

A wake-up call on race

Implications of the Macpherson Report for Institutional Racism in Northern Ireland

Equality Commission

FOR NORTHERN IRELAND

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Implications of the Macpherson Report for Institutional Racism in Northern Ireland

A Report for the Equality Commission for Northern Ireland by Paul McGill and Quintin Oliver

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ISBN 1-903941-19-9
March 2002



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Introduction

There is a great deal of complacency about racism as an issue in Northern Ireland society. Even where it can be shown to exist e.g. by Mann-Kler (1997), Hainsworth (1998), Connolly and Keenan (2000A, 2000B) and contributors to the **Into the Light** conference (CRENI 1999), or more dramatically by racist attacks featured in the media, many top people seem to be in denial.

This report was commissioned by the Equality Commission for Northern Ireland as part of its response to the publication of the Macpherson Report in 1999, following the inquiry into the death of Stephen Lawrence. Macpherson broke new ground for an official report in recognizing the notion of institutional racism. Our brief was to examine the implications of Macpherson's report for Northern Ireland, not just for the police or public sector but for organisations in society generally.

As part of our research we interviewed 20 senior people in the public and private sectors and among the social partners. We are grateful to all of them for their time and candour. We also had discussions at a meeting of the Racial Equality Forum, a consultative mechanism created by the Race Unit of the Equality Commission and the black and minority ethnic sector, including Travellers. The final shape of the report has been greatly influenced by all the views expressed in these interviews and meetings.

We have put considerable emphasis on strategic issues facing top civil servants, politicians, councillors, district council staff, chairs and chief executives of public bodies, directors and chief executives of private companies and executive committees, directors and officials of voluntary and community bodies and trade unions. A few organisations have already confronted the issues in this report, and its contents may help to strengthen their resolve. We are confident from our interviews, however, that many organisations have yet to look at race in a serious fashion; even the public sector equality duty in Section 75 of the Northern Ireland Act 1998 too often caused only a cursory examination of the issue.

Chapter 1 begins by examining Macpherson's findings on racism, institutional racism, racist incidents and negative stereotyping and summarises their implications for policy-making. The views expressed to us in the interviews are summarized in Chapter 2, usually by direct quotation, under a number of themes. Chapter 3 squares up to the argument that race is not an important issue in Northern Ireland and points to a serious and growing problem in employment and in society generally. Chapter 4 highlights why top people in all sectors need to put race on their agendas and indicates some strategic issues bearing on how they can begin the process of organizational change. This is followed in Chapter 5 with explicit suggestions on how Macpherson's recommendations could be extended to public, private and voluntary and community sector organizations in Northern Ireland.

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Chapter 1

Meaning of Institutional Racism and its Significance for Policy

It is useful to begin with the definition of institutional racism formulated by Sir William Macpherson and his colleagues, who reported in 1999 following their official inquiry into the death of Stephen Lawrence, a black London teenager. The government commissioned the inquiry following serious disquiet about the conduct of the police investigation into the murder.

“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people”

(Macpherson 1999, para 6.34).

This chapter discusses the key elements of racism and the definition of institutional racism, along with some elements that are excluded from the definition. It concludes by looking briefly at their significance for the formulation and implementation of policy and, more widely, for the process of change in the culture of organisations generally, not just the police.

Background

Before Macpherson the landmark public inquiry on racism in Britain was the report by Lord Scarman in 1981 following the Brixton riots. In discussing the concept of institutional racism, Scarman rejected the assertion that Britain, as a society, knowingly and as a matter of policy discriminated against black people. However, he accepted that the ‘allegation’ that public bodies and private individuals adopt practices which are unwittingly discriminatory against black people deserved serious consideration. If such allegations were proved correct, he believed they required swift remedy (Scarman 1981, para 2.22).

Scarman accepted that some police officers, particularly in lower ranks, were guilty of racist prejudices and actions in their dealings with young black people and that every step should be taken to root out such racially prejudiced attitudes in the police service. But he firmly rejected the allegation that the Metropolitan Police Service (MPS) itself was racist and stoutly defended the integrity of its leadership. Similarly, Scarman saw the problem of racist stereotyping, such as the unthinking assumption that all young black people are potential criminals, as a problem for a few officers on the street.

Scarman did accept that “racialism and discrimination against black people - often hidden, sometimes unconscious - remain a major source of social tension and conflict” (Para 6.35, p 110). Nonetheless, critics have argued that his report placed too much emphasis on occasional rogue officers rather than on the culture of the police service itself. If Scarman had directed more attention to the police service collectively, rather than to individuals within it, the task of eliminating institutional racism might have been taken more seriously a full two decades earlier.

Racism

Macpherson avoided any direct criticism of his predecessor's report but took a different view of the meaning of racism. He defined it as "conduct or words or practices which disadvantage or advantage people because of their colour, culture, or ethnic origin" and noted that its more subtle form is as damaging as its overt form. This definition says nothing about the motive of the person defined as racist: ignorance could be a cause just as much as bigotry, and well-meaning insensitivity as much as white supremacism.

Inevitably a definition such as that put forward by Macpherson greatly increases the number of people to whom it applies, certainly far beyond the few rogue officers envisaged by Scarman.

Macpherson elaborated in some detail on the causes of racism and applied his findings to institutions other than the police:

"Unwitting racism can arise because of lack of understanding, ignorance or mistaken beliefs. It can arise from well intentioned but patronising words or actions. It can arise from unfamiliarity with the behaviour or cultural traditions of people or families from minority ethnic communities. It can arise from racist stereotyping of black people as potential criminals or troublemakers. Often this arises out of uncritical self-understanding born out of an inflexible police ethos of the 'traditional' way of doing things. Furthermore such attitudes can thrive in a tightly knit community, so that there can be a collective failure to detect and to outlaw this breed of racism. The police canteen can too easily be its breeding ground" (paragraph 6.17).

Importantly, it is not possible to shelter behind the claim that there cannot be racism because the public servant or institution for which they work treats everyone equally. Macpherson was clear that a 'colour blind' response is flawed because it fails to take account of the nature and needs of the people involved. Specifically in this case, it failed to give proper emphasis to the racist elements in the murder of Stephen Lawrence. Her Majesty's Inspector of Constabulary made the same point in evidence to the inquiry when he stated that it is no longer enough to believe "all that is necessary is to treat everyone the same. it might be said it is about treatment according to need."

Defining Institutional Racism

One definition of institutional racism has its roots in the civil rights struggle in the United States in the 1960s, namely that it:

"originates in the operation of established and respected forces in the society. It relies on the active and pervasive operation of anti-black attitudes and practices. A sense of superior group position prevails: whites are 'better' than blacks and therefore blacks should be subordinated to whites. This is a racist attitude and it permeates society on both the individual and institutional level, covertly or overtly" (Carmichael and Hamilton 1967, pp20-21).

Macpherson devotes a sizeable part of his report to discussing and refining the definition of institutional racism. Several definitions were offered to him in submissions and are worth quoting in full to illustrate two points. Firstly they indicate a shift in emphasis towards the idea that organisations can be racist, even if personal prejudice is discounted; secondly, they show the extent to which the idea of institutional racism has common ground:

“The term institutional racism should be understood to refer to the way the institution or the organisation may systematically or repeatedly treat, or tend to treat, people differentially because of their race” (Black Police Association).

“... racism can be systemic and therefore institutional without being apparent in broad policy terms. Racism within the police can be both covert and overt, racism can be detected in how operational policing decisions are carried out and consequently implemented, and indeed how existing policy is ignored or individual officers’ discretion results in racist outcomes” (The 1990 Trust).

“Institutional racism has been defined as those established laws, customs, and practices which systematically reflect and produce racial inequalities in society. If racist consequences accrue to institutional laws, customs or practices, the institution is racist whether or not the individuals maintaining those practices have racial intentions” (Commission for Racial Equality, GB).

“Institutional racism is the process by which people from ethnic minorities are systematically discriminated against by a range of public and private bodies. If the result or outcome of established laws, customs or practices is racially discriminatory, then institutional racism can be said to have occurred” (Dr Benjamin Bowling).

After grappling with various aspects of these definitions and discussing some of the causes and aspects of institutional racism, Macpherson and his colleagues came up with the following definition of institutional racism for the purposes of their inquiry:

“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people” (para 6.34).

The report goes on to say that:

“(institutional racism) persists because of the failure of the organisation openly and adequately to recognise and address its existence and causes by policy, example and leadership. Without recognition and action to eliminate such racism it can prevail as part of the ethos or culture of the organisation. It is a corrosive disease” (ibid).

Using this definition, the inquiry team concluded that institutional racism existed both in the MPS and in other police services and other institutions countrywide. It endorsed the view of Sir Herman Ouseley, then Chairman of the Commission for Racial Equality, GB, who had written:

“This Inquiry offers a unique opportunity to make a difference; not only with the MPS and its failings, but for all our institutions there should be coherence across all institutions and organisations as part of a national framework for change. Without this any change would be merely piecemeal, limited, and unlikely to be long-lasting” (para 6.39).

Macpherson took the view that institutional racism was apparent in the investigation of the death of Stephen Lawrence and in his family’s treatment. It was also clear from the countrywide disparity in ‘stop and search’ figures, which resulted from racist stereotyping, and from the significant under-

reporting of racial incidents, due largely to a lack of confidence in the police and their perceived unwillingness to take such incidents seriously. Finally, it was apparent in the identified failure of police training, based on the fact that not a single officer questioned by the inquiry had received any training of significance in racism awareness and race relations throughout the course of his or her career.

However, he made clear that institutional racism is not confined to the police. Other agencies, such as those dealing with housing and education, also suffer from the disease. Evidence had been given earlier of racism amongst children of primary and even pre-school age, and of the high proportion of racist incidents attributable to young people. Macpherson concluded that it must be a major concern of Government that our educational system should tackle these issues.

Eliminating Institutional Racism

Macpherson argued that the disease of institutional racism cannot be attacked by the organisation involved in isolation. Rather, its elimination can only be achieved through a partnership with the minority ethnic communities. Public authorities and society generally need to work together:

“If racism is to be eradicated there must be specific and co-ordinated action both within the agencies themselves and by society at large, particularly through the educational system, from pre-primary school upwards and onwards” (para 6.54).

An essential starting point is unequivocal acceptance of the problem, a point directed at the Commissioner of the MPS, who argued forcefully against any finding of institutional racism in his force. By contrast, Macpherson quoted approvingly from letters from the then President of the Association of Chief Police Officers, Chief Constable John Newing, who recognised the problem in both his force and himself as a young officer and called for the police and others to move ahead:

“In the police service there is a distinct tendency for officers to stereotype people. That creates problems in a number of areas, but particularly in the way officers deal with black people. Discrimination and unfairness are the result. I know because as a young police officer I was guilty of such behaviour..... We take the view that the important issue now is to stop arguing about definitions and do something about the racism within the service” (para 6.50).

But Macpherson acknowledged that there were also difficulties in getting other institutions, including some schools, to acknowledge and tackle racism. The inquiry felt that the lack of powers available to local education authorities and the fear of negative publicity by schools combined to make anti-racist policies, where they existed at all, ineffective.

“Consequently in order to seek to eradicate racism in the longer term, within society as a whole, the Government should consider how best to empower local education authorities to create, monitor and enforce anti-racist policies through codes of practice and by amendment of the National Curriculum, to provide education which deals with racism awareness and valuing cultural diversity in the multi-cultural and multi-ethnic society in which we live” (para 6.56).

Another precondition to providing the context and climate in which institutional racism can be tackled is for police and other services to be made as open and accountable as possible.

Macpherson described this as a matter of basic principle. He went on to make strong recommendations to move forward in this way.

In essence, the report advocated a process of profound cultural change, a transformation in what has become known as the 'canteen culture' of the police and other public and private bodies. This call for "radical cultural transformation" was made explicit when Macpherson referred back to a speech in 1992 by Sir John Woodcock, then HM Chief Inspector of Constabulary:

"The work place values of the modern police service have not yet fully cut free of the past and the police service faces a massive task, if it is to hold, as the community now demands, integrity and respect for human rights, above all other considerations."

The main reason Sir John gave for police malpractice in the gathering and presentation of evidence was his belief:

"that most of those who go wrong in this way are misguided rather than evil, and their actions are a result of our collective failures as supervisors ... I don't believe in bad apples. I think that the problem is not one of individual predisposition to wrongdoing but of structure, or what I have earlier called cultural failure. The culture of the police and some procedures in the criminal justice system actually make it totally improbable that all police officers will behave as the system lays down that they should." (quoted at paragraph 6.61).

Implications for Policy

An important point about Macpherson's definition of institutional racism is that it is not concerned primarily with the formulation of policies. In the case of the Stephen Lawrence inquiry, he emphasised that there was neither academic debate nor evidence to support the claim that the policies of the MPS were racist. However, he went on to say:

"It is in the implementation of policies and in the words and actions of officers acting together that racism may become apparent" (para 6.24).

In one sense this was an exoneration of the police, insofar as Macpherson specifically ruled out any suggestion that every officer was racist, but it came with the sting that institutional racism is more insidious and deep-rooted. No organisation can escape the allegation of institutional racism simply by pointing to a resolution or policy statement by a Minister, board or senior management team. It must go much further, to the working out of that policy as judged by the extent to which it is embedded in the words and actions of staff and by the quality of services provided to minority ethnic groups.

Just as the problem is not primarily at policy level, neither is it a case of eliminating a few rogues. Earlier we mentioned that Macpherson stressed that a finding of institutional racism in the MPS did not mean that all officers were guilty of racism. But individuals might be guilty of unwitting or thoughtless or unconscious racism, and this does not apply only to white staff. The Black Police Association gave interesting evidence to the Stephen Lawrence inquiry on this point when it said there was no marked difference between black and white officers in the MPS.

"We are all consumed by this occupational culture. Some of us may think we rise above it on some occasions, but, generally speaking, we tend to conform to the norms of this

occupational culture, which we say is all powerful in shaping our views and perceptions of a particular community” (quoted at para 6.28).

Not only is the agenda presented by Macpherson different from that arising from Scarman, but the latter almost certainly had the effect of misdirecting the energies of public bodies and other organisations and of obscuring what needed to be done. Macpherson quoted Dr Robin Oakley on this point:

“There is great danger that focusing on overt acts of personal racism by individual officers may deflect attention from the much greater institutional challenge ... of addressing the more subtle and concealed form that organisational-level racism may take. Its most important challenging feature is its predominantly hidden character and its inbuilt pervasiveness within the occupational culture.” (quoted at para 6.31)

What matters is not what staff think but what they do individually and collectively and how their actions are seen by minority ethnic groups. Thus, Macpherson has set organisations a quite different agenda from that implied by Scarman. It followed from the emphasis on occasional ‘bad apples’ in the earlier report that organisations needed to look at recruitment and disciplinary procedures and training systems. In this way they could hope to avoid appointing staff with overt racist prejudice and could dismiss people guilty of racist offences; training could hopefully make staff generally more aware of cultural diversity and responsive to the needs of minority ethnic groups.

A far more radical, top-to-bottom approach is implied by Macpherson, often involving a total change in organisational culture and always requiring a concerted anti-racism programme and a review of all services in partnership with minority ethnic groups.

Chapter 2

Perceptions of Racism in Northern Ireland

Interviews were arranged on institutional racism, mostly with people holding senior posts in the public sector (covering departments, agencies and local authorities) but also with representatives of the private sector and the social partners (voluntary and community sector and trade unions). In addition, the researchers attended a meeting of the Equality Commission's Race Equality Forum to discuss the issues raised. In most cases the arrangements for the interviews were initiated by letter and included a telephone conversation outlining the ground to be covered (see panel below). Because of the low level of awareness of the issues in many cases, the interviews did not cover all the items envisaged. For example, there was greater emphasis on raising the profile of race as an issue than on the details of particular options or remedies. This chapter summarises the responses of those interviewed.

Questions for interviewees

Do you accept the Macpherson definition of institutional racism?

Do you accept the definition of racist incident?

What, if anything, are you doing about racism? Or what should others do about:

- the development of anti-racist policies and practices, including those relating to recruitment and selection, retention of black and minority ethnic staff, discipline and complaints procedures;
- the development and implementation of cultural awareness and anti-racist training programmes;
- support for the victims of racism;
- the definition and recording of racist incidents;
- structures to ensure the effective implementation and regular review of all anti-racist measures.

Can you recommend any examples of good practice?

In what areas would you particularly welcome guidance?

What do you suggest as the most fruitful areas within education and other measures to eliminate institutional racism?

Racism as an Issue

A common response from respondents was that racism is not an important issue, either in Northern Ireland generally or in the sectors in which they were involved. This view was put by people from all three sectors: private, public and social partners¹, qualified in a small number of cases by people saying that the issue of Travellers has taken on some importance. Beginning with the private sector, the view expressed was that people in business would have no time for racism; they wanted to

¹ We use the term 'social partners' in this report to cover the voluntary and community sectors and trade unions.

appoint the best people for the job and to serve all their customers. Certainly the issue of racism did not figure in their normal day-to-day work, as these quotations illustrate:

“We have not heard any discussion of this in the circles we move in. It just has not been an issue over here (as distinct from Britain); there is much more concern about sectarianism and offences by ex-prisoners” (private).

“It may be more of a society problem not a business problem. We are probably quite a way ahead” (private).

“This is very much a Cinderella issue, perhaps because the numbers from minority ethnic groups have been so small and it has not been a political issue. Travellers have been seen as more of an issue and this has taken on political baggage. That is something you hear a little about” (private).

In the case of private organisations providing services to the public, there were slightly varying responses. On the one hand it was stated that business people will buy and sell to anyone since that is in their financial interests:

“In the services sector we have not heard any anecdotal evidence of racism” (private).

On the other hand, it was made clear that the private sector meets customer needs only if it is profitable to do so and that it might not be economical for them to provide services in some cases:

“Businesses tend to respond to demand. They could hardly have people speaking Chinese, Indian and so on” (private).

Interviewees generally did not see racism in the workplace as being a cause for concern. One of the social partners, however, commented:

“Any black people do get a lot of stick at times and there is a problem for Chinese people in getting into mainstream employment. There is a twice higher chance of being discriminated against than there is for Catholics and Protestants” (social partner).

“There is huge institutional racism in Northern Ireland. Some companies have made some effort but it was reactive; we need to be proactive. We need to tackle racism at the level of the workplace, and it is not just working class people who are racist. Every private workplace should have a code of practice on racism and we need training of employees and trade unions” (social partner).

As part of the research for this report, we spoke to some organisations that campaign on race issues and take the matter very seriously, often as their only area of work. As far as the social partners generally are concerned, it is a very different matter and racism is well down the agenda, as one senior representative made clear:

“It’s not an issue. I have been here since May 2000 and we have not looked at race in that time” (social partner).

It would be expected that racism would appear more prominently on the agenda of the public sector in view of the equality duty under Section 75 of the Northern Ireland Act 1998. So it proved to be

but, even here, the picture was patchy. Some representatives felt race still did not feature as an important issue for their consideration:

“It is hovering around there as an issue but it is seen as a peripheral issue, largely because there are small numbers involved. But a larger number of people from ethnic minorities seem to be employed in public bodies. It has not been measured up to now but it will have to be under Section 75” (public),

“In [our sector] the key priority is to address issues that are political i.e. the old religious and political issue and then gender. Disability and race are near the bottom. We don’t have any positive action plans to address race. I don’t apologise for that... if you count the numbers compared with religion and politics it is not a big issue” (public).

“I have not heard race being talked about as a big issue, but there could be suppressed reports” (public).

One public body took the peculiar stance of agreeing that race was an important matter but arguing that it did not feature prominently and that ethnic minorities might be helped only indirectly:

“Ethnic minorities are an important issue but we have a large agenda around other issues e.g. people with caring responsibilities. They are as important as an issue as ethnic minorities as far as delivering our services is concerned. In terms of organisational priorities it [racism] is not high up there. But there are overlaps, for example, people from ethnic minorities who are carers, so we can reach them through other initiatives” (public).

On the other hand, some representatives of the public sector did feel that a problem existed and that they needed to tackle it. One organisation had been involved since 1995 in issues of Chinese language, religion, relationships and culture, leading to other minority groups, such as Bengalis, becoming involved. Another had done work in Craigavon with the Asian community and noted that there had been a lot of racist incidents against Vietnamese people.

Others took the view that part of their responsibility was to push the item further up the agenda and make sure the public sector took it seriously. One representative talked about a seminar on race in February 2001, designed to heighten awareness:

“The reaction was very positive. There is a reaction that it is not a problem in Northern Ireland but that is not true... A number of things came out of the conference. A number of people started with the normal Northern Ireland reaction that it is not an issue and realised that we need to have it on the agenda” (public).

A number of bodies accepted that racism existed but that they were making reasonable efforts to overcome it, sometimes dating back for several years before the statutory equality duty was imposed and before the Macpherson report was published early in 1999. One said:

“We have a body of work which we would consider good practice and which has been given a harder focus... We have a racial equality policy from 1998 and a system to monitor it regularly” (public).

Institutional Racism

In some cases, discussion began on the topic of whether or not racism existed and then went on to probe the matter, drawing on Macpherson's definition of institutional racism. For example, one representative with a broad role in the public sector felt race was not an important issue for those his organisation serviced, but went on to add:

"If it is there, it is probably unwitting or unconscious but that is a personal view and there is no research on it. If it exists, the system has not been sensitive to the distinct needs of a class [ethnic minorities] in this area" (public).

In reply to the suggestion that, by treating everyone equally, public bodies may be discriminating, he agreed:

"Yes, that may be. We may not be making due allowance for people's lack of English or the fact that they come from different social and administrative systems. If there is a fault it may be that bodies are treating people equally" (public).

A common argument was that Northern Ireland institutions have been used to dealing with issues of discrimination and stereotypes for many years because of the Fair Employment and Sex Discrimination legislation dating back to the 1970s. Some used that to argue that this avoided, or at least reduced, the danger of institutional racism:

"We probably have the best recruitment procedure in the world; perhaps that is why the economy is doing so well. We don't hear about a lot of cases of racism. We now have skills and person shortages and businesses are very glad to get people no matter where they come from" (private).

"We have fair employment procedures as a result of the Northern Ireland situation, which means we should avoid being institutionally racist" (public).

On the other hand, one respondent with an overall brief for equal opportunities in the public sector said that there are systems in place for religion and gender and, although there are policies on race, there are no systems in place to operationalise them.

Definition of Institutional Racism

There was general but not universal acceptance of the Macpherson definition of institutional racism, though it was not always founded on careful deliberation; some interviewees admitted that they had never seen the definition before being contacted for this research.

Macpherson's definition of institutional racism

"The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people."

Among the responses were:

“The definition is fine” (social partner).

“The definition seems to make instinctive sense” (public).

“The definition seems OK. It is ‘unwitting’. It looks at the effect of what people are doing and stresses that they need to be proactive. We might go further and say that people stereotype themselves” (public).

“I don’t have any problem with the definition. I would certainly accept it - it is the failure to do something about it (racism)” (public).

However, several representatives in the public sector did have reservations or objections to some aspects of this definition of institutional racism. One was worried that the negative labelling might be counter-productive:

“I’m not sure if the Macpherson definition is useful. I could be persuaded either way. It implies more deliberate discrimination than exists. We have got where we are without a proper mix of religion, race etc. It gives more disparagement and guilt than might be appropriate. As a result it might produce negative behaviour. You want proactive change without labels like ‘racist’, which has negative and disparaging connotations, whether it is used or not” (public).

A second representative did not express an explicit personal view on the definition, but suggested that it was flawed:

“Macpherson’s definition is not as widely accepted as you suggest; it is not accepted by the operatives” (public).

A third public sector representative was aware of the definition of institutional racism but had reservations about it:

“We’re not in a position to agree or disagree with Macpherson’s definition. It is very broad with the result that organisations can be found guilty of institutional racism when they are not guilty” (public).

An issue related to institutional racism that applies particularly to the public sector is the need to change its culture to be more customer-focussed. Meeting the needs of members of black and minority ethnic groups, including Travellers, is only part of a process of serving the needs of members of the public generally. One respondent explained:

“The idea of treating people as customers and as individuals is only now catching hold. It is a challenge to the bureaucratic system which treats everyone as widgets” (public).

It appears, therefore, that there is a general acceptance of Macpherson’s definition of institutional racism, but also some unease and occasional opposition. However, many of the comments were based on relative ignorance and lack of thought, essentially because people have not been confronted by the need to discuss this issue. The general issue of institutional racism, as well as specific definitions, would benefit from greater debate within society generally. It seems self-evident

that we cannot begin to tackle institutional racism until we know what it is and understand how it works.

Definition and Handling of Racist Incidents

Macpherson's definition of a racist incident

"Any complaint which, it appears to the reporting or investigating officer, involves an element of racial motivation or any incident which includes an allegation of racial motivation, made by any person."

Normally where organisations had procedures to deal with racist incidents, they were part of general disciplinary or complaints procedures, rather than being designed specifically to handle racist incidents or race hate offences. The following two examples are typical:

"There are procedures for dealing with harassment and bullying, which covers race, but there is not a policy on race alone," (public).

"Merely reporting it as a racial incident does not mean it is racist. We would implement the harassment procedure. They are investigated by trained investigators. We do not see the need to have specific procedures for different groups" (public).

As with the definition of institutional racism, some organisations had given little or no thought to how racist incidents are defined; correspondingly they had given scant consideration as to how complaints about them should be processed. When the Macpherson definition was shown to them, respondents generally felt it was acceptable.

Some public bodies work to other definitions and treat complaints in an inconsistent fashion, as one representative of a public body explained:

"There is a definition of a 'significant incident' but different [units of the organisation] define it differently. We would definitely not say it is foolproof and that it picks up racist incidents" (public).

One interviewee picked up on a key point of Macpherson's definition: not that it prejudices whether or not an incident is racist but that an allegation of racist motivation determines the manner in which it is handled.

"Presumably it should be scrubbed from the record if it is not racist, but it should be investigated as though it were a racist incident" (public).

It was argued that, even where the definition of racist incident is accepted, time and training are needed to give it reality on the ground:

"It takes time for officers to recognise that what appears to be a simple incident is worse for minority ethnic groups. Police have had to learn the hard way how a race crime differs from an ordinary crime. Minor crimes can have a greater effect because people feel they are being picked on" (public).

One representative felt that some people may still be reluctant to challenge and report racist incidents, but that the climate is improving:

“I’m aware of cases where people have made racist comments in front of other employees who found them offensive but did not report them because it would cause them difficulties. Now there is more confidence about challenging these comments; there is more awareness. One of the reasons for creating our equality unit was to raise awareness on racism, sectarianism, sexuality and so on - and the comments should be challenged on the spot” (public).

What is Being Done?

It is clear from the discussion above that racism has not been a prominent item of concern in Northern Ireland up to now. It follows that little has been done to introduce anti-racist policies and programmes, particularly by employers and the social partners. Such progress as has been made is in the public sector, mainly prompted by the Section 75 statutory duties.

Some of the actions taken include a public sector seminar on racism early in 2001; some anti-racism policies have been formulated, accompanied by monitoring to ensure they are being implemented; greater efforts are being made by some bodies to consult black and minority ethnic groups, including Travellers; equality networks have been formed to coordinate work on equality generally; and there has been some training on race issues. There was also evidence of targeting members of ethnic minorities for recruitment, implementation of diversity strategies and sensitive responses to racial harassment. More generally, the civil service has issued an equality guide to all staff, in which race is one of the issues dealt with.

One public sector body said it was anxious to get the culture right through a diversity strategy.

“We recognise the need for a workforce that reflects the community, in staff and in relations with clients and stakeholders; we are training all managers in diversity and half will have been trained by [the end of November 2001], as part of training for all staff. It is about how to recognise difference and promote inclusion” (public).

Ironically, one organisation said it had planned anti-racism training but the staff organising it had to devote their energies instead to drawing up an equality scheme. This training has now been re-scheduled but the representative saw a difficulty in that training must now cover all nine grounds rather than racism alone.

In general, interviewees could, at best, give examples of isolated initiatives. Some organisations were undoubtedly trying to tackle racism across the board, including close consultation with representative bodies of ethnic minorities, systematic monitoring of ethnic differences in satisfaction levels with the services offered and better information and interpretation services. Overall, however, there was scant evidence of systematic attempts to analyse or tackle the problem of institutional racism across the public sector, though this may change as the sector implements its Section 75 equality duties. Virtually nothing has been done in the private or voluntary and community sectors, except by those organisations with a specific remit to tackle issues of racism.

What Should be Done?

A view was put, albeit by an organisation that did not itself pay much attention to race issues, that raising the profile of race would be helpful:

“Disability is coming up as a priority but race seems to be at the bottom of the heap. We haven’t heard anything about the racism side recently at all... There is a lack of information. I assume the (Equality) Commission will take that on board as well” (private).

Among other suggestions were closer contacts with black and minority ethnic groups, including Travellers, better communications strategies, more comprehensive data; staff training on ethnic monitoring; efforts to target job advertising better; and better systems for recognising qualifications from other countries.

A number of people involved in race groups in the voluntary and community sector felt the sector should be subject to the Section 75 equality duties, though they recognised that this raised issues of resources. A further argument was that there was a strong case for designation (i.e. subject to the Section 75 duties) if private bodies are carrying out public duties i.e. if they perform the functions of a public body they should be required to act like one.

What Sort of Guidance Would be Useful?

A special objective of the interviews was to form a view of what sort of guidance would best meet the needs of the various sectors. This followed a recognition that it would be easy for the Equality Commission to issue guidance, but it would serve little purpose if it did not tackle the problems that exist in a manner that users find helpful. Once again, because the evidence suggests that racism is not seen as a high priority, it follows that little thought has been given to the needs that exist and the form of guidance that would best meet them. Nonetheless, most respondents had a view on the matter, though not always a very positive one.

Firstly, a small number of respondents were sceptical either about the value of guidance in general or about the proposed guidance on racism in particular. One respondent wondered if the method of drafting an equality scheme was the best way to do this and went on to say:

“Our experience of the Equality Commission is so fresh in our memory and I don’t want to be prejudiced against them. I doubt if their guidelines would be useful” (public).

“There is no point in you proposing different requirements from [the governing authority in Britain] because these are the ones we will have to follow” (public).

Others did not reject the idea of guidance outright but were keen to express their opposition to what they described as ‘a regulatory approach’ or to anything that created additional burdens. One interviewee explored the issue in some detail:

“The best guidance would promote awareness that society is composed of different people and that society is becoming much more open - part of the European Union and part of a mobile society. We are going to have a much more mixed society and need guidance raising awareness of the fact that society is changing.

“Guidance is going to come out of particular experience or problems. We need to be positive. It is not about protecting minority ethnic groups from discrimination but having a more diverse and culturally rich society. If we make people aware of what is going on around them they will take to this naturally. Let’s not take a regulatory approach to this.

“I’m worried about ‘guidance’. There is an administrative burden in this. If we put people off investing here we want to think seriously about it. If you take a short-term view of this it could harm all of us in the long run” (public).

Another commented briefly:

“There is a lot of diversity in this community. The emphasis of the CRE (sic) seems to be on anti-discrimination and measuring infringements rather than being pro-active” (public).

One of the people who was sceptical about the potential benefit of guidance also went on to comment on the possible burden, emphasising that her organisation could not cope with more than one or two performance indicators related to race on top of the huge number of aspects of human resources and equality they already had to monitor. There was an appeal to avoid imposing ‘more tick-boxes’.

Another respondent favoured the idea of guidance but thought it might be possible to issue one set for all nine areas covered by the statutory duties, or at least a common core of guidance supplemented by whatever else is needed for each of the nine areas, including race. He explained:

“Guidance has to be proportionate or people will ignore it. People would welcome one set of guidance from the Equality Commission - what is the common core and what are the special elements e.g. of race? The code of practice could say that the primary role of the interview panel is to select on merit but that it (the panel) should be broadly representative” (public).

The same person said that the ‘business case’ for taking action on racism would be strengthened if the guidance covered both personnel issues (such as recruitment, promotion and the fair treatment of fellow-workers) and how to treat members of the public in service delivery.

Another respondent commented that it would be very difficult to produce a single code of practice or other guidance that would cover all aspects of equality. These varying views could form part of the debate on the Single Equality Bill, currently the subject of consultation by the Office of the First Minister and Deputy First Minister, or on the means used to create awareness and enforce it once it has become law.

One of the few views expressed on what should actually be in the guidance was:

“Issues and examples of racism would be useful. A lot of companies might believe they are offering equal opportunities but there may be things they have overlooked. They may need enlightenment” (private).

Diversity

Several respondents expressed views, sometimes quite strongly, on the context in which the issue of race should be treated. In particular they felt it should be part of the wider 'diversity' programmes which already cover issues of political and religious differences, as these quotations illustrate:

"We deal with stereotypes, recognising your own prejudices etc. If that is done it does not matter whether the issue is race or gender or religion" (public).

"It may be subsumed under the diversity issue which is becoming big in the public sector; a lot of thought is being given to this... If policy and the system are to recognise this (race) as an issue it will come out of the diversity programme. It is about getting different views and perspectives into play. Public services will want to serve people of all colours and creeds and a workforce that reflects the entire community" (public).

One organisation actively involved in promoting diversity is trying to mainstream it in the public sector and promote it in schools. It felt that existing materials, such as 'Doing Business in a Divided Society' (a pack containing four leaflets, published by the Community Relations Council) could be adapted to encompass race. It argued that issues of culture and identity were keys to understanding sectarianism, but they were also central to racism. Another respondent commented simply:

"There is no difference between racism and sectarianism" (social partner).

A quite different argument was made by one of the later interviewees, who commented on the situation after the attacks on the United States:

"There has been an increase in racist abuse outside schools since 11 September. In one case, some Muslim pupils were abused by Catholics and then abused by Protestants further up the road. We have had to deal with racist incidents, especially in relation to Travellers and Islamic kids" (public).

It should be said that this approach of treating racism within the context of diversity generally appears to be contrary to the view of most, but not all, representatives of bodies involved in race. They largely feel that action on that issue will lack any hard edge and may be lost entirely if it is subsumed into what they see as a nebulous set of activities dealing with prejudice and stereotypes generally. Two representatives at the Race Equality Forum said:

"There is a danger of tokenism if it is dealt with under general cultural diversity"

"Diversity means everything. Race is the issue and we don't want to dilute it further" (social partners).

Other Issues

A number of other points emerged from the interviews. One was that few examples of good practice could be identified. Another was the assertion that Assembly Ministers have more interest in race equality than their Direct Rule predecessors who were 'more remote'. Another respondent questioned whether organisations in Northern Ireland provide a climate that encourages diversity.

One respondent welcomed the query about how many people from ethnic minorities were employed in his organisation, saying he did not know of any and would take up the issue.

Several of the people interviewed argued that the curriculum should contain a stronger emphasis on diversity, including race issues, so that the younger generation can grow up to accept and welcome difference. This is something that the Department of Education has already taken up, and the Equality Commission has issued a guide to racial equality in schools. For example, two people said:

“If we are to get racism on the agenda we need to put it in the curriculum in schools. Teachers need to be more aware of it,” (public).

“We need to start off with education from primary school upwards. We need to induct children into accepting diversity” (social partner).

An issue that came up is the monitoring of ethnic minorities in workforces. This is now done in the Northern Ireland civil service and the figures are published. But this is not the case throughout the public sector. In some cases, there is not yet monitoring by race and in other cases the information is collected but not published. One organisation claimed there were data protection issues involved because the numbers were so small.

One interviewee pointed out that height restrictions in recruitment for the police (which particularly affect Chinese people) and other requirements have been dropped. However, it was felt that the new police recruitment policy, under which half of new recruits must be Catholics, discriminated against members of minority ethnic groups because they are now pitted against the traditional Protestant applicant, often a graduate, who may perform better at interviews.

Conclusion

It appeared from the interviews with representatives of the public and private sectors and of the social partners (voluntary and community sector and trade unions) that race is generally not seen as an important issue in Northern Ireland. Some people interviewed had given little thought to racism and frankly admitted that it was not one of their concerns, or a concern of their organisations or members. To the extent that race was an employment issue, the main reaction was that existing procedures, designed to deal with religious and sex discrimination, were well able to deal with the newer dimension of race.

Some of the interviewees candidly admitted that they were not aware of Macpherson’s definition of institutional racism and the interview was the first opportunity they had to think about and discuss the issue.

Against this background it is not surprising that little thought had been given to action to combat racism or to the sort of guidance that might help to do this. Some respondents thought that an emphasis on diversity might help since the tensions underlying sectarianism were the same as those causing racism. Some of the organisations representing black and ethnic minority groups, including Travellers, believed this would dilute the impact of anti-racism work.

Clearly, there is a need for greater debate on racism within Northern Ireland, so that we can come to an agreed definition of institutional racism and racist incidents that people can rally round and which has meaning for them.

Some organisations in Northern Ireland, especially in the public sector, have taken racism seriously, have drawn up plans to combat it and are monitoring their success. They have a great deal to contribute to the debate and to raising awareness of the importance of doing so.

Chapter 3

Making Race an Issue

As the previous chapter has indicated, interviews with leaders in the statutory and private sectors and among social partners suggest that race is seen, at best, as a marginal issue in Northern Ireland. There is a fixed view that racism is not important, if only because there are so few people here from minority ethnic groups. It is also argued that there is little evidence that members of black and minority ethnic groups, including Travellers, experience problems in the workplace, as judged by complaints of racial harassment or discrimination.

Alternatively, interviewees argued, even if race problems exist, specific new initiatives are not needed because the problems can be dealt with under existing rules and procedures for handling harassment and discrimination. It is claimed explicitly that Northern Ireland's experience over the last quarter of a century in dealing with issues of religious, political and sex discrimination leave it well placed to deal with racial discrimination.

Firstly, the rules and procedures in place for religion and sex can be adapted to cover race, now that discrimination on grounds of race is unlawful. Secondly, it is argued, the prevailing ethos is to appoint on merit and people involved in making appointments and promotions are well used to setting aside stereotypes and prejudices in the interests of selecting the best person for the job.

In the case of service delivery, public bodies tend to feel that they are already tackling the issue of equal provision for black and minority ethnic groups, including Travellers, in response to their duties under Section 75 of the Northern Ireland Act (1998). Representatives of the private sector take the view that nobody in business will ignore the needs of any client group because it would not make economic sense to do so.

The Case for Action on Racism

Several arguments on the other side support the case for specific policies and procedures to counter racism. These are considered under various headings.

Employment

The enactment of legislation outlawing discrimination in employment on grounds of religion, politics or gender did not bring such discrimination to an end and certainly did not create equality. Women continue to be under-represented in the higher strata of employment and tend to predominate in lower-paid jobs. After 20 years of supposed equal pay, the weekly wage of women working full-time is 78.1% of the male mean and the hourly rate for all female workers is just over 80% of the male figure (DETINI 2001). Women make up 54% of the non-industrial civil service, but hold only 13.4% of senior posts; in four of the 13 departments covered, there are no senior women at all and in another three there is only one (DFP 2001, Tables 1, 2 and 4a).

A study of trends over the last 30 years shows that Catholics have had consistently lower economic activity rates than Protestants (66.6% compared with 74.8% of the working-age population in the 2000 Labour Force Survey). They also remain over-represented among the unemployed and the long-term unemployed, constituting 60.9% of all those out of work for more than a year (NISRA 2001, Table 1 and Figure 4). Although Catholics represent 42% of all civil servants, they make up

only 24% of the senior civil service (DFP 2001, Tables 1, 3 and 4a).

There has been progress in the labour force participation of Catholics in recent years. This is due, in part, to strong fair employment legislation, including compulsory monitoring, reviews and affirmative action. However, it is important to note that none of these special measures apply to racial equality.

Such gains have often been made in the face of opposition and defensiveness. It is difficult to be confident that we are not re-running the debates of the 1970s and 1980s when it comes to the issue of equality on grounds of race. In those decades too, it was argued that there were equal opportunities for women and Catholics because the public sector appointed on merit.

We may be deluding ourselves to think that the public, private and community sectors offer equality of opportunity on grounds of race simply because there are few complaints. The lack of complaints from existing staff from black and minority ethnic groups, including Travellers, could mean they are happy in their jobs and feel they are being fairly treated compared with the indigenous population. It could also be that they are so isolated that they see no point in making an issue of their ill-treatment and lack confidence in the overwhelming ranks of white and settled superiors, personnel officers, contact officers and trade union officials.

Research bears out the view that members of black and minority ethnic groups, including Travellers, believe there is discrimination in employment. Connolly and Keenan (2000A) have reported claims of people losing out in recruitment or promotion on racial grounds. They believe employers have avoidance strategies such as leaving a post vacant until a local candidate has built up the qualifications needed to fill it (p27). They also often lack knowledge of how the system of finding work operates, from procedures at job centres to what to say at interviews (pp34-35).

It may not even occur to potential recruits to apply for jobs because of the fear of discrimination; such people do not even reach the stage of being able to make a complaint (see, for example, Connolly and Keenan 2000A, pp9, 19, 25)

Connolly and Keenan concluded that racism and racial prejudice appeared to be a factor for a significant number of black African workers in Northern Ireland and that this reflected the broader experience of the other groups investigated: Chinese, Travellers and South Asians (p38).

The Northern Ireland Omnibus survey in 1999 included several questions on public perceptions of racial equality and related issues. In reply to one on how fairly different groups are treated, 36% of respondents said Irish Travellers are unfairly treated and 23% said the same of other ethnic minorities. These rates are higher than the proportion who felt women were unfairly treated (19%) and well ahead of those feeling Catholics (11%) or Protestants (10%) did not get a fair deal (CRENI 1999B).

A small survey of members of a trade union suggested that the indigenous population shares the view that discrimination exists. In response to one question, 38% said people from Ireland (North and South) were more likely to get a job in their workplace than people from outside this country compared with only 3% who felt the opposite; 59% believed they had an equal chance. Just over a quarter of respondents also said they would prefer to live in a neighbourhood with only people of their own race, as opposed to a mixed race area; a smaller 11% would prefer to work in a workplace with only people of their own race (McGill 1999).

In the case of the actual number of people employed in the public sector, there is a prima facie case of institutional racism. A depressing feature of consultation for this report was how interviewees could almost name the people from black and minority ethnic groups, including Travellers, so few are they in number. We do not have data on the private or voluntary and community sectors to allow us to draw conclusions. Data on the public sector are inadequate because they give only the number of black employees, as distinct from ethnic minorities, and do not indicate what grades they hold.² This reflects the absence of proper monitoring, as is required in employment by religion and is in itself an indication of institutional racism.

Even allowing for the relatively small number of black people in Northern Ireland, they are still poorly represented in public sector employment. A survey of 22,600 industrial and non-industrial civil servants in January 2001 turned up 31 black employees, 0.1% of those employed. Three Departments and the Assembly had no black employees at all and another four had one each. There were no black employees among the 1,400 industrial civil servants (DFP 2001).

The Northern Ireland Courts Service employs 'less than a handful' of people from minority ethnic groups out of 700 employees. Similarly the police have five members of minority ethnic groups in the force and admit that this number should be 30 or 40 in proportion with the overall Northern Ireland population.

One final point relating to private sector employment is the argument from employers that, at a time of person and skills shortages, they are happy to recruit people from anywhere. However, the Northern Ireland Council for Ethnic Minorities has claimed in interviews that some companies are employing staff on terms and conditions worse than those of local workers and are, in some cases, not even paying the minimum wage.

Racism in Society

Contrary to the view that race is not an important issue in Northern Ireland because of the small representation of black and minority ethnic groups, including Travellers, there is considerable evidence of trouble.

One way of measuring this is to look at the number of racial incidents reported to the police, which has risen alarmingly in recent years. Some of the increase may reflect a greater willingness to report incidents as distinct from an actual worsening of racial abuse. On the other hand, research evidence suggests that many racial incidents are not reported to the police at all or that they may not be recorded e.g. because the police are slow to respond to telephone calls from people suffering racial abuse.³ Anecdotal evidence within the Chinese community suggests there is little confidence in either the willingness or the ability of the police to catch and prosecute offenders. It is particularly likely that many incidents which do not amount to crimes are not reported; this may include many cases of verbal abuse in the street and workplace.

In total the number of incidents recorded by the police rose from 39 in 1996 to 90 in 1998/99 and then shot up to 237 in the year ending 31 March 2000. The latter total included 92 attacks on

2 The report from the Department of Finance and Personnel on the composition of civil service staff grouped 'ethnic origin' as either 'white' or 'other'; 31 respondents chose 'other'.

3 The Police Service for Northern Ireland took sixteen days to reply to a phone call seeking information on this point, despite three further follow-up calls.

people's homes or property and 56 physical assaults. The number of racial incidents rose again in the 2000/01 year to 260, though no breakdown is available (see www.psni.police.uk). A recent report deals with racial incidents and the police in more detail (Jarman 2002).

Some incidents in recent years have been extremely serious, notably the murder of a young Chinese businessman, Simon Tang, in June 1996, a crime for which nobody has ever been charged; two men and a woman were arrested shortly after the crime but were released without charge. The Police Service of Northern Ireland (PSNI) are not treating it officially as a racial attack, saying that "it is believed that robbery was behind the attack on Mr Tang".⁴ They add the normal proviso that "no motive has been ruled out", but no motive could be ruled out until a conviction had been secured.

More recently, in March 2001, there was an arson attack on the home of migrant workers in a Dungannon meat plant. Even though the police noted that it was the second attack on the foreign workers within a week, they have never said that the attack was racist, only that it could not be ruled out as a possible motive. The PSNI position in February 2002 remains that all possible motives are being investigated. The police are not the only ones to play down the racial element of the attack. One local councillor claimed there was no racism in the town. This form of denial is very common, but there have been far too many cases of racial abuse for it to be credible. This tip-toeing round the issue of racism serves only to delay the initiatives that need to be taken to counter the problem in Northern Ireland.

Racist abuse of children has been common for some time and is occasionally reported in the media.⁵ Most of the interviews for this report took place before the attacks on the World Trade Centre and Pentagon in the USA on 11 September 2001. One interviewee after that date reported an increase in racist abuse of children after the attacks. He claimed that all non-white children were potential victims, not just Muslims.

Another way of assessing the problem is through surveys of people affected. These, too, have yielded disturbingly high levels of racist intolerance (Connolly and Keenan 2000B), leading to verbal abuse and even physical attacks that have been reported in the media.

Many forms of racist abuse fall short of a crime, such as insulting remarks, racist graffiti or being made to feel an unwelcome outsider. In some cases, it is manifested in impatience at having to make the effort to understand an accent or to pronounce a person's name properly. All of these things are, nonetheless, harmful and hurtful to members of black and minority ethnic groups, who experience them regularly.

Public and private bodies may have policies outlawing racism by their staff, either against fellow workers or clients, but, judged by the reaction of those interviewed, they appear to be nominal in some cases.

Lessons from Elsewhere

The starting point for this study of racism in Northern Ireland was the Macpherson report in Britain, which found institutional racism in the metropolitan police. The government accepted that the

4 The comments from the PSNI were received in e-mails in response to queries for this report.

5 See, for example, Belfast Telegraph 3 April 2001, 'Racist taunts shame at rugby final', where one of the headmasters involved claimed that the young people chanting racist abuse were outsiders, not pupils at the schools playing in the match.

problem affected public services generally. Soon afterwards the Crown Prosecution Service and the Inland Revenue also admitted to institutional racism and government bodies and local authorities have been taking action to root it out.

Racism is not an academic issue, as the riots in Oldham, Bradford and Burnley in summer 2001 starkly showed. The review team into the riots, chaired by Ted Cantle, identified some of the elements contributing to what it identified as the deeply fractured communities in these cities. It may seem fanciful that Northern Ireland could also have race riots, but Britain too always appears shocked when race riots explode and we could profit from learning from experience there. Some of the factors identified in the North of England are:

- “Ignorance about each other’s communities had grown into fear. This was exploited by extremist groups determined to undermine community harmony and foster divisions.
- Frustration had been borne out of poverty and deprivation. Opportunities were seen as far from equal.
- Failure to communicate and a lack of honest and robust debate meant that people tended to ‘tiptoe around’ the sensitive issue of race, religion and culture.
- Lack of a clear and consistent message from principal political and community leaders at a local level.
- Little attempt to develop clear values which focus on what it means to be a citizen of a multi-racial Britain.
- The plethora of initiatives and programmes to tackle the needs of many disadvantaged and disaffected groups seemed rather to ensure divisiveness and a perception of unfairness.”

(Home Office 2001)

These factors resonate in Northern Ireland on both sectarian and racial grounds.

Conclusion

In summary, there is under-representation of people from ethnic minorities in public sector employment. It is likely that there is also under-representation of ethnic minorities in the private and voluntary sectors. Under-representation is likely to be most severe at senior levels, but no data are published on this.

Indeed the quality of data generally is very poor since, as we have seen, the civil service collects information only on ‘white’ and ‘other’ employees, not on ethnic groups generally. Whereas the public sector is now beginning to collect some relevant information, there is no requirement to collect any data on the racial composition of workforces in other sectors of the economy.

We know also that there is a growing problem of racist incidents in society generally, including physical assaults. There may be a larger, unreported, problem of racial harassment.

In the case of employment, we cannot wait for several decades to guarantee equality for racial minorities, as we have waited for decades for equality for women - and not yet achieved it. In wider society we must learn the lessons of the recent North of England race riots by tackling problems in Northern Ireland before they escalate further. There is a crying need for people at the top of organisations to take race and racism more seriously, a subject we now turn to in Chapter 4.

Chapter 4

Developing a Strategy

Only within the last few years has Britain begun to come to terms with the fact that it is a racist society. Occasional race riots, in Brixton, Toxteth and in the North of England last year, shatter the cosy perception that a multi-cultural society exists. Violent incidents, including murder, against asylum-seekers and immigrants in Glasgow have undermined the common assumption that Scotland, too, is immune to the perils of racism.

Macpherson found institutional racism in police services in London and elsewhere and in “other institutions countrywide” (para 6.39). He also spoke of the need to “eradicate racism in the longer term, within society as a whole” (para 6.56). The Crown Prosecution Service, in light of a review, has also admitted to institutional racism. An unpublished government report in Britain shows that at least half of frontline health service staff from ethnic minorities suffered from racial harassment in 2000, either from patients, other staff or managers.⁶ Lady Blackstone, Higher Education Minister, noted that graduates from ethnic minorities have significantly lower employment rates than white graduates.⁷

But people in Northern Ireland, even those in senior positions, think - or pretend - that there is no racism here. We tend to fall back on folklore about being a friendly lot. We pat ourselves on the back for our equality legislation on religious and political belief and sex equality and believe we have eliminated prejudice from our selection and promotion procedures. We have no evidence of dissatisfaction from the miniscule proportion of workers from ethnic minorities, so we assume they are content. We believe we are offering services to all because we do not discriminate.

All of this ignores the changes that have taken place in the last few years in the legislative framework and in thinking about equality issues, including racism. One such change is that we must guarantee equal treatment to all and demonstrate that we are offering it in practice. By providing services equally to everyone we may be guilty of discrimination because the services must be tailored to meet the specific needs of each client group. Ethnic minorities very often have special needs, arising from differences in language, culture and religious belief and from their lack of knowledge of how the system operates. Special measures are needed to cater for them, as envisaged by the positive action provisions of the Race Relations (NI) Order 1997. Organisations in the public, private and voluntary sectors may believe they are serving all their customers, but this belief may be based on complacency or inadequate consultation.

We are wrong to believe that the absence of complaints means that members of ethnic minorities in Northern Ireland are content. In the case of those in employment, they may feel it is best to keep their heads down and put up with abuse. They are, after all, surrounded by very large numbers of white, settled colleagues. Even if procedures exist for complaints of harassment, they may lack confidence in them because the people who operate the procedures, on both the employer and trade union sides, are drawn overwhelmingly from that same white, settled majority. So too are most representatives of voluntary and community organisations.

6 The Guardian, 25 June 2001, ‘Secret government report finds racism flourishing in NHS’.

7 The Guardian, 4 April 2001, ‘University jobs figures reveal racial bias’.

As for the decades of experience with fair employment and sex discrimination laws, it is valid to ask why we still have not achieved equality for either Catholics or women. If the public and private sectors have not managed to eliminate inequalities after all these years, how can they believe there is equality for members of ethnic minorities?

In society generally, we should be alarmed at the sharp rise in the number of racist incidents reported to the police. It is time for a wake-up call, time to shatter the complacency and to take action to prevent racism from festering and presenting a serious threat to the safety and security of our minority ethnic groups. More positively, we can begin to draw on the talents of our black and ethnic minority colleagues in employment, use their differing perspectives to improve public administration and allow their cultures to enrich our society.

Learning from Britain

Nick Montagu, Chair of the Inland Revenue in the UK and of the Civil Service Management Committee's Group on Diversity, notes that the concept of diversity is not well understood in the civil service or beyond. His group has constructed a continuum showing how the service should progress from basic equal opportunities through to emerging diversity and ultimately diversity which is genuinely mainstreamed.

In pursuit of this aim, the group identified four corporate strategic priorities:

1. Awareness: ensuring all civil servants understand what valuing diversity means and how it enhances what they do.
2. Leadership: leaders demonstrating commitment to equal opportunities and diversity and taking personal responsibility for making progress.
3. Management capability: equipping, developing and supporting managers to promote and be accountable for equal opportunities and diversity.
4. Equal opportunities: bringing in and bringing on under-represented talent.

Top people must be accountable for mainstreaming diversity. In Britain, each head of department is now personally accountable for diversity through the Head of the Civil Service to the Prime Minister. This is reflected in job plans and backed by six-monthly reports on how their departments are doing. This in turn is cascaded down to all business plans and individual job plans of managers throughout the civil service.

There is also a specific target, set by the Prime Minister, to boost the proportion from ethnic minorities in the senior civil service to 3.2% by 2003/04. Montagu supports such targets as a means of focussing minds and illustrates it by noting that 6% of his staff are from ethnic minorities but in senior posts the figure is only 2%.

“When I go into my Wembly tax office, there is not a white face in the clerical section. When you look at the management team, there is scarcely a face that is not white. Don't tell me that we aren't doing something wrong, and don't tell me that we are not doing something wrong when my Bradford office, serving one of the most numerous Asian communities in the country, contains only a smattering of staff from the communities which we serve,” (Montagu 2000).

Because it can take a long time to achieve results, the group recognised the need for 'quick wins', which would show they were serious about making a success of the agenda, while also sustaining and reinforcing the strategic aims. One such 'quick win' is to target ethnic minority groups when looking for secondees from outside the civil service in high-profile jobs. This provides role models, demonstrates how well people from under-represented groups can do these jobs, shows how inexcusable under-representation is and sends the clearest possible signal to civil servants and the outside world about the seriousness of the agenda. Other 'quick wins' included mentoring, fellowships, summer placements for students from minority groups and targeting recruitment at universities with large proportions of ethnic minority students.

"But we have a great many hearts and minds to win and that is why I want to get beyond the universities, into the temples and the mosques, into the communities themselves, to carry that message and to do so with conviction. If as a service we are going to achieve success ...we need to equip people to do so. That is why my group recommended training on valuing diversity and managing inclusion for all managers throughout the civil service, regardless of their grade, within two years. That is a stretching and an expensive recommendation, but one which we believe critical to our success. We also thought that it was no less important to have some indication from our own people of how well we are doing, and we recommended staff surveys and 360 degree reporting to help us in this" (Montagu 2000).

Montagu was anxious to dispel fears among some ethnic minority staff that the emphasis on diversity would dilute what had been achieved so far:

"That must not be allowed to happen, nor is it in any way an obvious consequence of what we are proposing. On the contrary, we want to use those achievements as a firm base on which we can build, and from which we can expand on them."

In Scotland attention recently has been focussed on action against sectarianism. Sense over Sectarianism (SoS), promoted by the charity 'Nil by Mouth' challenges sectarianism and, with a Millennium Commission award, offers small grants to local groups keen to tackle the manifestations of bigotry. Sporting icons attended the launch in October, prompting public debate about how to confront verbal expression of sectarianism in football. A backbench Liberal Democrat MSP, Donald Gorrie, is sponsoring a Private Member's Bill in the Scottish Parliament to introduce hate crimes / anti-sectarian legislation, stronger than that proposed by Home Secretary, David Blunkett MP, in the wake of the 11 September attacks.

More recently in Scotland, the Health Minister has announced funding of £1.1m for a five-point plan to drive racism from the NHS in the wake of a study showing evidence of institutional racism

Republic of Ireland

Similarly, work began in 1997 in the Republic of Ireland to build an anti-racist dimension into the Customer Action Plans being developed by government departments, though constant efforts have been needed to seek to improve the quality of these plans (NCCRI 1999).

Also in the Republic, Justice Minister John O'Donoghue has welcomed powerful research (UCD/Amnesty 2001) on minority ethnic group experiences of racism in the south, committing himself and his government not to allow racism to take hold in Ireland. A large scale and multi-tiered Public Awareness Campaign against Racism across the state was launched in October 2001, with a budget of Ir£4.5million or 5.7m (about Sterling £3.55m).

Performance Indicators

Another aspect of British experience is that public service targets or performance indicators have been set for the public sector which have a clear bearing on race. For example, Sir Richard Wilson, Head of the Home Civil Service is responsible for achieving Public Service Agreement Objective 2 for the Cabinet Office. This contains two targets that arise directly from Montagu's group, namely:

"We will promote diversity awareness training, influencing departments and agencies in achieving the target that 100% of civil service managers receive diversity awareness training by November 2001."

"During 2001-2, we will establish baseline data about the perception of staff of the civil service as an employer serious about diversity, and set stretching targets for improvement on retest in 2003-4. Our approach will be informed by analysis of wider labour market trends and international comparisons"

(see www.cabinet-office.gov.uk/2000/service.delivery.agreement.)

Other departments have similar agreements and these have been extended to local government. For example, the local authorities association estimated in 2000 that there were 29 different performance indicators from the Department for the Environment, Transport and the Regions or the Audit Commission that related to race. There is a requirement, for example, to monitor minority ethnic community staff as a percentage of the total workforce. Some indicators are indirect such as the requirement that various services should carry out customer satisfaction surveys which would show returns from ethnic minorities.

The local authorities association offers extremely valuable resources for organisations tackling race issues, including a Stephen Lawrence tool-kit. Particularly relevant to Northern Ireland is a useful section on authorities with small proportions of the population (less than 4%) from ethnic minorities. See the Local Authorities Race Relations Information Exchange (LARRIE) web site www.lg-employers.gov.uk/equal-pol-small.html. Some individual authorities have also produced interesting material on how they responded to the Stephen Lawrence inquiry, such as Cumbria and Rugby.

Northern Ireland

The first step in Northern Ireland is almost certainly for leaders in all sectors, whether MPs and MLAs, top civil servants, councillors, company directors, trade union officials or members and trustees of voluntary committees to recognise the importance of race as an issue. The public sector already has it on the agenda as a result of its Section 75 responsibilities but, in some cases, only just.

Racism must be given higher priority so that all organisations can ensure they are offering equal opportunities, promoting diversity and meeting the needs of all their clients or customers. To do this they must begin taking the steps to change organisational culture to combat institutional racism.

For example 'the National anti-racism week of action in football' (11 October - 21 October 2001, see www.kickitout.org) included a raft of events and statements to highlight and challenge racism in British soccer. Former Brazilian star, Pele, comments on the brochure's front cover:

"Racism is cowardice, and every cowardice comes from fear. A fear of difference. We must not only conquer people's minds against racism but also their hearts".

Where are the Northern Ireland examples? Apart from a small number of efforts in health and education, some work on diversity that includes race, advice centre examples of translation and interpretation and, of course, the work of the Equality Commission itself, there are precious few. It is certainly not mainstream.

This may be beginning to change in the public sector because of Section 75 of the Northern Ireland Act 1998 and the requirement to develop equality schemes and carry out equality impact assessments. These duties provide a process for tackling racism and offer a model which the private and voluntary and community sectors could profitably follow.

It is timely to recall here that institutional racism is not about xenophobia or hostile attitudes towards ethnic minorities; it is the lack of policies and structures to ensure that ethnic minorities receive the services they need. Inadvertence is as bad as hostility and a lot more common. Urgent attention is needed on:

1. the development of anti-racist policies and practices;
2. cultural awareness and anti-racist training programmes;
3. providing champions for diversity at the highest level;
4. precise targets e.g. for recruitment, promotion and customer satisfaction;
5. structures to ensure the effective implementation and regular review of all anti-racist measures;
6. mechanisms for regular, direct consultation of minority ethnic groups;
7. the definition, recording and investigation of racist incidents;
8. support for the victims of racism;
9. effective and appropriate racial monitoring.

Work to implement actions on such a nine-point programme would do much to start an important process.

In Northern Ireland there is much to be done but, without leadership, commitment and resources, little will be achieved. What has been undertaken within the Office of the First and Deputy First Minister has been slow to take effect and has not yet impacted upon the system of public administration. Some of our interviewees noted that the Executive is more concerned about race than its Direct Rule predecessors, but the fine words of ministers will turn to dust unless embedded in good practice at the shop floor and front desk levels.

The media has a role to play, including reversing its marginalisation of minority ethnic issues and its negative portrayal of Travellers (Fawcett 1999). The social partners, the local community and public servants at all levels of the system can play their parts. But unless an integrated and coherent strategy is developed, with goals, timetables, budgets and resources, there is a risk of piecemeal activity only. Now is the time to act.

This chapter has dealt with some of the strategic issues involved in pushing race up the public agenda. Chapter 5 now offers an agenda for change when it discusses key recommendations of the Macpherson as they might be applied in practice in Northern Ireland.

Chapter 5

Relating the Key Findings of the Macpherson Report to Northern Ireland

Chapter one has drawn out some key elements of the definition of institutional racism in the Macpherson Report. In this chapter, these elements are first summarised briefly, before going on to consider the implications of the report's recommendations, insofar as they are relevant, for public and other bodies in Northern Ireland.

Institutional Racism

- Institutional racism is about the entire culture of an organisation and the quality of services offered to black and minority ethnic groups, including Travellers. It goes beyond stated policies on equality to the extent to which they are made real on the ground.
- The notion is separate from any question of individual bigotry or overt prejudice. To say an organisation is institutionally racist does not imply that individual staff are racists. Rather it is to say that we must look at the overall impact of the actions of individual staff on ethnic minority groups. People may be unwittingly racist, perhaps through ignorance or lack of awareness.
- Racial stereotyping is an insidious, but often unconscious, cause of race problems. The causes of stereotyping are many, especially in a society like Northern Ireland where most people have had little long-standing or sustained contact with members of black and minority ethnic groups, including Travellers. Racial stereotyping may be well-meaning, but it is no less harmful for that.
- Racial stereotyping can be a particular problem in professions that meet a skewed cross-section of society, such as the police, social workers and people in the criminal justice system. But everyone, whether in the public, private or voluntary and community sectors, needs to confront and erase the stereotypes. We cannot fall back on the excuse that public servants merely reflect the values and prejudices of the society from which they are drawn; exemplary conduct is required from everyone, whether police, civil servants, local government workers or others.
- The challenge of institutional racism is greater than that of a few 'bad apples'. Remedies must go far beyond recruitment, discipline and training to the entire ethos of the organisation, the services it offers and how these are received by members of black and minority ethnic groups, including Travellers.
- It is not enough, in reply to an allegation of institutional racism, to say that services are offered equally to all. By treating everyone equally we may be discriminating. Many groups have special needs for health, education, housing, employment, policing and other services and an organisation is at fault if it does not ensure it offers them to black and minority ethnic groups, including Travellers, in a way that meets their needs, as they express them. This means that members of minority ethnic groups must be involved in the design and delivery of services.
- The size of the challenge must be recognised and adequate resources devoted to tackling it. Heads of public and other bodies must accept that institutional racism is a reality in their organisation and devise strategies to deal with it and create real change on the ground "New policies or procedures will not be enough unless they are turned into action which will build trust and confidence and help to provide a better service" (Home Office 1999).

Recommendations Relevant to Northern Ireland

Many of the recommendations of the Macpherson report apply specifically to the Metropolitan Police Service or to police forces more widely. A detailed examination of policing in Northern Ireland is beyond the scope of this report. Instead it seeks to extrapolate to Northern Ireland the recommendations that are relevant to services in all sectors. This is done in the rest of this chapter, which gives the number of the relevant recommendation in Chapter 47 of the Macpherson report in case readers wish to refer back to it.

Performance Indicators

Recommendation 2 proposes a number of performance indicators. Such indicators are now common in the public service in Northern Ireland, but they may not include measures specifically related to race, such as:

- employment and promotion targets for members of ethnic minorities;
- the existence and success of strategies to prevent racist incidents;
- steps to encourage reporting of racist incidents;
- the extent and achievement of anti-racism training;

Customer satisfaction surveys are also quite common, but these too need to ensure equal satisfaction levels across all ethnic groups. These apply equally in the public, private and voluntary sectors. The overall aim should be the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of services.

Inspection

Macpherson recommends (no 5) that principles and standards similar to those of the Office for Standards in Education (OFSTED) be applied to inspections of the police, in order to improve standards of achievement and quality of policing through regular inspection, public reporting, and informed independent advice. The merits of moving towards a standards-based inspection system could be evaluated in Northern Ireland for any services that do not already use one. The use of lay inspectors could also be considered e.g. representatives of black and minority ethnic groups, including Travellers, might assist with the inspection of performance in the area of race (no 8).

Representative Public Bodies

Northern Ireland public authorities should seek to ensure that the membership of advisory and executive public bodies reflects so far as possible the cultural and ethnic mix of the communities they serve (no 7). This should include members of black and minority ethnic groups, including Travellers, as well as representative bodies.

An official report from government asserts: "Northern Ireland has a small ethnic minority population numbering less than 10,000. The number of ethnic minority appointees increased from two in 1998/1999 to nine in 1999/2000" (CAU 2001).

A cursory examination of more recent public appointments in Northern Ireland, based on Executive Information Service press releases, shows that virtually none are from ethnic minorities. The position is unlikely to get better without firm action.

Freedom of Information

Macpherson placed considerable emphasis on the need to be open and accountable as a means of ensuring that services become more responsive to the needs of minority groups. This includes extending a Freedom of Information Act (Fol) to all areas of policing unless disclosure would cause substantial harm. In particular, reports of investigations of public complaints should not attract public interest immunity as a class. They should be disclosed to complainants, subject only to the 'substantial harm' test for withholding disclosure (nos 9 and 10). In other words, all reports would be made available unless their disclosure would cause serious damage to an investigation. The introduction of effective Fol legislation in Northern Ireland could greatly assist informed public involvement in policy formation and the task of monitoring and evaluating the effectiveness of anti-racist policies and programmes.

There is already limited provision for the disclosure of information in the Equality Commission's guidance on Section 75 of the Northern Ireland Act. In the section on the conduct of equality impact assessments it notes:

"The information used by the public authority in assessing the impact of the policy must be made available on request to those consulted. This will include any quantitative and qualitative data and other documentation such as consultants' reports" (EC undated, p45)).

Legislation should specify that the normal assumption is that information is available to the public, regardless of whether it has actually been used by the public authority to assess the impact of a policy. It would be up to the public body involved to prove to an independent commissioner that it would be harmful to release the information, and the grounds on which they can base such an argument should be extremely narrow. In addition, the public body should be prohibited from charging for disclosing the information.

Racist Incidents

Up until 1999, it was partly up to individual police officers to decide when a racist incident had occurred. The RUC (now PSNI) adopted the definition then used by the Association of Chief Police Officers:

"Any complaint which, it appears to the reporting or investigating officer, involves an element of racial motivation or any incident which includes an allegation of racial motivation, made by any person".

Macpherson recommended (no 12) that the emphasis be shifted to the complainant, whose perception should prevail, viz:

"A racist incident is any incident which is perceived to be racist by the victim or any other person".

The report made clear that 'racist incidents' go beyond crimes to all events that involve racial harassment (no 13). Likewise they are relevant not just to the police, but to local government and other agencies (no 14). It was explicit that all of these should co-operate to produce Codes of Practice on a comprehensive system of reporting and recording all racist incidents and crimes (no 15) and that all possible steps should be taken at local level to encourage the reporting of racist

incidents and crimes (no 16). Once reported, there should be close co-operation between the police, local government and other agencies, particularly housing and education authorities, to ensure that all information on racist incidents and crimes is shared among all agencies (no 17).

In Britain the Macpherson definition of racist incidents has been widely adopted and steps are being taken to implement it. Much remains to be done in Northern Ireland on this front, on a cross-departmental basis, including proper procedures for investigating and recording such incidents. At present, complaints of racial harassment are almost invariably handled under a general complaints procedure. This fails to take account of the inevitable reluctance of victims to resort to a procedure they see as being written and administered by the white population. Special procedures should be created for complaints of racial incidents in all sectors in Northern Ireland; these should include the right to call in an advisor or representative from outside the organisation since the victim may not have confidence in internal representation.

Prosecution of Racist Crimes

Macpherson concluded that the standard of proof in the prosecution of racist crimes should remain unchanged. However, he proposed that the Crown Prosecution Service (CPS), once it is satisfied that sufficient evidence exists, should have a 'rebuttable presumption' that the public interest test should be in favour of prosecution. Particular care should be taken in prosecutions to refer to any evidence of racist motivation, especially at trial and sentencing stages, and no 'plea bargaining' should ever be allowed to exclude such evidence. Finally, Macpherson suggested giving the Court of Appeal power to permit prosecution after acquittal where fresh and viable evidence is presented (nos 32-38). Similar provisions should be considered in Northern Ireland.

Northern Ireland does not enjoy the benefit of race hate crimes legislation, such as the Crime and Disorder Act 1998. Power to enact such legislation is reserved to Westminster and the Secretary of State should urgently extend such legislation to Northern Ireland. The local laws should be implemented in the spirit intended by Macpherson and should contain the specific provisions he recommended.

Other Legal Reforms

The Stephen Lawrence inquiry report suggested there might be a need to amend the law to allow prosecution of offences involving racist language or behaviour, or the possession of offensive weapons, where such conduct can be proved to have taken place otherwise than in a public place (no 39). This followed his analysis of the inadequacies of the existing law, which permits racist language in private. In addition, the report suggested that the following changes be considered:

- Victims or victims' families should be allowed to become 'civil parties' to criminal proceedings, to facilitate and ensure the provision of all relevant information to victims or their families (no 41).
- There should be advance disclosure of evidence and documents as of right to parties who have leave from a Coroner to appear at an Inquest (no 42).
- Legal aid should be provided to victims or the families of victims for representation at an Inquest in appropriate cases (no 43).
- Police and the Courts should seek to prevent the intimidation of victims and witnesses by imposing appropriate bail conditions (no 44).

When extending race crimes legislation to Northern Ireland, the Secretary of State should implement these additional recommendations, with appropriate changes to take account of the local legal system.

Anti-racism Training

Macpherson made recommendations for an immediate review and revision of racism awareness training to ensure:

- a consistent strategy to deliver appropriate training based upon the value of our cultural diversity;
- that courses are designed and delivered to develop the full understanding that good community relations are essential to good policing and that a racist officer is an incompetent officer;
- that all police officers, including CID and civilian staff, should be trained in racism awareness and valuing cultural diversity (nos 48-49).

He suggested that training in racism awareness and valuing cultural diversity should be conducted regularly at local level and that people from minority ethnic groups should be involved in it. Police services might promote joint training with other organisations or professions away from police premises and there should be recognised standards of training aims and objectives. There should be independent and regular monitoring to test both implementation and achievement of this training (nos 50-53).

The report again emphasised that the scope of the findings went beyond the police when it recommended a review of training in racism awareness and valuing cultural diversity in local Government and other agencies, including other sections of the criminal justice system (no 44).

The need for racism awareness training in the public, private and voluntary sectors has been referred to earlier in this report. If anything, the need for such training is even greater in Northern Ireland, where there is not yet a general acceptance that racism is a problem.

Discipline

As in other areas covered by his report, Macpherson's comments on disciplinary matters can be applied to other areas. For example, he sought to close the loophole under which police officers can evade disciplinary charges by taking early retirement through a recommendation that disciplinary action should be available for at least five years after retirement (no 56).

More generally he recommended the implementation of a Code of Conduct or other mechanism to ensure that racist words or acts should lead to disciplinary proceedings, and, if proven, should usually merit dismissal (no 57). He urged the Home Secretary to consider ways to ensure that serious complaints against police officers are independently investigated on the grounds that investigations by other officers are widely regarded as unjust, and do not inspire public confidence (no 58).

Northern Ireland is ahead of Britain to the extent that an independent Police Ombudsman exists, with her own staff, numbering over 100, to investigate complaints against the police. It is important that the racial dimension is built into the culture, training and methods of operation of the Ombudsman and that race elements are monitored and evaluated.

Stop and Search

In the face of criticism that 'stop and search' procedures are used disproportionately against ethnic minority groups, and especially young people, Macpherson believed that the powers of the police are needed to prevent and detect crime and should remain unchanged. But he recommended that the Home Secretary should ensure that a record is made by police officers of all 'stops' and 'stops and searches' made under any law and of all so-called 'voluntary' stops. The record should include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped. These records should be monitored and analysed by the police and Her Majesty's Inspector of Constabulary and the information and analysis should be published. In addition, there should be publicity campaigns to ensure that the public is aware of 'stop and search' provisions and the right to receive a record in all circumstances (nos 60-63).

Taking together the various recommendations on the justice system, including recommendations 60-63, some comments may be helpful. The Northern Ireland Courts Service is committed to equity in the administration of justice and it has done a considerable amount of work on diversity, including producing an attractive and informative pack which includes sections on racism and on different world religions. However, it is not aware of how fairly the justice system works, on grounds or religion, race or other factors. A group has been created within the service to investigate this matter but has no timetable for completion. This review needs to be made more open, to involve ethnic minorities closely and to have a target date for completion, lest its work runs into the sands.

Another issue is the appointment of judges and JPs. At present, there are no judges from ethnic minorities and their appointment is not covered by the racial discrimination legislation. This anomaly should be corrected. In the case of JPs, eight local advisory committees in Northern Ireland are supposed to ensure that the 300 or so JPs represent the community on the basis of community background (religion), gender, ethnic origin, geographical spread and occupation.

We have no way of knowing whether they succeed or not because the committees report to the Lord Chancellor, whose annual report does not contain a separate section on Northern Ireland or any separate statistics. These anomalies should be corrected and there should be an open, transparent system for ensuring JPs really do represent the community, that appointments are monitored by background, including race, and that the outcomes are published.

Recruitment and Retention

The Macpherson inquiry report urged that policing plans should include targets for recruitment, progression and retention of minority ethnic staff and that progress reports should be published annually. There should be initiatives to increase the number of qualified minority ethnic recruits and Her Majesty's Inspector of Constabulary (HMIC) should report on the progress made in recruitment, progression and retention of minority ethnic staff (nos 64-66).

The general recommendation to set targets for the appointment and promotion of ethnic minority staff should extend to all organisations in Northern Ireland.

Prevention and the Role of Education

Macpherson ranged reasonably widely in his analysis of the causes of racism and possible remedies. He proposed that consideration be given to amendments to the National Curriculum

aimed at valuing cultural diversity and preventing racism, in order better to reflect the needs of a diverse society. He also emphasised that Local Education Authorities and school governors have the duty to create and implement strategies on racism in their schools. Such strategies should include:

- that schools record all racist incidents;
- that all recorded incidents are reported to the pupils' parents or guardians, school governors and LEAs;
- that the numbers of racist incidents are published annually, on a school by school basis;
- that the numbers and self defined ethnic identity of 'excluded' pupils are published annually on a school by school basis (nos 67-68).

The Department of Education, which has expressed its determination to eliminate racism in education and has, together with the Equality Commission, issued a draft action plan on the subject (EIS 2002), should consider the extent to which these recommendations could be implemented in Northern Ireland.

It should do so in the context of the proposal for a Freedom of Information Act (see above). The decision of the Minister for Education in Northern Ireland not to publish performance information that identifies individual schools (EIS 2001) clearly runs contrary to Macpherson's recommendations. There is no evidence that the racial implications of this decision were examined and no evidence up to now that schools will be required to provide the information referred to by Macpherson even to their own parents or the parents of prospective applicants.

In the case of the curriculum, The Department of Education and the Council for the Curriculum Examinations and Assessment are publicly committed to eradicating racism and should continue discussions with ethnic minorities to ensure the curriculum promotes diversity in Northern Ireland and that the examinations and assessment systems are free of cultural bias, as recommended in the Equality Commission's Good Practice Guide to Racial Equality in Education.

Macpherson also recommended that school inspections should include examination of the implementation of schools' racism strategies (no 69).

A number of interviewees for this research project emphasised the importance of extending diversity to schools with the aim of ensuring that children learn about, understand and appreciate other cultures and accept that difference and diversity are strengths. This implies that schools, supported by Education and Library Boards and other agencies, should develop such strategies. The Education and Training Inspectorate should be required to include these diversity strategies in their inspection schedules.

Teachers are known to support a more pro-active approach. A survey of the profession found, for example, that 90% felt Northern Ireland pupils should have more opportunity to learn about the cultures of ethnic minorities. In startling contrast, 96% of respondents said they had received no information on ethnic minorities in their initial training and 85% had received none as part of in-service training (Gallagher and Leitch 1999).

Macpherson also proposed community and local initiatives aimed at promoting cultural diversity and tackling racism and the need for focused, consistent support for such initiatives (no 70). There is scope for doing this through further, higher and community education, such as the diversity project run by the Amalgamated Transport and General Workers' Union and the Workers Educational

Association. It could also be promoted through funding for community arts, especially for black and minority ethnic groups, including Travellers. Some of these initiatives may qualify for funding from Peace II, the second European Union peace programme, though the criteria may be more difficult to satisfy than in the first peace programme.

Most of all, an active anti-racist dimension (as distinct from merely avoiding discrimination) needs to be built into the strategies and work plans of all public bodies so that the drive for diversity stretches out into all aspects of society. In this context they should seek actively to satisfy the statutory duty in Section 75 (2) of the Northern Ireland Act 1998 “to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group”.

The lead should be taken by the First Minister and Deputy First Minister in order to ensure that the issue is taken seriously and embedded in the work of all departments and public bodies. It can be extended to the voluntary sector through the grants and service agreements they have with the statutory sector.

It could all be pulled together, in parallel with developments in the Republic of Ireland - and in particular the Ir£4.5 million Public Awareness Programme against racism, launched in October 2001 - through a similar, high profile leadership campaign. Only with such a far-reaching programme of work can racism be tackled adequately and nipped in the bud, before it aggravates more lives and more futures.

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“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people”.

(Macpherson 1999, para 6.34)



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ISBN: 1-903941-19-9 March 2002