

Scrutiny Report to the City Council

The extent to which services do and are able to respond to the educational needs of children and young people of diverse cultural, religious and community groups within the city.

The extent to which attainment and school improvement is, and can be, influenced by the support of cultural and religious groups in the city.

Community expectations and perceptions.

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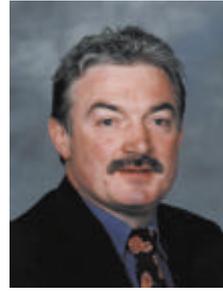
**Yasmin Samaraweera
Scrutiny Support Officer
303 1730
E-mail: yasmin.samaraweera@birmingham.gov.uk**

Contents

	Page
1. Preface	2
2. Executive Summary	3
3. Introduction	3
4. Terms of Reference	4
5. Method of Investigation	4
6. Findings	6
6.1 The National Context	6
6.2 The Education Service	7
6.3 Evidence from Leisure and Culture	10
6.4 Evidence from the Governor's Forum	11
6.5 Evidence from Community, Cultural and Faith Organisations	12
6.6 Evidence from National Sources	13
7. Conclusions	19
8. Recommendations	19
 <u>Appendices</u>	
Appendix A	21
Targets agreed with DfES	

1. Preface

By Councillor Tony Kennedy
Chair of the Education and Arts
Overview and Scrutiny Committee



This report addresses an increasingly important issue for a city of such rich and diverse cultures, religions and communities.

If Birmingham is to ensure that it is a 'Learning City', where people of all ages, abilities and backgrounds benefit from learning and development opportunities, then the range of needs of all our citizens must be met.

A main area of focus for the Education Service has been to raise the standards of achievement for the diverse cultural, religious and community groups within the city. This work has been central to the city's Education Development Plan (EDP) and is now critical to the Local Education Standards Strategy (LESS) which replaced the EDP. It is in this context that the review was undertaken and it is in this context that its recommendations need to be implemented.

There is no instant single solution. The evidence in the report suggests that, although schools and the education service as a whole need to be aware of and take account the religious, cultural and ethnic diversity of pupils in a way that respects, values and celebrates them, circumstances are different for individual schools. At least, in part, this depends on the particular make up of schools in terms of culture, religion, race and social class.

I would like to thank everyone who has contributed to this report, the recommendations of which, has the potential to take the city further towards meeting the diversity of need. It also recognises the Cabinet Statement that the city "needs to do more to demonstrate that it values its ethnic minority populations and to promote its diversity as an asset". This report will be the catalyst to do just that.

A handwritten signature in black ink, appearing to read "Tony Kennedy". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

2. Executive Summary

- 2.1 The review considered:
 - a The extent to which services do and are able to respond to the educational needs of children and young people of diverse cultural, religious and community groups within the city
 - b The extent to which attainment and school improvement is, and can be, influenced by the support of cultural and religious groups in the city
 - c Community expectations and perceptions
- 2.2 The review heard evidence from the Education Service, Leisure and Cultural Services, schools and a range of voluntary and community groups.
- 2.3 A recurring theme in discussions was the issue of faith schools, but the review team felt that it was not possible to address this issue in the time available and also that it was an issue of major national debate that would be resolved at a national level.
- 2.4 Similarly, it was felt that the issue of refugees and asylum seekers, although critical, would best be the subject of a further review.
- 2.5 The weight of evidence suggests that, although schools and the education service as a whole need to be aware of and take account of the religious, cultural and ethnic diversity of pupils in a way that respects, values and celebrates them, circumstances are different for individual schools. At least in part this depends on the particular make up of the school in terms of culture, religion, race and social class.
- 2.6 In relation to meeting the educational needs, and particularly the achievement of diverse groups of pupils, the message is essentially to run a good school, have an ethos that emphasises achievement and does not tolerate underachievement. The focus is on the educational and learning needs of pupils, cutting across cultures in an inter-cultural way, rather than separating out cultures for special treatment. In academically successful schools, it is learning needs rather than cultural needs that are emphasised.

3. Introduction

- 3.1 The review was part of the review schedule established by The Learning City Overview and Scrutiny Committee for 2001-2002. It was established within the context of Priority 4 within the city's Education Development Plan, which, amongst other things, sought to address the needs of underachieving groups. This has since been replaced by sections of the

Local Education Standards Strategy that seek to narrow attainment gaps and tackle underachievement, and improve the range and flexibility of provision to meet all needs

3.2 Members of the review team were:

Councillor Sybil Spence (chair)
Councillor John Jordan
Councillor Phil Murphy
Councillor Les Lawrence
Councillor June Fuller
Mary Edwards
Father Edwin Cownley
Chris Palmer (lead officer)

4. Terms of Reference

4.1 The review team was asked to consider and report on:

- a The extent to which services do and are able to respond to the educational needs of children and young people of diverse cultural, religious and community groups within the city
- b The extent to which attainment and school improvement is, and can be, influenced by the support of cultural and religious groups in the city
- c Community expectations and perceptions

5. Method of Investigation

5.1 The review team met between December 2001 and April 2002. A series of meetings and visits was held on Thursday afternoons. Councillor Sybil Spence chaired these. Evidence was heard from a range of officers in the Education Service and Leisure and Cultural Services as well as from a range of community and voluntary groups.

5.2 Evidence was both written and oral and addressed a range of issues, especially:

- a The key factors in ensuring improved educational attainment by pupils from diverse cultural groups
- b The role of citizenship, in its broadest sense as well as citizenship education specifically, in meeting the needs of an inter-cultural city
- c Growing issues and needs in relation to refugees and asylum seekers
- d Governors perspectives
- e The perspective of cultural and religious groups themselves
- f National perspectives

A recurring theme was the issue of faith schools although it is an issue that will require more detailed scrutiny than was possible to do full justice due to its complexity.

5.3 The report recommends that:

- Schools should make high expectations and their belief in the possibility of success explicit to pupils, parents and governors: ongoing.
- Currently Education Service guidelines for schools only exist in relation to Muslims and Sikhs. The provision of such guidelines should be extended to cover other religious and community groups represented in the city. Training in these guidelines should be available for both school staff and governors: guidelines to be produced by December 2002, with training made available on publication.
- Schools should have a policy for cultural, religious and ethnic diversity, perhaps as part of a wider policy. This should be reported on to governors as part of the Headteacher's Report. It should be supported by LEA developed Success for Everyone criteria on celebrating cultural, religious and ethnic diversity: proposals and draft criteria to be developed for January 2003.
- There needs to be an aide memoire and appropriate training for governors in the area of cultural, religious and ethnic diversity. The roles and responsibilities of governors in tackling religious and cultural diversity needs to be made more explicit: October 2002.
- Further efforts should be made to recruit school governors from diverse cultural backgrounds: Autumn 2002 onwards.
- A calendar of festivals should be integrated into school processes: Autumn 2002 onwards.
- The role of citizenship education should be developed to become a vehicle for promoting community and cultural interchange and the development of an understanding of lifestyles, cultures and faiths: ongoing.
- Young people themselves need to be involved when addressing issues of cultural and religious diversity to ensure that their viewpoints, and not just those of their elders, are taken into account in the development of policy and in the provision of services: to be taken account of in future consultations and developmental work.
- There should be a separate Overview and Scrutiny Committee review of provision for refugees and asylum seekers. This should be arranged by the Education and Arts Overview and Scrutiny Committee for 2002/2003.
- The issue of faith schools is particularly complex and could not be tackled adequately within the time of the review. In addition this is an issue for significant national debate. The role of faith schools could be the subject of a future review: to be agreed by committee summer 2002.

6. Findings

6.1 The National Context:

The review team met at a time when issues of cultural, religious and community diversity were very much a matter of national debate in the aftermath of events in towns in northern England earlier in 2001. As a result, the Ted Cattle report on Community Cohesion, as well as the separate reports on events in Bradford, Burnley and Oldham, formed the backdrop to its initial work.

People from minority ethnic communities are more likely to live in deprived areas than white people. 56% live in the 44 most deprived local authorities in the country. Those authorities contain proportionately four times as many people from minority ethnic groups as other areas.

People from minority ethnic communities are also concentrated in a few urban areas. Over two-thirds live in London and the large metropolitan areas of the West Midlands, Greater Manchester and West Yorkshire. Between them, these areas account for less than a quarter of the white population. In some areas, the minority ethnic population as a whole is close to making up a majority of the population.

They are also more likely to be poor. 28% of people in England and Wales live in households that have incomes less than half the national average, but this is the case for 34% of Chinese people, over 40% of African-Caribbean and Indian people, and over 80% of Pakistani and Bangladeshi people.

Pakistani and Bangladeshi men have high rates of unemployment and Pakistani and Bangladeshi women have low rates of economic activity. In addition, those in employment have low wages and these have to be spread across large household sizes. A consequence of this is that Pakistani and Bangladeshi people are more likely to live in a poor household – with less than half the average national household income adjusted for family size – than white people who do not work.

The minority ethnic population is also disproportionately young. Minority ethnic groups have a younger age structure than the white population, reflecting immigration patterns in the past and family size differences. 48% of the minority ethnic population is under 24 years old, compared to 31% of the white population. The Bangladeshi population has the youngest age structure: 43% were under the age of 16 in 1998/99, compared with 20% of the white population. This means that the proportion of the total population that comes from a minority ethnic background will rise over time, and that today's generation of young people is more ethnically mixed than its predecessors. In 1991, 7.0% of the under 25 year old population came from a minority ethnic background and 9% of the population was under 16 years old. It is estimated that these figures doubled over the 1990s.

Conversely, 16% of white people are over 65, compared with 3% of Bangladeshi and Pakistani people.

In addition, young people from minority ethnic backgrounds face a disproportionate risk of experiencing most of the problems of deprivation and social exclusion. The Social Exclusion Unit's Policy Action Team on Young People concluded that this was the result of racism and discrimination. To this they added the fact that young people from some minority ethnic backgrounds are more likely than their white contemporaries to experience other risk factors like poverty and living in a deprived neighbourhood.

6.2 The Education Service:

The central focus of the work of the Education Service has been on the raising of standards of achievements of the diverse cultural, religious and community groups within the city. This work has been central to the city's Education Development Plan (EDP) and is now central to the Local Education Standards Strategy (LESS) which has replaced the EDP.

These plans have identified several groups relevant to the focus of this review as underachieving in comparison with city averages:

- African Caribbean pupils
- Pakistani pupils
- Bangladeshi pupils

Targets have been agreed with DfES (see Appendix 1) relating to the underachievement of these groups. This analysis, however, does not take account of religious diversity.

The various activities in the LESS, and formerly the EDP, fall into five main areas:

- activities directed at identifying and sharing success on raising achievement across schools
- activities to provide additional support and guidance to schools where groups are under-performing
- activities providing targeted support to raise the achievement of specific groups of pupils at risk of underachieving
- activities designed to combat racism and to promote equality of opportunity
- activities designed to increase the proportion of minority ethnic staff in schools.

Some progress has been made in closing the gap in the achievement of pupils at greatest risk of underachievement. For example, Pakistani pupils have improved faster than the LEA average across all Key Stages as too have Bangladeshi girls. However, rates of improvement have been slower for African/Caribbean heritage pupils and white disadvantaged boys at Key Stage 3 and GCSE and for Bangladeshi heritage boys at GCSE. Over the last four years:

- African Caribbean heritage boys have improved faster than the LEA average in Key Stage 2 English and maths. However, improvements at Key Stage 3 and GCSE have been similar to the LEA average, so a significant gap in performance remains
- African Caribbean heritage girls have improved faster than the LEA average in Key Stage 2 English and maths and similar to the LEA average at Key Stage 3 and in the GCSE
- Bangladeshi heritage boys have improved faster than the LEA average in Key Stage 1 English and maths, in Key Stage 2 English and in Key Stage 3 maths. Improvements in the GCSE 5 A*- C are below average and a significant gap remains. However improvements in GCSE 5 A*-G are significantly above average and the gap has closed
- Bangladeshi heritage girls have improved faster than the LEA average in Key Stage 1 English and maths and significantly above average in Key Stage 2 maths and in Key Stage 3 English and maths. Results have also improved in the GCSE and are now above the LEA average
- Pakistani heritage boys have improved faster than the LEA average in Key Stage 1, Key Stage 2 and Key Stage 3 English and maths. Improvements in the GCSE are also above average and the gap is closing, although still significant
- Pakistani heritage girls have also improved faster than the LEA average at Key Stage 1, Key Stage 2, Key Stage 3 and in the GCSE. Their GCSE results are now above the LEA average
- White boys and girls have improved at a similar rate to the LEA average across all Key Stages. This means that while white girls' results remain above average, the results for boys remain below average, particularly in English at Key Stage 2 and Key Stage 3
- Indian heritage boys' and girls' results have remained above the LEA average at each Key Stage

As the report on underachieving groups to the Learning City Overview and Scrutiny Committee on 31st January 2002 stated, there is inherent danger however in constant referral to particular groups as 'underachieving', as this broad and generalised statement masks the considerable success of many schools and individuals. A large number of our schools 'buck the trend'. One of these schools, Hamstead Hall, was visited as part of the review. Many students from minority ethnic groups are amongst the highest achievers and their rates of progress are often amongst the best. It remains a fact however, that relative group performances are still significantly and unacceptably below that of the LEA average.

In examining the reasons for these inequalities and developing strategies for closing the gaps, there is a need to recognise factors both inside and outside the school. For example, there is a correlation between levels of deprivation and low educational achievement that affects all groups to a greater or lesser degree. When relative levels of disadvantage are taken into account the differences in educational attainment between groups is less evident. Reducing social inequalities would undoubtedly contribute to reducing education inequalities. However, this is not the whole picture. Inequalities between ethnic groups remain, particularly for boys, even when differences in relative levels of

disadvantage are taken into account. This leads to an examination of other social and institutional factors that may be contributing to these inequalities and how they can be overcome.

The weight of evidence suggests that, although schools and the education service as a whole need to be aware of and take account of the religious, cultural and ethnic diversity of pupils in a way that respects, values and celebrates them, circumstances are different for individual schools. At least in part this depends on the particular make up of the school in terms of culture, religion, race and social class.

In relation to meeting the educational needs, and particularly the achievement of diverse groups of pupils, the message is essentially to run a good school, have an ethos that emphasises achievement and does not tolerate underachievement. The focus is on the educational and learning needs of pupils, cutting across cultures in an inter-cultural way, rather than separating out cultures for special treatment. In academically successful schools, it is learning needs rather than cultural needs that are emphasised. Examples of what has been found, by BASS, to make a difference to raising standards for pupils at risk of underachieving include:

- Effective school leadership and management, commitment to raising standards for all
- Mutual respect for pupils and teachers, pupils recognised as individuals (all made to feel special)
- A positive ethos and high expectations, belief that all children can succeed, whatever their background
- Lack of complacency, no pupil is allowed to 'drop out' (back-up systems for those most at risk)
- Entitlement culture – all students entered for GCSE, non-completion of coursework is unacceptable, students come in during the holidays to complete if necessary
- Learning opportunities and study support available outside the school day, after school, weekends, summer schools
- Teachers have a detailed knowledge of each child's progress, school-wide assessment processes are in place, every pupil has an assessment portfolio, homework policies are communicated to parents and pupils, children's work is regularly marked and graded, children have their own personal targets, children not making good progress are picked-up early, monitoring and evaluation systems are well established
- Continued professional development of staff is seen as essential. Opportunities are provided for teachers to discuss teaching and learning, evaluation of practice is encouraged and facilitated through links with local Universities
- Teaching styles and settings are differentiated to recognise pupils' individual learning styles. Gender differences are recognised and taken into account in the curriculum, single-sex teaching groups are used where appropriate.
- Emphasis on literacy for EAL learners across all phases, use of learning support assistants to provide intensive small group and individual support

- Importance of role models and of Black and Asian representation in teaching and support staff. Involvement of Black and Asian professionals and businesses in providing work experience placements. University visits and use of successful students as peer mentors for younger students at risk of underachieving
- Improving pupils' self-esteem with early successes in for example sports, drama, music – leading to the confidence to achieve in other academic areas. Early accreditation, fast tracking e.g. ICT skills
- Success is celebrated through termly awards ceremonies and newsletters
- Representation of Black and Asian history and culture in the curriculum, displays, festivals, food, music, drama, literature, poetry, contribution of Black and Asian scientists, historians, writers etc recognised. Courses and qualifications take account of pupil/parent interests e.g. qualifications in home/community languages
- Zero tolerance of racism. Clear anti-racist policies and procedures
- Pupils pride in their school promoted, school councils and other opportunities are provided to involve pupils in decision making
- Clear understanding of local contextual issues and of the local community. (Although there is recognition that socio-economic factors play a significant role in educational achievement, this is not allowed to be an excuse for low expectation). Good use is made of external community agencies, such as mentoring organisations
- Parental involvement actively encouraged, parent working groups set-up to look at ways of supporting students, regular progress reports sent to parents, parental support gained through meetings, newsletters, alternative approaches to communicate with 'hard to reach' parents, parents are contacted personally
- Effective resource management (e.g. of EMAG and other Standards Funds). Integration of new initiatives (e.g. EIC) with existing practices rather than 'bolt on'. Involvement in new initiatives determined by how much they will contribute to raising achievement.

The visit to Hamstead Hall School, as a school that evidence shows "bucks the trend" in terms of the achievement of pupils from under achieving groups was, however, somewhat inconclusive. It was felt that it was an atypical school, in terms of its intake and in terms of the relatively small "catchment area" it serves

The specific issue of the roles of citizenship, in its broadest sense, and citizenship education in particular, were also addressed. This is seen as a key vehicle in involving young people themselves and taking account of their view. Citizenship Education should enable schools to address issues of racial and cultural and religious diversity.

6.3 Evidence from Leisure and Culture

This report recognises the significant contribution that the Department of Leisure and Culture makes to the educational achievement of the City's children and young people through its services delivered by the divisions of Sport and Leisure, Community and Play, Parks and Nature Conservation, Arts and Events, Museums, and Birmingham Libraries.

The following report focuses on the specific areas of Arts, Museums and Library services for which the Learning City Overview and Scrutiny Committee has responsibility.

Gallery 37

Gallery 37 provides arts training and work experience of 180 unemployed 16 – 24 year olds in Birmingham. One of its aims is to raise aspirations, and the Gallery specifically targets young people from socially excluded groups. It collaborates with a range of Arts organisations, including ethnic minority and cultural and community based arts groups. There is a progression rate of about 90% to further education, training or employment following the 6 week gallery programme.

Birmingham Museum's and Art Galleries

Key themes in the BMAG Education and Lifelong Learning Strategy are social inclusion and cultural diversity. It also has a separate social inclusion policy. The Schools Liaison Department has a priority, in line with the Local Education Standards Strategy, of narrowing the attainment gap. The work of BMAG includes and Asian Women's Textile Group at Aston Hall, Black History Month and Black Pasts, Birmingham Futures.

Libraries

Libraries across the city have a central focus on education, including support for Adult Literacy. A key issue for libraries is the provision of out of hours learning facilities whether at weekends or during school holidays. Those attending are monitored, by gender and ethnicity, to ensure that target groups are making full use of the facilities on offer. Stock is carefully developed to ensure it meets the diverse needs of people in the city. A report has been commissioned on the perceived barriers preventing ethnic minority and cultural groups from making more extensive use of library facilities.

6.4 Evidence from the Governor's Forum:

Evidence from the Governor's Forum raised the issue of whether all schools should be secular but that there is a link in the minds of parents between faith schools and higher standards. The focus of schools needs to be providing young people with the experiences they need to become good learners, including through making high expectations explicit to pupils and parents alike.

Despite attempts, there are still too few governors from minority ethnic and cultural groups. Governors in general need training about cultural and religious diversity and a published aide memoire to support their work.

The new proposed six-term school year needs to be developed to take account of all relevant festivals.

6.5 Evidence from Community, Cultural and Faith Organisations:

Muslim Liaison Committee:

The Muslim Liaison Committee was established in July 1983. Its work has involved co-operation and collaboration with its member organisations and the Education Service

The Muslim Liaison Committee was a direct result of the realisation by Muslim parents of their responsibility for providing supplementary education to their children and monitoring their mainstream education. The objective was not only to ensure the continuity of their social and cultural values as a Muslim identity but also to help them interact with the host community positively and creatively.

The Muslim Liaison Committee therefore decided to liaise with the Education Committee of the City of Birmingham, the then Department of Education and Science, various educational institutions engaged in similar work and social, cultural and religious bodies at both local and national levels.

This work led to “Guidelines on meeting the religious and cultural needs of Muslim pupils.”

These Guidelines, originally published in 1988 by the Muslim Liaison Committee, were widely circulated amongst Muslim Organisations and schools, including in Urdu translation.

As a result of the legislative changes in recent years arising from successive Education Acts, it became necessary to review certain aspects of the “Guidelines”. This task was undertaken by the MLC in collaboration with the Education Service.

Also available from the Muslim Liaison Committee and deserving wider dissemination is A Short Introduction to Islam: Faith and Practice.

Birmingham Race Action Partnership:

Evidence from BRAP suggested that a new youth culture is developing which cuts across the cultural divides on an older generation. This culture needs to be recognised and young people themselves need to be consulted with. Evidence emphasised that communities in the city are not homogeneous and are becoming increasingly economically, culturally, religiously and politically diverse. Their inherited cultures are being fused with elements of “British” culture and influenced by the value and traditions of other communities. City institutions have failed to adapt to the cultural changes and the demographic changes that have accompanied them. Birmingham has become a dangerously divided city where the spaces where Black and white mix are narrowing. Schools and the Education Service generally have a major role to play in being such a space.

6.6 Evidence from National Sources:

Community Cohesion:

The report emphasises the depth of polarisation in British towns and cities, as well as the extent to which these physical divisions are compounded by other aspects of our daily lives. Separate educational arrangements, community and voluntary bodies, employment, places of worship, language, social and cultural networks, mean that many communities operate on the basis of a series of parallel lives. These lives often do not seem to touch at any point, let alone overlap and promote any meaningful interchanges.

There has been little attempt to develop clear values that focus on what it means to be a citizen of a modern multi-racial Britain. Many people still look backwards to supposedly halcyon days of a mono-cultural society, or alternatively look to their country of origin for some form of identity.

The programmes devised to tackle the needs of many disadvantaged and disaffected groups, although well intentioned and sometimes inspirational, often institutionalise the problems. The plethora of initiatives and programmes, with a baffling array of outcomes, boundaries, timescales and other conditions, seem to ensure divisiveness and a perception of unfairness across communities.

Area based regeneration initiatives have a role to play, but in many cases they reinforce the separation of communities. There are few attempts to tackle problems on a thematic basis, which could serve to unite different groups. The development of cross-cultural contact and the promotion of community cohesion are not valued as ends in themselves. This applies also to education and, although there are some examples of cross-cultural development in individual schools, this is often not supported by the wider community.

Home Office Research Study 220, Religious discrimination in England and Wales

In recent years, individuals and organisations from a variety of religious traditions have begun to argue that discrimination exists on grounds of religion and that it deserves to be taken as seriously as discrimination on other grounds. Until now, however, there has been little research into the nature and extent of religious discrimination in this country.

In commissioning the research, the Home Office set the following objectives:

1. To assess the evidence of religious discrimination in England and Wales, both actual and perceived
2. To describe the patterns shown by this evidence, including:
 - its overall scale
 - the main victims
 - the main perpetrators
 - the main ways in which the discrimination manifests itself

3. To indicate the extent to which religious discrimination overlaps with racial discrimination.
4. To identify the broad range of policy options available for dealing with religious discrimination.

The specification for this report was that it should describe the findings of the research rather than offer extended analysis or recommendations. It is intended to inform debate and consideration of the policy options for tackling religious discrimination.

The research concludes that ignorance and indifference towards religion are of widespread concern amongst research participants from all faith groups. This theme came up many times in interviews and surveys. Ignorance and indifference do not in themselves constitute discrimination, but in organisational settings they can contribute towards an environment in which discrimination of all kinds (including 'unwitting' and institutional discrimination) is able to thrive.

Hostility and violence are very real concerns for organisations representing Muslims, Sikhs and Hindus, although fear of violence did not seem to be a widespread issue in the local interviews.

A consistently higher level of unfair treatment is reported by Muslim organisations than by most other religious groups, both in terms of the proportion of respondents indicating that some unfair treatment was experienced, and by the proportion indicating that these experiences were frequent rather than occasional.

The majority of Muslim organisations report that their members experienced unfair treatment in every aspect of education, employment, housing, law and order, and in all the local government services covered in the questionnaire.

In terms of education in particular, there are clear differences in the extent to which organisations from different religious traditions say their members experience unfair treatment in education. For nearly every aspect of education covered in the questionnaire, a higher proportion of respondents from Muslim, Sikh and Hindu organisations reported unfair treatment than was the case for Christian, Jewish, Buddhist or Bahá'í organisations. Although a large majority of the Christian and Jewish organisations who reported unfair treatment say it is occasional, a relatively high proportion of Muslim organisations, in particular, say it was frequent.

Home Office Research Study 221, Tackling religious discrimination: practical implications for policy-makers and legislators

This study considers aspects of the current legal situation relating to religious discrimination and considers the possibilities of new laws against religious discrimination

In Great Britain the Race Relations Act 1976 (RRA), which prohibits discrimination on “racial grounds”, defined as “colour, race, nationality, or ethnic or national origins”, makes no express reference to religious discrimination.

However, ways have been found to provide limited protection under the Act to some religious groups that have the characteristics of an ethnic group. In this way protection has been offered to Sikhs and Jewish people. The recognition of a religious community as an ethnic group provides them with protection from both direct and indirect discrimination. The House of Lords has accepted that ethnic origin is a wider concept than race and has identified several characteristics relevant to identifying an ethnic group.

The two essential characteristics are:

- A long shared history, which the group is conscious of as distinguishing it from other groups; and
- A cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance.

Five other characteristics were identified as relevant but not essential:

- Either a common geographical origin, or descent from small number of common ancestors;
- A common language, not necessarily peculiar to the group;
- A common religion different from that of neighbouring groups or from the general community around it;
- Being a minority or being an oppressed or a dominant group within a larger community.

Under these criteria Gypsies have been found to constitute a racial group by virtue of their shared history, geographical origins, distinct customs, language derived from Romany and a common culture. On the other hand Muslims, Rastafarians and Jehovah’s Witnesses have been held not to constitute racial or ethnic groups.

A second way of bringing religious groups within the ambit of the RRA has been through the concept of indirect discrimination. Actions taken by an employer causing detriment to Muslims as a class, such as refusal to allow time off work for religious holidays, might be held to constitute indirect racial discrimination against those from an ethnic or national origin that is predominantly Muslim. This does not help Muslims who come from a country where Muslims are in a minority.

In addition, the Human Rights Act makes it unlawful for public authorities to act in a way that is incompatible with convention rights, although such an act is not unlawful if it is the effect of primary legislation. Individuals and organisations that have been directly affected will be able to challenge the act or omission in the courts. They may do so in legal actions, which the authority takes against them (e.g. criminal prosecutions) or by way of judicial review of executive decisions. Damages or other appropriate relief may be awarded against a public authority that is found to have acted contrary to a convention right. So far as it is possible to do so, primary legislation and subordinate legislation must be read and given

effect to in a way that is compatible with convention rights. If a court determines that it is impossible to interpret an Act of Parliament in a way that is compatible with convention rights, a formal declaration of incompatibility may be made, and it is then for the Government and Parliament to decide whether or not to amend it. The courts are, however, entitled to strike down or set aside secondary legislation that is incompatible with convention rights.

Secure Borders, Safe Haven: Integration with Diversity in Modern Britain

This White Paper sets out a package of measures to meet the opportunities and challenges that the government considers it faces. The intention is to develop a citizenship and nationality policy that creates a supportive, safe and cohesive community. The government intends to manage migration, secure its borders, and build trust and credibility in the system amongst the wider community. The policy proposals set out a process for dealing with asylum seekers, in which applicants are tracked and supported from induction, through new accommodation and reporting centres, to integration or removal. It also outlines separate routes of entry for those who come to the UK seeking employment from those who come to escape persecution, with a new overseas gateway for refugees.

The proposals relating to managed migration flow from a recognition that the UK has skills shortages in certain areas that it needs to fill by recruiting workers from overseas.

The main proposals are:

Citizenship and nationality

- A new citizenship pledge: in addition to a pledge of allegiance to The Queen, it will make clear the fundamental tenets of British citizenship: respect for human rights and freedoms, democratic values, observation of laws and fulfilment of duties and obligations.
- Making language skills and knowledge about British society a requirement of citizenship; a core curriculum for English for Speakers of Other Languages (ESOL) was published in December 2001.
- New citizenship ceremonies; the government envisages that ceremonies will be conducted by registration officers in Register Offices and other suitable places.

Working in the UK

- The Highly Skilled Migrant Programme, based on a point system to attract skilled workers
- Measures to enable foreign students who have graduated in the UK to switch into work permit employment
- Reform of short term casual and seasonal labour
- Reform of the working holidaymakers scheme to make it less restrictive

Asylum policy

- A new system of induction, accommodation, reporting and removal centres to secure a seamless asylum process
- A resettlement programme, running in parallel to the above, to establish legal gateways for certified refugees (operated under the auspices of the United Nations High Commissioner for Refugees)
- The Application Registration Card to prevent fraud and provide evidence of identity and nationality
- Tightening up the appeals system and applications for judicial reviews to shorten the process and facilitate removal
- Enhanced refugee integration procedures through a Refugee Integration Programme and labour market measures
- A new Immigration Hotline for members of the public to report immigration offences

Tackling fraud

- A new 14 year penalty for people trafficking
- A 14 year penalty for facilitating illegal entry
- Improved enforcement action to tackle illegal working

Border controls

- Increased deployment of Airline Liaison Officers and Immigration Officers overseas to prevent improperly documented passengers travelling to the UK
- Visa regimes for nationals of countries where there is evidence of systematic abuse of controls
- Increased use of biometric, x/gamma ray scanners and up-to-date technology at ports and airports.

Marriage and family visits

- Increase in the probationary period for marriage from one to two years
- A 'no switching' policy to stop people applying to remain on the basis of marriage after entering the UK as a visitor or in a temporary capacity for less than 6 months
- Modernising immigration rules for unmarried partners
- Encourage communities with a culture of arranged marriages to look to those already resident in the UK
- Looking at ways to improve rules on family visitor visas. Looking for ideas on how best to provide guarantees or bonds

The Race Relations (Amendment) Act 2000:

The Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000) gives public authorities a new statutory duty to promote race equality. This means that, in everything they do, the authorities should have due regard to the need to:

- eliminate unlawful racial discrimination;
- promote equality of opportunity; and

- promote good race relations between people of different racial groups.

The aim is to help public authorities to provide fair and accessible services, and to improve equal opportunities in employment.

Public authorities can decide how they will meet their duty to promote race equality but The Race Relations Act 1976 gives the Council for Racial Equality (CRE) the power to issue codes of practice, with the approval of Parliament.

This code, currently in draft form, offers practical guidance to public authorities on how to meet their duty to promote race equality. It covers both the general duty and specific duties imposed by the Home Secretary. The code's aim is to help public authorities avoid legal action by adopting good practice and eliminating racial discrimination. It is also intended to help the public understand what public authorities have to do, and the role that the public themselves can play.

The specific duties imposed by order of the Home Secretary came into effect on 3 December 2001. The final code, however, must be approved by Parliament and will not be issued until May 2002, whereas public authorities, including schools bound by these duties need to have properly timetabled and realistic plans for meeting these duties in place by 31 May 2002.

The Code is accompanied by:

- A guide for public authorities
This is designed to help public authorities to follow the code of practice. Although the guide does not have any legal standing (unlike the code) it is an authoritative document, based on the professional judgement of public authorities with wide-ranging practical experience of tackling discrimination and promoting race equality.
- A guide for schools
This is designed to help schools to follow the code of practice. It is aimed mainly at the governing bodies of maintained schools and other educational institutions maintained by a local education authority (LEA) that are bound by the duty. However, it will also be useful for pupils, parents, community groups, contractors, partners and others who want to know what they can expect from schools, and what schools might expect from them.
- A guide for institutions of further and higher education
This is designed to help further and higher educational institutions follow the code of practice. It is aimed mainly at the governing bodies of further and higher educational institutions that are bound by the duties. However, the guide will also be useful for students, parents, community groups, contractors, partners and others who want to know what they can expect from, FE and HE institutions, and what these institutions might expect from them.

- **Ethnic monitoring: a guide for public authorities**
This explains the main principles of ethnic monitoring, focusing on employment and service delivery. Discusses planning, communication, consultation, data collection, analysis, interpretation, and ethnic categories.
- **A consultation questionnaire**
The CRE has a duty to consult public authorities on any statutory codes of practice that we issue to help them to meet their duty. To make this easier, we have drawn up a questionnaire on both the code of practice and the four accompanying guides in the consultation pack.

7. Conclusions

- 7.1 There is no simple answer to meeting the needs of diverse cultural, ethnic and religious needs within the city. This in itself is a result of diversity. In terms of schools, they need to ensure that they meet the particular needs of the communities they serve, but the most effective schools are those that prioritise high achievement and have high expectations that are made explicit to all.
- 7.2 The Education Service needs to ensure that schools are supported in this and provides an appropriate range of guidance, monitoring and support through the plans that underpin the Local Education Standards Strategy. This should include those measures outlined in the recommendations below.

8. Recommendations

- 8.1 The report recommends that:
1. Schools should make high expectations and their belief in the possibility of success explicit to pupils, parents and governors: ongoing.
 2. Currently Education Service guidelines for schools only exist in relation to Muslims and Sikhs. The provision of such guidelines should be extended to cover other religious and community groups represented in the city. Training in these guidelines should be available for both school staff and governors: guidelines to be produced by December 2002, with training made available on publication.
 3. Schools should have a policy for cultural, religious and ethnic diversity, perhaps as part of a wider policy. This should be reported on to governors as part of the Headteacher's Report. It should be supported by LEA developed Success for Everyone criteria on celebrating cultural, religious and ethnic diversity: proposals and draft criteria to be developed for January 2003.

4. There needs to be an aide memoire and appropriate training for governors in the area of cultural, religious and ethnic diversity. The roles and responsibilities of governors in tackling religious and cultural diversity needs to be made more explicit: December 2002.
5. Further efforts should be made to recruit school governors from diverse cultural backgrounds: Autumn 2002 onwards.
6. A calendar of festivals should be integrated into school processes: Autumn 2002 onwards.
7. The role of citizenship education should be developed to become a vehicle for promoting community and cultural interchange and the development of an understanding of lifestyles, cultures and faiths: ongoing.
8. Young people themselves need to be involved when addressing issues of cultural and religious diversity to ensure that their viewpoints, and not just those of their elders, are taken into account in the development of policy and in the provision of services: to be taken account of in future consultations and developmental work.
9. There should be a separate Overview and Scrutiny Committee review of provision for refugees and asylum seekers. This should be arranged by the Education and Arts Overview and Scrutiny Committee for 2002/2003.
10. The issue of faith schools is particularly complex and could not be tackled adequately within the time of the review. In addition this is an issue for significant national debate. The role of faith schools could be the subject of a future review: to be agreed by committee summer 2002.

8.2 These recommendations will ensure that the City better meets the needs of its diverse communities and secures raised standards of achievement, taking forward Birmingham as a Learning City and achieving the targets in the Local Education Standards Strategy.

Appendix A

Targets:

	1999/2000		2001/2002	
	Numbers of eligible pupils	% of pupils who achieved Level 4 or above	Anticipated numbers of eligible pupils incl. Special Schools	% of pupils targeted to achieve Level 4 or above
Key Stage 2 English Test				
White - UK Heritage	7788	73%	8098	82%
White - European	488	68%	508	80%
White - Other	115	69%	119	80%
White - Total	8391	73%	8725	82%
Black - Caribbean Heritage	875	68%	909	80%
Black - African Heritage	98	80%	102	85%
Black - Other	166	59%	171	72%
Black - Total	1139	67%	1182	78%
Indian	754	77%	784	82%
Pakistani	2202	60%	2292	76%
Bangladeshi	472	64%	490	78%
Chinese	31	79%	33	85%
Any other minority ethnic group	1052	71%	1094	78%
All Pupils	14041	70%	14600	80%

Key Stage 2 Maths Test

White - UK Heritage	7788	71%	8098	77%
White - European	488	67%	508	77%
White - Other	115	73%	119	78%
White Total	8391	70%	8725	77%
Black - Caribbean Heritage	875	63%	909	71%
Black - African Heritage	98	76%	102	82%
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Indian	754	76%	784	80%
Pakistani	2202	58%	2292	72%
Bangladeshi	472	60%	490	72%
Chinese	31	82%	33	85%
Any other minority ethnic group	1052	68%	1094	75%
All Pupils	14041	67%	14600	75%

1999/2000

2001/2002

	Numbers of eligible pupils	% of pupils who achieved performance level	Anticipated numbers of eligible pupils incl. Special Schools	% anticipated to achieve the performance Level
5+ grades A*-C				
White - UK Heritage			6260	
White - European			665	
White - Other			70	
White - Total	6519	41%	6995	46%
Black - Caribbean Heritage	974	23%	925	35%
Black - African Heritage	45	39%	65	45%
Black - Other	50	25%	35	35%
Black - Total	1069	25%	1025	37%
Indian	849	55%	945	60%
Pakistani	1749	34%	1960	43%
Bangladeshi	412	36%	445	45%
Chinese	40	70%	50	75%
Any other minority ethnic group	812	41%	1262	46%
All Pupils	11450	41%	12682	46%

1+ grades A*-G

White - UK Heritage			6260	
White - European			665	
White - Other			70	
White Total	6519	94%	6995	97%
Black - Caribbean Heritage	974	93%	925	97%
Black - African Heritage	45	98%	65	98%
Black - Other	50	96%	35	97%
Black Total	1069	93%	1025	97%
Indian	849	99%	945	100%
Pakistani	1749	94%	1960	97%
Bangladeshi	412	94%	445	97%
Chinese	40	99%	50	100%
Any other minority ethnic group	812	92%	1262	97%
All Pupils	11450	94%	12682	97%

Average point score

White - UK Heritage			6260	
White - European			665	
White - Other			70	
White Total	6519	36	6995	37.0
Black - Caribbean Heritage	974	28	925	32.0
Black - African Heritage	45	37	65	38.0
Black - Other	50	29	35	32.0
Black Total	1069	28	1025	32.0

Indian	849	43	945	44.0
Pakistani	1749	33	1960	36.0
Bangladeshi	412	33	445	36.0
Chinese	40	51	50	52.0
Any other minority ethnic group	812	34	1262	37.0
All Pupils	11450	35	12682	37.0