

JERSEY COMMUNITY RELATIONS TRUST

**Lodged au Greffe on 12th March 2002
by the Policy and Resources Committee**



STATES OF JERSEY

STATES GREFFE

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PROPOSITION

THE STATES are asked to decide whether they are of opinion -

to approve the establishment of “The Jersey Community Relations Trust”, as set out in the report dated 28th February 2002 of the Policy and Resources Committee, the aim of which is to seek to eliminate discrimination on any ground including, but not limited to, grounds of colour, race, nationality or ethnic or national origins, gender or sexual orientation, disability, and age, by promoting good relations between all members of society, and seeking to achieve equality of treatment and opportunity within our community.

POLICY AND RESOURCES COMMITTEE

REPORT

Background

In 1996, the States charged the Policy and Resources Committee with two responsibilities concerning racial discrimination -

- (a) to take necessary steps to implement appropriate legislation and;
- (b) to encourage more enlightened attitudes through education and a promotional campaign.

Part (a) was progressed almost immediately, with an officer being seconded with the specific task of drawing up a brief for the Law Draftsman. However, work in earnest on part (b) was not begun until October 1999, when the Policy and Resources Committee sponsored a forum on racial discrimination. The report of the forum, which was attended by over 90 people from both the public and private sector, posited that racial discrimination was a growing problem in the Island, and although not as grave an issue as in other jurisdictions, measures to curb racial discrimination needed to be put in train.

Consequently, under the auspices of the Policy Resources Department, a steering group and working groups were set up to research specific areas which had been identified at the forum as being either causes of racial problems, or ways to mitigate racial attitudes and promote cultural integration. These working groups informally became known as the "Racial Discrimination Forum 2000" (Forum).

The Steering Group Committee

Nisha Bismillah, Policy and Resources Department (Chair)

Michael Wavell

Rev. Bill Matthews (One World Week)

Daniel Wimberley (One World Week)

Jason Lane (Policy and Resources)

The Steering Group Committee met with the leaders of the Working Groups bimonthly and co-ordinated the work overall.

The Forum's Working Groups

Each Group consisted of six to ten people, and over a year the groups met twice monthly, many in the evenings. The groups were again comprised of both public and private individuals from within the local community, including civil servants, voluntary agency workers, interested individuals, politicians and senior school students, all of whom volunteered their time towards this initiative. The leaders of the working groups were -

Group leader

- (i) *Research and Information*
Mrs. Iris Le Feuvre and Mr. Richard Tremellen-Frost
- (ii) *Publicity and the Media*
Mr. Colin Powell
- (iii) *Citizenship and Language*
Rev. Chris White
- (iv) *Education*
Mr. Jimmy Johns
- (v) *Housing*
Mr. Rui De Abreu
- (vi) *Voluntary Organisations*
Mr. Daniel Wimberley

(vii) *Employment and Learning Opportunities*
Mrs. Melanie Cavey

(viii) *Legislation*
Senator Wendy Kinnard

Working with a budget of £5,000 from the Policy and Resources Committee, some of the work the groups have initiated, endorsed or already completed is as follows -

- (1) A written Jersey Citizens Charter involving rights and responsibilities.
- (2) A Code of Conduct in the Workplace (the results of a questionnaire which was sent to 70 Island companies with the majority of companies welcoming a Code), modelled after the Commission for Racial Equality in the United Kingdom Code.
- (3) Three research projects -
 - (i) six Focus Groups of the Portuguese Community (conducted by ACET Jersey);
 - adults with ten years or more residency,
 - adults with twenty years or more residence,
 - farm workers,
 - hotel workers,
 - inmates at La Moye Prison,
 - 6th Form students;
 - (ii) Museum Curator Initiative - documenting the Portuguese experience in Jersey (joint project with Jersey Museum);
 - (iii) a feasibility study looking at the problem of Portuguese translations in the public sector (currently ongoing in conjunction with ACET Jersey).
- (4) Identification of projects already in existence in the Island by various voluntary agencies and where there is a gap in services, and need for further services.
- (5) Successfully lobbied for, and drafted three ethnic-related questions in the 2001 Census to ascertain much needed data.
- (6) Supported an initiative by the Swedish Honorary Consul for the Police to draft guidelines for people housing foreign-speaking students.
- (7) Identified the need for a “Welcome Pack” in various languages to be drafted for new seasonal workers.
- (8) Visited and gave lectures to school students about Racial Discrimination and encouraged the issue to be discussed in various course subjects (e.g. Religious Education, Citizenship).
- (9) Country Comparison Analysis - looked at how countries such as Germany, Switzerland and Sweden deal with the subject and what Jersey can learn from them.

What was also significant was that, although the working groups had intended to only focus on the issue of race, other areas of discrimination in the Island were constantly being brought to their attention, notably with regard to age, gender, and disability.

After more than a year’s work on such projects, the steering group met with the group leaders to discuss how the good work started could best continue; how progress should be made with the many other identified areas of discrimination, and how the

enthusiasm of the members and the momentum of the groups could be maintained. It was concluded that the Forum had done as much work as it could and that a permanent structure, with political backing and financial resources, was necessary to continue and, without this, initiatives and incentives could only be continued in the present relatively fragmented manner. The Forum further concluded that a body, similar to the Child Care Trust, should be established and known as "The Jersey Community Relations Trust". This Trust would be able to fulfil functions which neither Government nor any other collective body at present are able to fulfil, by continuing the work of the Forum, supporting existing and developing novel community projects and, moreover, supporting and complementing, through communication and education, the aims of any proposed anti-discrimination legislation, such as the proposed Race Discrimination (Jersey) Law.

Following further exploratory work, the following proposals (summarised here) were submitted to the Policy and Resources Committee, at its meeting of 14th June 2001, for consideration -

The need for a co-ordinating body

- (a) There is a need to tackle the issue of racial and other forms of discrimination before it becomes a more serious problem. Discrimination in its gravest situation can be manifested in violence, and lead to other social problems. Although racial and other discriminatory incidents in the Island may be perceived to be few, the level of unprovoked attacks, both verbal and physical, on vulnerable groups is on the increase. The Forum's work confirmed this fact.
- (b) Although Racial Discrimination legislation is planned, a clear and independent mechanism is required to co-ordinate the communication and education work in this area. A single co-ordinating body would, along with other relevant individuals and organisations, not only be able to play a major role in supporting the aims of this legislation when it comes into being, but also any future legislation regarding gender, disability or age discrimination.
- (c) Given the present enthusiasm of the volunteers who have worked within the Forum, every effort must be made to harness their hard work and encourage their efforts, to keep this momentum. This is after all, a Jersey initiative for the community by the community.
- (d) The Island is a party, through the United Kingdom, to a number of international conventions which embrace non-discrimination ideals, and as such, it is essential that measures are taken to uphold these principles and to comply with the responsibilities and obligations of these conventions. In response to international political inquiries, reference has been made of the work of the Forum and its working Groups and assurances given that such work will continue to be developed.

The benefits of a trust

- (a) Improved strategic direction of the racial discrimination initiative specifically, but also tackling all other issues of discrimination. This would benefit community safety issues in general.
- (b) Improved co-ordination of the bodies involved in tackling racial problems and promoting social and cultural integration.
- (c) Maintaining the momentum of community volunteers who have been involved in the original initiative and committed to work in a structured, secure and accountable framework.
- (d) Ensuring all vulnerable groups in the Island are being protected.

After consideration of all factors and information presented, the Policy and Resources Committee -

- agreed that it would support the establishment of "The Jersey Community Relations Trust";
- agreed that the aims and objectives of the proposed Trust should be amended to make them more balanced in relation to all areas of discrimination;
- approved the draft constitution for the Trust (refer to the Appendix);
- noted the valuable contribution of the Home Affairs and Education Committees in the drafting of the constitution;
- agreed, following the difficult experience encountered with the funding arrangements for the Child Care Trust, that prior to registration before the Royal Court, funding for this new Trust should be secured for at least

its first three years of life and;

- decided, prior to lodging “au Greffe” a report and proposition, to seek the Finance and Economics Committee’s support for these proposals.

Due to the time at which this proposal was submitted, and the fact that the cash limited budgets for 2002 had already been agreed, the Finance and Economics Committee reported that it was not in a position to support the initiative at the present time. The Policy and Resources Committee decided, having determined that it could not reprioritise its own existing budgets to accommodate this additional expenditure, that investigations should be carried out to see whether private funding, or funding from other States bodies, could be secured.

However, by early 2002, it became clear that this route would not produce any significant funds, and at its meeting of 14th February 2002, the Policy and Resources Committee decided that it would submit a bid for funding for the Trust into the 2003 Resource Allocation process and, so that such a bid could be considered fully and given due weight in that forum, the approval of the States Assembly to the establishment of the Community Relations Trust, as defined, should be sought.

The estimated cost of supporting a trust

Start-up costs

	£
Legal fees, etc.	9,000
Refurbishment, etc.	5,000
Furniture and equipment	3,000
IT, telephones, etc.	3,000
	<u>20,000</u>

Estimated annual running costs

	£
Rent and associated costs	18,000
Premises maintenance/repairs	5,000
IT, telephones, etc.	2,000
Establishment	5,000
Publishing, training, etc.	40,000
Co-ordinator	40,000
Admin/secretarial staff (P/T)	15,000
	<u>122,000</u>

However, following the difficult experience encountered with the funding arrangements for the Child Care Trust, the Policy and Resources Committee is of the firm opinion that prior to registration before the Royal Court, funding for this new Trust should be secured for at least the first three years of its life. The estimated costs of supporting the Trust, in its first three years, from States’ funds is therefore -

<i>Year</i>	<i>Start-up</i>	<i>Annual</i>	<i>Totals</i>
	£	£	£
2003	20,000	122,000	142,000
2004	0	122,000	122,000
2005		122,000	122,000
	<u>20,000</u>	<u>366,000</u>	<u>386,000</u>

Note: In its second year, the Trust will be required to produce a five-year strategy and funding programme for approval by the States. Only if this is approved would the Trust continue to receive States’ funding.

The Policy and Resources Committee recommends that the States Assembly approves the establishment of “The Jersey Community Relations Trust”, under the terms of reference as contained within the proposed Constitution shown at the Appendix.

There are no manpower implications in this proposal for the States and the financial implications are as outlined above.

THE JERSEY COMMUNITY RELATIONS TRUST
CONSTITUTION

Definitions

In this Constitution, the following words in the left-hand column shall be defined in accordance with the expressions set out in the right-hand column opposite.

The Trust	The Jersey Community Relations Trust.
The States	The States of Jersey.
The Committee	The body of persons from time to time in accordance with the provisions of paragraph 5.1.
Auditor	The person or persons appointed by the Committee in accordance with the provisions of paragraph 6.8.
The Law	The Loi (1862) sur les teneures en fidéicommiss et l'incorporation d'associations, as amended.
Independent Trustee	A person who is not a States Member and who has no significant or material link between his/her personal or business affairs and the affairs of the Trust.

1. Name and Incorporation

The Association shall be called "The Jersey Community Relations Trust" and shall be incorporated under the Law.

2. Aim

"To seek to eliminate discrimination on any ground including, but not limited to, grounds of colour, race, nationality or ethnic or national origins, gender or sexual orientation, disability or age, by promoting good relations between all members of society, and seeking to achieve equality of treatment and opportunity within our community".

3. Objectives

- (a) To encourage mutual respect among all people in the Island.
- (b) To promote equality of treatment and opportunity.
- (c) To encourage and facilitate partnerships which enhance social harmony.
- (d) To identify areas where discrimination arises, while promoting and encouraging existing and future initiatives to tackle it.
- (e) To promote education in the community about the aim of the Trust.
- (f) To promote recognition and acceptance of cultural diversity.
- (g) To promote training in furtherance of the aim of the Trust and the development thereof.
- (h) To provide information and advice and facilitate initiatives concerning discrimination.
- (i) To sponsor and support research in furtherance of the aim of the Trust.
- (j) To take measures to counter discriminatory behaviour, attitudes, and policies.

- (k) To monitor these objectives.

4. Powers

To achieve its aim, the Trust may -

- (a) raise money, for use solely in the furtherance of these objectives, by means of contributions, donations and legacies, grants, loans and other sources;
- (b) receive and accept, from any source, gifts and grants of money and/or of any other kind of property whether unconditionally or subject to any terms, conditions or trusts;
- (c) purchase, take on, lease or exchange, hire or otherwise acquire any moveable or immovable property which the Trust may think necessary for the promotion of its objects and to construct, maintain and alter any buildings or erections necessary for the work of the Trust;
- (d) make loans either interest-free or at a rate of interest at or less than a commercial rate and/or to make grants and/or donations of money and/or of any kind of property to any individual, group of individuals, partnership or body corporate practising or promoting anti-discrimination policies and services, and to provide such persons or bodies with any kind of financial assistance whether by way of guarantee, indemnity, or otherwise and so that any such grant or provision of financial assistance may be made unconditionally or subject to such trusts or conditions as the Trust may think fit to impose or accept;
- (e) administer grants from funds provided by the States and contractual arrangements for private sector groups using States facilities;
- (f) take such lawful steps by appeals, public meetings, or other means as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Trust from donations, or otherwise;
- (g) arrange, prepare, print, publish, issue and disseminate any pamphlet, book, document, film, recording or other work and to fix, make and receive fees, royalties and other charges therefor and for admission to and otherwise in respect of any exhibition, lecture, display, course of instruction or other activity connected with the objects of the Trust;
- (h) subscribe to, become a member of or co-operate with any organisation, institution, society or body involved or interested in matters which are within the objects of the Trust;
- (i) sell, manage, lease, hypothecate, dispose of or otherwise deal with all or any part of the property of the Trust;
- (j) at its absolute discretion, invest the monies of the Trust not immediately required for its purpose in or upon such investments, securities or property as may be thought fit, subject nevertheless to such conditions (if any) and such consents (if any) as may for the time being be imposed or required by law and subject also as hereinafter provided;
- (k) employ, contract with or otherwise commission, instruct or engage persons, whether as employees, officers, advisers or otherwise;
- (l) do all or any of the things herein before authorised either alone or in conjunction with any other organisation, institution, society or body with which this Trust is authorised to co-operate;
- (m) pay out of the funds of the Trust the costs, charges and expenses of and incidental to the formation, incorporation, maintenance and development of the Trust.
- (n) do any such other lawful things as will further the attainment of the above objectives.
- (o) apply all income to the Trust, howsoever generated, solely towards the objects of the Trust and no portion thereof, save as provided in clause 7.2 below, shall be transferred directly or indirectly by way of dividends bonus or profit to any member of the Trust and no member of the Trust shall be appointed to any office of the Trust paid by salary or fees or receive any remuneration or other benefit in money or money's worth from the Trust.

5. Committee of Trustees

5.1 The business and property of the Trust shall be controlled and managed by a Committee of Trustees. Trustees shall be appointed to the Committee of Trustees as follows -

Chair

An independent person, who is not a States member, to be appointed by the States on the recommendation of the Policy and Resources Committee. The person so appointed by the States for the first three years of the life of the Trust is

Members

The Policy and Resources Committee shall appoint one Trustee from its membership.

The Home Affairs Committee shall appoint one Trustee who is not a member of that Committee or the States.

The Education Committee shall appoint one Trustee who is not a member of that Committee or the States.

The Trustees appointed, as above, in consultation with the Racial Discrimination Forum and with the approval of the Policy and Resources Committee, shall appoint a further five independent Trustees.

5.2 The Committee shall, at one of its meetings, appoint one of its members to be Vice-Chair, another of its members to be Honorary Treasurer and another of its members to be Honorary Secretary for such a period, save as indicated in clause 5.4 below, as it shall determine. A Trustee shall, at no time, hold more than one such office within the Committee.

5.3 The Committee may, as it sees fit, invite any person to attend its meetings and/or provide advice in an ex-officio capacity.

5.4 All Trustees shall retire in rotation once every three years and may offer themselves for re-nomination and re-election. Such rotation to be organised in such a way as to provide for an orderly rotation over a three-year period. In the first instance -

- The Chair, and the Trustee appointed solely by the Policy and Resources Committee will be appointed for a period of three years.
- The Trustee appointed by the Home Affairs Committee and three of the independent Trustees will be appointed for a period of two years.
- The Trustee appointed by the Education Committee and two of the independent Trustees will be appointed for a period of one year.
- After the first year of appointment, all appointments shall be for a period of three years.

When a Trustee, who holds the honorary position of either Vice-Chair, Treasurer or Secretary retires, the Committee shall, as it sees fit, appoint another of its members to fill the vacant honorary position.

5.5 The Committee shall meet not less than four times in every calendar year and on a quorum at any meeting of the Committee shall consist of five persons including the Chair or Vice-Chair, or another member acting in that official capacity by agreement of the meeting and at such other times as they shall from time to time decide, subject, save in the case envisaged in Clause 9 below, on each occasion to not less than one week's notice being given to the members of the matters to be discussed.

5.6 All decisions of the Committee will be binding provided they are achieved through a simple majority of those members attending a properly constituted meeting. The Chair will have a second vote, to be cast in the event of there being a tied vote. In such a case, the Chair will cast his/her second vote in favour of the status quo.

5.7 Accurate minutes of all meetings of the Committee of Trustees shall be recorded and maintained by the Honorary Secretary. Such minutes will be considered and, subject to any amendment being agreed, approved at the meeting

immediately following that which they record. Such minutes will be available to Trustees for inspection at any reasonable time.

5.8 If any member of the Committee shall, without reasonable cause and without giving reasonable notice, fail to attend three consecutive meetings of the Committee, the Committee may at its sole discretion terminate his/her membership of the Committee.

5.9 Should an independent Trustee lose his/her independence, either by becoming a member of the States or for any other reason, the Committee may, or may not at its sole discretion, terminate his/her membership of the Committee.

5.10 Should a Trustee act in a manner deemed to be detrimental to the aim and objectives of the Trust, the Committee may, or may not at its sole discretion, terminate his/her membership of the Committee.

5.11 Should clauses 5.8, 5.9 or 5.10 be invoked and should a Trustee be removed from the Committee or should a vacancy occur due to a Trustee dying or resigning from office then, in the case of -

(a) a Trustee appointed by a States Committee;

that Committee shall be asked to appoint another candidate or candidates to the Committee;

(b) an independent Trustee;

the Trust shall be required to appoint another candidate or candidates to the Committee.

Persons appointed under this clause shall be appointed to complete the term of office of the Trustee they are replacing.

6. Accounts

6.1 The Committee shall cause to be kept proper accounts of the finances of the Trust in respect of -

(a) all sums of money received and expended by the Trust and the matters in respect of which such receipts and expenditure take place; and

(b) all assets and liabilities of the Trust.

6.2 There shall be a current account and a deposit account under the name of the Trust opened and maintained in a bank established with a branch in Jersey and approved by the Treasurer of the States.

6.3 All funds of the Trust shall as soon as possible after receipt be paid into its bank accounts. Such accounts shall be under the control of the Committee, which shall from time to time provide for its method of operation, but so that the signature of at least two members of the Committee, one of whom shall be an officer as defined in 5.1 and 5.2 shall at all times be required to operate the accounts.

6.4 The appropriation of benefits shall be approved by the Committee at its meetings or otherwise as it may from time to time decide.

6.5 The books of account shall always be open to inspection by Members of the Committee.

6.6 The Committee shall make adequate arrangements for the security and safe custody of all monies and books belonging to the Trust.

6.7 The Committee shall cause the books to be audited at least once in each year by one or more Qualified Accountants and shall provide books of account in which shall be kept all proper accounts of all money received and paid respectively by or on behalf of the Committee.

6.8 The Auditor shall be appointed by the Committee under a formal contract and in accordance with procedures agreed by the Treasurer of the States.

7. Finance

- 7.1 The financial year of the Trust shall be from January 1st to December 31st.
- 7.2 All property or money received by or for the Trust shall be applied for the objects of the Trust and shall not be given or paid to any member or officer of the Trust, except by way of payment for services actually rendered to the Trust or for expenditure properly incurred on its behalf.
- 7.3 The Trust may receive gifts and legacies of property moveable or immovable and it may sell, let, exchange or hypothecate real property as shall be expedient in order to raise funds for its purposes.
- 7.4 Decisions on the acquisition or disposal of property shall be taken by a vote at a meeting of the Committee.

8. Duties

- 8.1 Within its first year, the Trust shall provide, for approval by the Policy and Resources Committee, a detailed business plan and budget.
- 8.2 During the second year of the Trust's existence, the Trust shall produce a five year strategic report together with funding and action plans for the same period. Such plan must be submitted to the Policy and Resources Committee for approval and will be presented to the States by the President of the Policy and Resources Committee on behalf of the Trust, for information and reporting purposes.
- 8.3 Thereafter, the Trust will produce an annual report which will be presented by the President of the Policy and Resources Committee to the States for information and reporting purposes.

9. Alteration to the Constitution

This Constitution may be altered by a resolution passed by a majority of those present and voting at a Meeting of the Committee called for that purpose, provided that no such resolution shall be considered unless a notice in writing setting out the terms of the resolution shall have been sent to every member of the Committee not less than fourteen days before the date of the Meeting at which it is to be considered: PROVIDED ALWAYS that no alteration to these Rules shall be effective until approved -

- (i) by the Policy and Resources Committee; and thereafter
- (ii) by the Royal Court of Jersey in accordance with the Law.

10. Representation

The Chair or Vice-Chair shall represent the Trust before the Royal Court and before all Tribunals.

11. Dissolution

- 11.1 The Trust may only be dissolved with the agreement of the States on the recommendation of the Policy and Resources Committee.
- 11.2 In the event of a decision being made to dissolve the Trust, the remaining funds and assets shall be dispensed according to the decisions of the Committee of Trustees subject always to the approval of the Royal Court pursuant to an application in accordance with the Law.