

Submission by the Runnymede Trust to the Framework Convention for the Protection of National Minorities

About Runnymede

Formed in 1968, the Runnymede Trust is an independent action research and social policy charity. Focusing on equality and justice, Runnymede offers timely, practical and strategic thinking on realising the full potential of cultural diversity in Britain. Its core mandate since inception has been to challenge racial discrimination, to influence anti-racist legislation and to promote the inclusion of black and minority ethnic people and communities in all areas of life in Britain.

We fulfil this mandate by providing information, research and advice to promote the value of diversity in all of our communities and to encourage the development of a successful multi-ethnic society -- “a society where citizens and communities feel valued, enjoy equal opportunities to develop their talents, lead fulfilling lives and accept collective responsibility, all in the spirit of civic friendship, shared identity and a common sense of belonging” (from the Runnymede report on *The Future of Multi-Ethnic Britain*).

The work of the Runnymede Trust – in particular, our focus on addressing issues of racial and ethnic inequality and disadvantage, and our unique, independent approach to analysis and forward-looking strategies – is still very much needed today.

Recently, Runnymede has been developing a range of projects that seek to examine different agendas that are currently driving policy and examine their impact on race equality. We would like to highlight 3 areas in this submission, as we believe that these are not covered by other organisations. These are the Pensions reform agenda, the Choice Agenda and the Respect Agenda. The last two are major overarching agendas for government policy reform across the public sector. Ensuring that BME communities are not adversely affected by these agendas is behind the rationale for our recent projects at Runnymede.

Pensions’ reform and social inclusion

Our recent research into the implications for BME communities of proposals for pensions’ reform¹ showed that the government’s plans will leave many pensioners from minority ethnic communities in penury. Currently, minority ethnic pensioners have lower incomes on average than their white counterparts. It highlighted that major changes in the proposed plans for pension provision were needed to prevent BME communities from remaining an under-pensioned group in the future – dependent on state support. It predicts ongoing disadvantage for pensioners from certain minority ethnic groups under the government’s proposals. Key problems include:

¹ Runnymede Trust (September 2006) *The Runnymede Trust’s response to Security in Retirement: towards a new pensions system* (see footnote 3). London: Runnymede Trust. Available to download from: <http://www.runnymedetrust.org/about/policyResponses/FINAL-Runnymede%20Response%20to%20Security%20in%20Retirement%2011-09-200FINAL6.pdf>

- The likelihood of reliance on means testing for many minority ethnic pensioners, coupled with the known low take-up of means tested benefits among this group;
- The lack of appropriate, culturally sensitive, information services and financial advice available for minority ethnic communities;
- Serious disadvantages in the labour market that lead to higher rates of unemployment and under-employment for many members of minority ethnic groups will also impact on their ability to save for a pension;
- Little knowledge about how cultural attitudes to saving impact on pension provision – including Sharia traditions for devout Muslims;
- The disproportionate impact of poorer health and child poverty on minority ethnic communities will in turn impact on the ability to save for a pension or to continue working to over the current pensionable age;

The research found that there were some benefits for minority ethnic communities in the proposals but that these needed to be balanced with the more negative potential outcomes highlighted above. Pensioner poverty seems set to impact disproportionately on people from Black and minority ethnic communities unless the government can adjust its proposals to ensure they benefit all members of our society.

The UK Government White paper entitled *Security in Retirement: towards a new pensions system*,² responded to a certain extent to some of the concerns raised in our research. However, one area which remains unresolved is that of low-income BME self-employed individuals. Indeed BME groups are over-represented among the self-employed and in particular among the low-income self-employed individually and by household income. Further research by Runnymede confirmed that low-income BME self-employed people would not benefit equally from the reforms proposed by Government.³ **Changes to government policy on pensions need to take note of the existing differences and inequalities that exist between disadvantaged BME groups and White Britons.** Developing a new pensions settlement provides an opportunity to explore the experience that BME self-employed people face in order to reduce inequalities and future pensioner poverty among BME communities. Pensions' reform should not work to worsen the already marginal financial situation people with this work/life pattern experience.

School Choice

Our recent research on School Choice & Ethnic Segregation explores the nature of the educational choices made by Black and Minority Ethnic parents for their children when looking for secondary schools whilst also examining the impact of the choice debate on ethnic segregation in schools. The project also formed a response to current education policy reforms in the shape of the Education & Inspections Act 2006.

² Department for Work and Pensions (2006) *Security in Retirement: Towards a New Pensions System*. London: The Stationary Office

³ Runnymede Trust (March 2007) *The Impact of Pensions Reform Proposals on the Self-Employed from Black and Minority Ethnic Groups*. London: Runnymede Trust. Available to download from: <http://www.runnymedetrust.org/publications/pdfs/Pensions%20Briefing%20Paper%20March%2029%202007.pdf>

We were and are specifically concerned with policies to increase choice which suggest that the exercise of parental choice will vastly improve standards across all schools, making schools more competitive – better schools will improve and poorer performing schools will work to improve their standards in order to attract parents and as a result standards will rise across the board. However, there is little evidence that expanding choice, either through widening the range of schools to choose from, or in increasing the numbers of school places at successful schools, will impact positively on the experiences of BME parents and children. Indeed little is yet known about how BME parents exercise the choice options currently available to them as no research has been conducted in this area and proposals by Government to increase the access of ‘disadvantaged’ families to good schools has failed to determine whether these families are from BME backgrounds.

Among a number of wide ranging findings we have concluded the following:

- Educational choice within the current system allows segregation to occur. This inequitable set of consequences reflects not only a tension at Government policy level but a set of wider implications for the duties of schools, governing bodies and education authorities to promote race equality and good race relations as required by the Race Relations Amendment Act 2000.
- Where BME parents have either avoided Black/Asian majority schools or have sent their children to these schools due to a lack of alternatives, the resulting impact on the undersubscribed, challenging schools with often high numbers of BME pupils who are ‘rejected’ creates an array of problematic consequences for the children and teachers who remain within them. The educational and social fate of children from low-income families in economically disadvantaged schools is certainly not new, but is not aided by a system in which increased parental choice is encouraged.
- Black and Asian families who attempt to access high performing schools through moving to other ‘white’ residential areas face the prospect of isolation and estrangement from the communities. There is an increased likelihood that children from these families might experience racism at school, or indeed struggle to find representation of themselves among their peers or teachers. Together with the isolation that such residential flight might entail, the compromises to a sense of self that may be inflicted on these young people and parents cannot be assumed to be an acceptable set of risks for families to take in order to secure educational success.
- As Black and Asian majority schools and schools in which the proportions of BME children form well over national, and local averages, are currently where the vast majority of BME pupils can now be found, it surely cannot be sufficient for local authorities to merely acknowledge these schools exist, relate it to the make up of the locality, blame it on local housing policy, or, suggest that BME groups self-segregate intentionally and abdicate themselves of all responsibility.

It is more appropriate for Local Authorities to both interrogate the way pupils are distributed across schools, look more closely and indeed critically at the way catchment boundaries are drawn up and the ethnic breakdown of the communities they serve. This, we believe is an activity that should be fulfilled by Local Authorities in order to meet their duties under the Race Relations Amendment Act 2000 to promote race equality both in schools and more

widely in their authorities. We will be looking with interest at the duty to promote community cohesion that is to be served on schools very shortly by Government

Anti-Social Behaviour

Anti-social behaviour policy, which is at the heart of the Government's Respect agenda, has developed extensively in the last few years. Anti-social behaviour is defined in the Crime and Disorder Act 1998 as "acting in an anti-social manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the complainant".⁴ One of the most well-known and advertised instruments to tackle anti-social behaviour is an anti-social behaviour order (ASBO). An ASBO is a civil order which can be served on any individual above the age of 10, who has been the subject of complaints for anti-social behaviour as defined in the Crime Disorder Act. ASBOs put a number of prohibitions on what a person can or cannot do such as restricting access to specific areas of a town, a street or an estate, or preventing groups of people from associating. While the ASBO is a civil order, breach of an ASBO is a criminal offence, and can lead to a prison sentence.

Although many publications on ASBOs have drawn on Home Office reports or independent research, few address the way in which they might impact on BME communities, either as victims or as perpetrators of anti-social behaviour. When BME communities are mentioned in literature on ASBOs, the focus is on their perceptions of anti-social behaviour as victims, such as the British Crime Survey reports. But there is currently very little information available on the impact of ASBOs served to BME individuals and there is also no way to currently assess whether ASBOs are a useful tool to tackle racial harassment, as the Home Office does not provide this type of information. We decided at this stage to focus on ASBOs and try to assess 2 things:

- 1) Whether they are used successfully to tackle racial harassment;
- 2) Whether ASBOs are used disproportionately against black and minority ethnic individuals.

What we found, and which is highlighted in the report "Equal Respect: ASBOs and race equality."⁵ is that data on the ethnicity of ASBO recipients is not collected at central government level, it is not adequately monitored at local level, and as a consequence, there is currently no way to investigate whether black and minority ethnic communities are disproportionately represented in the numbers served with an ASBO, which is in fact in breach of race equality legislation. This raises serious concerns especially given that we know about over representation of black and minority ethnic communities in other parts of the criminal justice system. It's also surprising that there isn't better practice in this area, given the government's recognition of institutional racism already 7 years ago. We found that central government does not hold numbers of ASBOs broken down by ethnicity and is struggling in fact with the collection of accurate data of something as basic as total numbers of ASBOs, which is of serious concern given the widespread and increasing use of this instrument. These findings are part of a wider issue around the data collection, assessment and monitoring of ASBOs generally. Recommendations are quite straightforward:

⁴ Section 1 of the Crime and Disorder Act 1998

⁵ Isal, S (2006), *Equal Respect – ASBOs and Race Equality*. London: Runnymede Trust. Available to download on <http://www.runnymedetrust.org/publications/pdfs/Final%20Report%20Equal%20Respect.pdf>

- **Better data collection is urgently needed to determine the ethnicity of ASBO recipients. When interviewing people in charge of implementing anti-social behaviour policy, most recognized that there was a need to collect the information, but they were struggling with how to do that technically.**
- **Better guidance from central government is needed on how to best carry out the ethnic monitoring, using perhaps other areas of the criminal justice system where this monitoring is happening, i.e. stop and searches, for instance.**
- **A thorough general review of ASBOs is needed, in particular on how they work, what they are best suited for, how they are used for different behaviours. The Home Affairs Committee at the House of Commons did produce a review of anti-social behaviour in 2005 but it didn't provide a comprehensive review of ASBOs specifically.**

This relates back to the 2nd question of our research around the potential use of ASBOs to tackle racial harassment. Again, central government does not monitor ASBOs by types of behaviour, so it's impossible to assess how much ASBOs might be used to deal with racism, whether they work in such instances and therefore whether we should advocate their use. Most groups that work with victims of racial harassment that we interviewed indicated that, because it can't be demonstrated that ASBOs are useful to victims of racism, and given that very little is known of the potential negative impact of ASBOs on black and minority ethnic communities, they are reluctant to advocate the use of ASBOs, which is problematic, especially if it turns out that they could be useful. So again, there is an urgent need for better information on this issue.

Note: Received by the Secretariat of the Framework Convention for the Protection of National Minorities on 19 April 2007