support BAME communities be they women, LGBT, transgendered or from any other equality strand are crucial for engagement for both this consultation and for the Equality Bill in general. The expertise that comes from the specialist third sector is crucial in identifying need most accurately and ensuring that local priorities match local need.

ROTA research has identified that frontline equality organisations are the only ones that can *meaningfully* engage isolated communities and bring them to a position where they can take part in, and shape wider public and social life. The BAME Third sector delivers a range of activities and often life-saving services including crises and longer-term accommodation, counselling, advice and representation. The 2008 HEAR report 'Gaps

and Solutions: Supporting London's Equality Sectors' identified that specialist equality organisations work in all fields such as sustainable development, health, culture, criminal justice, employment, education and transport. They play a key role and have invaluable experience in responding to inequality by:

- Meeting specialist need: in providing services to meet specific needs that mainstream service providers are either unaware of, or find difficult to understand and often do not address.
- Strengthening community cohesion: by building the confidence of people such as refugees from the most marginalised communities, frontline equalities groups enable them to feel strong enough to mix with others communities.
- The group's staff and volunteers may also become well known and are well positioned to mediate tensions that may arise between communities;
- Implementing Government policies: government relies at times on frontline equality organisations to help deliver, for example, its human rights, equality and community cohesion agendas.
- Providing employment and volunteering opportunities: the Learning and Skills Council has reported that the third sector in general employs higher proportions of BAME people, women, disabled people and people with long-term illness and graduates.
- Employment and volunteering opportunities provided by equalities groups help people from the most marginalised communities move into the formal economy or from voluntary to paid employment.

Many BAME and equality groups can work in isolation and are not always involved in the decision making and consultation processes which are accessed by more mainstream organisations and so there is a need to ensure that there is a strategic and co-ordinated way to bring these issues to the attention of key stakeholders.

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