Healing a divided Britain:

the need for a comprehensive race equality strategy

Equality and Human Rights Commission

About this publication

What is the aim of this publication?

'Healing a divided Britain' is a review into race inequality in Great Britain, providing comprehensive analysis and evidence on whether our society lives up to its promise to be fair to all its citizens. It is based on the Equality and Human Rights Commission's statutory five-yearly report on equality and human rights progress in England, Scotland and Wales, 'Is Britain Fairer? The state of equality and human rights 2015.'

The Equality and Human Rights Commission is calling on the UK, Scottish and Welsh Governments to address race inequality and discrimination experienced by people in Britain in a comprehensive and coordinated way.

Who is it for?

This report is intended for Government, policy makers and influencers across all sectors involved in work on race equality and discrimination.

What is inside?

Part 1 provides an overview of the key challenges to race equality in Britain and sets out our recommendations to the UK, Welsh and Scottish Governments.

Part 2 details the evidence and key findings related to:

- education and learning
- work, income and the economy
- health and care
- justice, security and the right to life, and
- the individual and society

Why has the Commission produced this?

The Equality and Human Rights Commission promotes and enforces the laws that protect our rights to fairness, dignity and respect. As part of its duties, the Commission provides Parliament and the nation with periodic reports on equality and human rights progress in England, Scotland and Wales.

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Foreword
from David Isaac CBE

This report represents the biggest ever review into race inequality in Great Britain, providing a comprehensive analysis on whether our society lives up to its promise to be fair to all its citizens.

It looks across every area of people's lives including education, employment, housing, pay and living standards, health, criminal justice, and participation. It examines where we are making progress, where we are stalling and where we are going backwards or falling short. It also examines the relationship between race and socio-economic disadvantage.

And unfortunately it provides an alarming picture of the challenges to equality of opportunity that still remain in modern 21st century Britain.

Our aim must be a society in which those born into families of a particular background are not automatically condemned as second-class citizens. We need to create a fair society in which our origins do not determine our destinies.

This is regrettably still a long way from our grasp.

There has been progress in some areas. For example, the 2015 General Election saw an increase in the proportion of ethnic minority MPs from 4.2 per cent to 6.3 per cent; and also in 2015 the number of ethnic minority police officers in England and Wales increased to 5.5 per cent from 3.6 per cent in 2006.

The new Prime Minister's commitment to tackling race equality as a major priority for her Government deserves a warm welcome. As Home Secretary, she delivered some important changes to our criminal justice system and her early statements are encouraging, including announcements on combatting modern slavery.

But, as she said recently: 'Right now, if you're born poor, you will die on average nine years earlier than others. If you're black, you're treated more harshly by the criminal justice system than if you're white. If you're a white, working-class boy, you're less likely than anybody else to go to university'.

Today's report underlines just how entrenched and far-reaching race inequality remains. Unfairness is present in many areas of our society.

It is indefensible that in 21st century Britain, Black workers with degrees earn over 23 per cent less on average than White workers with degrees; and if you are Black in England you are more than three times more likely to be a victim of murder and four times more likely to be stopped and searched by the police. Fear of crime is also much higher for many ethnic minorities, as is the likelihood of living in poverty with poor housing and experiencing worse health outcomes.

Young people from ethnic minority communities have also experienced the worst long-term employment outcomes and suffered disproportionately from the tough economic climate in recent years. In 2015, there were 41,000 16 to 24 year olds from ethnic minority communities in the UK who were long-term unemployed, a rise of 49 per cent since 2010, compared with a fall of one per cent in overall long-term youth unemployment and a two per cent decrease among young White people.

In Scotland, it is a stark fact that if you are born into an ethnic minority family today you are nearly four times more likely to be in an overcrowded household and up to twice as likely to be living in poverty and experiencing unemployment.

Moreover, we should be very concerned about how poor White boys are continuing to lag behind with regard to educational attainment.

Our report also finds that race is the most commonly recorded motivation for hate crime in England and Wales, at 82 per cent of recorded motivations. This is the same in Scotland, although there racially motivated hate crime is at its lowest level since 2003/04.

Following the Brexit vote, these issues should be of even greater concern. Our nation's hard-worn reputation for tolerance is arguably facing its greatest threat for decades, as those who spread hate use the leave result to legitimise their views.

The evidence demonstrates inequalities experienced by ethnic minority communities across many areas of life in modern Britain, including education, employment and the criminal justice system. Poorer White communities also face continuing disadvantage. The persistent nature of these issues points to the existence of structural injustice and discrimination in our society. We must tackle this with the utmost urgency if we are to heal the divisions in our society and prevent an escalation of tensions between our communities.

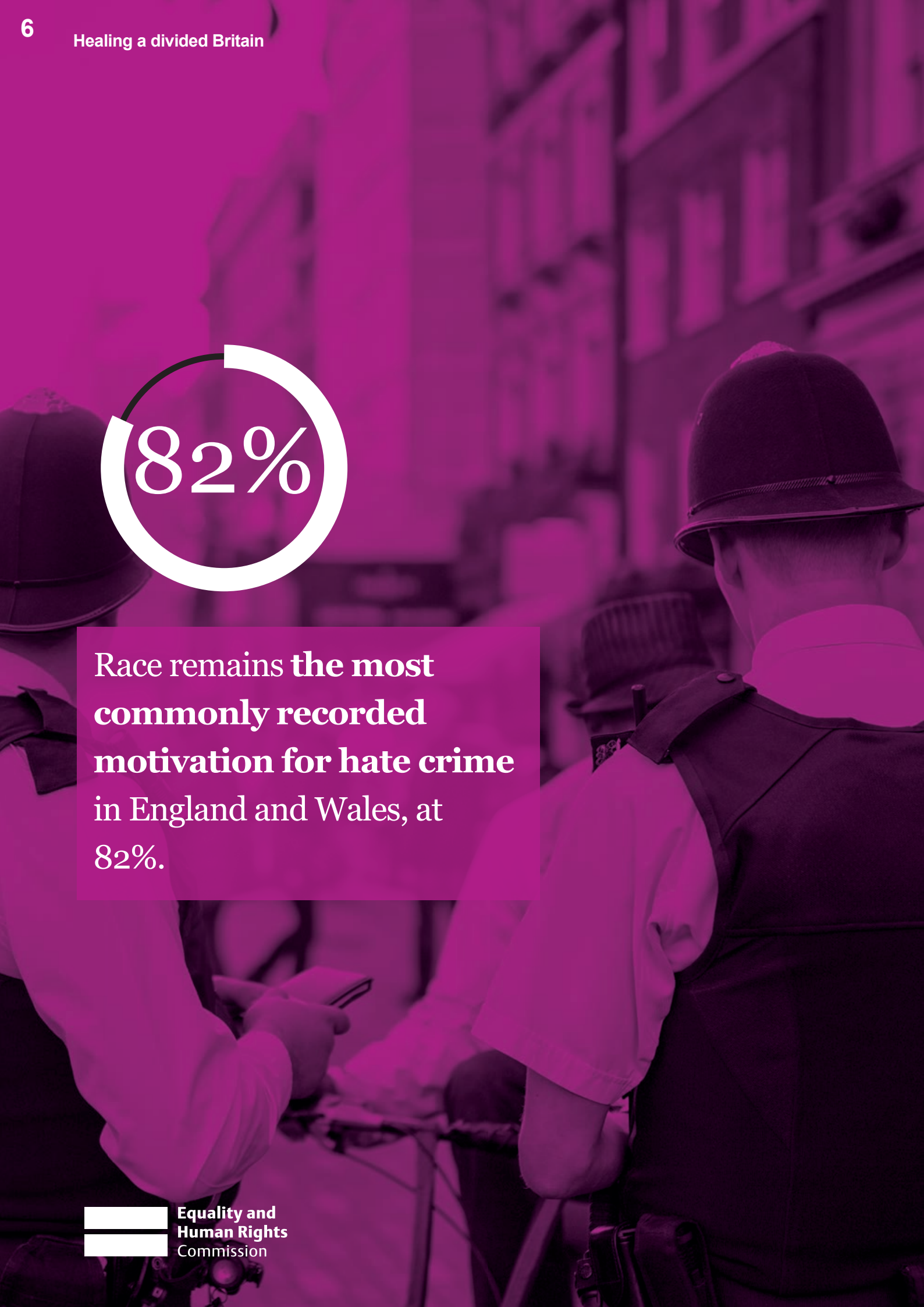
It is vital that the UK Government now puts in place a race strategy which is coordinated and comprehensive, with clear accountability and governance, and which includes stretching new targets to improve opportunities and outcomes for our ethnic minority communities.

The approach in recent years has been patchy and stuttering, but we should be encouraged by the new Prime Minister's promise of a fresh start in recognition that we must lift our ambitions.

The UK Government's economic plan since 2010 has not yet been paired with a race equality plan to prevent cutting adrift some communities even further from equality of opportunity. If you are from an ethnic minority community in modern Britain, it can often still feel like you're living in a different world, let alone being part of a one-nation society.

We are committed to working with the new Prime Minister and her Government, and the Scottish and Welsh Governments. We must all redouble our efforts to build a fair society in which every one of us is as free as possible to make the most of our talents, whatever our background.

David Isaac CBE,
Chair, Equality and Human Rights Commission



Race remains **the most commonly recorded motivation for hate crime** in England and Wales, at 82%.

Part 1: Working towards race equality in Britain

1. A divided Britain

Our report 'Is Britain Fairer?'[1] (EHRC, 2015) brought together evidence on equality and human rights across 10 domains – spheres of life which underpin and illustrate people's economic, social and personal well-being, and their life chances in Britain. It highlighted a range of areas in which people from ethnic minority communities experience worse treatment and outcomes.

These inequalities are of significant concern. Not only do they mean that individuals are facing barriers in accessing jobs and services that impact on their ability to fulfil their potential, they also indicate that some parts of our community are falling behind and can expect poorer life chances than their neighbours. Multiple disadvantages result in social and economic exclusion for some groups and create tensions between communities – putting the 'haves' and the 'have nots' in conflict.

Britain is a very different place today compared to the 1960s, when casual racism and 'no blacks, no dogs, no Irish' signs were commonplace. Race equality legislation and changes in social attitudes have had an enormous impact. This is a cause for celebration. However, the evidence shows that, 50 years after the Race Relations Act 1965, stark inequalities remain. Divisions in our society have also been highlighted since the referendum on UK membership of the European Union. A spike in racism and hate crime in England and Wales[2] following the vote suggests that, in some areas, a minority of people with racist attitudes have used the result to legitimise racism and hate crime. In contrast, there were far lower levels of post-referendum hate crime in Scotland.

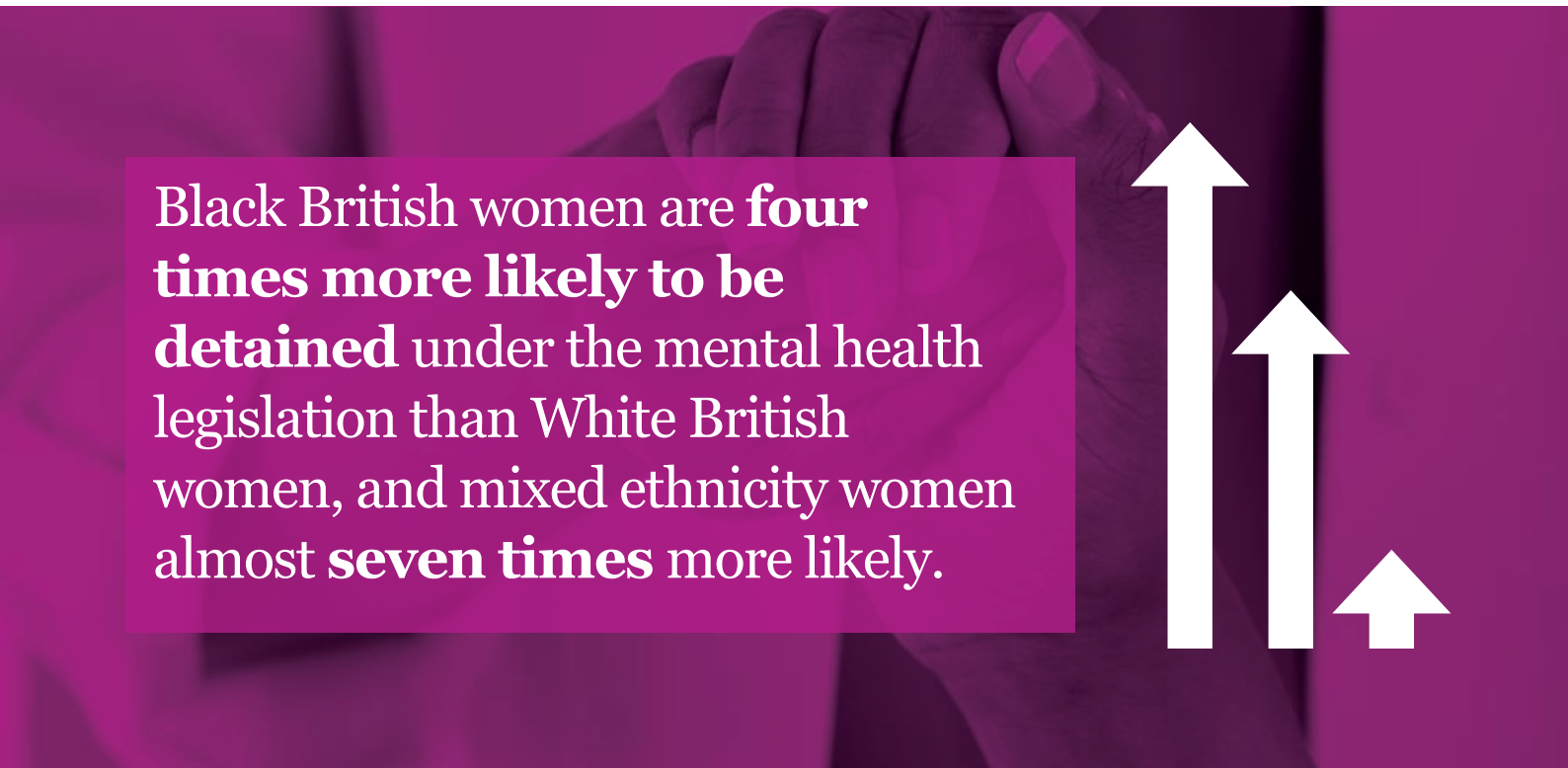
The research also shows that the picture of race equality has changed in the last 10 years. We see some sections of society advancing quickly while others are left behind, and there are regional differences. In addition, immigration has brought changes to the ethnic make-up of Britain. At the same time, fundamental issues, including persistent disparities in employment and over-representation of ethnic minorities in the criminal justice system, show that structural injustices, discrimination and racism continue to be part of our society today. It is essential that as a society we recognise and address these structural problems urgently and comprehensively, including the continuing disadvantage experienced in some White communities.

2. The key challenges to race equality

Part 2 of this report builds on the evidence from 'Is Britain Fairer?' and draws on our submission to the Committee on the Elimination of Racial Discrimination (CERD) (EHRC, 2016a) to present a fuller and more up-to-date analysis of the key challenges to race equality in Britain. It sets out evidence-based findings in five major areas of life: education and learning; work, income and the economy; health and care; justice, security and the right to life; and the individual and society.

Challenges are wide-ranging, as the following examples show:

1. Permanent school exclusion for Black Caribbean and Mixed White/Black Caribbean children in England is around three times the exclusion rate for all pupils.
2. In England and Wales, White boys receiving free school meals had the lowest educational attainment at the age of 16 in 2015.
3. Over the last five years, the number of young ethnic minority people in the UK who are long-term unemployed has almost doubled, whereas for young White people it fell slightly.
4. People from ethnic minorities are twice as likely to live in poverty compared to White people across Britain.
5. In Scotland, ethnic minority households are nearly four times more likely to experience overcrowding.
6. In 2014, the probability of Black African women being detained under mental health legislation in England was more than seven times higher than for White British women (CAAPC, 2016).



In England and Wales, just **6% of MPs** are from an ethnic minority, only **5.9% of judges and 5.5% of police officers.**

7. Rates of prosecution and sentencing for Black people in England and Wales are three times higher than for White people.
8. Ethnic minorities in police custody in England and Wales are significantly more likely to be physically restrained than White people.
9. Race hate on railway networks across Great Britain rose by 37 per cent between 2011 and 2015.
10. Ethnic minorities (along with women and disabled people) in the UK continue to be underrepresented in higher positions in public life.

These challenges build on and complement those highlighted in the Equality and Human Rights Commission's submission to CERD.[3] It highlights the following key issues:

1. Access to civil law justice

Restrictions in the scope of legal aid in England and Wales are having a significant impact on people's ability to access justice when their rights have been breached. Legal aid is no longer available for most housing, immigration, social security, employment and education cases.[4] These changes have had particularly adverse impacts on access to justice for people from ethnic minorities.

2. Criminal justice and immigration

As well as being more likely to be a victim of hate crime, ethnic minorities and migrants are much more likely to experience disadvantage in the criminal justice system. The latest Home Office figures on stop and search, for example, show that a Black man is still five times more likely to be stopped and searched by police than a White man in England and Wales.[5]

"A Black man is still five times more likely to be stopped and searched by police than a White man in England and Wales."

3. Education

Ethnicity has been shown to impact a child's educational attainment at GCSE level in England and Wales, and the GCSE equivalent (Standard Grade) in Scotland.[6] Data in England shows that Gypsy/Roma, Irish Travellers and Black Caribbean pupils have the lowest attainment. In addition, 'Is Britain Fairer?' found that White boys receiving free school meals in England and Wales had the lowest educational attainment at the age of 16 in 2015.

Recent evidence suggests that children are still victims of bullying because of their race, ethnicity or religion.[7] An Equality and Human Rights Commission study from March 2015 found that one in four of the pupils surveyed in Scotland said that they were aware of peers in their school experiencing prejudice-based bullying.[8]

4. Access to work and just and favourable conditions of work

People from ethnic minorities have disproportionately high unemployment rates. Our research on ethnicity and employment trends in 2013 found that White people had a higher employment rate (at 74.7 per cent) than those from ethnic minorities (59.3 per cent).[9] Across Great Britain, Black and Asian workers are also moving into more insecure forms of employment at higher rates than White workers. Black and Asian workers were more than twice as likely to be in agency work in 2014 (TUC, 2015a).

Our full submission to CERD can be found on the Committee's website.[10] By ratifying the International Convention of the Elimination of Racial Discrimination, the UK has pledged to make sure its domestic laws and policies comply with it. The Commission's role is to hold the Government to account against the terms of this treaty.

The lack of robust data is yet another key challenge to achieving race equality, as it limits the effectiveness of policy interventions and renders some people in the most vulnerable situations invisible. In doing so, it compounds the disadvantages ethnic minorities already face by hiding them and the issues they face from the decision-makers who set priorities and shape services. There are also differences in the availability of data across Great Britain. Some of the data about ethnicity that is routinely collected in England and Wales is not collected in Scotland. These gaps do not relate to the absence of an issue, but simply an absence of data about the issue. This is perhaps most stark when reading the health section in Part 2. In England, a considerable amount of work has been done to measure prevalence, morbidity, patient access and experience by ethnicity which has not been replicated in Scotland.

Race inequality can only be effectively tackled through a comprehensive long-term approach which examines all the areas of life where Black and ethnic minority communities are being held back; an approach which recognises the inter-relationship between socio-economic factors, race, adverse childhood experiences and discrimination.

3. Government activity on race equality

The UK, Scottish and Welsh Governments have undertaken a range of activity to improve race equality. We welcome these initiatives, but they operate in silos. A more comprehensive and coordinated approach would have greater and more sustainable impact, so delivering better value for public money. The current patchwork of initiatives can only have limited effect.

UK Government initiatives include targets across six areas of economic opportunity and advancement, including apprenticeships, employment and university entry. Separately, a review by Baroness McGregor-Smith examines the obstacles faced by Black and ethnic minority people seeking progression within the labour market, and Sir John Parker's review looks at the diversity of corporate boards (HoL, 2016). Other work includes the review by David Lammy into the treatment of and outcomes for Black, Asian and ethnic minority individuals (PMO, 2016), and plans to require universities to routinely publish admissions and retention data by gender, ethnic background and socio-economic group (BIS, 2015).

In Scotland, the 'Race Equality Framework for Scotland 2016-2030' sets out the Scottish Government's approach to promoting race equality and tackling racism and inequality. The Framework outlines six themed visions, including an overarching ambition for race equality in Scotland to be achieved by 2030. It encourages more effective use of the Scottish-specific Public Sector Equality Duties, the use of more robust data on ethnicity, and a stronger ethnic minority voluntary sector. The areas of focus cover outcomes related to community cohesion and safety; participation and representation; education and lifelong learning; employability, employment and income; and health and home (Scottish Government, 2016).

The Welsh Government has set equality objectives for 2016-2020 which reflect the findings and priorities from 'Is Wales Fairer?' (EHRC, 2015b). They relate to delivery of public services such as housing, health and education; access to advice; reducing employment, skills and pay inequalities; reducing the incidence of harassment and abuse such as hate crime; strengthening community cohesion; reducing poverty; and developing a diverse and inclusive workforce, setting an example across Wales. These eight equality objectives embed racial equality across policy areas as part of the Welsh Government's wider strategy for reducing inequality and tackling poverty.

4. The need for a comprehensive approach

For race inequality in Britain to be tackled successfully, it is essential to take a comprehensive approach which recognises the interrelationship between different elements of people's lives. This requires a comprehensive and coordinated strategy, with stretching new targets and clear ownership, accountability and governance arrangements, led by the UK, Scottish and Welsh Governments.

By addressing individual issues in a piecemeal way, without consideration of causes, drivers and levers for change, actions taken are unlikely to be effective in the long term or provide significant and sustainable change. Public money currently spent on separate activities could be used more efficiently and with greater impact if this work were brought together. For example, we will not make sustainable progress in reducing the ethnic minority employment gap unless we address the educational attainment gap. We cannot reduce the disadvantage experienced by people from ethnic minorities in the criminal justice system without considering the role of mental health services in supporting people to have stable lives.[11] And we cannot address the under-representation of people from ethnic minorities in political and civic life without acknowledging the relationship between socio-economic exclusion and political disengagement.

The evidence set out in this report underpins the case for the UK Government to establish a comprehensive approach to eliminating race inequality to drive concerted and focused action across the range of key challenges we have identified.

Such a comprehensive approach would involve tackling pervading and entrenched racial inequalities across sectors and throughout individuals' lives. The nature and scale of the issues we have identified may vary in different parts of Britain, so the solutions might vary, but a national strategy is essential.

"...we will not make sustainable progress in reducing the ethnic minority employment gap unless we address the educational attainment gap."

5. Recommendations

The Equality and Human Rights Commission ('the Commission') is calling on the UK, Scottish and Welsh Governments to address race inequality and discrimination experienced by people in Britain in a comprehensive and coordinated way.

We recommend that:

1. **The UK Government develops a comprehensive, coordinated and long-term strategy to achieve race equality, with stretching new targets to improve opportunities and deliver clear and measurable outcomes. The strategy should be informed by the evidence and experiences of all ethnic groups in Britain, including key stakeholder groups.**
2. **Development and delivery of the strategy is coordinated effectively within and between the UK, Scottish and Welsh Governments to maximise impact.**
3. **The UK Government brings responsibility for the strategy under one Secretary of State, with clear accountability and governance arrangements in place across departments to drive delivery and appropriate liaison with devolved governments.**
4. **All governments improve the range and scope of the disaggregated ethnicity data available – including intersectional data – and ensure that ethnicity statistics and research findings inform their race equality strategies.**
5. **All governments ensure effective and transparent monitoring arrangements are in place to measure progress.**

To support implementation of these recommendations, the Commission will work with governments and key stakeholders to raise awareness of the evidence – in this report, the CERD concluding observations and the Runnymede Trust civil society report[12] – and to identify the action that needs to be taken to deliver progress. The Commission can play a key role in bringing stakeholders together to influence and support governments in our shared aim of achieving race equality.

Part 1 Endnotes

[1] 'Is Britain Fairer?' is the Equality and Human Rights Commission's five-yearly statutory report on equality and human rights progress in England, Scotland and Wales. The review provides extensive evidence on 43 indicators across 10 major areas of everyday life, including education, employment, standard of living, health, justice, security, identity and participation. Quantitative evidence is drawn from major surveys and administrative data compiled by public bodies (as explained in the 'Is Britain Fairer?' Methodology paper (EHRC, 2015c). Most of the core quantitative data in this report covers the period from 2008 to 2013, but we have updated this to reflect more recent data where possible.

[2] There was a 57 per cent increase in reporting of hate crime to the police online reporting portal, True Vision, compared with the same period in the previous month, with 85 reports made from Thursday 23 June to Sunday 26 June compared with 54 reports in the corresponding four days in May. True Vision is a third-party hate crime reporting website supported by all police forces in England, Wales and Northern Ireland. (Karen Bradley, 29 June 2016. Available at: https://hansard.parliament.uk/commons/2016-06-29/debates/16062966000002/HateCrime [accessed: 30 June 2016]).

[3] The Committee on the Elimination of Racial Discrimination examined submissions from the UK, including from governments, the Equality and Human Rights Commission and civil society on 4 and 5 August 2016. At the time of publication of this report, the Committee's concluding observations to the UK are expected to publish in September 2016.

[4] The Legal Aid, Sentencing and Punishment of Offenders Act 2012 was commenced in April 2013.

[5] Stop and search under section 1 of the Police and Criminal Evidence Act 1984 (PACE) (and associated legislation), by police force area and self-defined ethnicity, England and Wales, 2014/15: 374,806 White, 63,523 Black (or Black British), 42,209 Asian (or Asian British), 15,302 Mixed. (Home Office (2015), Police powers and procedures England and Wales year ending 31 March 2015: data tables. Available at: https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2015-data-tables [accessed: 17 March 2016]).

[6] Recent data shows that White Scottish pupils (around 91 per cent of pupils) and those whose ethnicity is Not Known/Not Disclosed (around one percent of pupils) have the lowest rates for attainment and positive leaver destinations, namely those in training, education or work. (Scottish Government (2015), 'Equality Outcomes and Mainstreaming Report 2015'. Available at: http://www.gov.scot/Publications/2015/04/7781 [accessed: 20 June 2016].

[7] Ditch the Label (2015), 'Annual Bullying Survey 2015'. Available at: http://www.ditchthelabel.org/annual-bullying-survey-2015/ [accessed: 20 June 2016].

[8] 112/681 and 123/569 recorded incidents of prejudice-based bullying, in Scottish Education Authorities who provided data for 2011–12 and 2012–13, were on grounds of race or ethnicity. However, race or ethnicity also featured more frequently than other characteristics in policies on bullying, meaning that confidence in identifying and reporting incidents might be stronger for these grounds. (Dennell, B. and Logan, C. (2015), 'Prejudiced-based bullying in Scottish schools: A research report'. Equality and Human Rights Commission. Available at: http://www.equalityhumanrights.com/publication/prejudice-based-bullying-scottish-schools-research-report [accessed: 30 November 2015]).

[9] Employment rate is defined as the number of people in employment as a percentage of the population (our analysis uses the working age population, which is 16–64). The unemployment rate is the number of people not currently in a job as a percentage of the 'economically active population' (those who are able to work and have adequate availability to work; this does not include those not working through sickness, disability or because they are studying). Our data on employment rates separates out women and men, as there are significant differences between men's and women's employment rates in some ethnic minority groups. (EHRC (2015), 'Is Britain Fairer?', p. 36. Available at: http://www.equalityhumanrights.com/about-us/our-work/key-projects/britain-fairer/great-britain-report [accessed: 7 April 2016]).

[10] Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1073&Lang=en [accessed: 1 August 2016].

[11] See, for example, Centre for Mental Health (2013), 'The Bradley Commission: Black and Minority Ethnic communities, mental health and criminal justice'. Available at: https://www.centreformentalhealth.org.uk/bradley-briefing1 [accessed 2 August 2016].

[12] Through an open tender process the Commission contracted the Runnymede Trust to coordinate and draft a joint civil society organisation shadow report with a coalition of race equality civil society organisations across England, Wales and Scotland for the CERD August 2016 examination of the UK Government.

Part 2: 'Is Britain Fairer?' evidence for race

This part presents evidence on race outcomes across the following domains and based on specific indicators as set out in 'Is Britain Fairer?': education and learning; work, income and the economy; health and care; justice, security and the right to life; and the individual and society. Evidence has been updated where possible to reflect the most current data. Some evidence may also include socio-economic data where relevant, to reflect the complex interaction between race and socio-economic status.

1. Education and learning

Key findings

Education-related inequalities have a defining impact over a person's lifetime, not just in childhood. The challenges in education settings are wide-ranging:

- Substantial gaps in attainment remain between ethnic minority and White pupils across England and Wales where Gypsy/Roma, Irish Travellers and Black Caribbean pupils have the lowest attainment. In Scotland, ethnic minority students, except Scottish Gypsy/Travellers, have well above average tariff scores, which are higher than those of White pupils. However, when looking at socio-economic status, White boys receiving free school meals (FSM) had the lowest educational attainment at age 16 in England and Wales. In Scotland, the gap between White Scottish pupils in the most socio-economically deprived parts of Scotland and their White Scottish peers in other areas was much larger than for all other ethnicities, except Scottish Gypsy/Travellers.
- Black Caribbean and Mixed White/Black Caribbean children have rates of permanent exclusion at about three times those for all pupils.
- Gypsy/Roma and Irish Traveller children have the highest rates of both permanent and fixed-period exclusions.
- Just 6% of Black school leavers attended a Russell Group university, compared with 12% of Mixed or Asian school leavers and 11% of White school leavers.
- A higher proportion of White undergraduate students received a First/2:1 degree (76.3%) compared with ethnic minority undergraduates (60.3%). The gap was particularly high for Black male undergraduates (46.2%) compared with White male undergraduates (73.5%).

Evidence presented in this section can be found in 'Is Britain Fairer?' supporting evidence paper 'Domain E: Education' (unless otherwise stated). This is available at: https://www.equalityhumanrights.com/en/britain-fairer-report/supporting-evidence

1.1 Attainment

In England, data highlighting the proportion of pupils who achieve at least five GCSEs grade A-C (or equivalent), including English and Mathematics, shows that Gypsy/Roma, Irish Travellers and Black Caribbean pupils consistently have the lowest attainment. Pakistani, Mixed White/Black Caribbean, Other White and Other Black pupils perform consistently below the national average. Attainment for Bangladeshi pupils has improved considerably and is now well above the national average. Attainment for Black African pupils has been improving and it was above the national average by 2012/13. However, it is currently under the national average.

In Wales, broadly similar improvements in attainment mean that substantial gaps have remained between ethnic minority pupils and White pupils. For example, African/Caribbean and Black pupils (47.1%) were less likely to achieve five GCSEs grade A-C (or equivalent) than White pupils (55.9%). However, Mixed (58.2%), Asian (60.8%) and Chinese (79.8%) pupils were more likely to do so in 2013-15 (Welsh Government, 2016b).

In England and Wales, White boys receiving FSM had the lowest educational attainment at age 16 in 2013. In 2015, 24% of White boys on FSM achieved the GCSE threshold in England (a 33.1 percentage point gap between them and the national average, 57.1%). Black Caribbean pupils eligible for FSM fell further behind with a 24.6 percentage point difference between them and the national average (an increase in the gap of five percentage points since 2014). The gap rises to 32.7 percentage points when only Black Caribbean FSM boys are considered and it has widened by seven percentage points since 2014 (DfE, 2016a).

In Scotland, the picture across the educational outcomes measures for ethnic minorities continues to be very different. Gypsy/Traveller pupils have the lowest tariff scores,[1] whereas pupils from ethnic minorities have well above average tariff scores, which are higher than those of White Scottish pupils (191 points). In 2012/13 this included Asian-Chinese pupils (255 points), Asian-Indian pupils (211 points), Asian-Pakistani pupils (206 points) and pupils from Mixed or multiple ethnic minorities (206 points).

The gap in 2013/14 between White Scottish pupils in the most socio-economically deprived parts of Scotland and their White Scottish peers in other areas was much larger than for all other ethnicities (51 points compared with 41 points for pupils of Mixed ethnicity and less than 20 points for Asian or African/Black/Caribbean pupils).

Gypsy and Traveller attainment

Gypsy, Roma and Traveller children have lower educational attainment than other ethnicities. For example, they were less likely to achieve 'a good level of development' in their early years (Early Years Foundation Stage Profile) in 2013/14 compared with Other White

[1] The percentage of S4 pupils achieving at least five Awards at Scottish Credit and Qualifications Framework (SCQF) Level 5 or better. S4 is the fourth year of secondary schooling in Scotland and the last year of compulsory schooling. Prior to changes in the Scottish curriculum (beginning in 2013/14), these pupils worked towards Standard Grade qualifications. For the purpose of comparison over time, the analysis in 'Is Britain Fairer?' only considers attainment under this previous system.

children in England. The figure was 19.1% for Gypsy and Roma children, and 30.9% for Traveller children, compared with 61.8% for Other White children. Similarly, a lower percentage of Gypsy/Roma children (13.8%) and Traveller children (17.5%) achieved at least five A*-C GCSEs in 2012/13 compared with Other White children (60.3%). Gypsy/Roma children's attainment of five or more GCSEs at Grades A*-C, including Mathematics and English or Welsh, remains strikingly low at 13% in 2013/14. The numbers of Gypsy/Traveller pupils in Scotland is small. However, the data shows that their attainment is far lower than for other ethnic minorities. The average tariff score for all S4 pupils in Scotland in 2012/13 was 192, compared with 86 for Gypsy/Traveller pupils.

1.2 Exclusion

Although there has been an overall decrease in the total number and rate of permanent exclusions in England since 2004/05 across all schools, fixed-period exclusions in primary schools increased in 2015 (DfE, 2015). Pupils from ethnic minorities experience disproportionate rates of exclusions. Higher rates of absence and (fixed-period) exclusions were found among White pupils from disadvantaged backgrounds in 2012/13. Rates of absence (both authorised and unauthorised) are higher among White pupils than for other ethnic minorities. The gap between those on FSM and those who are not is also wider for White pupils.

In England, Black Caribbean, Mixed White/Black Caribbean, Gypsy/Roma and Traveller children continue to experience disproportionate rates of exclusions. Gypsy/Roma and Traveller children have the highest rates of both permanent and fixed-period exclusions. Black Caribbean and Mixed White/Black Caribbean children have rates of permanent exclusion about three times that of the pupil population as a whole. Pupils of Asian and Chinese ethnicity have the lowest rates of exclusion (DfE, 2015).

In Wales, from 2008/09 to 2012/13 there were reductions in the exclusion rate among all ethnic minorities. The rate for Black pupils has dropped from 96.3 to 42.8 (per 1,000) and the rate for Mixed pupils has dropped from 55.6 to 37.7 (per 1000) (Welsh Government, 2014).

In Scotland, during 2014/15, there were 18,430 exclusions from local authority schools, a decrease of 16% from 2012/13. There were reductions in the exclusion rates for White, Mixed and Asian pupils between 2009/10 and 2014/15. There was no change in the exclusion rate for African/Caribbean/Black pupils. However, in 2014/15 ethnic minority pupils were less likely to be excluded than White pupils[2] (Scottish Government, 2016c). In 2010/11, exclusion rates for Gypsy/Traveller pupils in Scotland (57 per 1,000 pupils) and Other Traveller pupils (175 per 1,000) were the highest of all ethnic minorities.

[2] The Scottish Government informed the Equality and Human Rights Commission that 'due to changes in ethnic minority definitions, it is difficult to make comparisons with previous years, and in any case the numbers of pupils from minority ethnic backgrounds means that year on year fluctuations in numbers can have a huge impact on statistical rates. Therefore caution must be exercised in drawing conclusions related to progress for ethnic groups.'

1.3 Bullying

Bullying can impede educational attainment and have negative effects on the private life and health of the victim. There is concern that bullying is a widespread problem in the UK and can hinder children's attendance at school and their potential for successful learning (UNCRC, 2008). Research suggests children who were bullied tended to be less engaged at primary school, with a lack of positive friendships leading to less engagement at secondary school. This was also found to be associated with lower academic achievement (Gutman and Vorhaus, 2012). Research shows being bullied by peers in childhood also has worse long-term adverse effects on young adults' mental health and should be viewed as a cause or risk factor for subsequent mental health problems (Lereya *et al*., 2015).

In England, since the Stephen Lawrence Inquiry,[3] schools were required to record and report racist incidents to their local education authority (Macpherson, 1999). In 2010/11, the Department for Education (DfE) published guidance for schools on preventing and tackling bullying which removed this requirement. As a result, no national statistics on the prevalence of racist/religiously motivated incidents in English schools have been available since 2010/11.

Evidence demonstrates that children are still victims of bullying because of their race, ethnicity or religion (Ditch the Label, 2015). Racist incidents are under-recorded and under-reported partly due to a lack of leadership on the issue and partly due to a lack of staff training in some schools (Show Racism the Red Card, no date). Racist language is still commonly used/heard in primary and secondary schools; such language sometimes relates to religion (Ofsted, 2012). Requests for counselling from children and young people experiencing racist/religiously motivated bullying in schools has increased in recent years. For example, in 2012/13 over 1,400 young people across Britain told ChildLine[4] that they were experiencing racist bullying, a 69% increase within a year (NSPCC, 2014).

In Wales, between 20% and 50% of pupils in Wales are estimated to have experienced bullying at some point in their school lives. Bullying is a particular risk for ethnic minority pupils (Estyn, 2014). The Welsh Government has published a series of anti-bullying materials that provide guidance and practical solutions on preventing and responding to incidents of bullying in schools (Welsh Government, 2011).

Education authorities in Scotland are not required to collect or report data on bullying or harassment in Scottish schools, although some do so. There is a significant evidence gap which needs to be addressed.

In Scotland, a study by the Equality and Human Rights Commission ('the

[3] On 31 July 1997, the Home Secretary Jack Straw ordered a public inquiry to be conducted by Sir William Macpherson and officially titled 'The Inquiry Into The Matters Arising From The Death of Stephen Lawrence'.

[4] A confidential telephone counselling service for children and young people up to the age of 19.

Commission') found that one in four of the pupils surveyed said they were aware of peers in their school experiencing prejudice-based bullying. The most commonly experienced bullying was related to race, disability, sexual orientation and perceived socio-economic status (Dennell and Logan, 2015).

1.4 Higher education

Evidence shows that the percentage of people in Great Britain with a degree-level qualification increased from 21.4% to 28.1% between 2008 and 2013. Since 2008, all ethnicities have seen an increase in the proportion with a degree-level qualification, however compared with the increase for White people (5.9 percentage points), a larger increase was seen for all other ethnicities. Indians saw the largest increase (18.1 percentage points), followed by 'Other' ethnicities (11.9 percentage points), Pakistani/Bangladeshi people (9.7 percentage points) and African/Caribbean/Black people (9.6 percentage points).

In 2013, African/Caribbean/Black (34.7%), Indian (49.5%), Mixed (36.6%) and 'Other' (40.2%) ethnic minorities had a higher percentage of degree-level qualifications than White (26.8%) and Pakistani/ Bangladeshi students (27.6%).

However, just 13% of Black school leavers attended a top third[5] higher education institution (HEI), compared with19-20% of Mixed or Asian school leavers and 15% of White school leavers. Just 6% of Black school leavers attended a Russell Group university, compared with 12% of Mixed or Asian school leavers and 11% of White school leavers.

There are stark differences by ethnicity in the proportion of undergraduate students who received a First/2:1 degree in a HEI in 2013/14. A higher proportion of White undergraduate students received a First/2:1 degree (76.3%), compared with ethnic minority undergraduate students (60.3%). The gap was particularly high for male undergraduate students: 73.5% of White male undergraduate students received a First/2:1 degree compared with 46.2% of Black male undergraduate students (ECU, 2015).

Recent analysis of official statistics by the TUC shows that 'Black, Asian and minority ethnic workers'[6] with degrees are two and a half times more likely to be unemployed than White graduates. In addition, ethnic minority[7] workers with GCSE equivalents and basic level qualifications are more than twice as likely to be out of work (TUC, 2016).

The unemployment rate for White workers with degrees is 2.3%, for ethnic minority graduates this is 5.9%. At every level of education, jobless rates are much higher for ethnic minority workers. For example, ethnic minority workers with A-level equivalents (including trade

[5] 'Top third' universities are identified as those in the top third on the basis of entry requirements (UCAS tariff scores) in 2011/12.

[6] 'Black, Asian and minority ethnic workers' includes all workers who did not identify as White British, White Irish, White Gypsy/Irish Traveller or White Other. 'Black workers' is a smaller subset of this group, including those who identified as Black, African, Black Caribbean, or Black British.

[7] TUC employs the term 'BAME' meaning 'Black, Asian and minority ethnic'. This term has been replaced by the equivalent, 'ethnic minority', in line with the Commission's editorial policy.

apprenticeships and vocations) are 3.2 times more likely to be unemployed than their White counterparts (TUC, 2016).

Recent research exploring the experiences of Black African and Black Caribbean male graduates in elite universities argues that they face systemic barriers to entering the top UK universities.[8] These include: a lack of Black teachers and academics as role models; Black men being labelled as 'trouble' or low achievers' by teachers in secondary school; and assumptions made about their capabilities due to their ethnicity (Dumangane, 2016).

2. Work, income and the economy

Key findings

Inequalities in employment and income persist, and for many ethnic minorities this impacts upon their standard of living and experience of poverty:

- Unemployment rates across Britain were significantly higher for people from all other ethnic minorities (12.9%) compared with for White people (6.3%) in 2013.
- Pakistani/Bangladeshi women were less than half as likely to be employed compared with average employment rates for other women.
- Young ethnic minorities experienced the worst long-term employment outcomes. Between 2010 and 2015 they saw a 49% rise in unemployment compared with a fall of 1% in overall long-term youth unemployment and a 2% fall among young White people.
- There was a considerable gap in the percentage of White and ethnic minority people starting apprenticeships (89% compared with 2-5%).
- Black workers with degrees earn 23.1% less on average than White workers with degrees.
- Black people who leave school with GCSEs typically get paid 11.4% less than their White peers.
- Much lower proportions of ethnic minorities are in senior positions.
- Overall, people from ethnic minorities more likely to live in substandard and overcrowded accommodation and to live in poverty compared with White people across Britain.
- In Scotland, ethnic minority households are much more likely to experience overcrowding.

Evidence presented in this section can be found in 'Is Britain Fairer?' supporting evidence papers 'Domain G: Productive and valued activities' and 'Domain F: Standard of living' (unless otherwise stated). These are available at: https://www.equalityhumanrights.com/en/britain-fairer-report/supporting-evidence

[8] Refers to 'top third' universities as those in the top third on the basis of entry requirements (UCAS tariff scores).

2.1 Employment

In Great Britain, the ethnic minority employment rate in 2015 was 62.8%, an increase of 3.2 percentage points from 2010 (DWP, 2016). In 2016, 109,000 more women from an ethnic minority were in employment than in 2014 (DWP, 2016). The gap in employment rates between ethnic minorities and the overall population has decreased. In particular there has been significant improvement for the Pakistani/Bangladeshi population from 42% in 2005 to 55% (DWP, 2016).

However, Black men and women experienced some of the largest falls in full-time employment between 2006 and 2008, and in 2013 across the UK (Hills *et al*., 2015). This coincided with the 2008 recession and the austerity measures implemented after 2010.

Pakistani/Bangladeshi women were less than half as likely to be employed compared with the average employment rates for other female respondents (ONS, 2015a).

Gypsy and Irish Travellers had the lowest levels of economic activity in England and Wales (47% compared with 63% for all England and Wales) according to the 2011 Census. Just over half of Gypsies and Travellers in England, Wales and Scotland were economically inactive. The most common reason given for those who were economically inactive was looking after the home or family (27%).

Gypsy or Irish Travellers (aged 16 and over) in employment were most commonly in elementary occupations (farm, process plant or service work): 22% in England and Wales; and 20% in Scotland.

The 2011 Census revealed that the highest proportion of people (over the age of 16) with no qualifications was Gypsy or Irish Travellers (60%) compared with 23% for all ethnic minorities across England and Wales. Equivalent figures for Scotland show that 50% of Gypsy/Travellers had no qualifications in 2015, compared with 27% for Scotland as a whole. Around half (49%) of Gypsy/Travellers were economically active, compared with 63% for Scotland as a whole (Scottish Government, 2015a).

Black and Asian workers are moving into more insecure forms of employment at higher rates than White workers. They were twice as likely (4.3%) to be in involuntary temporary employment in 2014 compared with White workers (2.1%). They are more than twice as likely to be in agency work. This increased by nearly 40% between 2011 and 2014 for Black and Asian workers, compared with a 16% rise for White workers (TUC, 2015).

In 2015, the ethnic minority unemployment rate in Great Britain was 9.9%, a decrease of 3.2 percentage points from 2010 (DWP, 2016). Evidence shows that unemployment rates were significantly higher for people from all other ethnic minorities (12.9%) compared with White people (6.3%) in 2013. The lowest unemployment rate was among Indians (9.2%) and the highest among Pakistanis/Bangladeshis (17.3%), African/Caribbean/

Black people (15.5%) and Mixed ethnic minorities (15.2%).

Further analysis of ethnic minority unemployment rates suggests there are particular gender/ethnicity/geographic patterns and concentrations of high unemployment (Vizard *et al*., 2015; Catney and Sabater, 2015).

There are also signs that young ethnic minorities in the UK may be experiencing worse long-term employment outcomes than White young people. In 2015, there were 41,000 16 to 24 year olds from ethnic minority communities who were long-term unemployed, a rise of 49% since 2010. This is compared with a fall of 1% in overall long-term youth unemployment and a 2% fall in unemployment among young White people (Runnymede, 2015).

In Wales, static employment rates meant that substantial gaps between ethnic minority (51%) and White people (72%) persist. Unemployment for most ethnic minorities rose between 2008 and 2013. This followed the 2008 recession and austerity measures from 2010. Employment is the area in which people from ethnic minority backgrounds considered they were least likely to be treated fairly (Race Council Cymru, 2012).

In Scotland, there was a significant gap between the employment rate of people from ethnic minorities and that of White people in both 2008 and 2013. In 2013, 57.4% of people from ethnic minorities were in work, compared with 73.8% of White people. The lowest employment rates were for people with 'Other' ethnicity (56.0%) and for Pakistani and Bangladeshi people (42.9%).

Unemployment rates for people from ethnic minorities (13.2%) were significantly higher than for White people (6.9%). The 2011 Census found that in Scotland, Polish people had the highest rates of work – 81% were either employed or self-employed. Gypsy/Travellers, Arab and Chinese people were the least likely to be in work. However, Arab and Chinese people included a high proportion of students. African people were most likely to be unemployed (15%), followed by Caribbean or Black people (11%) and Gypsy/Travellers (9%) (Scottish Government, 2015c).

The Scottish Equal Opportunities Committee[9] found that the world of work in 2016 was still not representative of the communities and people of Scotland. The report found that people from ethnic minorities were, on average, more likely to be unemployed or in low-paid work than White people, despite their overall better performance academically. The Committee called for employment and recruitment practices to be improved in order to tackle racism and discrimination (Scottish Parliament, 2016).

It is important to acknowledge that there are further differences in employment based on people's religion that also intersect with race. For example, Muslims experience the worst outcomes

[9] The remit of the Equal Opportunities Committee is to consider and report on matters relating to equal opportunities and upon the observance of equal opportunities within the Scottish Parliament.

in employment and there are specific patterns for Muslim men and women. Muslims have experienced the highest unemployment rates and lowest employment rates across England, Wales and Scotland. For a fuller discussion of the evidence, see 'Is Britain Fairer?' (EHRC, 2015).

2.1.1 Self-employment

Self-employment accounted for 44% of the net rise in employment in Great Britain since mid-2010 (TUC, 2014). There were substantial declines in average pay for self-employed people, and their median income fell by 22% between 2008/09 and 2012/13. This was more than for employed people.

There are considerable disparities between ethnic minorities in self-employment rates (Clark and Drinkwater, 2007; Nazroo and Kapadia, 2013; Brown *et al*., 2013) as well as strong national and regional patterns. South Asian men, especially Pakistani men, have tended to concentrate on this form of activity, while Black people and women from any ethnic minority have not tended to be self-employed (with the exception of Chinese women). The pattern is even more marked when considering those that are UK-born and those that are foreign-born. A little over half of Pakistani men in the transport sector were self-employed (53% of workers) (Clark, 2014). Gypsy or Irish Travellers had the highest proportion of self-employed workers compared with other ethnic minorities (Clark, 2014).

In Scotland in 2013, Gypsy/Travellers were twice as likely to be self-employed compared with the general population – 24% compared with 12%. In 2014-15, the self-employment rate was highest for Pakistani (32%), Chinese (23%) and Indian (22%) groups. Bangladeshi and other South Asian groups also had high rates of self-employment (20% for both groups).

Significant occupational segregation is also apparent in Scotland, with 38% of Indians employed in wholesale/retail industries (against a 15% national figure) and 32% of Chinese people employed in the accommodation and food industries (against a 6% national figure).

2.1.2 Managerial positions

In Britain, significantly lower percentages of ethnic minorities (8.8%) worked as Managers, Directors and Senior Officials compared with White people (10.7%). This was particularly true of the African/Caribbean/Black group (5.7%) and the Mixed ethnicity group (7.2%). By the end of 2014, ethnic minority representation in FTSE 100 boardrooms was 5%. All-White executive teams ran 69% of FTSE 100 companies and 95% of FTSE 100 board directors were White (Green Park, 2014). There are currently just two FTSE 100 companies with an ethnic minority person as Chair (Green Park, 2015). Although in the public sector, ethnic minority representation in the civil service increased from 4% in 1988 to 10% in 2014, their representation in the Senior Civil Service was only 7% (NAO, 2015).

In Scotland, people from an ethnic minority background are underrepresented in senior management positions (Scottish Parliament, 2016). In Wales, ethnic minority people remain less likely to be in senior roles.

2.2 Pay

Overall, Pakistani/Bangladeshi and 'Other' ethnicity groups received lower pay than White people in Britain, with both groups having an average pay of less than £10/hour in 2013. Bangladeshi men had the lowest pay of all ethnic minorities. Black men and their families have seen the largest regressions in pay and income since 2010. Conversely, the Indian ethnic group did not experience a significant reduction in average pay which resulted in a positive pay gap in 2013; Indians were paid 8.9% more per hour on average than the White ethnic group. The number of Black and Asian workers in low-paid jobs increased by 12.7% between 2011 and 2014, compared with a 1.8% increase for White workers. In Wales, the pay gap between White and ethnic minority people widened between 2008 and 2013. Sikhs saw a particularly large decline in pay (£1.90 per hour) and both Sikhs and Muslims have the highest pay gap compared with those with no religion earning around 20% less in 2013.

The pay gap between White and Black workers is at its widest for those with university degrees. Analysis of official statistics (by the TUC) shows that Black workers with degrees earn 23.1% less on average than White workers with degrees. On average, a Black worker with a degree will earn £14.33 an hour, compared with £18.63 for a White graduate. Black workers with A-levels earn 14.3% less on average than their White counterparts. Moreover, Black people who leave school with GCSEs typically get paid 11.4% less than their White peers. The pay gap between White workers and all ethnic minority minorities, regardless of their educational attainment, is 5.6%, and is 12.8% for Black workers (TUC, 2016a).

Research conducted by the Institute for Social and Economic Research indicates that factors such as parental background and local area are more important for labour market outcomes for ethnic minority graduates than they are for White British graduates. Ethnic minority graduates who do not benefit from financial support from their parents earn less and are less likely to be employed compared with White British graduates in the same situation. Ethnic minority women from a less advantaged background (except Indian and Chinese women) earn significantly less than White women, while male Black Caribbean, Black African and Pakistani graduates from a less advantaged background earn less than White British male graduates (Zwysen and Longhi, 2016).

2.3 Apprenticeships

Apprenticeships were a key part of the UK Government and the devolved governments' approach to get Britain

working after the 2010 General Election. In 2014/15, there were 499,900 apprenticeship starts in England, 59,500 (14%) more than the previous year. It was the first year since 2011/12 in which apprenticeship numbers increased (EHRC, 2016).

The overwhelming majority of all apprenticeship starters were White (89% or 442,300 people). Fewer were Asian/Asian British (4.3% of all starters or 21,500 people), Black/African/Caribbean/Black British (3.5% or 17,200 people), or from a Mixed/multiple ethnic background (2.2% or 10,900 people) (EHRC, 2016).

Non-compliance with apprenticeship pay requirements is a major area of concern. The Apprenticeship Pay Survey found that 13–14% of apprentices in England, Wales and Northern Ireland were not paid the appropriate minimum wage by their employers (EHRC, 2016).

In Scotland, the proportion of people taking Modern Apprenticeships (MAs) who report being from an ethnic minority[10] has increased each year since 2012/13 to 2.1% in 2016 although their representation in the programme is far lower than we might expect. According to the Annual Population Survey (Jan-Dec 2015) 5.2% of 16-24 year olds in Scotland report being from an ethnic minority[11] (3.6% of 16-24 year olds in employment) (Skills Development Scotland, 2016).

The gaps between the ability of people with particular protected characteristics to obtain successful apprenticeships have been highlighted by monitoring bodies and NGOs. Unionlearn (2013) emphasised gaps in obtaining apprenticeships by ethnicity. The Social Mobility and Child Poverty Commission (SMCPC, 2014) highlighted continued concerns about the general quality and funding of apprenticeships and further education colleges.

2.4 Migrant workers

There are currently 2.64 million legal migrant workers in the UK. Low-skilled occupations account for 45% of all employment in the UK and migrants account for approximately 16% of those in low-skilled work (2.1 million). Those jobs held by migrants are split 60:40 between non-European Economic Area and European Economic Area (EEA). A million migrants in low-skilled jobs have come to the UK in the last decade, half of whom are from Central and Eastern Europe following European Union (EU) enlargement (MAC, 2014).

Many migrants are vulnerable to exploitation and may not enjoy the same economic rights as non-migrant workers. This is because they may not be aware of their employment rights or do not have the required employment documentation (such as contracts or pay slips) in a language they understand (EHRC, 2014). Migrants are afforded protection under equality and human rights legislation in the same way as UK citizens. However,

[10] 'Ethnic minority' is taken from the following categories of the Equalities Monitoring form: Asian (including Asian Scottish and Asian British); Black background (including Black Scottish and Black British); Mixed ethnic background; and 'Other' ethnic background.

[11] 'Ethnic minority' is taken from APS variable ETH11S=ethnic group (Scotland). Includes all those stating they were from a non-White ethnic group.

discrimination on the ground of migrant status[12] does not receive protection under the current legislative framework.[13]

Migrant domestic workers are also vulnerable because they are not protected by the National Minimum Wage (NMW). The NMW regulations 2015 continue to provide that work relating to the family household does not amount to work under the NMW regulations and so does not need to comply with them. Evidence indicates that the majority of claims brought by migrant domestic workers involve claims for non-payment of the NMW.

Research describes the lack of formal channels of support for migrant workers who may be vulnerable to traffickers and exploitation, including forced labour. This is particularly worrying based on the growth of various migrant communities in Britain, such as Chinese migrants (Tong *et al*., 2014).

Where migrant workers are aware of their rights, they are often afraid of complaining in case they lose their job or are victimised (EHRC, 2010).

2.5 Poverty and living standards

2.5.1 Substandard and overcrowded housing

In 2011/12 in England, a higher proportion of individuals in households where the household reference person (HRP) was from an ethnic minority lived in substandard housing compared with those where the HRP was White. The figure for Black households was 27.9%, it was 26.3% for Pakistani/Bangladeshi households, and 20.5% for White households. Children from Pakistani/ Bangladeshi (28.6%) and Black (24.2%) households were more likely to live in substandard accommodation than those in White households (18.6%) in 2011/13.

In England, a higher percentage of Indian (13.4%), Pakistani/Bangladeshi (21.7%), Black (15.7%) and 'Other' (12.5%) households lived in overcrowded housing than White households (3.4%) in 2012/13. Similarly, children in Indian (21.1%), Pakistani/Bangladeshi (30.9%), Black (26.8%) or 'Other' households (23.6%) were more likely to live in overcrowded

[12] Employers who want to be exploitative may consciously use migrants because they are vulnerable due to their immigration status (they cannot use this as a means of exploitation against British workers). Supported by CMW, General Comment no. 1 on migrant domestic workers, 23 February 2011, CMW/C/ GC/1, paragraph 7

[13] See *Onu v Akwiwu & Anor; Taiwo v Olaigbe & Anor* [2014] EWCA 279. The Equality and Human Rights Commission provided assistance to a claim which was before the Supreme Court in April 2016 challenging this legal position. The Commission's submissions mentioned the International Convention on the Elimination of Racial Discrimination (ICERD) and the CERD general recommendation that differential treatment based on citizenship or immigration status will constitute discrimination. The ICERD and CERD provisions were used to support the argument that the immigration status of an overseas domestic worker (ODW) (which was found to be the reason for their vulnerability to exploitation) is inextricably linked to their nationality, so that they should be able to claim compensation under the Equality Act 2010 on grounds of nationality. The Supreme Court judgment held that neither appellant has suffered race discrimination because the reason for their abuse by the respondents was not nationality but their vulnerability as a particular kind of migrant worker.

accommodation than children in White households (8.3%) in 2012/13.

Equivalent data on substandard accommodation or overcrowding were not available in Wales. However, the Welsh Government has made progress on its commitment to provide additional affordable homes as set out in its tackling poverty action plan (Welsh Government, 2015).

In Scotland, a higher proportion of ethnic minority than White households lived in overcrowded housing in 2013 (11.8% compared with 2.9%). Using the occupancy rating from the 2011 Census found that around 9% of all households in Scotland were overcrowded. This included 30% of White Polish households, 28% of Bangladeshi or African households, 25% of Pakistani households, and 24% of Gypsy/Travellers households (Scottish Government, 2015c).

2.5.2 Gypsy and Traveller accommodation

In January 2016, 21,306 Traveller caravans were counted in England. 7,046 (33%) of these were on socially rented sites and 11,454 (54%) were on privately rented sites, with the remaining 13% on unauthorised land (DCLG, 2016). There were 931 caravans in Wales in January 2016, of which 580 (62%) were on socially rented sites, a far higher proportion than in England, and 202 (22%) on privately funded sites. The remaining 16% were on unauthorised sites (Welsh Government, 2016a).

At the time of the 2011 Census, 24% of Gypsy and Travellers in England and Wales lived in a caravan or other mobile or temporary structure. About 34% owned or share owned their accommodation compared with 66% of the population overall. In contrast, a far higher proportion lived in socially rented accommodation than the general population: 41% compared with 16%, with 25% in privately rented or rent-free housing.

In Scotland, Census data indicated that in 2011, 14% of Gypsy/Travellers lived in caravans or some other mobile or temporary accommodation. Gypsy/Travellers were half as likely to own their own homes but twice as likely to be living in rented accommodation compared with the general population. 33% of Gypsy/Travellers aged 16 or over owned their home, 40% lived in socially rented accommodation, and 28% in privately rented or rent-free housing.

The Scottish Parliament's Equal Opportunities Committee undertook an assessment of Gypsy/Travellers' accommodation in 2013. It reported 'horrendous conditions', for example: families paying rent to their local council were ' expected to bathe young children in freezing cold amenity blocks with extortionate heating costs'; 'elderly and disabled people might have to go outside to a toilet block'; 'a putrid overflowing septic tank'; 'another site was barely lit at night, with appalling and tokenistic attempts to make adaptations for a profoundly disabled resident; and sites 'lacking in either a fixed phone line or stable mobile phone signal, leaving residents with medical conditions unable to easily seek emergency care' (EOC, 2013).

In 2011, the UN Committee on the Elimination of Race Discrimination (CERD) recommended that the UK provide adequate accommodation, including transit sites, for Gypsies and Travellers (CERD, 2011). However, Gypsies and Travellers continue to face accommodation difficulties. In 2013, the Office for the High Commission for Human Rights (OHCHR) Special Rapporteur on adequate housing undertook an official visit to the UK. She noted the stigma and discrimination that Gypsies and Travellers face. She highlighted how this underpins their lack of residential and transit accommodation and leads to a range of other problems, including access to education, work, healthcare and inclusion in community life (UNHRC, 2013). She also noted the Commission's evidence that many Gypsies and Travellers did not have access to sufficient accommodation or sites. This evidence underlined how using unauthorised sites could lead to evictions, or to violence and threatening behaviour (EHRC, 2011). Furthermore, a recent report from the Children and Young People's Commissioner Scotland (2016) highlighted the lack of culturally sensitive accommodation for Gypsy/Travellers which is having an adverse impact on children, and other shortcomings in the provision of sites and accompanying services.

2.5.3 Poverty and material deprivation

Most ethnic minorities (Pakistani/Bangladeshi, African/Caribbean/Black and 'Other', except for Indians) had a higher child poverty rate in Britain in 2012/13 compared with White people. Pakistani/Bangladeshi, African/Caribbean/Black and 'Other' ethnic working age adults had a higher mean deprivation score[14] compared with White people in Britain in 2012/13. This pattern was also evident for children and pensioners from these ethnic minorities. However, Indian children had a lower score than White children.

Ethnic minority people were more likely to live in poverty[15] (35.7%) than White people (17.2%) in 2012/13. This ranged from 24.6% for Indian people and 39.9% for Black people to 43.9% for Pakistani/Bangladeshi people. Poverty rates were significantly higher for children living in a household headed[16] by someone with from an ethnic minority: 41.9% compared with 24.5% in households headed by someone who is White. Children in Pakistani/Bangladeshi, Black or 'Other' households had particularly high poverty rates – between 43.3% and 48.8%. Indian and Pakistani/Bangladeshi people saw their poverty rates fall from 2007/08 to 2012/13 by 12.8 percentage points and 21.0 percentage points respectively, while the poverty rate for children in a

[14] Deprivation is the consequence of a lack of income and other resources, which cumulatively can be seen as living in poverty.

[15] We refer to relative poverty, which is the percentage of individuals living in households below 60% of contemporary median income after housing costs (AHC). For a full definition see the 'Is Britain Fairer?' supporting evidence paper 'Standard of living', p. 69, available at: https://www.equalityhumanrights.com/en/britain-fairer/britain-fairer-report/supporting-evidence/standard-living-domain [accessed: 15 August 2016]

[16] 'Headed by' refers to the household reference person (HRP). HRPs provide an individual person within a household to act as a reference point for producing further derived statistics and for characterising a whole household according to characteristics of the chosen reference person.

household headed by someone Black hardly changed.

More recent data shows significant differences in the proportion of people in poverty by ethnicity − poverty is up to twice as likely among ethnic minorities as it is for White people. The poverty rate has been consistently lowest among White people. In 2014/15, it was 19%. The proportion of Black or Black British people in poverty has increased by four percentage points and by 10 percentage points for those from 'Other' backgrounds since 2002/03 (JRF, 2016).

Pakistani/Bangladeshi, Black and 'Other' working age adults had a higher mean deprivation score compared with White people in Britain in 2012/13. This pattern was also evident for households with children, where the mean deprivation score for Pakistani/Bangladeshi and Black households had increased significantly from 2010/11 to 2012/13. However, Indian households with children had a lower score than White households.

In Wales, there has been no significant change in the level of poverty since 2008. As a result, high levels of poverty persist. In 2012/13, 38% ethnic minority people in Wales were identified as living in poverty.

Analysis of the 2015 budget found that ethnic minority people were over-represented in several of the groups in Britain that would face a negative impact, with around 1.25 million ethnic minority households and 4 million ethnic minority people being worse off as a result of the proposed changes (Runnymede, 2015). The disproportionate impact of the benefit changes on ethnic minority households was also reported by the Scottish Human Rights Commission (2016).The concluding observations from the UN Committee on the International Convent on Economic, Social and Cultural Rights (UNCESCR) (2016) recommended the State take measures to guarantee targeted support for various people living in or at risk of poverty, including ethnic minorities.

3. Health and care

Key findings

There are still stark health inequalities, particularly in mental health settings. Not only do ethnic minorities suffer poorer health they also suffer from poorer access to healthcare compared with the White population. There is limited data available for Scotland, however, these gaps do not relate to the absence of an issue, but simply an absence of data about the issue.

- Stark disproportionalities for Black people in mental health settings include higher rates of hospital admission, longer stays and higher rates of re-admission.
- In 2014, the probability of Black African women being detained under the Mental Health Act 1983 in England and Wales was more than seven times higher than for White British women.
- In the 2011 Census, Gypsies and Travellers were found to suffer poorer physical health compared with the rest of the population in Britain: 14.1% in England and Wales rated their health as 'bad' or 'very bad'. In Scotland, a

greater proportion of Gypsy/Travellers rated their health as 'bad' or 'very bad' (15%) compared with the average for Scotland (6%).

- Studies reported lower access to palliative and end of life care services for ethnic minorities when compared with White British people.
- Among migrants, Black African women had a mortality rate four times that of White women in the UK.
- Gypsies and Travellers and migrants experienced poorer access to health and primary care services. They face multiple barriers when seeking to register with GPs, including prejudice and discrimination.

Evidence presented in this section can be found in 'Is Britain Fairer?' supporting evidence papers 'Domain A: Life' and 'Domain B: Health' (unless otherwise stated). These are available at: https://www.equalityhumanrights.com/en/britain-fairer-report/supporting-evidence

3.1 Mental health

The proportion of adults in England in 2012 who were at risk of poor mental health (15%) is more than twice as high as those who said they had 'bad' or 'very bad' health in general. In 2012, the proportion of adults in England who were at risk of poor mental health was higher among Pakistani/Bangladeshi and African/Caribbean/Black respondents than White respondents. The higher rate for Pakistani/Bangladeshi people was primarily among women – 28.2% of whom were at risk of poor mental health, compared with 17.4% of White women. Gypsies, Travellers and Roma were found to suffer poorer mental health, compared with the rest of the population in Britain. They also demonstrated a higher prevalence of anxiety and depression. In Scotland, higher proportions of ethnic minority respondents[17] were at risk of poor mental health in 2008, but this was not the case in 2012. There was no breakdown for ethnicity in Wales.

3.1.1 Contact with mental health services

Data on contact with mental health services show 3.6% of the White adult population in England had accessed NHS-funded specialist mental health services for adults in the year 2014/15. For the Black/African/Caribbean/Black British population, the rate was 4.8%, with 3.9% for the Mixed/multiple ethnicity population and 3.3% for the Asian/Asian British population (HSCIC, 2015).

During 2014/15, the Black or Black British group had the highest proportion of people who had spent time in hospital in the year, which meant that 12.7 people per 100 who were in contact with mental health and learning disability services from this ethnic group spent at least one night in hospital in the year. This is higher than the figure for any other ethnic minority and more than double the figure for White adults (6.1%) (HSCIC, 2015). A study of

[17] The number of individuals in the study was small.

[18] Involuntary admission is when a person is admitted for in-patient treatment against their will. This might be because they are deemed to have a mental disorder and to be at risk of harming themselves or another person.

readmissions one year after involuntary hospitalisation[18] showed that being of Black African and/or Black Caribbean origin in England was associated with a higher involuntary readmission rate (CAAPC, 2016). People from ethnic minorities (particularly Black African-Caribbean and Black African patients) were also more likely than average to be admitted to psychiatric hospitals in England than White British patients (HSCIC, 2015).

In addition, ethnic minorities face different barriers to accessing crisis care. Indian, Bangladeshi and Chinese people had consistently low referral rates to Crisis Resolution and Home Treatment in England teams. Ethnic minorities, particularly Black Caribbean patients, were also generally more likely to be admitted to hospital once they had been seen by a Crisis Resolution and Home Treatment team (Mind, 2013).

3.1.2 Mental health detention

In England and Wales, of people who stayed in hospital in 2014/15, 40.1% were compulsorily detained under the Mental Health Act 1983 (HSCIC, 2015). Of Black or Black British people with hospital stays, 56.9% were compulsorily detained (including 59.7% of people of African ethnicity). For people of Asian or Asian British ethnicity, the percentage was 50.4% (52.5% for people of Pakistani ethnicity). Among White people, the percentage was 37.5% (with the highest rate, 46.9%, being for those of Other White ethnicity) (HSCIC, 2015).

In 2014, the probability of Black African women being detained in England and Wales was more than seven times higher than for White British women. Black Caribbean and Black British women were four times more likely to be detained compared with White British women, and Mixed Black/White women were almost seven times more likely to be detained than White British women (CAAPC, 2016).

3.2 Physical health

Although ethnic minority groups broadly experience the same range of illnesses and diseases as others in the UK, what has caused concern is the tendency of some within ethnic minority groups to report worse health than the general population.

In 2011, across England and Wales, the Black African ethnic minority had the lowest proportion of 'Not Good' general health (8.4%), whereas Gypsy or Irish Travellers had the highest proportion of people with 'Not Good'[19] general health (29.8%). Among all ethnic minorities, it was most common for 1-19 hours of unpaid care per week to be provided.

In the 2011 Census, Gypsies and Travellers were found to suffer poorer physical health compared with the rest of the population in Britain: 14.1% of Gypsies and Irish Travellers in England and Wales rated their health as 'Bad' or 'Very Bad' in 2011. The second poorest self-rated health was found among White Irish people (9.2%), followed by Black Caribbean people (6.7%), White British

[19] This includes Bad/Very Bad, plus 'Fair.'

people (5.9%), 'Other' ethnic minority, (5.7%), Bangladeshi people (5.6%) and Pakistani people (5.5%). Across England and Wales, Gypsy and Irish Travellers had the highest prevalence of 'Not Good' general health at 29.8%. In Wales, Gypsy or Irish Travellers had the highest proportion of 'Not Good' health at 35%.

A progress report by the Department of Communities and Local Government (DCLG) in 2012 noted the problems experienced by Gypsies and Travellers compared with the general population: lower life expectancy, high infant mortality rates, high maternal mortality rates, low child immunisation levels, higher prevalence of anxiety and depression, chronic cough or bronchitis (even after smoking is taken into account), asthma, chest pain and diabetes (DCLG, 2012). In the Roma population, high prevalence of diabetes, cardiovascular disease, premature myocardial infarction, obesity and asthma were found.

Scottish Government analysis of the 2011 Census found that older Indian, Pakistani and Bangladeshi women reported considerably worse health than older men in these ethnic minorities. A greater proportion of Gypsy/Travellers rated their health as 'bad' or 'very bad' (15%), compared with the average for Scotland (6%). Analysis also shows that disadvantage for Gypsy/Travellers starts early. Both Gypsy/Traveller boys and girls in the youngest age group (0-15) had higher rates of 'health problems or disabilities' than any other ethnic minority.

3.3 Infant mortality

The overall rate of infant mortality in Great Britain decreased between 2008 and 2013. The gap between the White population and other ethnic minorities decreased over this time. In 2012, the infant mortality rates (per 1,000 live births) in England and Wales were: White (3.4); Pakistani/Bangladeshi (6.5); and Black African/Caribbean infants (5.8). However, mortality numbers for ethnic minority populations are relatively small, leading to fluctuations between years. In 2013, the rates for the three ethnicities stood at 3.4, 6.3 and 6.5 respectively (ONS, 2015). In Scotland, data show that the percentage of foetal and infant deaths (combined) in 2012 where mothers were of British or Other European ethnicity was lower than the percentage of total births in those ethnicities in 2011/12. By contrast, in 2012, the percentage of deaths where the mother was from 'South Asian' and 'Other' ethnicity was higher than the percentage of total births in those ethnicities.

3.4 End of life care

Studies reported lower access to palliative and end of life care services for ethnic minorities when compared with White British people. This was associated with: a lack of referrals; a lack of awareness of relevant services; and previous bad experiences when accessing care. Furthermore, there was a lack of information in relevant languages or formats and family/religious values

conflicting with the idea of hospice care (Calanzani *et al*., 2013). This suggests that the governments in England, Wales and Scotland need to urgently work with health commissioners and providers to improve practice.

Evidence on deaths in London has shown that ethnicity is associated with where people die; on the whole, ethnic minorities are more likely to die in hospital and less likely to die at home or in a hospice than White people, but there are important differences between ethnicities (Koffman *et al*., 2014). In relation to country of birth, hospital deaths accounted for 52% of deaths of UK-born people, compared with 56% from the Caribbean, 58% from Asia, 58% from Africa and 64% from China. People born in Ireland were least likely to die in hospital (46%) (Koffman *et al*., 2014).

In Scotland, research by Marie Curie (2015) found that Black, Asian and 'Other' ethnic minority communities are underrepresented among those using palliative care services. Many people who are coming to the end of their lives do not receive the care they need and people from different ethnic minorities have very different experiences of accessing care. The barriers that can stop people from different ethnic minorities accessing end of life care include language problems, lack of awareness of palliative care within communities, and a lack of awareness and understanding by health professionals of the needs of ethnic minority communities (Marie Curie, 2015).

3.5 Access to healthcare for marginalised groups

3.5.1 Gypsies and Travellers

Gypsies and Travellers experience poorer access to GPs and other primary care services. They often face discrimination when trying to access health services. Their needs have been highlighted by various UN Committees, including those on the Elimination of Racial Discrimination and the Elimination of Discrimination against Women.

Gypsies and Travellers remain unregistered with GPs for a variety of reasons that include: being turned down as 'problematic users', a lack of cultural awareness on the part of healthcare professionals, and their nomadic lifestyle presenting barriers to registration (RCGP, 2013). In Scotland, a range of approaches were being employed by health boards to improve services for Gypsy/Travellers. These included outreach initiatives and health visits to sites, as well as linking patients directly to GP practices and dentists (Scottish Parliament, 2012). However, some GP practices refused to register Gypsy/Travellers on the grounds that they had no fixed address or photographic ID, or that they could not guarantee that they would stay in the area for at least three months (Scottish Parliament, 2012).

3.5.2 Migrants, refugees and asylum seekers

The National Inclusion Health Board in England identified vulnerable migrants

as people with particularly poor health, focusing specifically on low-paid or unemployed migrant workers, asylum seekers, refused asylum seekers, refugees, unaccompanied asylum-seeking children, undocumented migrants and trafficked persons (Inclusion Health, 2013). Its commissioning guide also noted both their poor health outcomes and the barriers they face in accessing healthcare, which include: language barriers; a lack of trust in people outside the migrant community; and suspicion of officials and government-supported services. The guide set out ways of identifying and meeting their needs through Joint Strategic Needs Assessments and Joint Health and Well-being Strategies.

Evidence about the health of migrants, refugees and asylum seekers (not in detention) is relatively limited. However, particular health concerns arise from the impact of relocation, possible past experience of trauma and from the impact of detention (particularly children). Delayed antenatal care entitlement checks put women at increased risk of pregnancy-associated complications; care was frequently received late and women received fewer antenatal appointments than the minimum standards for England (Shortall *et al*., 2015). Among migrants, Black African women had a mortality rate four times that of White women in the UK (Cantwell *et al*., 2011).

Changes resulting from the Immigration Act 2014 mean temporary migrants who were previously able to access free NHS care in England need to pay an additional charge, prior to entry, to cover potential NHS costs. There is some confusion about entitlement and the interpretation of regulations appears to be inconsistent, for instance people who are entitled to free treatment may have been charged in error (JCHR, 2007). This confusion means that migrants with complex immigration histories, and/or those who entered the UK prior to the introduction of the new rules, could be refused access to free healthcare, regardless of how long they have lived here (Grove-White, 2014). The Children's Society (2015) stated that charging undocumented migrant children for secondary healthcare threatened the health and wellbeing of the child, posed risks to public health, and prevented health professionals from identifying child protection and safeguarding concerns. Refugees are entitled to free health care. Some asylum seekers whose applications are refused and have exhausted their appeal rights may cease to be entitled to it. However, the EU Fundamental Rights Agency (FRA) noted in 2013 that people are sometimes refused access to health care due to providers' confusion over eligibility rules (FRA, 2013).

The Welsh Government introduced regulations in 2009 to allow refused asylum seekers to access free healthcare (Welsh Government, 2009). In 2016, it published a refugee and asylum seekers delivery plan which sets out priorities on health, wellbeing and social care (Welsh Government, 2016).

In Scotland, asylum seekers who are refused and have unsuccessfully

appealed against the decision can still get health care from the NHS.

Migrants may face barriers when seeking to register with GPs in England and Wales (FRA, 2013; Poduval *et al*., 2015). Registration has frequently been refused because people lack appropriate documents; practice managers and surgery staff sometimes feel pressurised by immigration authorities to check the status of patients who might have overstayed their visas. A study based on data from 2010/11 found that few refugees or asylum seekers had experienced any problems in accessing healthcare in Scotland (Scottish Refugee Council, 2011). Most of those who did were refused asylum seekers and reasons for non-registration included being asked for a letter from the Home Office, being new to the area, not knowing where to register or not having any health problems. A study (Da Lomba and Murray, 2014) of refused asylum seekers' access to and experiences of maternity care in Glasgow found that, although women who had received a negative decision on their asylum claim experienced difficulties relating to language and information, they nonetheless received access to free NHS primary and secondary care.

Some migrant communities suffer worse access to health than others. For example there is a body of evidence that suggests Chinese people make the least use of health services of all ethnic minority populations in the UK. This could be impacted by institutional racism within the NHS (where services are perhaps not designed to consider cultural norms), thus unwittingly excluding Chinese people from health services (Tong *et al*., 2014).

3.6 Healthcare in detention

Individuals detained in prison are vulnerable to self-harm and suicide. Self-inflicted death rates in prison increased in England and Wales from 2008/09 (0.7 per 1,000 prisoners) to 2013/14 (0.9 per 1,000 prisoners). Gypsies, Roma and Travellers in England and Wales are particularly vulnerable to self-harm and suicide in prison. In the years 2008, 2009, 2013 and 2014, White prisoners were more likely to take their own life than prisoners from an ethnic minority.

An inspection report on Harmondsworth Immigration Removal Centre (HMIP, 2013) noted mental health problems were not being identified promptly, there were difficulties in obtaining appointments and problems in receiving treatment, even after suicide attempts.

Until April 2013, healthcare on the detention estate was commissioned by the Home Office; in many cases, services were provided by private companies.[20] Although standards were expected to match those within the NHS, this has not always been the case. A report by HM Inspectorate of Prisons (HMIP) on Harmondsworth found that medical reports relating to detainees who had experienced torture or were unfit to detain 'were of poor quality, often providing no clinical judgement' (HMIP, 2012, p.13). Two years later, an HMIP report again

[20] After which, NHS England became responsible for commissioning all health services (with the exception of emergency care, ambulance services and out-of-hours services) for people in prisons (including youth offender institutions) in England.

highlighted the inadequate management of long-term health conditions at Harmondsworth (HMIP, 2014a).

In February 2015, the Government launched a review (the Shaw Review) of Britain's immigration removal centres. The announcement followed a report (for the Home Office) that identified a 'culture of disbelief' which left vulnerable detainees without proper support. It found that staff had limited mental health awareness training and ignored complaints and self-harm by detainees, labelling them 'attention-seeking behaviour'. The review inspected detention facilities and included an assessment of health provision. It advised that the Home Office should prepare a strategic plan for immigration detention. The review examined the list of those generally viewed as being unsuitable for detention (as set out in Home Office guidance for caseworkers). It concluded that the presumption against detention should be extended to victims of rape and sexual violence, as well as to those with a diagnosis of post-traumatic stress disorder (PTSD), to transgender people and to those with learning difficulties. It argued that the 'presumptive exclusion' of pregnant women should be replaced by an 'absolute exclusion'. It also made recommendations about the detention of people with serious mental health conditions (Shaw, 2016).

A literature review (which was part of the Shaw Review) on the mental health of detainees found that they face a range of difficulties in accessing health care in immigration removal centres. These included: lack of confidentiality, lack of interpreters, lack of continuity, culture of disbelief, problems with access to medication, attitude of health staff, and lack of access to emergency and inpatient care. The review concluded that: '…The impact on mental health increases the longer detention continues' (Shaw, 2016, p. 14).

The Government responded to the Shaw Review, accepting the 'broad thrust' of the recommendations and committing to three reforms to help improve the welfare of those detained. These were:

- to adopt a wider definition of those at risk, including: victims of sexual violence; individuals with mental health issues; pregnant women; those with learning difficulties and post-traumatic stress disorder; and elderly people
- to introduce a new 'adult at risk' concept into decision-making on detention, with a presumption against those at risk being detained
- to carry out a more detailed mental health needs assessment in immigration removal centres for use by NHS commissioners to implement reforms
- to publish a joint Department of Health, NHS and Home Office mental health action plan, and
- to implement a new approach to case management for detainees, replacing the current detention review processes with a clear removal plan for all those in detention (www.parliament.uk, 2016).

The All-Party Parliamentary Group (APPG) on Refugees and Migration report in March 2015 on immigration detention recommended that screening processes should take place in private and when detainees were well rested, to allow detainees to talk about any health problems they might have. It believed, further, that negative experiences of the way health needs were addressed resulted, in part, from the large numbers of people detained and the length of time individuals were held within immigration removal centres. It also stated that information obtained by health professionals as part of their consultations should not be used for the purpose of deciding immigration cases (APPG on Refugees and Migration, 2015).

The APPG believed that the Home Office policy that individuals suffering from serious mental conditions can be managed in detention puts the health of detainees at serious risk. In addition, it stated, individuals with a mental health condition should only be detained in exceptional circumstances, and mandatory training was needed for all staff in recognising and responding to mental health conditions (APPG on Refugees and Migration, 2015).

A recent inspection of Harmondsworth (now part of Heathrow) Immigration Removal Centre reported that detainees expressed negative views of healthcare services and there were weaknesses in medicine management. However, services were said to be 'recovering from a low base' (HMIP, 2016, p.5). A 2016 report on Yarl's Wood Immigration Removal Centre found that access to health services was good – an improvement from the 2015 report – and patients expressed positive views (CQC, 2016a).

4. Justice, security and right to life

Key findings

It is undeniable that some ethnic minorities are significantly overrepresented in the criminal justice system. Ethnic minorities are also more likely to be a victim of race hate crime.

- Relative to the population, the rates of prosecution and sentencing for Black ethnic minorities in England and Wales were three times higher than for White people.
- The rate of incarceration for ethnic minorities is over five times that of White people.
- Ethnic minorities in police custody in England and Wales were significantly more likely to be physically restrained than White people.
- In England, ethnic minorities were around twice as likely to be stopped and searched as those who were White. This has fallen since the year ending March 2011.
- Race remains the most commonly recorded motivation for hate crime in England and Wales, at 82% of recorded motivations. In Wales, just over three-

quarters of hate crimes reported to the Welsh police forces were racially motivated, with Black people most likely to be the victim. In Scotland, racially motivated hate crime is falling but remained the most commonly reported hate crime in 2014-15 (when it was at its lowest since 2003-04).

- Race hate on railway networks across Great Britain rose by 37% between 2011 and 2015.

Evidence presented in this section can be found in 'Is Britain Fairer?' supporting evidence papers 'Domain C: Physical security', 'Domain D: Legal security', 'Domain A: Life' and 'Domain H: Individual, family and social life' (unless otherwise stated). These are available at: https://www.equalityhumanrights.com/en/britain-fairer-report/supporting-evidence

4.1 Criminal justice system

In November 2015, the Ministry of Justice released statistics on race and the criminal justice system in England and Wales. Relative to the population, the rates of prosecution and sentencing for Black ethnic minorities were three times higher than for White people. For the Mixed ethnic minority they were twice as high (MoJ, 2015).

While it is possible that the over-representation of Black and Mixed ethnic minority teenagers reflects differential reporting between victims, it is indisputable that ethnic minorities are overrepresented in the youth justice system. May *et al*.'s (2010) report on the differential treatment in the youth justice suggests ethnic minority over-representation is not necessarily due to higher offending rates:

- Two out of three arrests for acquisitive crimes were a result of reactive policing.[21]
- Different policing areas adopted markedly different styles of policing, and these styles affected the profile of young people entering the youth justice system.
- Mixed ethnicity offenders and suspects were more likely than White offenders and suspects to be prosecuted than to be reprimanded or warned.
- Black and Mixed ethnicity defendants were also more likely to be remanded in custody than White defendants.
- At court, Black defendants had a higher chance of being acquitted than White defendants.
- At the sentencing stage, Mixed ethnicity teenagers were more likely than others to be given a community sentence rather than a (less serious) first-tier penalty, such as referral orders and fines.

4.1.1 Confidence in the criminal justice system

Black people in England that responded to the Crime Survey for England and Wales in 2012/13 were less likely than White respondents to report being confident that the criminal justice system respects the rights of those accused of an offence

[21] Young people can enter the youth justice system either because victims and witnesses report cases to the police (reactive work) or because the police uncover offences in the course of their work (proactive work).

and treats them fairly (60.1%). The figure for White respondents in England was 68.5%. Mixed, Black, and 'Asian or Other' respondents were more likely to report feeling confident that the criminal justice system meets the needs of victims compared with White people in 2012/13 in England. In Wales, in 2012/13, there was not enough ethnicity data available to allow for a comparison between ethnic minorities. In Scotland, there was no difference in the proportion of White and ethnic minority respondents who reported feeling confident that the Scottish criminal justice system provides equal access to the legal system in 2012/13, or confident that it serves all communities of Scotland equally and fairly.

4.2 Stop and search

The Equality and Human Rights Commission ('the Commission') believes stop and search powers are an important means of tackling crime, but only if they are used legitimately and proportionately. If they are not, there is a risk that they may contribute to tensions between communities and the police (see Riots Communities and Victims Panel, 2012).

UK Government stop and search data for 2014-15 shows that although there has been a notable reduction in the overall use of stop and search powers in England and Wales, there has been a rise in disproportionate use in relation to ethnic minorities (Home Office, 2015a).

In 2010/11 in England, Black, Asian or 'Other' respondents to the Crime Survey for England and Wales continued to be most likely to report having been stopped and searched by the police, compared with White people. For Wales for ethnicity there was not enough data available to allow for a comparison between ethnic minorities and across measurement points. White children and young people were slightly more likely to be approached by the police or a police community support officer compared with ethnic minority respondents in 2012/13 in England. Nevertheless, Mixed ethnicity children and young people (9.5%) were more likely to report being stopped and searched compared with White respondents. For Wales there was not enough disaggregated data available to allow for a comparison between ethnic minorities and across measurement points.

Overall, the use of stop and search powers under Section 1 of the Police and Criminal Evidence Act (PACE) 1984 has decreased from 1,229,324 stops in 2010-11, to 539,788 in 2014-15 (a decrease of 7%) (Home Office, 2013).

Those who considered themselves to be from an ethnic minority were twice as likely to be stopped and searched as those who considered themselves to be White. This has fallen since the year ending March 2011 (the year of the most recent census providing population breakdowns by ethnicity), when those from an ethnic minority were three times more likely to be searched than those who were White. The corresponding figure for those who are from Black (or Black British) ethnicities has fallen from over six times more likely to around four times

more likely over the same period. There is still significant variation across all force areas (Home Office, 2015c).

The Commission welcomes a range of initiatives from the Home Office to increase the transparency of the use of stop and search powers, through a Best Use of Stop and Search Scheme (Home Office and CoP, 2014), to which all England and Wales police forces have signed up (Home Office, 2014). The HM Inspectorate of Constabulary's (HMIC) 'PEEL: Police legitimacy' report for 2015 found, however, that 13 of the 43 forces in England and Wales were not complying with three or more of the five requirements of the Scheme. Furthermore, 15% of the stop and search records did not record reasonable grounds. While this is an improvement from the 2013 report where 27% did not record reasonable grounds, it was found that many of the failed records had been endorsed by a supervisor (HMIC, 2016).

In Scotland, in 2012/13, there was no significant difference in the proportion of ethnic minority and White respondents who reported being stopped and searched. On 21 March 2016, the Scottish Government launched two consultations on stop and search: a draft Code of Practice for the use of Stop and Search (Scottish Government, 2016a) and a consultation on whether the police should be given new powers to search children and young people for alcohol (Scottish Government, 2016b). Both consultations were recommended by the Independent Advisory Group and are linked to provisions in the Criminal Justice (Scotland) Act 2016. The Scottish Government review stated that once the Code of Practice comes into effect early in 2017, non-statutory stop and search will end in Scotland.

In August 2015, Police Scotland admitted that they could not rely on the ethnicity stop and search data and are now reintroducing a revised approach to all forms of data collection associated with stop and search, including the ethnicity data. The Scottish Government established an Independent Advisory Group on Stop and Search which, following a review in September 2015, is currently considering a draft Code of Practice to further strengthen police accountability in relation to the use of stop and search. The Scottish Parliament will carry out a public consultation before this is adopted (Scottish Government, 2015b).

4.3 Crime

4.3.1 Homicide

In England/Wales, ethnic minority adults and children are more likely to be a victim of homicide than White adults and children. In 2013/14, the homicide rate for adults was higher per million for Black (30.5), Asian (14.1) and 'Other' (18.1) ethnic minorities compared with White adults (8.9). The gap between people from Black and 'Other' ethnicities and White people narrowed from 2008/09 to 2013/14. This was because the Black and 'Other' ethnic minorities saw a greater decrease in homicides than White people. In England/Wales, in both 2008/09 and

2013/14, the homicide rate for children and young people per million was higher for ethnic minorities (7.5 in 2013/14) compared with the White group (3.3 in 2013/14). No ethnicity breakdown was available for Scotland.

4.3.2 Hate crime

Home Office statistics show an increase of 18% in the number of hate crimes recorded by the police in England and Wales. In 2014/15, this was 52,528, compared with 44,471 in 2013/14. Greater awareness of hate crime and improved compliance with recording standards among the police are likely to be factors in this rise.[22] Race remains the most commonly recorded motivation for hate crime, at 82% of recorded motivations (Home Office, 2015). In Wales, just over three-quarters of the 1,810 hate crimes reported to the Welsh police forces were racially motivated, with Black people most likely to be the victim (EHRC, 2015b).

In Scotland, racially motivated crime remains the most commonly reported hate crime recorded, with 3,785 charges reported in 2014-15. This was, however, the lowest number reported since 2003-04 (COPFS, 2015). Other Scottish Government surveys showed 'ethnic group' to be the most common reason people gave for experiencing harassment (Scottish Household Survey, 2015). Nine per cent of adult respondents to the Scottish Crime and Justice Survey said they had been insulted, pestered or intimidated. Of those who had experienced some form of harassment in the last 12 months, 10% felt this was because of their ethnic origin or race (Scottish Government, 2015).

There are concerns about the reliability of police recorded data. In 2014, the UK Statistics Authority (UKSA) set out a range of evidence suggesting that it may not be robust. They removed the 'National Statistics' quality kite mark from crime statistics in England and Wales. They also concluded in 2014 that Scottish police recorded crime statistics did not comply with several elements of their Code of Practice for official statistics (UKSA, 2014).

Race and religion are inextricably linked in relation to hate crimes. Therefore, in response, the UK Government needs to take into account reported rises in anti-Semitism and Islamophobia. A rise in Islamophobic and anti-Semitic hate crimes has been associated with events such as the killing of the Fusilier Lee Rigby in London in 2013 (Creese and Lader, 2014), fighting between Hamas and Israel in 2014 (Board of Deputies of British Jews, 2014), the actions of the so-called Islamic State, and following the EU referendum in June 2016.

The Coalition Government's 2014 report on delivering the 'Challenge It, Report It, Stop It' hate crime action plan identified anti-Muslim hatred as an emerging challenge and outlined the launch of Tell MAMA, a third-party reporting service to record incidents and support victims of anti-Muslim hatred (HM Government, 2014b). Tell MAMA's 2014/15 monitoring report found that online incidents make up the majority of reported cases in

[22] It is important to note there are issues of under-reporting to the police (there is a discrepancy, for example, between Crime Survey for England and Wales data, and police recorded hate crime in England and Wales). This has been picked up particularly for disability, lesbian, gay, bisexual and transgender (LGBT) hate crime, but is likely to be present across all strands.

England (Littler and Feldman, 2015). In their latest report on experiences of anti-Muslim hostility, they recommend media training. The aim of this would be to help the media portray a balanced viewpoint when discussing news stories about Muslims, which might impact the way they are viewed by wider society (Awan and Zempi, 2015). In Scotland, research in 2015 found widespread direct or indirect experience of anti-Muslim sentiment reported by pupils in Scottish schools (Hopkins *et al*. 2015).

The Community Security Trust (CST) recorded 924 anti-Semitic incidents in 2015, the third highest annual total they have ever recorded. This total was 22% lower than the 1,179 anti-Semitic incidents recorded in 2014 (attributed by the report to a spike related to reactions to the conflict in Israel and Gaza). The most common type of incident in 2015 involved random verbal abuse directed at visibly Jewish people in the street. Seventeen per cent of the overall total took place on social media[23] (CST, 2015). A 2014 report by the DCLG reflected on the Government's progress to improve reporting and prosecution of anti-Semitic hate crime (DCLG, 2014). A 2015 inquiry report by the APPG against Antisemitism called for further research into the scale of anti-Semitism in the UK (APPG against Antisemitism, 2015).

The British Transport Police (covering railway services in England, Scotland and Wales, including London underground) have reported that race hate crimes on Britain's railway networks have risen by 37% between 2011 and 2015, with an average of more than five reported incidents of abuse or harassment a day.[24] Other key findings include:

- 1,993 racially motivated hate crimes recorded in 2015, which is an average of 5.5 per day.
- Excluding incidents where the race of the victim was not stated, more than three-quarters of incidents recorded in 2015 involved ethnic minority victims: 36% were perpetrated against Black victims, 33% against those of Asian origin, 3% involved Mixed ethnicity victims and 3.5% were against those of another ethnicity.
- The greatest increase in racially motivated crimes in recent years was against White victims, which accounts for 24% of incidents recorded in 2015. There were 346 hate crimes involving White victims in 2015 compared with 204 crimes in 2011.
- The most common type of hate crimes recorded in 2015 involved racially or religiously motivated harassment, alarm or distress, accounting for 58% of all those recorded. Racially or religiously motivated aggravated assault resulting in bodily harm accounted for 1.5% of all those recorded, or 30 such crimes (Yeung and Duncan, 2016).

In the aftermath of the EU referendum in June, there was an unprecedented spike in the levels of hate crime across England and Wales.[25] This has been described as 'a frenzy of hatred' (Khaleeli, 2016). However, this pattern was not reflected in Scotland.

[23] CST will only record incidents from social media if the victim or the offender is based in the UK.

[24] Information obtained via a Freedom of Information request from the *Guardian.*

[25] It is important to note this spike may also be as a result of increased reporting.

According to the National Police Chiefs' Council, reports of hate crime to its online reporting site, True Vision, have risen 57% in the aftermath of the EU referendum vote[26] (NPCC, 2016). Reports have been made to police stations and community organisations. Stop Hate UK, a reporting charity, has also seen an increase, and Tell MAMA, which usually deals with 40-45 reports a month, received 33 within 48-72 hours (Khaleeli, 2016). There is, however, no definitive national figure, just an indicator of a worrying trend.

The 2015 Tell MAMA Annual Report states that offline hate crime figures trebled in 2015, showing an increase of 300%. There was also an increase over time on the previous reporting period by 200%. Their data shows:

- hotspots of anti-Muslim hate occur on public and private transport networks, and in public spaces where people do their shopping
- Muslim women (usually wearing Islamic clothing) are more likely to be attacked than men in most settings
- the largest proportion of perpetrators are White men
- the most common offline incident types are verbal assaults, and
- incidents often occur near major public transport areas (for example, 84% of all incidents in London recorded by Tell MAMA and the Metropolitan Police Service occurred within 200 metres of a bus stop, and 48% of all incidents occurred within 100 metres of a bus stop) (Faith Matters, 2016).

4.3.3 Fear of crime

In England, Black (37.4%) and Asian or 'Other' ethnic groups (44.8%) were more likely to feel unsafe being alone at home and/or in their local area compared with White groups (29.2%) in 2012/13. The gap between ethnic minority and White respondents generally widened (7.1 percentage points) between 2008/09 and 2012/13. In particular, the gap between White and Asian or 'Other' ethnicities widened by 7.7 percentage points. Ethnic minorities were also more likely to worry about physical attack and acquisitive crime than White respondents in 2012/13.

In Scotland, in both 2008/09 and 2012/13, there was no difference between the proportion of White and ethnic minority respondents who reported feeling unsafe alone at home at night or walking alone in their local area after dark. Worry about physical attack, sexual assault or acquisitive crime decreased more for ethnic minority people than for White people between 2008/09 and 2012/13, thus closing the gap between them.

4.3.4 Violence against women and girls

Evidence shows that in England and Wales, White women are observed to be at particular risk of domestic violence, with 7.4% reporting being victims of domestic abuse. This compares with figures of 4.4% among ethnic minority women.

In the Crime Survey for England and Wales in 2012/13, a lower percentage of ethnic minority respondents in England (1.4%) reported experiencing domestic violence compared with White

[26] 85 reports between Thursday 23 and Sunday 26 June compared with 54 reports over the corresponding four days four weeks ago. These figures only take into account reports through one mechanism; reports are also made directly to forces and other community organisations like Tell MAMA and the CST, so this is not an overall national figure.

respondents (3.1%). Between 2008/09 and 2012/13, the proportion of ethnic monitories reporting having experienced domestic violence decreased (from 2.8% to 3.2%), widening the gap between ethnic minority and White respondents. Data disaggregated by ethnicity is not available for Scotland.

Women's Aid highlight the different forms of abuse that ethnic minority women suffer and report these victims are likely to face additional barriers to receiving the specialist help that they need. This is because of the varying nature of abuse in different communities, such as domestic abuse perpetrated by extended family members, forced marriage, female genital mutilation (FGM) and 'honour based' violence (Women's Aid, no date).

A review of current (ethnic minority) violence against women and girls (VAWG) provision in the UK by the organisation Imkaan[27] reported that there are currently more than 34 organisations providing specialist services. It warned that despite their valuable work, many organisations have serious concerns about whether they will exist in the medium term due to a lack of funding. They advise that there is a growing demand for their services and that they face additional pressures due to cuts to wider health and social care provision (Imkaan, 2015).

These concerns are echoed in the findings of the UN Special Rapporteur on VAWG.[28] On her 2014 visit to the UK, she highlighted the vulnerability of specialist support and described services for ethnic minority, disabled and lesbian, gay, bisexual and transgender (LBGT) people as 'lifelines' and in need of urgent support and investment to improve their sustainability (UN, 2015).

In 2014-15, the Forced Marriage Unit (FMU) received approximately 350 calls per month in total and gave advice or support relating to a possible forced marriage in 1,220 cases. The age profile was young, with one in three cases (35%) involving victims aged 17 or below (an increase from one in five cases in 2014. The majority of cases (980, or 80%) involved women. Forced marriage is not a problem specific to one country or culture: since it was established in 2005, the FMU has handled cases relating to over 90 countries. In 2015, the FMU handled cases involving 67 countries where a victim was at risk of being taken, or had already been taken to in connection with a forced marriage. The five highest volume countries in 2015 were: Pakistan (539 cases, or 44%); Bangladesh (89 cases, or 7%); India (75 cases, or 6%); Somalia (34 cases, or 3%); and Afghanistan (21 cases, or 2%). In 2015, 175 (14%) of the cases handled by the FMU had no overseas element, with the forced marriage activity taking place entirely within the UK (Home Office and FCO, 2016).

The prevalence of FGM is hard to quantify. Research in 2015 reported that in England and Wales in 2011:

- there were an estimated 103,000 women (aged 15-49) who suffered FGM. These women were born in

[27] 'A UK-based, Black feminist organisation dedicated to addressing violence against women and girls'.

[28] This report examines the situation of violence against women in the country taking into account its causes and consequences, and its implications for the effective exercise and enjoyment of all human rights by women. It also discusses the State's responses.

FGM-practising countries (this figure compares to an estimated 66,000 women in 2001)

- there were an estimated 24,000 women (aged 50 and over) who had been subjected to FGM and these women were born in FGM-practising countries, and
- there were nearly 10,000 girls (aged 0-14) who had undergone or who were likely to undergo FGM. These girls were born in FGM-practising countries (Macfarlane, 2015).

The 'Equally Safe' strategy sets out Scotland's plan to take action on all forms of VAWG. While the overarching aim is to prevent and eradicate VAWG, it identifies key priority areas (Scottish Government, 2014).

4.4 Detention

4.4.1 Prison

In England/Wales in 2013, the rate of incarceration for Mixed ethnicity inhabitants was 5.03 per thousand inhabitants. It was 8.20 for African/ Caribbean/Black inhabitants and 2.14 for Asian or 'Other' inhabitants. The rate for White inhabitants was significantly lower at 1.56.Gypsies, Roma or Travellers are considerably overrepresented in prison. In 2013–14, 4% of the prison population identified as Gypsy, Roma or Traveller in the HMIP prisoner survey, whereas only 0.1% of the population identified as such in the 2011 Census (HMIP, 2014). The exact size of their population in prison is not known because levels of self-reporting were low and the option to record a prisoner's ethnicity as 'Gypsy or Irish Traveller' was only added to the Prison National Offender Management Information System for the first time in 2011 (EHRC, 2016).

Gypsies, Roma and Travellers were more likely to report feeling unsafe in prison (46%) compared with other prisoners (33%), and more likely to say they had been victimised by other prisoners (36% compared with 23%) and by staff (40% compared with 27%). They were also more likely to report that they been physically restrained or had been in segregation in the previous six months (14% compared with 6%) (EHRC, 2016).

With regard to young people, Youth Justice Board (YJB) statistics for England and Wales showed that during 2014-15, 40% of prisoners aged under 18 were from Black, Asian, Mixed or 'Other' ethnicity backgrounds (Sloan and Allison, 2015).[29]

Race relations in prisons have been under the spotlight for some time. Research by HMIP found that ethnic minority prisoners had the most negative perceptions of prison. They reported that racism was evident in the different treatment they experienced from staff. Dissatisfaction was higher where prisons had few ethnic minority prisoners and staff (HMIP, 2005). Evidence from the Young Review stated that many men said they experienced differential treatment because of their race, ethnicity or faith. In particular, 'Black prisoners felt they were stereotyped as drug dealers and Muslim prisoners as

[29] The statistics cover young offender institutions, secure detention centres and secure training centres in England and Wales.

terrorists' (Mullen, 2014, p. 31). Muslim prisoners account for 13.4% of the prison population, in comparison to 4.2% of the overall population in the 2011 Census. In 2002, they accounted for 7.7% of prisoners. Research has shown that Muslim prisoners report the least positive perceptions of prison life of all ethnic minorities (Mullen, 2014). In 2014, the Harris Review examined whether lessons had sufficiently been learned from the self-inflicted deaths in custody of 18-24 year olds. The review identified that young ethnic minority adults feel less safe in prison (Lord Harris, 2015).

4.4.2 Immigration detention

The number of people entering immigration removal centres increased by 71% from 2009 (15,922 people) to 2015 (27,203 people). In 2015, 38% of detainees were held between 29 days and more than two years (Home Office, 2015b).

Contrary to United Nations High Committee for Refugees (UNHCR) Detention Guidelines, the UK has set no time limit to immigration detention. It has also opted out of the EU Returns Directive, which sets a maximum time limit of 18 months. During the year ending September 2015, 221 people had been in immigration detention between one and two years, and 32 people had been detained for two years or longer (Home Office, 2015b). The Home Office does not collect data on the length of time immigration detainees are held in prisons under immigration powers.

There were seven natural and two non-natural deaths in immigration detention between 2009 and 2013. HM Chief Inspector for Prisons (HMCIP) for England and Wales found that too many detainees were routinely handcuffed while being escorted to removal centres. The UK immigration detention system has been criticised by non-governmental organisations (NGOs) for its indefinite detention of migrants in prison-like conditions, the casual racism, brutality and reports of medical neglect. Hunger strikes and protests occur sporadically in removal centres.

The Association of Visitors to Immigration Detainees reported that 'In 2014, figures show that 2,335 detainees were deemed to be at risk of self-harm ('suicide watch') and there were 353 instances of self-harm requiring medical treatment, an increase of 28 on 2013' (Shaw, 2016, p. 112).

Detainees also face a range of barriers in accessing legal support. Poor communication by legal advice provider firms after initial appointments leaves detainees unsure of whether or not they have a legal advisor. Longer term detainees with arguably the greatest need for legal advice are commonly left without this due to contradictory elements in current legal aid contracts (Shaw, 2016). The new Immigration Act 2016 will introduce a statutory duty to refer an immigration detainee for a bail hearing if they have been detained for more than four months and have not applied for bail during that period, and every four months thereafter. However, this excludes

those who have been sentenced to imprisonment for a term of 12 months or longer, or those whom the Secretary of State has decided to deport.

4.4.3 Police custody

The Independent Advisory Panel on Deaths in Custody (2015) has suggested that certain people (those with serious mental health problems or learning disabilities, those from ethnic minority communities, those with a high body mass index, men aged 30–40 years and young people under the age of 20) are more vulnerable to risks associated with restraint – both intrinsically, and because they are more likely to be restrained.

An Independent Police Complaints Commission (IPCC) (2011) report of deaths in custody showed that across England and Wales, between 1998/99 and 2008/09, there were a total of 333 deaths in or following police custody. Of these, 76% were White, 7% were Black, 5% were Asian, 2% were Mixed, and 1% were Chinese/'Other' ethnicity (the ethnicity of 9% of the sample was not stated). Ethnic minorities were significantly more likely to be restrained than White people.

Casework by the charity INQUEST highlights the disproportionate number of ethnic minority deaths in all forms of detention or following contact with the police following the use of force or serious neglect. Ethnic minority deaths have been controversial because of what they have revealed about the excessive use of force by police. INQUEST is concerned that institutional racism has been a contributory factor (INQUEST, 2016).

Since 1990, there have been nine unlawful killing verdicts returned by juries at inquests into deaths involving the police and one unlawful killing verdict recorded by a public inquiry, none of which have yet resulted in a successful prosecution (INQUEST, 2016). Although making up 7% of all cases, the 22 cases involving Black detainees accounted for seven of the 13 recommendations for prosecution of police officers (IPCC, 2011).

In England and Wales, a concern raised by the HMIC is that the use of force to restrain people in police custody remains inconsistently recorded by frontline staff and is not systematically monitored by senior police managers, 'despite repeated recommendations over the years from HMIC/HMIP inspections.' Custody staff do not routinely complete available use of force forms when detainees are physically restrained and, in some cases, do not perceive their intervention as a use of force (HMIC, 2015, p. 23).

5. The individual and society

Key findings

When it comes to who runs Britain, overall ethnic minorities are still hugely underrepresented in positions of power. Ethnic minorities are also more likely to experience discrimination, harassment or abuse in Britain.

- Although the 2015 General Election saw an increase in the proportion of MPs who are from an ethnic minority (from 4.2% to 6.3%), ethnic minorities still massively underrepresented in both national and local political positions.
- In 2012 in England and Wales out of 3,238 judges, 2686 declared their ethnicity and 159 (5.9%) were from an ethnic minority.
- Ethnic minority police officers made up only 5.5% of all officers in England and Wales in 2015 and 1% of the Scottish force.
- 11 police forces in England and Wales have no ethnic minority officers above the rank of inspector and there are no ethnic minority chief constables as of May 2016.
- Ethnic minorities are more likely to experience discrimination, harassment or abuse in Britain than White people. In Scotland, they were four times more likely and in Wales almost three times more likely.

Evidence presented in this section can be found in the 'Is Britain Fairer?' supporting evidence papers 'Domain J: Participation, influence and voice', 'Domain I: Identity, expression and self-respect' and 'Domain H: Individual, family and social life' (unless otherwise stated). These are available at: https://www.equalityhumanrights.com/en/britain-fairer-report/supporting-evidence.

5.1 Representation in decision making

5.1.1 Political representation

Data shows that ethnic minorities continue to be poorly represented politically, at both a national and a local level. This is despite efforts to increase representation. The 2015 General Election saw an increase in the proportion of MPs who are from an ethnic minority from 4.2% to 6.3%. Of the 129 MSPs elected to the Scottish Parliament in 2016, two (1.6%) are from an ethnic minority (Scottish Parliament, 2016).

Overall, 5% of members of the House of Lords are from an ethnic minority background. Although potential members are not required to provide information about their ethnicity or religion, the House of Lords Appointments Commission seeks to appoint people on merit who are representative of the UK's diversity. Of the 63 appointments made to the House of Lords since 2000, 22% of individuals are from an ethnic minority. This evidence suggests that this approach is having the desired effect, albeit slowly.

A 2014 study of local councillors in England showed that they are overwhelmingly White (only 4% are from an ethnic minority) (Kettlewell and Phillips, 2014). In Britain, only two councillors are known to have a Gypsy and Traveller background. A survey of Welsh councillors in 2012 found that 99.4% of elected councillors were White (Welsh Government, 2012).[30] In Wales, a 2014

[30] 3,201 responses were collected in the study from 21 local authorities (a response rate of 35%).

report published by the Expert Group on Diversity in Local Government made recommendations to help improve the numbers of people from ethnic minorities standing for election to local government (Welsh Government, 2014a). The Welsh Government also launched a programme in 2015[31] in which councillors mentor people from diverse backgrounds who are interested in becoming involved in public life (EHRC, 2015). A survey of Scotland's councillors from 2013 found that 96.6% of councillors responding said their ethnicity was White. Only 1.3% of the councillors were Asian/Asian Scottish/Asian British. This is less than half of the Scottish demographic (2.7%)[32] (Improvement Service, 2013).

5.1.2 Judicial diversity

Data for 2015 show there are 3,238 judges in the courts across England and Wales. Of the 2,686 judges who declared their ethnicity, 159 (5.9%) were from an ethnic minority. Of the 2004 judges in tribunals, 1,868 judges declared their ethnicity and 177 (9.5%) were from an ethnic minority. There is a higher percentage of tribunal judges in the younger age bands with 14.8% of judges in the under 40 age band being from an ethnic minority, in comparison with 5.5% of judges in the over 60 age band from an ethnic minority (Courts and Tribunals Judiciary, 2015).

The Government recognises that judges from ethnic minority backgrounds are underrepresented in the judiciary in England and Wales when compared with the general population, and is considering the feasibility of proposals around pre-application training. On average over the last five years, 11% of candidates recommended for judicial appointment were from ethnic minorities. Meanwhile, 10% of appointed judges aged over 50 were from an ethnic minority as at 1 April 2015.

In November 2014, senior barristers[33] published evidence that challenged the assumption that a more diverse, younger generation of lawyers in England and Wales would automatically lead to a more diverse judiciary. The report identified some key barriers which prevented judges from better reflecting the diversity of society. These included a lack of flexibility in relation to part-time appointments and stereotypes that judges are older, White, Oxbridge, privately-educated men. The report made a number of recommendations to improve data collection and to widen the eligibility pool for judicial appointments (EHRC, 2015a). Many of these are supported by the Judicial Appointments Commission (JAC) – for example, that all posts (not just those for the High Court and above) should be available for part-time work and/or job share unless the Lord Chancellor can justify the need for a full-time appointment. It should be noted that neither the JAC nor the Commission support a recommendation to introduce quotas (as quotas could be a breach of equality legislation) (EHRC, 2015a).

[31] The 'Diversity in Democracy' programme.

[32] The survey was online and the response rate was low at 26%.

[33] Sir Geoffrey Bindman QC and Karon Monaghan QC.

In two consecutive surveys of the legal profession conducted by the Law Society of Scotland in 2006 and 2009, there was no substantial change in the representation of ethnic groups:

- 97% indicated their ethnic group to be White in both surveys.
- The figure representing those of Asian ethnicity remained static at 1%.
- For those of Black, Black Scottish or Black British ethnicity the figure fell from less than 1% to zero.
- The number of those from a Mixed ethnicity rose slightly from less than 1% to 1%.

From July 2014, the JAC has implemented an equal merit provision policy, which allows the selection of a candidate from underrepresented categories in a tie-break situation (JAC, 2014).[34] The Judicial Appointments Board for Scotland provides ethnicity data on appointments made, but not on those in post (JAC, 2015).

5.1.3 Representation in the criminal justice system

As of 31 March 2015, ethnic minority police officers made up 5.5% of all officers in England and Wales (3.6% in 2006), compared with 14% of the population and 11.4% of the total UK workforce.

There were 6,979 ethnic minority police officers in the 43 forces. This figure had increased by 3.9% compared with 2014. However, senior ranks (chief inspector or above) had a lower proportion of ethnic minority officers, at 3.4%, compared with 6.0% for constables. Although there has been an increase in reported ethnic minority police officers in England and Wales, the data collated does show some concerning issues:

- There is no police force in England and Wales that has an ethnic minority representation that matches its local demographic.
- Four police forces—Cheshire, North Yorkshire, Dyfed-Powys and Durham—employ no Black or Black British police officers at all.
- In the Metropolitan Police Service, ethnic minority police officer representation is 12.4% but ethnic minorities make up 40.2% of the London population.
- 11 forces have no ethnic minority officers above the rank of inspector.
- There are no ethnic minority chief constables (House of Commons, 2016).

Reasons given to the Home Affairs Committee as to why ethnic minority representation is so poor include: there are few Black and Asian leaders in the police service to act as role models; the lack of support, opportunities and encouragement for ethnic minority staff to seek promotion and to recover from setbacks; and the existence of unconscious bias among selection panel members ('…there has historically been

[34] Section 159 of the Equality Act 2010 permits such treatment as a form of lawful positive action provided certain prescribed conditions are met. The JAC was set up in 2006 to recommend candidates for judicial appointments independently of the executive. It has statutory responsibilities to select candidates on merit and encourage diversity in the range of candidates available for judicial selection.

the perception amongst ethnic minority staff that if you do not fit in, you are not part of the network or you do not share the values, you are not going to get promoted' (House of Commons, 2016, p. 8).

Data on police diversity in Scotland shows 1% of police officers considered themselves to be from an ethnic minority. This figure has remained static since 2010. Of those considering themselves to be from an ethnic minority, 47% identified as Asian. These figures compare with the overall Scottish population where 4% identified as being from an ethnic minority. One per cent of officers in a promoted rank (at sergeant or above) were from an ethnic minority background at 31 March 2014 (Police Scotland, 2015).

5.2 Media reporting, stigma and stereotyping

Concerns have been raised by the UN CERD, the European Commission against Racism and Intolerance (ECRI) and the UN High Commissioner for Human Rights about the negative media portrayal of some people. These include Gypsies and Travellers, refugees and migrants. Hostility towards people on the basis of ethnicity is often channelled through political speeches and through the media.

There is limited national data about people's experience of stigma and stereotyping. The latest data on harassment due to skin colour, ethnic origin or religion is set out in the 2010-11 Citizenship Survey. In 2010/11, 3.2% of respondents in England had experienced harassment on the grounds of skin colour, ethnic origin or religion in the previous two years. This was higher for ethnic minorities, ranging from 9.3% for African/Caribbean/Black people to 16.7% for Indian people (compared with 2.1% for White respondents). The figure for younger ethnic minority people (16-24 year olds) was particularly high at 17%.

In Wales, people from ethnic minorities were almost three times as likely as White people to report discrimination, harassment or abuse (19.5% compared with 6.8%). Those with a minority religion were more likely to report this compared with those with no religion (20.8% compared with 8.2%). Similarly, in Scotland in 2013, ethnic minorities were more likely than White people to report discrimination (24% compared with 6%).

In 2012, the Leveson Inquiry into the culture, practices and ethics of the British press following the News International phone hacking scandal concluded that press reporting on immigrants and ethnic minorities was often sensational and unbalanced. They said that there was a tendency within certain sections of the press to publish 'prejudicial or pejorative references to race, as well as to religion, gender, sexual orientation or physical or mental illness or disability' (Leveson, 2012).

The average estimate for the proportion of foreign-born people living in Britain was 47%. However, 2011 Census data showed the real figure to be 13% (ONS, 2013). Misconceptions about the number

of immigrants living in England were widespread, including among children. Negative attitudes towards Muslims and those born overseas are common. For example, one survey reports that 60% of children agreed with the statement 'asylum seekers and immigrants are stealing our jobs' and 35% agreed or partly agreed that 'Muslims are taking over our country' (Show Racism the Red Card, 2015).

In March 2013, the Council of Europe's Commissioner for Human Rights raised concerns about the UK debate on immigration. They warned that the debate depicted lower-skilled migrants as 'dangerous foreigners, coming to steal jobs, lower salaries and spoil the health system'. They also highlighted that it portrayed certain types of immigrants as a scourge on society, claiming that 'a stigma is put on Bulgarian and Romanian citizens just because of their origin' (Travis and Malik, 2013).

The Irish Traveller Movement in Britain provided numerous examples of bias, racism and stereotyping in the media about Gypsy, Roma and Traveller issues. It claimed that this reporting was making the integration of these communities more difficult (Irish Traveller Movement in Britain, 2012). The Advertising Standards Agency stated there were many examples of 'prejudicial or pejorative references' to particular races or ethnicities in the press (Advertising Standards Agency, 2012).

Negative attitudes towards Gypsy, Roma and Traveller communities are still widely held. According to a 2014 survey,[35] 50% of people in Britain reported having an unfavourable view of Roma (Pew Research Centre, 2014).

Discrimination and harassment of Gypsies, Roma and Travellers is common across Britain, not only on the part of the general public, but also by the police and other authorities. Evidence from a study carried out in Devon found that some people from Gypsy, Roma and Traveller communities hid their ethnic identity to be able to access employment and services. Others said that their children were bullied at school and that they had been refused entry to pubs and cinemas (Devon and Cornwall Police, 2013). Britain has failed to make progress on all of the measures aimed at fighting discrimination that are part of the European Commission's Framework for National Roma Integration (European Commission, 2013).

The Equality and Human Rights Commission in Scotland continues to raise concerns about the lack of moderation on newspaper websites. This has led to racially offensive comments about Gypsy/Travellers (in particular) being left on websites for weeks. In a recent Scottish Parliamentary Inquiry (into Gypsy and Traveller accommodation) the media were cited in submissions as encouraging bad relations. This was primarily through the almost exclusively negative reporting of Gypsy/Traveller issues, fostering a 'not-in-my-backyard' attitude. There were few examples of reporting from the Gypsy/Traveller perspective (EOC and Scottish Parliament, 2016a).

35 Global Attitudes Survey, Spring 2014.

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List of acronyms

AHC – after housing costs

APPG – All-Party Parliamentary Group

CAAPC – Commission on Acute Adult Psychiatric Care

CERD – Committee on the Elimination of Racial Discrimination

CoP – College of Police

COPFS – Crown Office and Procurator Fiscal Service

CQC – Care Quality Commission

CST – Community Security Trust

DCLG – Department for Communities and Local Government

DfE – Department for Education

DWP – Department for Work and Pensions

ECRI – European Commission against Racism and Intolerance

ECU – Equality Challenge Unit

EEA – European Economic Area

EHRC – Equality and Human Rights Commission

EOC – Equal Opportunities Committee

EU – European Union

FCO – Foreign and Commonwealth Office

FGM – female genital mutilation

FMU – Forced Marriage Unit

FRA – EU Fundamental Rights Agency

FSM – free school meals

HEI – higher education institution

HMCIP – HM Chief Inspector for Prisons

HMIC – HM Inspectorate of Constabulary

HMIP – HM Inspectorate of Prisons

HRP – household reference person

HSCIC – Health and Social Care Information Centre

IPCC – Independent Police Complaints Commission

JAC – Judicial Appointments Commission

JCHR – Joint Committee on Human Rights

JRF – Joseph Rowntree Foundation

LGBT – lesbian, gay, bisexual and transgender

MA – Modern Apprenticeship

MAC – Migration Advisory Committee

MoJ – Ministry of Justice

NAO – National Audit Office

NGOs – non-governmental organisations

NMW – National Minimum Wage

NPCC – National Police Chiefs' Council

NSPCC – National Society for the Prevention of Cruelty to Children

ODW – overseas domestic worker

OHCHR – Office for the High Commission for Human Rights

ONS – Office for National Statistics

PTSD – post-traumatic stress disorder

SMCPC – Social Mobility and Child Poverty Commission

TUC – Trades Union Congress

UKSA – UK Statistics Authority

UN – United Nations

UNCESCR – UN Committee on Economic, Social and Cultural Rights

UNCRC – UN Committee on the Rights of the Child

UNHCR – United Nations High Committee for Refugees

VAWG – violence against women and girls

YJB – Youth Justice Board

Contacts

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