

**ACTION FOR RACE
EQUALITY**

UNITED KINGDOM

**SUBMISSION TO THE COMMITTEE ON
THE ELIMINATION OF RACIAL
DISCRIMINATION 113TH SESSION**

5 - 23 AUGUST 2024

Introduction

Action for Race Equality (ARE) was founded in 1991, and over the last 30+ years we have worked to champion fairness, challenge race inequality and pioneer innovative solutions to empower Black, Asian, and Mixed Heritage people across education, employment, and criminal justice. Our mission is to end racial inequality.

Racial inequality in the United Kingdom (UK) is rampant and unending, and the UK government is complicit in failing to end racism and allowing institutionalised racism to continue. There have been continuous attempts to deny and diminish the realities of racism by the Government, including the publication of the Commission on Race and Ethnic Disparities report which dismissed the systemic nature of racism in the UK¹, as well as comments made by senior figures within Government which indicate a divestment in crucial EDI initiatives². Instead of embracing opportunities to improve outcomes for Black, Asian, and Mixed Heritage communities in the UK, there has been a fundamental lack of effective action, or in some cases decisions which worsen the issues experienced by these communities.

ARE has produced this submission drawing on our organisational knowledge, as well as the knowledge and research produced by our extensive networks, to inform the Committee on the Elimination of Racial Discrimination's examination of the UK. Our report focuses on our organisation's key priorities – institutional and systemic racism, education, employment, criminal justice, and Windrush Justice. We recognise that Black, Asian, and Mixed Heritage people in the UK experience racial inequality in every aspect of their lives, and while we will not be able to effectively produce a report that speaks to all areas of discrimination, we hope that our submission is of use to the committee in the areas which we cover.

Institutional and Systemic Racism

Article 2 sets out that the state must undertake to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.

Fourteen years on from the Equality Act 2010 coming into force there is a concern about why significant race inequalities continue to persist in our key public services and workforces³. This is in part due to the long-standing systemic bias entrenched in historic, colonial-era racism that manifests in contemporary policies and practices across various sectors which perpetuates inequality and hinders progress towards true equality. Wider systems change is required to address this embedded change, but progress has been too slow.

¹ [UN Experts Condemn UK Commission on Race and Ethnic Disparities Report | OHCHR](#)

² [Unions and charities slam government plans to axe 'woke' diversity and equality jobs in the Civil Service | The Independent](#)

³ [Race equality in the law: a better way to tackle institutional racism | Alliance for Racial Justice \(not yet published\)](#)

Recommendations:

- **The Government should accept and acknowledge that institutional racism exists** and has dire impacts on the lives of Black, Asian, and Mixed Heritage people in the UK.
- **The Government should introduce a cross-departmental strategy to end institutional and systemic racism** co-designed with Black, Asian, and Mixed Heritage communities and by and for led organisations working on relevant issues. This could be reflective of the 2022 Anti-racist Wales Action Plan⁴.

The Equality Act 2010

Action for Race Equality believes that the current Equality Act 2010 is simply not strong enough to be effective in tackling institutional and systemic racism⁵. The language is frequently weak⁶, the requirements it places on public bodies are non-committal⁷, and there is a fundamental lack of accountability when the legislation is used successfully due to the weakened ability of the Equality and Human Rights Commission (EHRC)⁸, the regulator responsible for monitoring adherence to the Equality Act 2010, to rigorously enforce the act due to the lack of strong wording and a consistent cutback in funding for the body⁹.

Recommendations:

- **The Government should update the Equality Act 2010 to have clear and direct language that raises no ambiguity for public authorities to hide behind.** This must explicitly define institutional racism and provide stronger mechanisms to hold authorities to account under the legislation. We would recommend opening a public consultation to gain views on improved accountability mechanisms, but this could include mandatory reporting on compliance with strengthened duties and creating performance-based funding that rewards bodies excelling in this area.
- **The Government should update the Equality Act 2010 to make Equality Impact Assessments for new policies, programmes, and projects a compulsory responsibility.** This can increase transparency and accountability, aid quicker cultural change, and will send a clear message to public bodies about their responsibilities when it comes to ending institutional racism.
- **The Government should update the Equality Act 2010 to have better accountability mechanisms** that enforce harsher outcomes for public bodies not meeting statutory responsibilities and require public bodies to make tangible changes when they have been found to breach their duties.

⁴ [Anti-racist Wales Action Plan 2022 | GOV.WALES](#)

⁵ [Race equality in the law: a better way to tackle institutional racism | Alliance for Racial Justice \(not yet published\)](#)

⁶ [Key provisions in Equality Act 2010 not implemented | Committees - UK Parliament](#)

⁷ [Reviewing the aims and effectiveness of the Public Sector Equality Duty in Great Britain | Equality and Human Rights Commission](#)

⁸ [Contesting Human Rights through Institutional Reform: The Case of the UK Equality and Human Rights Commission | Katherine Tonkiss](#)

⁹ [Inclusive value? Lack of cash sits behind government race report response | Jabeer Butt](#)

- **The Government should update the Equality Act 2010 to allow for better protection of intersectional identities.** This could be achieved by updating Section 14 of the Equality Act 2010 to refer to multiple characteristics and commencing this section.

Enforcement

As a result of the systematic undermining of the EHRC, small organisations are stepping in to carry out strategic litigation¹⁰. However, these organisations also face a bleak funding landscape and their ability to provide a voice to their communities is limited. This means that only a fraction of cases are being brought, which is slowing progress to ending racial inequity. For the organisations who do work to bring strategic litigation cases, there is a concern about the emotional harm which this process can do to an individual, the tokenistic process of identifying an individual to bring the case, the financial risk of bringing a case, and the possibility that the individual might ultimately decide to settle and not achieving systemic change as a result. For individuals who want to bring a case forward, there is a lack of information available due to the limited number of lawyers who specialise in equalities and discrimination law, as well as lack of access to legal aid funding due to extreme cuts¹¹.

Recommendations:

- **The Equality and Human Rights Commission should undergo a comprehensive budget review** with a view to increasing its funding to allow for effective regulation.
- **Funding should be made available** for organisations working on strategic litigation to bring forward cases which seek to challenge institutional racism.
- **The Government should review legal aid funding with the sight to increasing it.** Legal aid is chronically underfunded, reducing the opportunity for cases to be brought.
- **The Government should strengthen the language of the Public Sector Equality Duty (PSED) to go beyond having ‘due regard’** and require public authorities to take **all** practical steps to eliminate discrimination; advance equality; and foster good relationships.
- **The Government should strengthen the PSED** by introducing a requirement to consider relevant evidence that could indicate a breach of duty.
- **The Government should strengthen the PSED** by placing a requirement on Ministers to set more specific race equality objectives in relation to their portfolios. Using strong evidence-bases, Ministers could set clear objectives which feed into public sector bodies, who would in turn have to set their own objectives to help meet the overall target. Where objectives are not met, these public bodies should be required to explain why they were not met and face a negative outcome if this occurs.

¹⁰ [Why we helped take the Police Act to court | Friends, Families and Travellers](#)

¹¹ [Value for Money from Legal Aid | Committee of Public Accounts](#)

Culture Change

A long-term culture shift alongside the more immediate work of enforcement is required across the board, but there is clear resistance to change, which is why we need strong and effective leadership that can create positive change in individual organisations and across sectors¹². Importantly, leaders must find a way of accepting the reality of institutional racism and be publicly resilient in their commitment to remove the toxic reaction and atmosphere that it generates.

Recommendations:

- **The Government should consult on and produce a Race Equality Act** that seeks to dismantle institutional racism. Communities most affected by this issue must be properly consulted on any new legislation and feedback on more than one occasion. A new race equality regulatory body with strong powers that is independent of government should be introduced to ensure the effectiveness of this legislation. This body should operate on a national and local level.
- **The Government should take a public health approach to ending institutional and systemic racism.** This will require an overarching governmental strategy that feeds into all governmental departments. Departments should be required to have their own plans with targets which align with the central strategy. There must be a clear timeline for outcomes, and departments should be required to provide a public update on a yearly basis on the progress of the plans and delivery of these outcomes.
- **The Government should ringfence funding in national government** and in local authorities to support the delivery of race action plans which have clear outcomes.
- **The Government should prioritise culture change** as part of an overarching strategy on achieving racial equality. This should include promoting leadership on anti-racism in the public and private sectors.

Employment

Article 5 (i) sets out to eliminate racial discrimination within the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration.

Black, Asian, and Mixed Heritage people in the UK face higher levels of employment, unequal pay rates, and fewer opportunities to get secure, well-paid jobs¹³. Discrimination within employment is systemic and widespread across all sectors, meaning that only 69% of people from all ethnic groups combined are

¹² [Race equality in the law: a better way to tackle institutional racism | Alliance for Racial Justice \(not yet published\)](#)

¹³ [Jobs and recovery monitor - BME Workers 2023 | TUC](#)

employed, compared to 77% of white people¹⁴. The disparities in employment rates are worst for 16 to 24 year olds where 58% of white people are employed compared to 39% of ethnic minority people¹⁵.

Target setting

We know that achieving race equality in the UK will potentially bring a £24 billion per year boost to the UK economy¹⁶. The Government has a clear responsibility to provide leadership on improving the employment sector for young Black, Asian, and Mixed Heritage people. The Department of Work and Pensions needs a clear strategy for ending racial disparities in employment. This strategy should include smart goals on reducing disparities, provide clear guidance on opportunities to increase employment rates such as positive action and apprenticeships, and promote greater employer transparency through mandatory reporting on the ethnicity pay gap which should be collated and published annually by the government. One way the government can provide good leadership is through setting targets with action plans.

Recommendations:

- **Set a national target.** The government should set a national target to close the long standing gaps in unemployment rates between some ethnic minority groups and the averages for all young people.
- **Establish regional targets and action plans.** City and metro Mayors should establish appropriate regional targets and lead inter-agency action plans to improve employment outcomes for local populations facing barriers to labour market access and progression.

Data Collection

The data resources that are available to understand the reality of employment for young Black, Asian, and Mixed Heritage people are not strong enough¹⁷. ARE would welcome government data publications that compile statistics from data sources across the employment sector which provide a more comprehensive overview. This data must allow for disaggregation of ethnicity and age to allow a to better understand the issues faced by specific communities so that effective interventions can be implemented.

Recommendations:

- **Publish national and regional statistics on youth employment by ethnicity.** The government should publish national and regional statistics on youth employment by ethnicity, age, and gender so that disparities can be tracked and addressed, specifically for: unemployment rates, apprenticeship applications, and Universal Credit claimants.
- **Mandate employers to collect and review workforce ethnicity data.** The government should mandate medium and large employers to collect, analyse, review and publish workforce data by ethnicity, age and gender in order to track the recruitment, retention and progression of young people from under-represented ethnic groups.

¹⁴ [Employment | GOV.UK Ethnicity facts and figures](#)

¹⁵ [Employment | GOV.UK Ethnicity facts and figures](#)

¹⁶ [Race in the workplace: The McGregor-Smith Review | GOV.UK](#)

¹⁷ [Youth Employment Conference: What are the key policy asks? | Action for Race Equality](#)

- **Invest in evidencing what works to end race disparities.** The government and other funders of employment support should invest in research and evaluation to evidence what works to close the racial disparities in the recruitment, retention, and progression of young people into quality jobs.

Regional work

In addition to central government strategy and delivery, coordinated action on a regional level ensures racial disparities in employment are ended locally and centrally.

Recommendations:

- **Target co-ordinated local action in areas of high ethnic minority unemployment.** The government should initiate and resource co-ordinated local action to end racial disparities in unemployment rates within target areas. Jobcentre Plus; local authorities; Further and Higher Education institutions, and civil society organisations should be expected to work together to improve employment outcomes for local populations facing barriers to labour market access and progression.
- **Commission regional Positive Action Centres.** In partnership with city and metro Mayors, the government should commission Positive Actions Centres to boost employer led initiatives and provide on-going expert support.

Leadership

Employers are key to increasing employment rates for young Black, Asian, and Mixed Heritage people and should take initiative within their own companies to achieve this goal.

Recommendations:

- **Encourage employer take up of existing positive action resources.** Rather than creating new race Equality, Diversity, and Inclusion (EDI) or positive action resources, agencies should focus on updating existing resources and encouraging more employers to make use of these.
- **Put national leaders at the head of race equality campaigns.** Campaigns to encourage employer engagement in race EDI actions should be fronted by recognised leaders, such as Mayors or Ministers, to maximise the likelihood that employers will respond.
- **Race Equity in Employment Task Force.** The government, city and metro Mayors should engage with the evidence and recommendations from the Race Equity in Employment Task Force.

Education

Article 5 (v) sets out to eliminate racial discrimination within the right to education and training.

For Action for Race Equality, having a more equal society means young people will be able to believe that their race, ethnicity, or faith will not limit what they can achieve in life. Yet the educational system in the UK is fundamentally failing young Black, Asian, and Mixed Heritage students who are more likely to achieve lower

attainment¹⁸, more likely to receive punitive measures¹⁹, and less likely to progress on to higher education and subsequently have job satisfaction²⁰.

Punitive measures

The use of reactionary punitive measures such as detentions, suspensions, and exclusions are disproportionately used against Black, Asian, Mixed Heritage, and Gypsy, Roma, and Traveller (GRT) children and for children subject to these measures they are more likely to face adverse life experiences²¹ including a higher risk of coming into contact with the criminal justice system. School exclusions disproportionately affect Black children and their families²², with Black Caribbean students facing exclusion rates up to six times higher than their white peers in some local authorities²³. Dual heritage white and Black Caribbean children are suspended at nearly double the rate of white peers, while GRT children are suspended 3.2 times as much as white children²⁴. The suspension rate for Black children continues to grow and has nearly doubled from 3.85 in 2019/20 to 6.42 in 2021/22²⁵. The high levels of exclusions for Black children is firmly rooted in racial discrimination²⁶ and adultification²⁷.

Action for Race Equality has run our flagship mentoring programme, Routes2Success²⁸, for over 10 years and in that time, we have seen the transformative power that positive interventions such as mentoring can have on a young person. Mentoring has been shown to reduce violence by 21%^{29 30}, and other positive interventions such as counselling, therapeutic techniques, workshops on emotional skills such as self-confidence, self-regulation, and communication skills have also been found to be more effective alternatives³¹ to detentions, suspensions, and exclusions.

Recommendations:

- **The Government should issue guidance** that significantly restricts the use of suspensions and exclusions in schools and ensures schools are better able to cope with issues that may have previously led to suspension or exclusion.
- **Racial disproportionality should be considered** in Ofsted reviews of schools.

¹⁸ [Racism Excludes | National Education Union](#)

¹⁹ [Girls Speak Pushed Out Left Out | Agenda Alliance](#)

²⁰ [Educational outcomes of Black pupils and students | House of Commons Library](#)

²¹ [Interventions to prevent school exclusion | Youth Endowment Fund](#)

²² [Preventing school exclusions of Black children in England – a critical review of prevention strategies and interventions | Claire Stewart-Hall, Lorraine Langham, Paul Miller, 2023](#)

²³ [Exclusion rates five times higher for black Caribbean pupils in parts of England | Race in education | The Guardian](#)

²⁴ [Our Impact Report 2023 | The Difference](#)

²⁵ [Suspensions | GOV.UK Ethnicity facts and figures](#)

²⁶ [Race, poverty and school exclusions in London | Just for Kids Law](#)

²⁷ [No More Exclusions | Behaviour and mental health in schools' inquiry | CYP MH Coalition Submission](#)

²⁸ [Education | Action for Race Equality](#)

²⁹ [Mentoring Toolkit technical report | Youth Endowment Fund](#)

³⁰ [Annual Report 2022 | Wipers CIC](#)

³¹ [Youth Endowment Fund Toolkit](#)

- **Funding and investment should be made available** for positive interventions such as mentoring.

Pupil Referral Units

For children who face repeat suspensions and exclusions, they are likely³² to be sent to alternative education provision services such as Pupil Referral Units (PRUs). While PRUs can be beneficial for short term use, there is a concern that they are being used to criminalise young people - especially young Black children³³. Black Caribbean children are educated in pupil referral units (PRUs) at nearly four times (3.9) the rate based on the national pupil population³⁴.

Recommendations:

- **The Government should carry out a review** of the disproportionate over representation in Pupil Referral Units.

Police presence in schools

The number of Safer Schools Officers (SSOs, police officers) has been increasing³⁵, and there is a higher presence of SSOs in schools with higher numbers of Black, Asian, and Mixed Heritage students. The purpose of an SSO in school is not set in any national guidance, and the presence of police in schools is contributing to the over-criminalisation of these young people.

Recommendations:

- **The Government should end the practice of SSOs in schools.** Local authorities should work with partners such as schools, youth services, community leaders, and charity partners to develop safety taskforces responsive to children at risk of harm or violence.

Attainment

Black Caribbean, Mixed white and Black Caribbean, and Gypsy, Roma, and Irish Traveller children are achieving disproportionately low attainment scores³⁶. Children eligible for free school meals have a lower attainment score than those who are not eligible. Young Black students have reported that racism was the most significant barrier for them to attain success in school. 50% said the biggest barrier was teacher perceptions³⁷.

³² [Disruptive behaviour leaves excluded pupils' units in England 'full to bursting' | Schools | The Guardian](#)

³³ [HOW BLACK WORKING-CLASS YOUTH ARE CRIMINALISED AND EXCLUDED IN THE ENGLISH SCHOOL SYSTEM | The Institute of Race Relations](#)

³⁴ [Preventing school exclusions of Black children in England – a critical review of prevention strategies and interventions](#)

³⁵ [Over-policed and under-protected: The road to Safer Schools | Runnymede Trust](#)

³⁶ [GCSE results \(Attainment 8\) | GOV.UK Ethnicity facts and figures](#)

³⁷ [Young and Black | YMCA England & Wales](#)

Gaps in attainment and experiences of racism continues to persist in higher education settings, with 45% of Black higher education students and 24% of ethnic minority higher education students reporting experiencing some form of racial harassment³⁸.

Recommendations:

- **The Government should carry out a review into the disparities in attainment** and implement an action plan to improve education attainment.

Apprenticeships

The number of young people of Black, Asian and Mixed Heritage who access apprenticeships is too low. Our research report, *Ethnic Minority Young People and Apprenticeships in England*³⁹, reveals the racial disparity in the take up of apprenticeships as a route for earning while training.

ARE argues that the reasons for under-representation on apprenticeships do not primarily lie with lack of awareness among young people, or a reluctance from parents for their children to take the vocational rather than academic route to employment.

Recommendations:

- **The government should lead action with employers** to tackle the continued under-representation of ethnic minority young people on apprenticeships in higher value sectors such as construction and engineering.
- **In order that disparities in apprenticeship application success rates** can be tracked, the government should require all employers with 50+ employees to monitor and publish information about apprenticeship applications and appointments by age, gender, and ethnicity.
- **A national review of take up of Jobcentre Plus services by racially minoritised young people** is urgently needed, with action to address barriers deterring some communities from accessing employment support and opportunities only available through Jobcentre Plus.
- **The government should publish data on degree-level apprenticeships**, with breakdowns in application, start and completion rates by gender, age, and ethnicity.

Criminal Justice

Article 5 (a) sets out the right to equal treatment before the tribunals and all other organs administering justice.

ARE has worked in the criminal justice system (CJS) for over 15 years, acting as a critical friend to services including the Metropolitan Police, His Majesty's Prison and Probation Service, the Ministry of Justice, the Youth Justice Board, and the Greater London Authority's Violence Reduction Unit. We co-ordinate a National

³⁸ [Tackling racial harassment in higher education: progress since 2020 | Universities UK](#)

³⁹ [ETHNIC MINORITY YOUNG PEOPLE AND APPRENTICESHIPS IN ENGLAND | Action for Race Equality](#)

Independent Advisory Group focused on the CJS and comprised of civil society, academic, and third sector representatives. We produce research and briefings on racial disproportionality in the CJS, and work with by and for led organisations to strengthen their capacity. We believe that equal treatment under the law is a fundamental aspect of the criminal justice system that is being consistently denied to people who are Black, Asian or Mixed Heritage.

Capacity building

ARE recognises that minority-led community organisations are best placed to support Black, Asian, and Mixed Heritage people in the CJS, however they frequently face significant capacity issues⁴⁰ and structural barriers to accessing funding.

Recommendations:

- **Black, Asian and Mixed Heritage voluntary sector organisations** should be seen as a key partner in supporting the probation service to meet the needs of Black, Asian and minority ethnic people in the CJS⁴¹. They should be enabled to work alongside justice services through appropriate commissioning and funding opportunities.
- **Funding opportunities need to be tailored to ensure their reach and inclusivity**, recognising and tackling funding “cold spots” as well as the importance of investing in specialist, by and for infrastructure and support to sustain and enable front-line organisations to focus on what is important – delivering.
- **Justice services and all contracted providers working alongside them** must be required and held to account in appropriately meeting the needs of Black, Asian and Mixed Heritage service users, working in a culturally competent way that acknowledges the impact of structural racism and discrimination on service users; with communities engaged in the implementation of this.

Children in the CJS

At almost every stage of the Criminal Justice System Black, Asian, and Mixed Heritage children and young people are disproportionately overrepresented⁴². Once these children are in the system; they are more likely to experience harsher treatment⁴³ and receive worse outcomes⁴⁴. While the UK has done well to significantly reduce the number of children and young people coming into contact with the CJS or progressing too far along in the system, there is a fundamental lack of strategy that seeks to end the continued overrepresentation of racially minoritised children and young people⁴⁵.

⁴⁰ [Stronger Futures | Action for Race Equality](#)

⁴¹ [Our foundations: the Young Review and EQUAL | Action for Race Equality](#)

⁴² [Racial disparities in youth justice – from policing to custody | The Howard League](#)

⁴³ [Race to the top: A PPN report on race and ethnicity in prison | Prison Reform Trust](#)

⁴⁴ [Bridging gaps and changing tracks | Alliance for Youth Justice](#)

⁴⁵ [EQUAL | Action for Race Equality](#)

Recommendations:

- **The government should commission an independent review** into the disproportionate overrepresentation of Black, Asian, and Mixed Heritage children and young people in the CJS.
- **The Government should support departments across the youth justice system** to publish a clear strategy identifying the role they play in reducing the number of Black, Asian, and Mixed Heritage children from coming into contact with the CJS and experiencing harsher outcomes than their White peers. This strategy should also consider how to reduce reoffending and ensuring that child has opportunities.
- **The Government should seek to review** and increase the age of criminal responsibility.
- **The Government should invest in youth services**, particularly by and for organisations who are best placed to support Black, Asian, and Mixed Heritage children.

Adultification

Black children living in the UK are being victimised through adultification⁴⁶, which is linked to racism and risks eroding children's rights⁴⁷. There have been several high-profile cases of adultification, including the case Child Q⁴⁸, a 15-year-old Black girl who was strip searched whilst in school. Adultification erodes children's rights⁴⁹ and is a significant catalyst in the racial discrimination experienced by children and young people living in the UK.

Recommendations:

- **Adultification should form a significant part of an independent review** into the treatment of racially minoritised children and young people by criminal justice agencies.

Policing of children

Black, Asian, and Mixed Heritage children and young people are disproportionately over policed using invasive techniques such as stop and search and strip searches which can have a negative impact on their mental health and wellbeing.

In the year ending March 2023, stop and searches of children increased by 13% and accounted for over one in five of the total stop and searches where age was known. Over three quarters of stop and searches of children resulted in no further action. Black children were involved in 20% of stop and searches where ethnicity was known. This was 14 percentage points higher than the proportion of Black 10 to 17 year olds in the 2021

⁴⁶ [Double Discrimination - Black care-experienced young adults navigating the criminal justice system report | Barnardos](#)

⁴⁷ [Adultification bias within child protection and safeguarding | HM Inspectorate of Probation](#)

⁴⁸ [Local Child Safeguarding Practice Review – Child Q | chscp](#)

⁴⁹ [Adultification bias within child protection and safeguarding | HM Inspectorate of Probation](#)

population and the only ethnic group to be over-represented compared with the population⁵⁰. Safeguarding of children during stop and search has been deemed insufficient⁵¹, and yet the situation continues to worsen.

In England and Wales, Black children 6 times more likely to be strip-searched than white children⁵². The use of strip searches on children and young people is an abuse of power that dehumanises and degrades children and young people. Strip searches can have a long-term impact on a child and young person, worsening their mental health and impacting their experiences for the rest of their lives⁵³.

The use of force by police against Black, Asian, and Mixed Heritage children and young people has increased significantly in recent years⁵⁴. Tactics include use of stun guns and spit hoods, which have been branded as degrading and dangerous⁵⁵.

Recommendations:

- **The Government should drastically role back powers** that allow for strip searches and stop and searches to be carried out on children so proper safeguarding can be implemented.
- **The Government should end use of force powers** for children and young people.
- **Police officers should be provided** with good cultural competence training.

Sentencing and remand

Black children remain over-represented in cautioning and sentencing, accounting for 11% of all children cautioned or sentenced compared with 6% of the 10 to 17 population⁵⁶. They are less likely to receive diversionary measures⁵⁷ and the role of racial discrimination and impacts of over policing are not being considered⁵⁸.

Recommendations:

- **The government should issue guidance** that promotes a minimal punishment mindset in the sentencing of children and young people. This guidance should promote diversionary measures.
- **The government should make additional funding available** for prevention services, particularly services that are by and for Black, Asian, and Mixed Heritage communities.

⁵⁰ [Youth Justice Statistics: 2022 to 2023 | Youth Justice Board](#)

⁵¹ [Report on the Criminal Justice Alliance's super-complaint - Section 60 of the Criminal Justice and Public Order Act 1994 and independent community scrutiny of stop and search | HMICFRS](#)

⁵² [The racialised harm of police strip searches | Runnymede Trust](#)

⁵³ [Strip search of children in England and Wales | Children's Commissioner for England](#)

⁵⁴ [Use of force against children increases and disproportionately affects ethnic minorities | Statewatch](#)

⁵⁵ [The rise of spit hoods: dangerous, degrading and unjustified | Liberty](#)

⁵⁶ [Youth Justice Statistics: 2022 to 2023 | Youth Justice Board](#)

⁵⁷ [Equal diversion? Racial disproportionality in youth diversion | Centre for Justice Innovation](#)

⁵⁸ [The experiences of black and mixed heritage boys in the youth justice system | HMIP](#)

Youth Custodial Estate

The Youth Custodial Estate is one of the worst areas in the whole CJS for overrepresentation of Black, Asian, and Mixed Heritage children and young people. 51% of under 18-year-olds in prison are ethnic minorities⁵⁹ and the numbers of these children in custody and on remand in custody is increasing⁶⁰. The environment of the Youth Custodial Estate is poor and only worsening, with some institutions having been closed due to poor conditions⁶¹. Children are worried about their safety, the poor conditions and education, and chaotic regimes⁶². Children face violent tactics including the use of dogs and stun grenades by prison officers to control the population⁶³. The Youth Custodial Estate was considering introducing PAVA as another means to control the population, despite considerable evidence showing that it has been disproportionately used against Black and Asian men in adult prisons⁶⁴. There is a disproportionate use of force against racially minoritised children, with Black children facing the highest rates of use of force compared with other ethnicities⁶⁵.

Recommendations:

- **The Government must ensure that children** do not enter the Youth Custodial Estate unless it is the last viable option.
- **The Government must ensure that child first principles** are properly implemented in the Youth Custodial Estate
- **The Government should end use of force** tactics in youth custody.

Race Action Plans

In 2017 David Lammy critically examined⁶⁶ the treatment of Black, Asian, and Mixed Heritage people by the CJS and set out 35 clear recommendations intended to address and rectify areas where racial disproportionality was occurring. Over seven years after the landmark review, these recommendations have not been properly implemented⁶⁷ despite the government accepting many of them.

In 2020 we saw an increased interest in CJS bodies addressing racism as a result of the murder of George Floyd and the subsequent protests that swept the world. In the UK, we saw the introduction of various Race

⁵⁹ [Statistics on Ethnicity and the Criminal Justice System 2022 | Ministry of Justice](#)

⁶⁰ [Youth Justice Statistics: 2022 to 2023 | Youth Justice Board](#)

⁶¹ [Cookham Wood: Young offender institution to become adult prison | BBC News](#)

⁶² [Children's Commissioner raises concern about the possible introduction of incapacitant spray into Young Offenders Institutions | Children's Commissioner for England](#)

⁶³ [Pepper spray could be used at young offender institutions in England and Wales | Prisons and probation | The Guardian](#)

⁶⁴ [Equality incapacitated: the disproportionate impact of PAVA spray on Black, Muslim and disabled prisoners | Prison Reform Trust](#)

⁶⁵ [Youth Justice Statistics: 2022 to 2023 | Youth Justice Board](#)

⁶⁶ [Government Response to the Lammy Review on the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System | Ministry of Justice](#)

⁶⁷ [Lammy five years on | Prison Reform Trust](#)

Action Plans such as the National Police Race Action Plan⁶⁸ which was implemented by all police forces on a local level, the HMPPS (His Majesty's Prison and Probation Service) Race Action Programme⁶⁹, and the Mayor's Office for Policing and Crime's Tackling Ethnic Disproportionality in Youth Justice plan⁷⁰. Each of these plans have varied in effectiveness and support from community⁷¹. Crucially, some years on from the introduction of these plans we still see continuing racial disparities in the CJS⁷² and have seen a lack of accountability to the work set out under these plans⁷³.

Recommendations:

- **The UK Government should implement the Lammy recommendations in full** and carry out a review within one year on the success of the implementation.
- **Criminal Justice Bodies who produced a Race Action Plan** should publish a clear update on what they achieved and consult with communities and experts on next steps.
- **Inspectorate forces such as HMICRS and HMIP and Independent Reviewers should be given stronger powers** to enforce recommendations.

Policing

There is unambiguous evidence of race disparity in police criminal justice decision-making⁷⁴. Heavy-handed policing, discriminatory targeting, and the abuse of power experienced by Black and racially minoritised people, women, disabled people, and LGBTQ+ communities is deeply concerning and must end.

Black, Asian, and Mixed Heritage staff working in police forces face discrimination and racism⁷⁵. The Casey report found that Black officers were 81% more likely to face misconduct as compared to their white counterparts⁷⁶.

The National Black Police Association (NBPA) announced a boycott of the Metropolitan police in 2024⁷⁷, calling for ethnic minorities to boycott joining the organisation in protest of the high levels of discrimination staff continue to report experiencing. The NBPA withdrew support for National Police Chiefs' Council's Race Action Plan⁷⁸, citing the increase of racism and discrimination towards their members and the general Black population. The Race Action Plan has been under development since at least 2020 and has no admission of

⁶⁸ [Police Race Action Plan: Improving policing for Black people | NPCC](#)

⁶⁹ [An updated response to: Race Equality in Probation: The experiences of Black, Asian and minority ethnic probation service users and staff | HM Prison & Probation Service](#)

⁷⁰ [ACTION PLAN: TACKLING ETHNIC DISPROPORTIONALITY IN YOUTH JUSTICE | Mayor of London](#)

⁷¹ [Feedback on the Police Race Action Plan: Findings from an open public survey | NPCC](#)

⁷² [Race and policing: An inspection of race disparity in police criminal justice decision-making | His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)

⁷³ [Police in race crisis as minority ethnic officers end support for action plan | Police | The Guardian](#)

⁷⁴ [Race and policing: An inspection of race disparity in police criminal justice decision-making | His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)

⁷⁵ [The Baroness Casey Review | Metropolitan Police](#)

⁷⁶ [An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service | BARONESS CASEY REVIEW](#)

⁷⁷ [Police in race crisis as minority ethnic officers end support for action plan | The Guardian](#)

⁷⁸ [Police in race crisis as minority ethnic officers end support for action plan | Police | The Guardian](#)

institutional racism. The 2015 UK state report welcomed the plan, but a race action plan that does not take accountability for systemic racism will not effectively address racism within the police. In the Black community where there is historical distrust, restoring trust may take decades⁷⁹.

Recommendations:

- **Police forces must accept the institutional and systemic racism** that exists within policing and find a way to work better with communities to transform the service.
- **Police forces must begin to record data on ethnicity in a nationally consistent way** so we can better understand the true disparities.
- **The Government should invest in Community Oriented Policing**⁸⁰.

Stop and search

As for Black, Asian, and Mixed Heritage children and young people, adults also face disproportionately high levels of stop and search. In the year ending March 2023, there were 24.5 stop and searches for every 1,000 black people, compared to 5.9 for every 1,000 white people⁸¹. Ethnicity was not known or recorded for 20.5% of all stop and searches.

Recommendations:

- **The Government must end** the discriminative use of stop and search.
- **The Government must acknowledge** that Section 60 stop and search powers worsen racial disproportionality, diminish arrest outcomes, and erode community trust and confidence⁸².

Remand and Sentencing

ARE supported research^{83 84} into ethnic inequalities into remand and sentencing found that: Ethnic disproportionality exists to varying levels at various stages of the CJS and over particular defendant and case characteristics. Sentencing outcomes are determined by legal factors such as offence severity, plea proposal and pre-trial detention. Ethnic disparities in remand and imprisonment remain or become more pronounced after important legal factors affecting these outcomes are considered. Ethnic disparities in sentence length are explained by legal factors, and after adjusting for these factors, observed differences between most ethnic minority groups and the White British narrow or disappear. Between 2018 and 2022, there was an association between an offender's ethnicity and receiving a custodial sentence for indictable offences⁸⁵. The existence of

⁷⁹ [Community Oriented Policing | Alliance for Police Accountability | Action for Race Equality](#)

⁸⁰ [Community Oriented Policing | Alliance for Police Accountability | Action for Race Equality](#)

⁸¹ [Stop and search | GOV.UK Ethnicity facts and figures](#)

⁸² [APCC, NPCC and Home Office accept HMICFRS recommendations following investigation into the CJA's super-complaint calling for the repeal of Section 60 stop and search powers | Criminal Justice Alliance](#)
[Ethnic Inequalities in the Criminal Justice System | Action for Race Equality](#)

⁸⁴ [Ethnic Inequalities in Sentencing in the Crown Court - Evidence from the MoJ Data First Criminal Justice datasets | ADR UK](#)

⁸⁵ [Statistics on Ethnicity and the Criminal Justice System 2022 | Ministry of Justice](#)

ethnic differences in remand and sentencing net of other key factors affecting these outcomes indicate biases in the CJS. Differences in the extent of disparities in imprisonment and sentence length suggest differences in the ways imprisonment and sentence length decisions are made.

Recommendations:

- **The Government should re-evaluate guidelines and practices** which have the potential to contribute to harsher sentencing outcomes for ethnic minority groups.
- **The Government should provide targeted efforts** to raise awareness of, and responses to racial bias and ethnic inequalities in the CJS.

Prisons and probation

Over a quarter of prisoners are racially minoritised⁸⁶. There are disproportionate numbers of young Muslim men in prison and young offender institutes⁸⁷. Black defendants spend on average more than 70% longer in prison awaiting trial and sentencing in England and Wales than white defendants⁸⁸. Black people in prison also serve a greater proportion of their original determinate sentence in custody (68% in 2022) when compared with mixed (64%) white (59%), Asian (58%) and prisoners from other ethnic groups (61%)⁸⁹. In the 2022/23 HM Inspectorate of Prisons survey⁹⁰, prisoners from ethnic minorities (excluding white minorities) reported more negative experiences when in prison. People in prison feel like tackling racial disparity has dropped down the list of priorities⁹¹. HMPPS commissioned a Race Action Programme to address the ongoing racial disparities in prisons, but the programme ended this year and became a permanent Race Disparity Unit within the department. However, the unit has few resources to operate across all areas of disparity⁹².

Recommendations:

- **The Ministry of Justice should have a properly resourced Race Disparity Unit** that sits across the entire CJS.

Use of force

Despite several clear recommendations to reduce the disproportionate use of force on racially minoritised prisoners⁹³, there has been little progress, and in some instances disparate use of force has worsened. PAVA is being disproportionately used against Black, Asian, and Mixed Heritage people, and there is a concern that the

⁸⁶ [Efforts to tackle racism in prisons have “regressed” | Prison Reform Trust](#)

⁸⁷ [Written evidence on the prison population | Maslaha](#)

⁸⁸ [Black remand prisoners held 70% longer than white counterparts in England and Wales | UK criminal justice | The Guardian](#)

⁸⁹ [Statistics on Ethnicity and the Criminal Justice System 2022 | Ministry of Justice](#)

⁹⁰ [HM Chief Inspector of Prisons annual report: 2022 to 2023](#)

⁹¹ [Race to the top: A PPN report on race and ethnicity in prisons | Prison Reform Trust](#)

⁹² Action for Race Equality chaired the HMPPS Race Action Programme External Advice and Scrutiny Panel

⁹³ [Bromley Briefings Prison Factfile Winter 2021 | Prison Reform Trust](#)

deployment is not legal⁹⁴. There is a particular concern about the deployment of PAVA against Muslim prisoners⁹⁵.

Recommendations:

- **Data should be published on the use of force and PAVA spray in prisons** including breakdown of usage by age, ethnicity, and prison region.
- **HMPPS should create and publish a strategy for ending disproportionality in use of force** with no further rollout of use of force tools (i.e., PAVA Spray) until disproportionality is discontinued.
- **All security functions** – e.g., use of force, segregation, categorisation, incentives and earned privileges, adjudications, and temporary release – should be tested under the ‘explain or reform’ principle established by the Lammy Review.

Complaints

Opportunities for Prisoners to make formal complaints about racial discrimination are limited, despite the introduction of a Discrimination Incident Reporting Form (DIRF)⁹⁶. This is due to lack of action taken because of a DIRF complaint, as well as the intimidation that can prevent an inmate making a complaint⁹⁷.

Recommendations:

- **Prisoners need to have an effective** discrimination complaints system available.

Victims

According to research by Sistah Space⁹⁸, 86% of women of African and/or Caribbean heritage in the UK have either been a victim of domestic abuse or know a family member who has been assaulted. However, only 57% of victims said they would report the abuse to the police. Black women are overrepresented as both domestic abuse victims and as sexual offence victims⁹⁹. There is a significant lack of trust from Black victims of crime towards the police. Baroness Casey’s review of the met found that the metropolitan Police Service under-protects and over-polices Black communities and under-protects women and girls¹⁰⁰.

The chances of succeeding in a race complaint against forces is low. This sends a clear message to victims of racial discrimination that the police protect themselves, and not the public. The Casey review into the

⁹⁴ [Equality incapacitated: the disproportionate impact of PAVA spray on Black, Muslim and disabled prisoners | Prison Reform Trust](#)

⁹⁵ [A split-second reaction? Uncovering the higher use of pepper spray on Muslims in prison | Maslaha](#)

⁹⁶ [Discrimination complaints: supporting humane and rehabilitative culture of prison system | Zahid Mubarek Trust](#)

⁹⁷ [Reporting discrimination in prison | Prison Reform Trust](#)

⁹⁸ [Hackney domestic violence charity faces battle to stay in premises | Domestic violence | The Guardian](#)

⁹⁹ [Violence Against Women and Girls | MOPAC](#)

¹⁰⁰ [An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service | BARONESS CASEY REVIEW](#)

Metropolitan police force found that from 2016 to 2022, public trust fell 23% and public confidence fell 25%¹⁰¹. This is even lower for people from Black and mixed ethnic groups, who scored 10-20% lower than average on trust and 5-10% lower on confidence.

Recommendations:

- **Ensure victims voices are properly prioritised** in the effort to end racial discrimination in the CJS.
- **The Government should provide long-term funding** to a national violence reduction network.

Windrush Justice

The Windrush Scandal is a shameful indictment of state failure. Six years ago, it made international news and became a national scandal, causing widespread outrage at the mistreatment of this group of predominantly but not exclusively Caribbean elders and their families. Changes to immigration and citizenship law since 1948 left those affected unable to demonstrate their right to live and work in the UK. The failure of the Home Office to recognise that these changes had affected Black people in the UK differently than they had other racial and ethnic groups had a devastating impact. People lost their jobs and homes, were trapped abroad away from family and friends, and prohibited from accessing their full pensions, lifesaving hospital treatment, further education, and their liberty.

Through our Windrush Justice Programme, we fund and do capacity building work with 20 Windrush advocacy groups across the UK covering Scotland, the Midlands, the Northwest, and London. These small, grassroots groups, embedded in their communities, support people applying to the Windrush Scheme for Documentation and the Windrush Compensation Scheme. Their first-hand experience, consultative parliamentary events held by Justice for Windrush Generations, and a survey of over 1,200 people by Liverpool Advocates for Windrush who are on the programme, informed a manifesto which ARE published in June 2024¹⁰² setting out several recommendations to the new Government.

The recommendations in the Windrush Manifesto cover call for citizenship for all Windrush families, a faster and fairer compensation scheme, fair payouts that reflect the harm caused, actions which rebuild trust and repair harm, a Statutory inquiry into the Home Office Scandal, and development of a Windrush covenant.

Recommendations:

- **The Government should accept and implement** the recommendations made within ‘The Home Office Scandal: A Manifesto for Windrush Justice’¹⁰³.

¹⁰¹ [An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service | BARONESS CASEY REVIEW](#)

¹⁰² [The Home Office Scandal A Manifesto for Windrush Justice | Action for Race Equality](#)

¹⁰³ [The Home Office Scandal A Manifesto for Windrush Justice | Action for Race Equality](#)

Signatories

The following organisations endorse this submission by Action for Race Equality to the Committee on the Elimination of Racial Discrimination’s 113th Session. In endorsing this submission, signatories do not commit to supporting every recommendation made as they do not work in all areas covered within this paper.

The Runnymede Trust	Black Equity Organisation
Operation Black Vote	Maslaha
Race Equality Foundation	Liverpool Advocates For Windrush
Criminal Justice Alliance	Black South West Network
Alliance for Youth Justice	The Equality Trust
BME National	Unlock
Centre for Mental Health	Transform Justice
Howard League for Penal Reform	Clinks
The Traveller Movement	Alliance for Police Accountability
Structural Inequalities Alliance	Higher Plain Research and Education
JUSTICE	Black Box Research and Consultancy Ltd
Adusei Consultancy	LJMU Legal Advice Centre
The John Blanke Project	Mandala Community Services Limited
Derby West Indian Community Association	Dr Grace Robinson, Independent Advisor on Gender
JENGbA	Equity and Hate Crime

Note

This submission was written and produced by Meka Beresford, Head of Policy at Action for Race Equality (ARE). Qasim Alli, Policy and Research Officer at ARE, and Sira Thiam, Alliance for Police Accountability Development Officer at ARE, provided research support. For any queries about this submission, please contact meke@actionforraceequality.org.uk.