

To: Chief Executives NHS Trusts

11 January 2007

Gateway reference: 7684

Dear Colleagues

I am writing to alert you to the fact that the Commission for Racial Equality (CRE) have informed the Department that they will be taking a more proactive stance in exercising their enforcement powers against those NHS Trusts they believe to be non-compliant with Race Relations legislation.

You will be aware that on 18 August 2006, the Healthcare Commission published a summary report with a press release indicating the Healthcare Commission suspects the NHS of widespread non-compliance with the legislation in relation to:

- The publication of Race Equality Schemes;
- The publication of Race Equality Impact Assessments; and
- The publication of employment statistics for the Trust.

At the time, the Healthcare Commission passed the findings to the CRE and said they were putting Trusts on notice and if they failed to take action to address things, they and the CRE would have to take legal action.

In advising you of the CRE's intentions, I would like to add that the need to meet your legal duties with regards to the equality agenda is set out in the recent Operating Framework and subsequent guide, *Equality and Human Rights in the NHS: a Guide for NHS Boards*, published on 11 December 2006.

As the biggest UK employer and a public service body committed to the delivery of personalised patient care, the NHS is expected to be at the forefront of ensuring equality and therefore non-compliance with the legislation is not acceptable to our patients, staff, partners and the public. In addition to the race duty obligations, you should be aware of the recent disability equality duty (which came into effect in December 2006) and the gender equality duty (coming in April 2007), and to prepare for non-discrimination in the delivery of goods, facilities and services with regard to age, sexual orientation and religion and belief.

As with all governance matters the issue of compliance and risk attached to potential compliance notices is the individual responsibility of each Trust. This matter is urgent and must be given your fullest attention.

A handwritten signature in black ink, appearing to read 'D. Nicholson', with a stylized, cursive script.

David Nicholson