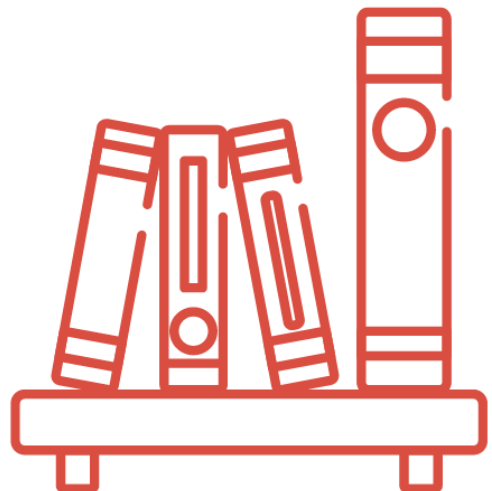


Key recommendations for Inclusive Britain Actions

A policy briefing by EQUAL
August 2022



KEY RECOMMENDATIONS FOR INCLUSIVE BRITAIN ACTIONS

A POLICY BRIEFING BY EQUAL (Action for Race Equality)

Foreword:

This policy briefing sets out Action for Race Equality's (ARE) response to the government's Inclusive Britain report and recommendations.

As the country and the government transition to a new Prime Minister and new leadership, it is even more crucial that this window of opportunity to create a stronger, fairer Britain is not lost. Race equality should permeate government policy at all levels.

Millions are already grappling with the impact of the cost of living and energy crisis. Because of the intersections of race and class, we know many from Black and Asian communities will face greater levels of poverty than ever before. Those running small businesses will have significant challenges in maintaining their livelihoods and ventures. Those on low incomes, families and young people from Black, Asian and ethnic minority backgrounds will rightfully be worried about their futures and their ability to live rich, healthy and fulfilled lives. Pressures on public services are only set to increase as budgets are cut, whilst demands increase. Through all this, we need to ensure that those who need appropriate and humane support and interventions from our criminal justice, health, housing and education systems do not become invisible.

Action for Race Equality knows this is a turbulent period. In this briefing, we set out the key actions that the government have already committed to, with our recommendations, to ensure that the systemic inequality that ethnic minority communities face is addressed.

For more information, please contact:

Jeremy Crook OBE, Chief Executive – jeremy@actionforraceequality.org.uk

Payal Bhavsar, Communications and Engagement Officer – payal@actionforraceequality.org.uk

www.equalcjs.org.uk | www.actionforraceequality.org.uk

About Action for Race Equality and EQUAL

For over 30 years [Action for Race Equality](#) (formerly Black Training and Enterprise Group) has been working to end race inequality for Black, Asian, Mixed heritage and ethnic minority communities. ARE is a Black and Asian-led organisation working collaboratively and in partnership with grassroots, voluntary and community organisations.

In 2014, following a recommendation from the Young Review, [EQUAL](#) was set up as a national independent advisory group set up to tackle racism in the UK's criminal justice system. Made up of members with various insights, expertise and experience of the criminal justice system, ARE provides the Secretariat support function for the advisory group.

About Inclusive Britain

[Inclusive Britain](#), published in March 2022, is the government's response to the report by the Commission on Race and Ethnic Disparities (CRED), published in March 2021.

The Commission was established in July 2020 to review inequality in the UK, with a particular focus on education, health, employment and criminal justice. Its report included 24 recommendations for government, other public bodies and the private sector.

Inclusive Britain sets out over 70 actions in response to these recommendations.

Inclusive Britain is part of the government's [Levelling Up \(LU\)](#) action plan, setting out a long-term vision to address racial disparity.

Who is this briefing for and what does it cover?

This briefing is aimed at government Ministers, officials and policymakers who are responsible for taking forward the recommendations in Inclusive Britain. It will also be useful for others who are working to end racial inequality.

We will look at the details of the actions that focus on equality and Criminal Justice.

Summary response

In relation to Inclusive Britain, Action for Race Equality welcomes the emphasis on addressing racial inequality across civil society, and we echo the message of the response that the Levelling Up (LU) programme can only succeed if race equality is integral to every LU policy and programme. Whilst this is a positive direction, there are elements of the response that we remain concerned about.

We, like many others in the race equality sector, are disappointed that the government refuses to acknowledge the systemic nature of racism. Rejecting the structural nature of racism means that policies and practices risk falling short of addressing the root causes of inequality in our society.

The consequences of not addressing the root causes are profound. For example, in England and Wales, over one quarter (27%) of people in prison are from an ethnic minority group, despite making up 14% of the total population.¹ Who comes into the contact with the criminal justice system, how they experience it and the statutory support they can access to rebuild their lives is deeply shaped by how the system as a whole treats those from ethnic minority communities.

Furthermore, the Inclusive Britain response does not adequately address the intersectional nature of inequality. By this we mean the intersecting and overlapping forms of oppression that contribute to groups facing unequal treatment, experiences and outcomes. The response seems to separate experiences of race and class without for example explicitly recognising that only around half of ethnic minority households have all adults in work compared with around two-thirds of working-age white

households.² Eight in 20 households affected by the benefit cap in England are from ethnic minority communities even though ethnic minority households represent only 3 in every 20 of all households.³ Central to the Levelling Up agenda must be an approach that understands and responds to the overlapping forms of inequality that create interconnected systems of disadvantage. We are disappointed that there is little mention of women, young people, disabled peoples, migrants and those from LGBTQ+ and working-class communities who are ethnic minority. Without such intersectional understanding, those most marginalised in our society will not receive the holistic and just responses that they deserve.

Whilst there are some welcome actions laid out in Inclusive Britain focused on criminal justice such as improving the way stop and search data is reported and automatic 'opt-in' independent legal advice, there are key areas where it falls short. We also remain concerned about the overly punitive approach that the government has taken in regard to those who come into contact with the criminal justice system. Measures brought in by the Police, Crime, Sentencing and Courts Bill risk further entrenching racial inequality in the criminal justice system and undoing much of the work set out in Inclusive Britain.⁴

¹ [Offender management statistics quarterly: April to June 2020. Table 1.4](#), 2020 | Ministry of Justice

² [UK Poverty Report](#), 2022 | Joseph Rowntree Foundation

³ Ibid.

⁴ [Joint Briefing: 10 ways the PCSC Bill will entrench racial inequality in the criminal justice system](#) October 2019 | EQUAL, Criminal Justice Alliance and others

We welcome that the government will report back to parliament in a year's time. We urge the government to do this in good faith and involve ethnic minority communities and experts in assessing progress on their actions and deliverables. Without full transparency about how they will report back on the success of their actions, we feel that this will create further distrust from the communities they seek to involve.

Our key recommendations are as follows:

- Cabinet Office to urgently outline how much they will invest in the Equality and Human Rights Commission (EHRC) and for how long.
- Cabinet Office and EHRC to report back in 2023 on how investment has impacted EHRC enforcement activity and whether it has addressed cases of discrimination.
- Home Office to clarify the scope of the new framework on how use of police powers are scrutinised at a local level and what statutory power it has over forces that do not comply.
- For development of this framework to be done with meaningfully consultation with specialist services run by ethnic minority and Muslim communities who are disproportionately affected by police powers such as Stop and Search.
- Home Office and local police services to invest in local scrutiny panels so they are truly independent, consistent across the country and effective.
- Home Office and police forces to outline whether individuals will be informed on whether their data is being shared through the Serious Violence Duty, how and with whom.
- For the government to outline the cost of the Serious Violence Duty and how the Home Office will mitigate the impact laid out in the Equalities Impact Assessment.
- For police services to have processes in place to record complaints regarding the Serious Violence Duty and develop mechanism for escalation with the ICO.
- Home Office, College of Policing and NPCC to clarify how the de-escalation skill training programme will be developed, rolled out and costings.
- A monitoring and evaluation framework to be developed in collaboration with Black and other minority communities most at risk of being targeted by police in order to measure the success of de-escalation skill training.
- For stop and search data to be broken down by race, gender, age, sexuality and disability and data around complaints to also be reported.
- Stop and search data to also be linked to connected issues such as strip searches and use of force to build a better picture.

- Home Office to provide clarification into how Body Worn Video Footage is currently used and its impact on outcomes for ethnic minority communities. Local scrutiny panels to be invested in and trained to be able to effectively analyse BWV footage.
- MOJ to publish the evaluation of the Stewardship Fund and clarify the amount of funding that will be allocated in future for civil society grants

Recommendations in further detail

Action 1: Cabinet Office will invest in Equality and Human Rights Commission (EHRC) enforcement activity to challenge race discrimination through investigations and supporting individual cases. EHRC will also support a wider range of organisations to comply with equality law.

Our response: We are pleased that the government is committed to invest in EHRC enforcement activity. We support EHRC’s own review of Public Sector Equality Duty and its recommendations that go further than investment.⁵ We also recognise individual cases will not engender the urgent systems change that is so desperately needed.⁶ We also know that the government itself should be under scrutiny and that further investment should not be dependent on this.⁷

Key recommendations:

- a) Cabinet Office to urgently outline how much they will invest in the EHRC and for how long. Cabinet Office and EHRC to report back in 2023 on how investment has impacted EHRC enforcement activity and whether it has addressed cases of discrimination.

Action 10: Home Office (HO), with policing partners including Police Crime Commissioner’s (PCCs) will develop by summer 2023 a new national framework for how the use of police powers – including stop and search and use of force – are scrutinised at a local level. This framework will ensure that local scrutiny panels are independently led, reflect the diversity of the areas they represent and give police officers the confidence to use their powers with the backing of local communities.

Our response: We welcome a new national framework on the use of police powers. We would like further clarification on how this will be linked to the Police Race Action Plan and whether the framework will be statutorily mandated. The HO and PCC should outline how the development of this framework will consult and take on recommendations from ethnic minority communities, particularly Black communities who are disproportionately affected by over

⁵ [Reviewing the aims and the effectiveness of the Public Sector Equality Duty \(PSED\) in Great Britain, Research Report 116](#), 2018 | Equality and Human Rights Commission

⁶ [Black Maternal Experiences Report](#), May 2022 | FIVEXMORE

⁷ [Unions and charities call on EHRC to investigate whether government has broken equality law during pandemic](#), February 2021 | Trades Union Congress

policing. Whilst local scrutiny panels are important mechanisms, they are notoriously inconsistent across the country, poorly resourced, not seen as independent from the police and do not include enough representatives from those communities who are most targeted by practices such as Stop and Search and Use of Force.⁸ We would recommend that the framework includes consistency and training from specialist organisations for scrutiny panels on the areas they cover.

Key recommendations:

- a) Home Office to clarify the scope of the new framework on how use of police powers are scrutinised at a local level and what statutory power it has over forces that do not comply. For development of such framework to be done with meaningful consultation with specialist services run by ethnic minority and Muslim communities who are disproportionately affected by police powers such as Stop and Search.
- b) Home Office and local police services to invest in local scrutiny panels so they are truly independent, consistent across the country and effective.

Action 11: To tackle serious violent crime, which disproportionately affects some ethnic minority groups, the HO is bring into force the Serious Violence Duty which will require local authorities, the police, criminal justice agencies, health authorities and others to work together to understand why violent crime is taking place in their area and then to formulate and implement a strategy for tackling these drivers of serious violence.

Our response: We are extremely concerned that the proposed Serious Violence Duty brought in through the Police, Courts, Sentencing and Crime Bill (2022) is one of the government responses to the CRED's own recommendation on training for police. The Serious Violence Duty is in the vein of the Gangs Matrix policy which is currently carried out by the Metropolitan Police. It disproportionately targets young Black men and criminalises whole communities who have no or little connection to serious violence on spurious grounds with the Information Commissioner's Office finding that the Matrix broke data protection rules in 2018.⁹ The Serious Violence Duty is not neutral data-sharing but is led by the police to drive a policing agenda and will be harmful to particularly Black and migrant communities. This will not help police interact with communities better but make the relationship more antagonistic.

Key recommendations:

- a) Home Office and police forces to outline whether individuals will be informed on whether their data is being shared, how and with whom.
- b) For the government to outline the cost of the Serious Violence Duty and how the Home Office will mitigate the impact laid on out in the Equalities Impact Assessment.¹⁰
- c) For police forces to have processes in place to record complaints and develop mechanism for escalation with the ICO.

⁸ [Stop & Scrutinise: How to improve community scrutiny of stop and search](#), 2019 | | Criminal Justice Alliance

⁹ [Trapped in the Matrix](#), 2018 | Amnesty International

¹⁰ [Home Office measures in the Police, Crime, Sentencing and Courts Bill: Equalities Impact Assessment](#), May 2022

Action 12: To protect the public and police officers and to give communities confidence they are being policed fairly, the HO will support the College of Policing and the NPCC by autumn 2024 to review and deliver any necessary improvements to police officer training in de-escalation skills and conflict management in every-day police-citizen encounters, such as use of stop and search and use of force powers.

Our response: Whilst we welcome further training for police officers on de-escalation and conflict management, we remain sceptical that this training alone will reduce inequality for Black, Asian and ethnic minority groups with regards to use of force.¹¹

Key recommendations:

- a) Home Office, College of Policing and NPCC to clarify how the de-escalation skill training programme will be developed, rolled out and costings.
- b) A monitoring and evaluation framework to be developed in collaboration with Black and other ethnic minority communities most at risk of being targeted by police in order to measure the success of de-escalation skill training.

Action 14: To give greater clarity and context to stop and search data, and reassure the public about its use, the RDU (Race Disparity Unit) will work with the HO, Office for Statistics Regulation and ONS to improve the way this data is reported and to enable more accurate comparisons to be made between police force areas AND Action 15: The HO and RDU will work with policing partners and the APCC to consider a range of metrics for stop and search rates in order to identify and, where necessary, challenge disparities at police force area level. To be clear, a higher rate should not automatically be regarded as a problem, but the reasons should be transparent and explicable to local communities.

Our response: We welcome further data and clarity to stop and search data, particularly to make more effective clarifications. We urge this data to be shared and made available at a local level as well as nationally. However, stop and search data on its own is not enough. In order to adequately address disparity, non-statistical data such as Body Worn Video footage must also be scrutinised in conjunction .

Key recommendations:

- a) For stop and search data to be broken down by race, gender, age, sexuality and disability and data around complaints to also be reported.
- b) Stop and search data to also be linked to connected issues such as strip searches and use of force to build a better picture.

¹¹ "[Does De-Escalation Training Work? A Systematic Review and Call for Evidence](#)", 2020 | Robin S. Engel, Hannah D. McManus et al.

Action 13. HO will identify and seek to remove unnecessary barriers that prevent increased use of body-worn video (BWV) and will encourage policing bodies to share guidance and best practice. The HO with policing partners will explore how best to facilitate the sharing of BWV footage with local scrutiny panels. This will feed into the new framework for scrutinising use of police powers that will be developed by summer 2023.

Our response: In order for transparency and accountability, there needs to be more national oversight of Body Worn Video footage, how it is used and its impact on outcomes for Black, Asian and ethnic minority communities. For example, whilst the Metropolitan Police Service has 26,500 of these cameras in operation, it remains to be seen whether this has had a positive impact on behaviour towards these communities from police with regards to use of force or stop and search. Whilst we welcome local scrutiny panels to have access to footage, we want to ensure that they are effectively trained to understand how to analyse such footage and provided with the resource to do so.

Key recommendations:

- a) Home Office to provide clarification into how Body Worn Video Footage is currently used and its impact on outcomes for ethnic minority communities. Local scrutiny panels to be invested in and trained to be able to effectively analyse BWV footage.

Action 39: MOJ launched a new stewardship fund for 2021/22. Will provide advice and support to help these organisations bid for funding and following an evaluation of the impact of the stewardship fund we will assess if funding provision can be made on a longer-term basis.

Our response: We welcome such initiatives such as the Stewardship Fund and urge the MOJ to continue such ring-fenced funding for small grassroots organisations led by Black and Asian communities supporting those in contact with the CJS. We would recommend that evaluation of the impact of the fund should be made public and that specialist organisations are given adequate time and support to apply for funding.

Key recommendations:

- a) MOJ to publish the evaluation of the Stewardship Fund and clarify the amount of funding that will be allocated in future for civil society grants.

Action 40: MOJ will support a number of police forces to trial the effect of an automatic ‘opt-in’ to received independent advice over 2022 and to build trust to see if this reduces disparities. This will assess whether better advice could lead to improved outcomes following arrest, such as better protection of vulnerable individuals, and increased take up of OOCs.

Our response: We welcome this trial and would like to see evaluation of such automatic ‘opt-in’ for legal advice to take into account ethnicity, gender and age and whether they lead to improved outcomes. It is also key that this legal advice is truly seen as independent and that MOJ leads in providing consistent messaging across forces around ‘opt-in’. As the Lammy Review identified trust in duty solicitors amongst Black, Asian and ethnic minority communities can be low with their advice being seen to be driving higher rates of ‘not guilty’ pleas and ‘no comment’ interviews.¹² It is key that those trials ensure that those in custodial suites are aware they have a choice of solicitors and that they have access to specialist advocacy services that can provide the independent advice and support they need.

Action 66: Double the maximum penalty for common assault or battery committed against an emergency worker from 12 months to 2 years imprisonment.

Our response: We do not support the increase in maximum penalty for assaults on emergency workers. Whilst we recognise the difficult jobs that frontline workers undertake, we have concerns about what factors might lead to assault of an emergency worker, particularly the police. Black young women are particularly likely to be drawn into the criminal justice system this way – it is the most common offence that Black young women are sentenced to prison for, making up a 17% of total offences leading to a custodial sentence for Black young women aged 18–24.¹³

¹² [The Lammy Review: the final report](#), 2017 | Lammy Review & Ministry of Justice

¹³ [Young Women’s Justice Project Briefing “I wanted to be heard”: Young Women in the criminal justice system at risk of violence, abuse and exploitation](#), September 2021 | AYJ



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hello@actionforraceequality.org.uk