Anti-racist Policy Making in Scotland

Coalition for Racial Equality and Rights briefing paper, June 2021

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Introduction
Scotland's Programme for Government 2020-21 included a commitment to undertake a desk-based review of past and current initiatives to tackle systemic racism.[1] The purpose of this was to inform the future work of Scottish Government on race equality, particularly in pursuit of the visions and goals set out in the Race Equality Framework 2016-30.[2] Scottish Government aims to ensure that the work undertaken is as robust and impactful as possible. It seeks to underpin this with an explicitly anti-racist approach to policy making on race equality.

The Coalition for Racial Equality and Rights (CRER) was commissioned by Scottish Government to support the implementation of this review, with a focus on exploring opportunities for better practice. Comprehensive findings were reported to Scottish Government under the title Anti-racist policy making: Learning from the first 20 years of Scottish devolution.

The results of the review clearly demonstrated that, over the past twenty years of devolved race equality policy in Scotland, the same themes and priorities were present across the national strategies, reflecting the entrenched inequalities they aim to tackle. Despite this, progress has been limited. This suggests that although the focus has been in the right place, design and/or implementation has missed its mark. The way in which strategies are designed and implemented is, in many ways, just as important as their content.

This briefing report provides a small selection of highlights for strategic policy making from the 128 page review report. It concentrates on two particular aspects – **anti-racist principles for effective practice** and **learning for specific policy areas**. The content differs substantially from that of the review, as a wide range of themes and considerations had to be synthesised.

There are multiple opportunities to address the entrenched inequalities that need to be tackled in Scotland. However, in order to effectively create change, the policy making process must be carefully constructed. These considerations for future policy are therefore deliberately broad. The considerations presented here should not be regarded as set-in-stone recommendations for action, but as inspiration to inform a robust policy making process.

Anti-Racist Principles for Effective Practice
This section explores considerations for future policy from an anti-racist perspective.

Structural racism describes how racism is created and maintained throughout the structures of society, at personal, social and institutional levels. In nations such as Scotland, an unspoken 'racial contract' that sites power firmly within the hands of the white majority ethnic community pervades these structures. Anti-racism aims to

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[1] Scottish Government (2020) Protecting Scotland, Renewing Scotland: The Government's Programme for Scotland 2020-2021
[2] Scottish Government (2016) Race Equality Framework for Scotland 2016-2030

disrupt this racial contract. It can be seen as the theoretical framework underpinning practical action to tackle structural racism.

Anti-racist actions are more likely to be effective because anti-racism focuses on creating change. An anti-racist action proactively and demonstrably reduces racial inequalities, discrimination or racism.

Actions under previous race equality policy have tended not to lead to demonstrable change. They were often broadly worded, bureaucratic or without a clear purpose.

Actions designed from an anti-racist perspective might be expected to:

- Express the change to be achieved in the lives of people from minority ethnic communities
- Feature milestones, targets or similar specified goals
- Clearly link to progress indicators, ideally in numeric / percentage based terms, which can be robustly measured through data or ongoing research
- Reflect anti-racist principles

Anti-racist principles which may have particular relevance to policy making in Scotland were identified in the review:

- **Redressing power hierarchies** inherent in current approaches to policy development, including the impact of lack of representation of minority ethnic people in positions of influence and decision making roles
- **Correcting economic, political and social imbalances** created by white privilege and entrenched racial inequalities through positive action and other forms of targeted action
- **Implementing structural and systemic solutions** to racial inequalities – changing policy and practice, as opposed to 'sticking plaster' approaches which treat the effects of structural racism rather than its origins
- **Avoiding the deficit model** which downplays structural racism in favour of explanations related to personal capacity, culturally specific attitudes and behaviours or individual choices (often replicating racist stereotypes and/or minimising the role of racism in creating and maintaining inequalities)
- **Rights based approaches** which recognise that inaction on racism and racial inequalities breaches the rights of minority ethnic people; other potential imperatives for action which may be more palatable and avoid disrupting the racial contract, such as 'the business case' for equality, are counterproductive
- **Intersectional approaches** particularly recognising the specific inequalities facing minority ethnic women[3]
- **Overcoming discomfort or reticence** that policy makers may have around frank discussion of race and racism, and other manifestations of white fragility which could impact policy making

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[3] This term is widely misused; although it can be useful in talking about some other combinations of protected characteristic, it is not the same thing as multiple discrimination. It was developed because Black women face a unique set of stereotypes and discriminations that do not apply to either Black men or white women.

- **Policy making based on robust evidence** about the nature and prevalence of racial inequalities and racism, as well as 'what works' to create change
- **Effective, meaningful involvement of minority ethnic people** and organisations with tangible impacts on policy development
- **Building capacity on race equality and anti-racism**, with recognition that it is not the responsibility of minority ethnic people to 'educate' policy makers
- **Creating interest convergence** by providing strong imperatives for policy makers to come together with race equality stakeholders and identify solutions
- **Prioritising effective, measurable action to secure race equality** over and above the optics of ethos and rhetoric on race equality

The final point is particularly important. Although there is no universally agreed definition of anti-racism, the main point of common understanding is that it requires action against personal, social and institutional racism. Inaction is, in itself, a policy making decision. Policy makers wield power not just through what they do, but through what they choose not to do.[4]

The review identified a range of factors needed to create effective policy on race equality: sustainability and continuity; effective solutions; capacity building and leadership; involvement and partnership working; strategic planning and implementation; and meaningful progress reporting.

Sustainability and continuity have been notably absent in Scotland's approach to making policy on race equality. The nature of racial inequality in Scotland has remained fairly static over the past twenty years,[5] but lack of evaluation means there's insufficient evidence to determine why previous approaches failed. Progress reporting focused on stating that the proposed actions have been taken, so nothing can be learned about progress towards the end goals.

Weaknesses in understanding 'what works' create a grave risk of repeating ineffective practice. This risk must be mitigated by:

- Building stronger evaluation mechanisms into strategy during the development process (the Equality and Human Rights Commission's principles for meaningful evaluation of anti-prejudice work, developed by CRER, are useful for planning evaluation of any aspects of race equality policy)[6]
- Sharing the results of evaluation, with equal value placed on evidence of what works and what does not work; seeing the latter as a learning process rather than a 'failure'
- Benchmarking exercises to gather baseline data on inequalities, from sources which can be regularly revisited through progress monitoring to identify change over time in relation to commitments and actions

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[4] Rae, R., Hepburn. E. and Bloss, L. (2019) Gender Equality in Scotland: Policy Coherence and Systems Mapping
[5] Young, C. (2016) Race Equality in Scotland's Public Sector: Five Missing Links, in Scotland and Race Equality: Directions in Policy and Identity
[6] Duff, C. and Young, C. (2017) What works? Eight principles for meaningful evaluation of anti-prejudice work

- Measures to ensure continuity of implementation within teams and directorates, especially where key staff move or leave their position
- Making the best use of the evidence which can be gathered, while also addressing gaps

Effective solutions need to be identified in order for race equality actions to work. The questions "will it work?", "how will it work?" and "how will we know if it worked?" should be omnipresent in the process of identifying solutions.

There is a need to establish a clear link between race equality strategies' objectives and the most effective mechanisms for delivering them. In addition to targeted strategies, race equality must be mainstreamed into all areas of policy. In the past, the tendency has been to 'bolt on' a generic commitment to 'consider race implications', which is often not carried out.

Whether in targeted or mainstreamed, the process of identifying solutions needs to be structured and logical. Outcomes based approaches that work backwards from the goal to identify viable, meaningful, measurable actions are needed.

Within an outcomes based approach, policy makers need to:

- Specify the inequality to be addressed using evidence
- Set outcomes that express the changes we need to see in people's lives
- Identify reasonable assumptions about what will work to achieve these
- Develop SMART actions
- Identify with certainty where these best fit into the policy landscape

The review suggests that logic modelling is a useful tool for evidence based policy. Evidence based policy is the foundation of effective race equality work. It isn't possible to find the right solutions without using evidence. However, the review found that published commitments to seek more evidence or to consider evidence are not always implemented, and rarely lead to action.

The review findings highlighted the need to:

- Bring in evidence before the policy making process begins in earnest
- Draw on a wide range of evidence, from previous evaluations where possible, from quantitative and qualitative data, and from involvement
- Prioritise different pieces of evidence according to their relevance and validity
- Ensure continuity of availability of research and involvement results to avoid 'reinventing the wheel' and creating consultation fatigue
- Tackle gaps in data disaggregated by ethnicity, particularly at a granular level (i.e. looking at individual ethnicity categories)

Involvement and partnership working are important to identify appropriate solutions, and can create a valuable sense of ownership of actions if the right partners are around the table. Stakeholder involvement can be one way of achieving this, however internal staff networks and advisory groups can also be called upon.

Civil servants should always be receptive to input from stakeholders, but need to assess which 'asks' should be prioritised for action in light of the wider evidence and the extent to which effective action can be taken by Government.

Potential ways to strengthen approaches to involvement include:

- Working with stakeholders to develop shared principles on the involvement of minority ethnic communities and those who represent their interests, including around co-production and collaborative working
- Reviewing the outcomes of previous involvement (with reference to the National Standards for Community Involvement) in order to address weaknesses in practice which may be limiting its influence
- As far as possible, building evidence based and rights based consensus on the underlying causes of racial inequality in order to limit the influence of factors which can damage the policy process (e.g. racial stereotypes, internalized racism and the 'deficit model' which suggests behaviours of minority ethnic groups are the source of inequality)

Some key factors were also identified regarding steering groups / working groups:

- Members of the group all need to have sufficient experience and knowledge in the specific policy area (avoiding 'involvement for involvement's sake')
- Group members need a shared understanding to work from, with mutually agreed principles, terms of reference and a robust framework for designing solutions from the beginning
- The group needs to have enough authority to ensure that its work is unimpeded and that its recommendations are implemented
- Groups must adopt the most effective solutions, so the decision making process must include rejecting suggestions that replicate ineffective approaches, are poorly evidenced, are vague or are unfeasible

National agencies are one of the main partners involved in race equality policy. The review highlighted that Scottish Government may want to consider:

- Working with the Equality and Human Rights Commission to strengthen enforcement of the Scottish specific public sector equality duties
- Assisting national agencies to 'join up' their approaches to capacity building
- Identifying levers to motivate national agencies to increase their focus on race equality (e.g. audit and inspection, outcomes agreements, funding requirements)
- Building on the work begun through the 2021 Race and Employment Summit and associated joint statement committing to tackling institutional racism

Capacity building and leadership have been recurring themes across twenty years of race equality policy. The review makes it clear that capacity building cannot be as simple as providing a training course. Training courses are only one of many ways to build capacity and embed race equality and anti-racist principles in the day to day

work of civil servants across the board. To support better practice in training, however, CRER has developed a set of anti-racist training standards.

Some key areas to address through capacity building include:

- Ensuring a common understanding of structural racism and how it operates on personal, social and institutional levels
- Building confidence to have safe, productive discussions on race and racism
- Developing skills to interpret and prioritise evidence from an anti-racist perspective
- Providing tools for effective planning and implementation

Specific opportunities may be needed for those leading on involvement and partnership working to equip them to carry this out appropriately.

Capacity building needs to be accompanied by strong leadership; civil servants operate within a hierarchical environment where certainty on priorities and ethos is needed. The review found that weaknesses in leadership often caused actions to be poorly implemented, poorly resourced and poorly reported on.

Responsibility for achieving targets and milestones must belong to senior staff in positions of influence and power. Where implementation falters, it must be their responsibility to redress this.

To make race equality policy effective, leaders need to:

- Mainstream race equality actions into the work streams of the teams responsible for delivering them and ensure this is maintained over time
- Use their influence to engender action and create motivation
- Ensure consistent progress monitoring takes place and is recorded
- Uphold mechanisms for scrutiny, transparency and accountability

Strategic planning and implementation processes need to set out coherent, consistent, effective approaches to delivering solutions. The review found that an often cluttered, values-driven (as opposed to outcomes-driven) race equality policy environment had created difficulties at various points in time.

An effective strategic plan on race equality would have the following qualities:

- Synergy across policy areas, balancing targeted and mainstreamed approaches
- Well-constructed outcomes and actions with performance indicators, targets and milestones, timescales and responsibilities
- Mechanisms for implementation, evaluation, monitoring and progress reporting which are embedded in departmental work plans and/or objectives
- Robust accountability, transparency and scrutiny arrangements

Strengthening implementation is also crucial for race equality policy. Examples of practice to strengthen implementation highlighted in the review included:

- Proactive leadership on implementation at all levels of the organisation

- Mandatory personal and/or departmental objectives
- Scrutiny mechanisms, both internal and including external stakeholders
- Clear allocation of responsibility, including reallocation where staff move
- Regular progress monitoring and reporting at all levels of implementation

Progress reporting mechanisms for race equality strategies have varied widely over the years. All previous approaches to progress monitoring have shared an intrinsic weakness; the focus on reporting outputs rather than outcomes. From an anti-racist perspective, there is little value in this approach.

The review identified improvements to progress reporting practices which Scottish Government may want to consider:

- Reporting on each action individually and clearly
- Demonstrating change over time in each of the strategy's outcomes
- Where a commitment has not been met, explaining why and what else is being done to address the relevant inequalities
- Developing annual cycles of monitoring and reporting

Learning for specific policy areas
The review identified a number of factors which need consideration in order for work to meet the visions and goals of the Race Equality Framework for Scotland (REF) 2016-2030.

The considerations are drawn together under the key policy areas set out in the Race Equality Framework for Scotland 2016-2030: Overarching issues; community cohesion and safety; participation and representation; education and lifelong learning; employability, employment and income; and health and home.

Overarching considerations for policy on race equality:

- Developing clear mechanisms for leadership, responsibility and accountability on race equality across all directorates, including levers to support implementation and progress monitoring
- Creating joined-up approaches to capacity building, particularly in light of the commitments on training for public sector staff within the REF
- Planning an approach following the end of the Equality Evidence Strategy 2017-2021 which addresses the remaining gaps and standardisation issues with ethnicity data (particularly ensuring granular disaggregation of data to match Scotland's Census ethnicity categories)
- Using procurement and funding processes to lever equality commitments from external organisations through contract compliance
- Maximising the potential of external equality funding by embedding criteria and evaluation processes that support evidence based approaches

Considerations on community cohesion and safety:

- Development of preventative anti-racist initiatives based on evidence of what works to create attitude and behaviour change, with evaluation mechanisms designed to strengthen this evidence base, reflecting the Equality and Human Rights Commission's principles for evaluation of anti-prejudice work (developed by CRER on behalf of the Commission)[7]
- Strengthening community cohesion through national and local policy approaches, with a focus on reaching those in the majority ethnic community who are not engaging positively with people outside their own ethnic group[8]
- Building capacity on race equality within the Police Force and justice system
- Reviewing minority ethnic representation throughout the justice sector
- Improving connections between minority ethnic communities / community organisations and Police Scotland

Considerations on minority ethnic participation and representation:

- Increasing access to mainstream participation in arts, culture, heritage and leisure programmes, and in access to mainstream funding in these areas
- Targeting specific under-represented ethnic groups for public appointments, and considering ways to improve diversity at Chair level
- Identifying the factors underlying the success of positive action measures regarding public appointments and sharing the transferrable learning

Considerations on education and lifelong learning:

- Capacity building on race equality and anti-racism from Initial Teacher Education stage onwards
- Continuing the existing programme of work to improve teacher diversity
- Reviewing, recording and monitoring of prejudice-based bullying and racist incidents, with consideration of the potential to develop a mandatory approach
- Investigating how schools address racist bullying and racist incidents to identify opportunities to strengthen good practice and eliminate poor practice
- Reviewing the availability and use in policy making of disaggregated education data (particularly relating to Gypsy/Traveller pupils and granular ethnicity breakdowns, but also datasets where disaggregation has regressed such as free school meals, and data which is not published such as exclusions where the incident includes a racial motivation)
- Building on the work begun by Education Scotland to look at the race equality implications of Curriculum for Excellence
- Working with early learning and childcare (ELC) providers to increase access for minority ethnic families

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[7] Duff, C. and Young, C. (2017) What works? Eight principles for meaningful evaluation of anti-prejudice work

[8] See CRER (2021) Fostering Good Relations in Scotland: Developing community cohesion through public policy

- Joining up approaches between future race equality policy and the work of the Race Equality and Anti-Racism in Education Programme Board

Considerations on employability, employment and income:

- Levers for increasing workforce diversity in the public, private and voluntary sectors (including reviewing the effectiveness of the Workplace Equality Fund, which initially attracted few applications focussing on race equality)
- Commissioning research on the impact of Universal Credit on BME people
- Ensuring that child poverty and poverty strategies include action specifically focussed on minority ethnic communities
- Maximising the number of Scottish Government vacancies advertised externally in order to widen the diversity of potential applicants

Considerations on health and home:

- Implementing the recommendations of the Expert Reference Group on Covid-19 and Ethnicity
- Co-ordinated approaches to capacity building on race equality in the health sector, taking into account its size and complexity
- Strengthening the availability of consistent, robust housing data disaggregated by ethnicity
- Targeted work to address minority ethnic communities' disproportionate concentration in the private rented sector and disparities in overcrowding and housing quality

For more information on any of the considerations for future practice within this briefing, please contact:

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