

Sheku Bayoh Public Inquiry

Expert Report for Hearing on Race

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About the Author

Nasar Meer is Professor of Social & Political Sciences at the University of Glasgow, and an Honorary Professor in the School of Social & Political Sciences at the University of Edinburgh.

He was previously Professor of Sociology and Director of RACE.ED at the University of Edinburgh (2017-2023), and Professor of Comparative Social Policy at the University of Strathclyde (2014-2017). He has held a Visiting Professorship at the University of Copenhagen (2020), a Minda de Gunzburg Fellowship at Harvard University (2012-2013), and a Resident Visiting Fellowship in the Institute for Advanced Studies in the Humanities, University of Edinburgh (2012-2013).

Professor Meer is co-Investigator of The Impacts of the Pandemic on Ethnic and Racialized Groups in the UK (UKRI-ESRC) and Principal Investigator of the Governance and Local Integration of Migrants and Europe's Refugees (GLIMER) (JPI ERA Net / Horizon-2020).

Professor Meer has a PhD in Sociology (University of Bristol, 2007), an MSc in Social Research (University of Edinburgh, 2002) and a BA Hons in Sociology (University of Essex, 2001). He has published over 100 academic outputs which have been cited 6,476 times.

He served as Commissioner on the Royal Society of Edinburgh Post-COVID-19 Futures Inquiry (2020-2021), as a Member of the Scottish Government COVID-19 and Ethnicity Expert Reference Group (2020-1), and as a Member of the Anti-Racism Interim Governance Group (AIGG) (2022-2023) established by Ministerial Appointment 2022. He currently Chairs the Academic Committee of The Stuart Hall Foundation.

Professor Meer is an elected Fellow of the UK Academy of Social Sciences (FACSS) and a Fellow of the Royal Society of Edinburgh (FRSE).

Instructions

This expert report is comprised of three parts providing information and analysis relevant to the Inquiry's approach to the issue of race. It responds to the following Inquiry instructions:

1. A definition with brief discussion of the following concepts, and any others you think may be relevant to inform the Inquiry's approach to the issue of race:

(a) Institutional racism; (b) Systemic racism; (c) Structural racism; (d) Anti-racism, including how that is to be distinguished from non-discrimination and what it might require to be achieved; (e) Colour-blindness or 'treating everyone the same', which may include consideration of equity vs. equality; (f) Islamophobia; (g) Intersectionality, with a focus on the experience of Black and Muslim men; (h) Racial stereotyping, with a focus on any known tropes or stereotypes which may have informed perceptions of Mr Bayoh, including the level of threat he presented; (i) Racial threat theory.

2. An overview of the background context to issues of race and race discrimination in Scotland, including the following topics or aspects:

(a) Any survey evidence, studies or secondary literature you may wish to highlight on Scottish attitudes to minoritised people in Scotland; (b) An introductory summary of any research you may be aware of into disparities in outcomes data in key areas such as health, housing and work; (c) Your observations on any similarities and differences between the Scottish and English contexts, including both policy and population differences; (d) Any evidence you are aware of or observations you may have on similarities and differences in views on identity and experiences of race discrimination in Scotland between members of the black community and the Asian and other minoritised communities.

3. An overview of race and policing in Scotland, including the following topics or aspects:

(a) Any survey evidence, studies or secondary literature you may wish to highlight on the experience of policing from the perspective of Black and other minority ethnic communities in Scotland; (b) Any observations you may have on the extent to which research and reports from England (or other countries) are applicable to the Scottish context, and the nature of any differences; (c) Any statistical evidence you are aware of in relation to the proportionality or otherwise of policing in relation to Black and other minority ethnic communities in Scotland; (d) A description of the situation in 2015 in relation to domestic terrorism and the policing response to this issue.

List of Data Sets Consulted

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- Suration 2018
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<https://www.suration.com/wp-content/uploads/2019/10/University-of-Edinburgh-BAME-Poll-2019-Final-Tables.xlsx>

- **Census 2011 Equality Results**
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- **Scottish Social Attitudes 2015**
<https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2016/09/scottish-social-attitudes-2015-attitudes-discrimination-positive-action/documents/00506463-pdf/00506463-pdf/govscot%3Adocument/00506463.pdf>
- **Scottish Surveys Core Questions 2019**
<https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2021/01/scottish-surveys-core-questions-2019/documents/sscq-2019-supplementary-tables/sscq-2019-supplementary-tables/govscot%3Adocument/sscq-2019-supplementary-tables.xlsx>
- **HMICS Phase 2 Training and Development Survey (raw data held by Dr Ali Malik available on request)**
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- **Home Office 2021**
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- **Ipsos MORI 2018**
<https://www.ipsos.com/en-uk/review-survey-research-muslims-britain-0>
- **National Centre for Social Research (NatCen) (2024)**
<https://natcen.ac.uk/sites/default/files/2024-03/Public%20attitudes%20towards%20immigration%20and%20minority%20ethnic%20groups%20%28002%29.pdf>
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- **Savanta ComRes 2019**
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- **Scottish Information Commissioner 2022**
[Decision 032/2022 | Scottish Information Commissioner \(itspublicknowledge.info\)](https://www.scot.nhs.uk/decision/032/2022)
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https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/3kri630dkh/Results-for-Islamic-Relief-Islam-in-the-UK-150618.pdf

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<https://web.archive.org/web/20150102131132/http://www.commissiononscottishdevolution.org.uk:80/>
- The Christie Commission Report on the Future Delivery of Public Services (2011):
<https://socialworkscotland.org/wp-content/uploads/2022/01/CommissionofTheFutureofPublicServices2011.pdf>
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https://static1.squarespace.com/static/615c1bee105b4f55a98326d0/t/61682e524b42ba4be073827c/1634217556637/02_Scotlands_National_Performance_Framework.pdf
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[https://www.johnsmithcentre.com/research/report-of-the-inquiry-into-islamophobia-in-scotland-by-the-cross-party-group-on-tackling-islamophobia/#:~:text=The%20Cross%20Party%20Group%20\(CPG,invited%20submissions%20of%20written%20evidence.](https://www.johnsmithcentre.com/research/report-of-the-inquiry-into-islamophobia-in-scotland-by-the-cross-party-group-on-tackling-islamophobia/#:~:text=The%20Cross%20Party%20Group%20(CPG,invited%20submissions%20of%20written%20evidence.)
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- Preliminary Report of the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing: Dame Elish Angiolini (2019) (**SBPI-00499**)
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https://kevinguyan.com/wp-content/uploads/2019/11/iys_edi_report_v1.pdf
- Report of the Inquiry into the Liaison Arrangements Between the Police, the Procurator Fiscal Service and the Crown Office and the Family of the Deceased Surjit Singh Chhokar in Connection with the Murder of Surjit Singh Chhokar and the Related Prosecutions: Dr Raj Jandoo (2000) (**SBPI-00525**)
<https://webarchive.nrscotland.gov.uk/20210820235744/https://archive.parliament.scot/business/committees/historic/equal/reports-01/chhokar-vol01-00.htm>
- Runnymede Trust Briefing: Poverty, Inequality and Ethnicity in the UK (2022)
https://assets-global.website-files.com/61488f992b58e687f1108c7c/633d8007a3bfa49bd4cd0fa8_Runnymede%20Briefing%20Cost%20of%20Living%20FINAL.pdf
- Runnymede Trust: Taking Stock Race Equality in Scotland (2020) (**SBPI-00500**)
https://assets-global.website-files.com/61488f992b58e687f1108c7c/61c31bdc4104f0f30fa1a295_TakingStockRaceEqualityInScotlandJuly2020.pdf
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- Racial Equality and Engagement with Police Scotland: Evidence Submission from CRER (2017) (**SBPI-00495**)
https://static1.squarespace.com/static/615c1bee105b4f55a98326d0/t/61715dedc0686b05bfaafb3a/1634819566842/16_Police_Scotlands_Engagement_with_BME_Communities.pdf

Key Terms

Colour-blindness

Colour-blindness takes the view that racially discriminatory outcomes can be avoided by ignoring the criteria (e.g., phenotype or skin colour, ethnicity or religion) that is the focus of discrimination.

Data Sources

All the information in this report is in the public domain, with the exception of reports identified as being made available on request by the Inquiry team. In addition to references detailed in footnotes, the Official Datasets and Official Reports are listed above.

Equalities

A distinction can be made between two kinds of Equality. 1-Equality of opportunity can be understood as focusing on processes of equal access and participation. 2-Equality of outcome or Equity can be understood as focusing on the eventual distribution of resources in addition to the opportunities.

Ethnicity

Ethnicity describes the real or imagined features of group membership, typically in terms of one or other combination of language, collective memory, culture, ritual, dress and religion, amongst other features. It is therefore a looser definition than 'race' and the key distinction with other ways of conceiving groups is that it makes self-definition central.

Ethnicity Pay Gap

The ethnicity pay gap referred to here is calculated as the difference between the median hourly rate of pay of white employees and the median hourly rate of pay of ethnic and racial minority employees (expressed as a percentage of white employees' median pay).

Indirect discrimination

Direct discrimination on the grounds of a protected characteristic is unlawful, e.g., a job ad stipulating ethnic or racial minorities should not apply. Indirect discrimination can arise where members of a group are treated equally in a formal sense but where a practice, procedure or rule puts them at a substantial disadvantage compared with others (and is unlawful if not objectively justified).

Islamophobia

Islamophobia describes discrimination directed to minorities on the ground of their real or perceived 'Muslimness' or 'Islamicness', in addition or in combination with other ethnic or racial markers.

Median Income

Median household income divides the population of individuals, when ranked by equivalent net income, into two equal sized groups. The median of the whole population is the same as the 50th percentile. The term is also used for the midpoint of the subsets of the income distribution.

Non-Discrimination

Non-discrimination approaches can play a role in promoting equality of opportunity in contexts of openly discriminatory conventions and may form one part of a wider strategy e.g., anonymising application materials to reduce unconscious bias in selection procedures, in concert with other parts of an organisation's equality objectives.

Percentage Point

A percentage point refers to the difference between percentages e.g., value of 20% falling by 1 percentage point becomes 19% (20% has 20 percentage points). In contrast, a fall of 1% would result in a value of 19.8%.

Qualitative and Quantitative Research

Qualitative research foregrounds non-numerical data such as people's words spoken in interviews, in order to explore experiences and the specific meanings people attribute to their interpretations and actions. Quantitative research foregrounds statistical data to see largescale patterns and test hypotheses. While the quantitative evidence in this report is very important, caution is advised in interpreting findings where data may be insufficiently disaggregated.

Racisms

- *Interpersonal racism* is the form of racism that most people are familiar with during interactions, and can span conscious or unconscious bias, and often overt language and/or behaviour.
- *Structural racism* describes how racism can be deep-seated in the informal norms and formal objectives that structure activities and helps us to understand how racism is reproduced.
- *Institutional racism* is the operation of structural racism within specific agencies or organisations e.g., it can function as a code specific to that institution.
- *Systemic racism* concerns the reach of racism either within one institution or across different institutions in society, allowing us to connect otherwise seemingly disparate outcomes and understand their relationship to one another (e.g., connecting ethnic and racial inequalities across the provision of education, labour market participation and experiences of the criminal justice system).

Racialisation

Racialisation (or Racialization) is a verb which emphasises the social processes through which people become 'racialised' as members of racial groups.

Social Disaggregation

Social Disaggregation is the process of breaking down large scale data about society to recognise specificities within smaller data categories including those apportioned to population groups.

Stereotypes

Stereotypes refer to generalisations about the qualities and characteristics of members of a group or social category. They typically simplify and expedite perceptions and judgments.

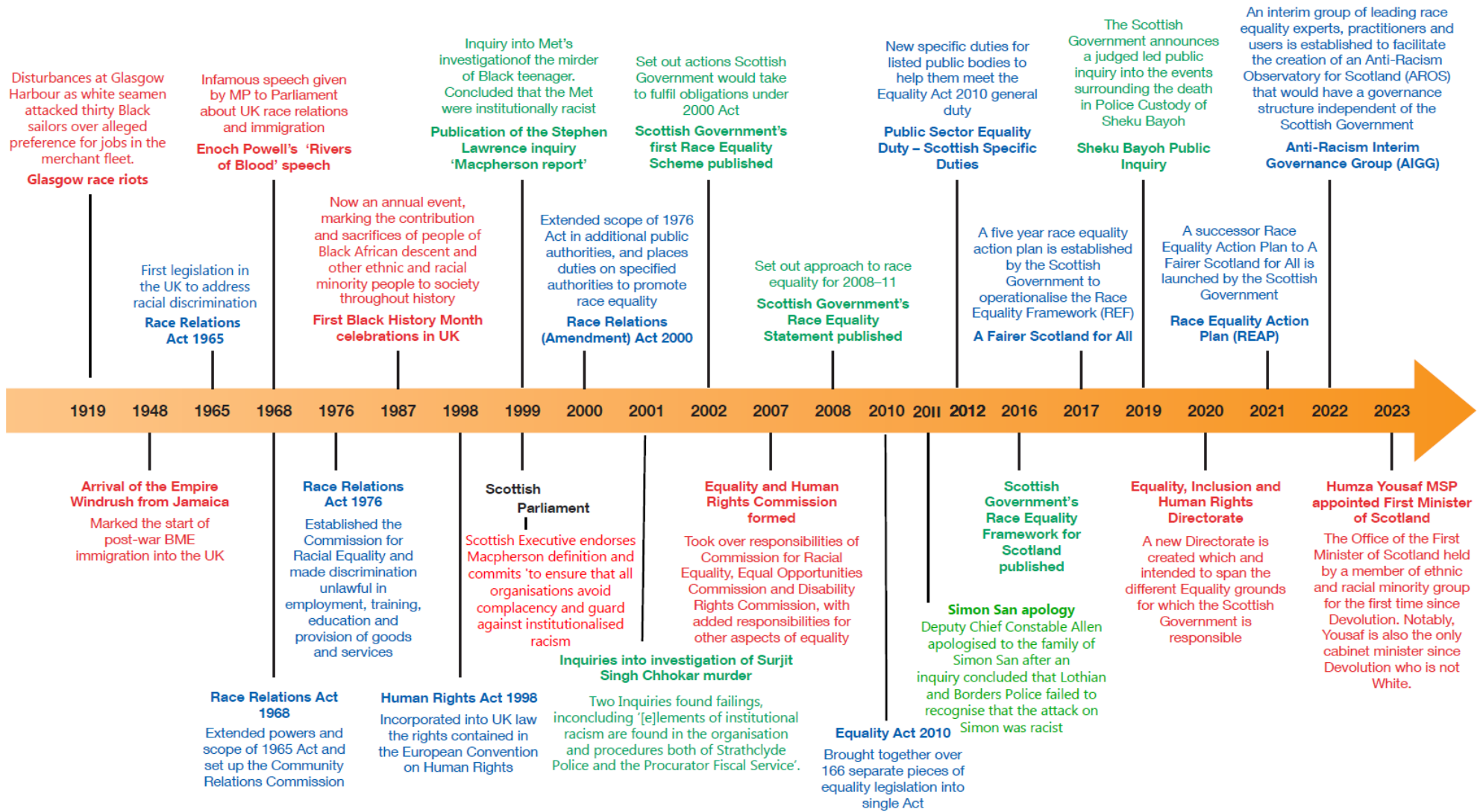
Validity and Reliability

Validity describes how well something measures what it sets out to measure e.g., can we measure social class by using the category of whether children in a household qualify for free school meals? Reliability concerns the repeatability of the methods chosen to generate data e.g., as long as we control for random error, if the research is repeated will the data be the same?

Weighting

Weighting is a statistical technique, applied after data is collected, in which datasets are adjusted through calculations in order to bring them more in line with the population being studied. For example, if we know that the wages of some ethnic minority groups are lower in the population than the white British population, and we have a sample in which there is a higher proportion of ethnic minorities than in the population at large, an unweighted finding might show that UK wages were lower than is the case.

Figure A: Scotland's Modern Racial History



Adapted from the Scottish Government (2016) *Race Equality Framework* and Meer (2020) 'Race equality in a devolved context'

Part One: Equalities, Sameness and Difference

1.1. This expert report is comprised of three parts providing information and analysis relevant to the Inquiry's approach to the issue of race. **Part 1** of the report outlines the use of concepts, beginning with equality and associated ways to gauge current patterns of ethnic and racial *inequalities* in Scotland. This will enable in **Part 2**, an understanding of survey attitudes and social outcomes that emerge in the labour market, levels of poverty and education in Scotland. Using available quantitative and qualitative data, it will explore how patterns of ethnic and racial inequality develop, why they endure and whether they are being addressed in public policy. **Part 3** will then specifically focus on Policing in Scotland, mainly based upon publicly available data, approached in light of what has been established in earlier parts of this report.

1.1.1. While the literature on equality is wide-ranging, a common distinction can be made between *equality of opportunity* (in terms of access and participation without impediment)¹ and *equality of outcome or equity* (in terms of disparities in treatment or distribution of goods).² Over five decades, the study of ethnic and racial inequalities in the UK has established that racial discrimination can assume a causal role in the patterns of inequalities, that are not otherwise attributable to individual choice nor accident, in both opportunities and outcomes experienced by ethnic and racial minorities, and which continue to shape life chances in all parts of the UK today.³

Textbox 1 – A long record of ethnic and racial inequalities in the UK

It is more than fifty years since UK social science research detailed the fact of ethnic and racial discrimination in the labour market and in housing. Field experiments, and the still used 'matched pairs method' (submitting matched applications and changing only the ethnic or racial identifier in one e.g., the name),⁴ showed that job and rental applicants from ethnic and racial minority groups were, other things being equal, much less likely to receive a positive reply than equivalent applications from White majority applicants.⁵ Subsequent research, especially by the Policy Studies Institute (PSI) second and third national surveys of ethnic minorities, showed that while patterns of discrimination were not uniform, these sectors continued to be shaped by profound ethnic and racial inequality.⁶

1.1.2 The importance afforded to understanding starting points, namely that the reasons for inequality may accrue historically, as well as how inequalities can operate and unfold differently across social groups, are key issues in explaining how societies respond to inequalities. One way to classify responses is in whether they prioritise *sameness* or recognise *difference*. In a *sameness* approach to equality, people's individual skills and talents are said to determine their respective social and economic positions. As such, ethnic, racial or cultural characteristics should neither be an impediment nor advantage, and public policy should – as best possible - strive for neutrality.⁷ A *difference* formulation, meanwhile, takes the view that to overlook ethnic, racial or cultural characteristics is not only a forlorn task, but will stymie our understanding of the reasons for inequality.⁸ Without anything as outcomes focused as US Affirmative Action, which made lawful the

¹ John Rawls' notion of justice as fairness is a standard view of equality of opportunity. Rawls, J. (2001) *Justice as fairness. A restatement*. Cambridge, MA: Harvard University Press. p. 42.

² Young, I. M. (2001) 'Equality of whom?', *Journal of Political Philosophy*, 9, 1-18. p. 16. While less established in UK literatures, the idea of 'Equity' is aligned with a concern with equality of outcome. See: Espinoza, O. (2007) 'Solving the equity – Equality conceptual dilemma: A new model for analysis of the educational process', *Educational Research*, 49(4), 343–363. p. 348.

³ For a summary see: 'Chapter 3 - Equality, inequalities and institutional racism', Meer, N. (2022) *The Cruel Optimism of Racial Justice*. Bristol: Policy Press.

⁴ Kline, P.M., Rose, E.K. & Walters, C.R. (2021) 'Systemic Discrimination Among Large U.S. Employers', *The Quarterly Journal of Economics*, 137, 4, 1963–2036.

⁵ Daniel, W.W. (1968) *Racial Discrimination in England*. Harmondsworth: Penguin.

⁶ Modood, T., Berthoud, R., Lakey, J., Nazroo, J., Smith, P., Virdee, S. & Beishon, S. (1997) *Ethnic Minorities in Britain: Diversity and Disadvantage: The Fourth National Survey of Ethnic Minorities*, Policy Studies Institute. See also Zwysen, W., Di Stasio, V., & Heath, A. (2021). Ethnic Penalties and Hiring Discrimination: Comparing Results from Observational Studies with Field Experiments in the UK', *Sociology*, 55(2), 263-282.

⁷ Cavanagh, M. (2002) *Against Equality of Opportunity*. Oxford: OUP; Barry, B. (2000) *Culture & Equality*. Oxford: Polity.

⁸ Bell, M. (2003) 'The Right to Equality and Non-Discrimination', in Hervey, T. and Kenner, J. (eds.), *Economic and Social Rights under the EU Charter of Fundamental Rights. A Legal Perspective*. Oxford: Hart Publishing, 91-110; Phillips, A. (2004) 'Defending Equality of Outcome', *The Journal of Political Philosophy*, 12(1): 1-19.

use of ethnic and racial group quota places in university admissions and labour market recruitment,⁹ the UK as a whole has developed more of a *difference* than a *sameness* approach, as [Textbox 2](#) describes.

Textbox 2 – Equality approaches as Sameness or Difference

One illustration of a sameness approach comes in the Constitution of the Fifth Republic of France¹⁰, which promises to ‘ensure the equality of all citizens before the law without distinction of origin, race or religion’¹¹. A variety of US Affirmative Action measures, first introduced in President J.F. Kennedy’s Executive Order in response to the Civil Rights movement, flow from a difference approach to equality¹². In the UK, people who arrived as Citizens of the United Kingdom and Commonwealth (CUKC), and subsequent British-born generations, have in time been recognised as ethnic and racial minorities subject to distinctive inequalities in both opportunity and outcome, because the basic structure of society contained group level impediments on the grounds of race and ethnicity.¹³

- 1.1.3 It is nearly 50 years since the introduction of a third Race Relations Act 1976 established legislation that may allow ethnic and racial inequalities to be approached as structural (embedded and reproduced) and systemic (running through - and spanning across - different institutions in society). As [Textbox 3](#) details, this expanded weaker legislative instruments through including indirect discrimination, and giving individuals the ability to take discrimination complaints directly to civil courts or industrial tribunals.¹⁴
- 1.1.4 Notably, the meaning of ethnic and racial equality was rarely limited to matters of law, policy or academic research, since it is connected to the very character and identity of society.¹⁵ This is apparent in how the introduction of equality legislation has not only been moderated through legal precedent but introduced according to the political climate of the day, and often brought into the legislative process through the campaigning work of community stakeholders and coalitions of anti-racism advocates.
- 1.1.5 On devolution and creation of the Scottish Parliament, The Scotland Act 1998 incorporated the functions of the third Race Relations Act 1976, the accompanying Statutory Duties upon public and private institutions, recognition of indirect discrimination and requirement to promote good ‘race relations’, into the legislative instruments of devolved government. In addition to primary legislation set by UK statute, as the timeline (Figure 1) of race equality in Scotland illustrates, and Parts 2 and 3 of this report further substantiate, race equality in Scotland is also bound by the secondary legislation that facilitates its operation across devolved areas. Theoretically, therefore, Scotland can go further than England and Wales (where the UK Parliament legislates *both* for primary and secondary legislation) in its requirement of the public authorities for which it is responsible.¹⁶

⁹ Arnold, S. (1998) ‘Affirmative Action and the Demands of Justice’, *Social Philosophy and Policy*, 15: 133-175; Edley, C. Jr. (1996) *Not all Black and White: Affirmative Action, Race and American Values*, New York: Hill and Wang.

¹⁰ *The Constitution of 1958*. <https://www.elysee.fr/en/french-presidency/constitution-of-4-october-1958>

¹¹ What has emerged in practice, however, are social and political inequalities for ethnic and racial minorities in which a third of minorities likely to be in poverty or in the bottom tenth of earners (rising to 40% among the most recent arrivals). On almost every socio-economic indicator, France fares much worse when compared with comparable countries in the OECD (OECD/European Commission (2023)) *Indicators of Immigrant Integration 2023*. OECD Publishing: Paris.

¹² Office of Federal Contract Compliance Programs Executive Order 10925 (1961) [History of Executive Order 11246 | U.S. Department of Labor \(dol.gov\)](#).

¹³ Modood T. (2013) *Multiculturalism, a Civic Idea*. London: Polity Press.

¹⁴ Meer, N. (2018) ‘Race Equality after Enoch Powell’, *The Political Quarterly*, 89 (3), 417-433

¹⁵ Anderson, E. (1999) ‘What Is the Point of Equality?’, *Ethics*, 109, 287-337; McMahon, D. (2024) *Equality: The history of an Elusive Idea*. London: Bonnier Books.

¹⁶ Meer, N. (2020) ‘Race equality in a devolved context – assessing the obstacles and opportunities for a ‘Scottish approach’’, *Journal of Social Policy*, 49 (2), 233-250.

Textbox 3 – Incremental Racial Equality Legislation

The Race Relations Act 1965 prohibited discrimination on grounds of race in public places, and the Race Relations Act 1968 extended the protection against discrimination beyond public places to include, amongst other things, employment and housing. The functions of the Race Relations Act 1976 were incorporated on devolution into The Scotland Act 1998. Paragraph L2 of Part 11 of Schedule 5 specified that ‘equal opportunities’ is a reserved matter, and that this includes ‘the subject matter of the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995’. Following The MacPherson Inquiry 1999, The Race Relations Amendment Act 2000 placed a Public Duty on public authorities to actively promote racial equality. The Equality Act 2010 brought all existing equalities legislation together, outlawing discrimination and harassment based on nine protected characteristics and introduced a general Public Sector Equality Duty (PSED) requiring public bodies to have *due regard* to the need to: (i) eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act; (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it; and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Non-Discrimination, Colour Blindness and Human Rights

1.2. The preceding discussion details a recent history which recognises that racism can take structural, institutional and systemic forms (see para 1.5. and Key Terms), requiring expansive legislation to seek to address, and therefore departs from ‘colour-blind’ approaches to inequality.¹⁷ The underlying logic of colour-blindness is premised on avoiding the fact of racism by overlooking its impact.¹⁸ Specifically, a view that racially discriminatory outcomes can be avoided by ignoring the criteria (e.g., phenotype or skin colour, ethnicity or religion) that is the focus of discrimination.¹⁹ The shortcomings in this position are numerous.

1.2.1. First, colour-blind approaches make an error in rendering racism to phenotype or skin colour and so miss that racism can be attached to – and intersect with - several markers of difference (e.g., in how culture and religion feature in antisemitism, anti-Roma racism and Islamophobia – see para 1.4.). Second, colour-blind approaches are unjust in penalising a minority for having an identity marker that is partly *involuntary* (i.e., not choosing to be a ‘minority’ in a society where being a minority can carry negative connotations). Third, colour-blind approaches give no weight to the legitimate self-perception of individuals as to their own sources of identity nor the moral force this may carry.²⁰ Finally, as the discussion of stereotypes stresses, the evidence is unambiguous in showing that authorities, including individual police officers and broader conventions within policing, routinely rely upon perceptions of difference in engaging with ethnic and racial minorities. To ignore the fact of these perceptions and how they operate would serve to ignore their possible impact.

¹⁷ Peery, D. (2011) ‘The colorblind ideal in a race-conscious reality: The case for a new legal ideal for race relations’, *Northwestern Journal of Law and Social Policy*, 6, 473–495

¹⁸ In modern liberal democracies, equality movements have often begun by challenging the shortcomings of colour-blindness, notably reflected in Martin Luther King’s, insistence ‘while a troublesome concept for many liberals, since it conflicts with their traditional ideal of equal opportunity and equal treatment of people according to their individual merits... the oppressed person who agitates for his rights is not the creator of tension. He merely brings out the hidden tension that is already alive’. Hence the combination of sections of Federal legislation and court rulings that comprise US Affirmative Action, support quotas and targets to reduce inequalities in educational and employment outcomes for ethnic and racial minorities. King, M.L. (2010) *Where Do We Go from Here?* Boston: Beacon Books. p 95-96.

¹⁹ Apfelbaum, E. P. (2013) ‘Racial Color Blindness: Emergence, Practice, and Implications’, *Current Directions in Psychological Science*, 21(3), 205–209.

²⁰ For example, on ruling in favour of Sikh inclusion under the Race Relations Act 1976, Lord Fraser recognised that while ‘[i]t is obvious that Sikhs, like anyone else, “can” refrain from wearing a turban “can in practice” or “can consistently with the customs and cultural conditions of the racial group”...was not one with which the appellant could, in the relevant sense, comply’.

Mandla v. Dowell Lee [1983], House of Lords transcript available:

<https://www.equalrightstrust.org/ertdocumentbank/Microsoft%20Word%20-%20Mandla.pdf>

Textbox 4 – The Paradox of Race

A discussion of colour-blind approaches is helpful in explaining a seeming paradox.²¹ Namely, it is today accepted that the category of *race* has no scientific legitimacy as a classification of people and is instead a social construct.²² So while societies continue to invent categories of persons marked by certain characteristics - the process of *racialization* - these characteristics have no intrinsic meaning in or of themselves. On the contrary, we invest or give them meaning. In this way we *create* races using similar or different markers over time and place²³ but which, despite being social constructs, have real world consequences²⁴. The paradox then is that we need to recognise the social and political relevance of race in order to challenge the inequalities created through it. This is an accepted starting position in equalities approaches. For example, in its *Fair Work Action Plan*, the Scottish Government²⁵ refers to: ‘adversely racialised communities’, ‘racially minoritized / racialised minorities’, and ‘racialisation’ in order to stress their view that ‘it is systems and structures that do not work for those who are categorised on the basis of “race”’.

- 1.2.2. Colour-blind approaches are also often understood as non-discrimination. They are however not the same.²⁶ Non-discrimination approaches have played a role in promoting equality of opportunity in contexts of openly discriminatory practices and may form one part of a wider strategy e.g., anonymising application materials to reduce unconscious bias in selection procedures, in concert with other parts of an organisation’s equality objectives.
- 1.2.3. Non-discrimination also assumes an important role in Human Rights approaches which can also offer a bridge to a large swathe of human rights legislation and international treaty obligations such as the UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)²⁷, as well as provisions of the European Convention on Human Rights (ECHR) brought into domestic law through the 1998 Human Rights Act and reconciled in the ‘patchwork approach’²⁸ that may be said to characterise The Equality Act 2010. Notable for this report are the requirements of Article 2 of the ECHR²⁹ and the duty to investigate credible suspicion that there was a racially induced or discriminatory motive for treatment leading to the deprivation of life, and Article 14³⁰ as to the enjoyment of the rights and freedoms without discrimination on the grounds of race.

Stereotypes and Racial Threat

- 1.3. The shortcomings in a colour-blind approach are exemplified by the issue of stereotypes. A standard definition of stereotypes refers to ‘generalizations (e.g., beliefs, expectations) about the qualities and characteristics of the members of a group or social category’, which are ‘often exaggerated, negative rather than positive’, and serve to ‘simplify and expedite perceptions and judgments’.³¹ The source of

²¹ Williams, P. (1997) *Seeing a Colour-blind Future: The Paradox of Race*. London: BBC Books.

²² Hughey, M.W., Embrick, D.G. and Doane, A.W. (2015) ‘Paving the way for future race research: Exploring the racial mechanisms within a color-blind, racialized social system’, *American Behavioral Scientist*, 59(11), 1347–57.

²³ Meer, N. (2008) ‘The politics of voluntary and involuntary identities: are Muslims in Britain an ethnic, racial or religious minority?’, *Patterns of Prejudice*, 42 (1), 61-81; Meer, N. (2013) ‘Racialization and religion: race, culture and difference in the study of antisemitism and Islamophobia’, *Ethnic and Racial Studies*, 36 (3), 385-398.

²⁴ Williams, D.R. and Mohammed, S.A. (2013) ‘Racism and health I: Pathways and scientific evidence’, *American Behavioural Scientist*, 57(8), 1152–73;

²⁵ Scottish Government (2022) *Fair Work Action Plan: Becoming a leading Fair Work Nation by 2025*. Edinburgh: SG. p. 4

²⁶ Bell (2003) footnote 8 above

²⁷ ‘In this Convention, the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life’. UN General Assembly (1965) *International Convention on the Elimination of All Forms of Racial Discrimination*. United Nations, Treaty Series, vol. 660, p. 195 – Article 1.

²⁸ Meer, N. (2010) ‘The implications of EC Race Equality and Employment Directives for British anti-discrimination legislation’, *Policy & Politics*, 38 (2), 197-215.

²⁹ https://www.echr.coe.int/documents/d/echr/Guide_Art_2_ENG#:~:text=Everyone%27s%20right%20to%20life%20shall,penalty%20is%20provided%20by%20law

³⁰ https://www.echr.coe.int/documents/d/echr/Guide_Art_14_Art_1_Protocol_12_ENG

³¹ <https://dictionary.apa.org/stereotype>

stereotypes may be diffuse, informed by history and restated in the contemporary culture of societies, as well as reproduced through its institutions³².

- 1.3.1. Stereotyping has long been a source of concern in British Policing, and officially recognised as such since Lord Scarman noted in 1981 that ‘some officers...lapse into an unthinking assumption that all young black people are potential criminals’.³³ A number of studies from this time established that stereotypical assumptions about Black criminality³⁴ informed the nature of police interactions with Black people, something that persisted more than a decade and a half after Lord Scarman’s Inquiry, as recognised in a report by Her Majesty’s Inspectorate of Constabulary which pointed to ‘a direct and vital link between internal culture in the way people are treated and external performance’.³⁵
- 1.3.2. There is good evidence that stereotyping continues to play a key role in shaping police engagement with ethnic and racial minorities today. For example, a recent study of over 2,100 stop and search records kept by an English police force (a shire force that covers both urban and rural areas), combined with interviews of serving frontline police officers, reported the following. Firstly, that ‘officers use generalisations to inform their suspicions’.³⁶ Secondly, that this is key to explaining ‘the disproportionate recorded use of stop and search powers involving Black, Asian and Mixed communities’.³⁷ Thirdly, that this informs the ‘decision-making which results in police focusing more towards those socially marginalised’.³⁸
- 1.3.3. Alongside their quantitative findings (further discussed in Part 3), the qualitative interviews reveal the role that stereotypical assumptions can play in police decision-making when officers are directed to respond to a call:

‘I would suggest that predominantly drug use and drug dealing is part of the Black minority. It’s just how ... it’s how it’s perceived in society. I would say so, yes, because like I say it’s predominantly Black ethnic minorities that will be drug dealers... I think that just gets into your mind. It gets into other people’s minds as well.’³⁹

‘[F]or example, if it was reported it was a large white male and I drive past three large white males I’m less likely to stop those three large white males before I get to the home address. If I see a large Black male, they’ve reported a large Black male and it’s the only one I see I’m likely to stop him.’⁴⁰
- 1.3.4. There is not currently available equivalent research in Scotland, but the broader point it raises is important in recognising the role of stereotypes is also important for understanding how, when under police scrutiny, police officers can interpret the ambiguous behaviour of Black men as threatening. Here there is a long-standing body of evidence, initiated in the US but also established in the UK,

³² Hall, S., Lewis, G. and McLaughlin, E. (1998) *The Report on Racial Stereotyping*. Milton Keynes: Open University; Yesufu S (2013) ‘Discriminatory use of police stop-and-search powers in London, UK’, *International Journal of Police Science & Management*, 15: 281–293.

³³ Lord Scarman (1981) *The Brixton Disorders: Report of an Enquiry*. London: HMSO, 1981. Paragraph: 4.63.

³⁴ Institute of Race Relations (IRR) and Royal Commission on Criminal Procedure (1979) *Police Against Black People: Evidence Submitted to the Royal Commission on Criminal Procedure*. No. 6. London: IRR; Willis, C. F. (1983) *The Use, Effectiveness and Impact of Police Stop and Search Powers*. Home Office Research and Planning Unit Paper 15. London: Home Office; Smith, D. J. and Gray, J. (1985) *Police and People in London*. London: Gower/Policy Studies Institute; Norris, C., Fielding N., Kemp., and Fielding, J. (1992) ‘Black and Blue: an Analysis of the Influence of Race on Being Stopped by the Police’, *British Journal of Sociology*, 43, 207–223. Reiner’s (1990: 89) study includes a variety of example, including the common view that Black men ‘normally have drugs, give trouble and are toolled up’. Reiner, R. (1990) *Chief Constables*. Oxford: Oxford University Press.

³⁵ Her Majesty’s Inspectorate of Constabulary (1997) *Winning the Race: Policing Plural Communities. HMIC Thematic Inspection Report on Police Community and Race Relations*. London: Home Office.

³⁶ Minhas, R., & Walsh, D. (2021) ‘The role of prejudicial stereotypes in the formation of suspicion: An examination of operational procedures in stop and search practices’, *International Journal of Police Science & Management*, 23(3), 293–305. p. 293, 301.

³⁷ p. 301.

³⁸ p. 301.

³⁹ Participant (20) quoted in Minhas et al., p. 300–301.

⁴⁰ Participant (18) quoted in Minhas et al., p. 300.

documenting how Police officers routinely view Black men as especially threatening⁴¹, and do so in ways that inform the methods of policing adopted.⁴² Specifically, research findings variously based on qualitative interviewing with police officers, scenario models with police officers, and studies of policing practice show that police officers can make attributions about ‘how large and physically formidable a person is’, what has been termed a ‘superhumanization bias’,⁴³ and that these attributions of formidability anticipate ‘potential aggression’.⁴⁴

- 1.3.5. A number of examples of such tendencies were identified by Lady Elish Angiolini in her review of deaths and serious incidents in police custody.⁴⁵ These included instances in the use of force and restraint that were disproportionate to the risks posed, ‘especially where there is one detainee and a large number of officers’; noting that it ‘is not uncommon to hear comments from police officers about a young Black man having ‘superhuman strength’ or being ‘impervious to pain’ and, often wholly inaccurately, as the ‘biggest man I have ever encountered’’. In such circumstances, she concluded, ‘the police officers may also use force and restraint in order to gain compliance to the exclusion of any focus on the wellbeing of the detainee which can ultimately lead to a medical crisis or death.’⁴⁶ In several instances detailed by Lady Angiolini, perceptions of threat continue long after prolonged periods of restraint.

Textbox 5 - Olaseni Lewis and restraint in police custody

The case of 23-year-old Olaseni Lewis illustrates how even when suffering a medical emergency, the threat stereotype endures. Olaseni Lewis died while seeking help as a voluntary patient at the Bethlehem Royal Hospital in London, after being restrained by up to 11 police officers. The inquest into his death heard Police officer testimony of how, on Olaseni Lewis becoming unconscious, police officers ‘left the room in case he was feigning, passing out as a ploy to escape’.⁴⁷ Another officer involved in the restraint described that the ‘sound and tone didn’t suggest he had difficulty in breathing, more something on the inside of him, an aggression and a ferociousness that couldn’t be controlled’.⁴⁸ The coroner concluded that ‘excessive force, pain compliance techniques and multiple mechanical restraints were disproportionate and unreasonable. On the balance of probability, this contributed to the cause of death.’⁴⁹

- 1.3.6. Conversely, what is known as ‘stereotype threat’ can play a role for ethnic and racial minorities who anticipate being evaluated in terms of a dominant negative stereotype⁵⁰. For example, it has been established in the UK that when Black students anticipate negative stereotypes about their intellectual ability, they perform less well than their White peers⁵¹. In this way, a legitimate concern about

⁴¹ Klinger, D. A., & Brunson, R. K. (2009) ‘Police officers’ perceptual distortions during lethal force situations: Informing the reasonableness standard’, *Criminology & Public Policy*, 8, 117–140; Blair, I. V., Judd, C. M., & Fallman, J. L. (2004) ‘The automaticity of race and Afrocentric facial features in social judgments. *Journal of Personality and Social Psychology*, 87, 763–778. <http://dx.doi.org/10.1037/0022-3514.87.6.763>

⁴² In the US: Geller, W. A. (1982) ‘Deadly force: What we know’, *Journal of Police Science & Administration*, 10, 151–177; Song, L., Richardson, A., and Goff, P. A (2014) ‘Interrogating Racial Violence’, *OHIO ST. J. CRIM. L.* 115, 138–43 (2014); and the UK: Graef, R. (1989) *Talking Blues: The Police in their own words*. London: Collins Harvill; Reiner, R. (1990) *Chief Constables*. Oxford: Oxford University Press; Bowling, B. and Phillips, C. (2007) ‘Disproportionate and Discriminatory: Reviewing the Evidence on Police Stop and Search’, *Modern Law Review*, 70(6), 936–931.

⁴³ Waytz, A., Hoffman, K. M., & Trawalter, S. (2015) ‘A superhumanization bias in Whites’ perceptions of Blacks’, *Social Psychological & Personality Science*, 6, 352–359.

⁴⁴ Wilson JP, Hugenberg K and Rule N.O. (2017) ‘Racial bias in judgments of physical size and formidability: From size to threat’, *J Pers Soc Psychol*, 113 (1), 59–80. p. 65.

⁴⁵ Angiolini, E. (2017) *Report of the Independent Review of Deaths and Serious Incidents in Police Custody*. Available online at: <https://www.gov.uk/government/publications/deaths-and-serious-incident-in-police-custody>. **SBPI-00496**

⁴⁶ Angiolini para 5.19.

⁴⁷ Written evidence from INQUEST (RHR0024) to Angiolini review.

⁴⁸ Written evidence from INQUEST (RHR0024) to Angiolini review.

⁴⁹ Olaseni Lewis -Record of Inquest and Narrative Conclusion: South London Coroner’s Court (13 September 2010). Provided by Inquiry Team. **SBPI-00539**

⁵⁰ Steele, C. M., Spencer, S. J., & Aronson, J. (2002) ‘Contending with group image: The psychology of stereotype and social identity threat’, *Advances in Experimental Social Psychology*, 34, 379–440; Pennington, C. R., Heim, D., Levy, A. R., & Larkin, D. T. (2016) ‘Twenty years of stereotype threat research: A review of psychological mediators’, *PLoS ONE*, 11(1).

⁵¹ Hartley, B.L. and Sutton, R.M. (2013) ‘A Stereotype Threat Account of Boys’ Academic Underachievement’, *Child Dev*, 84, 1716–1733.

confirming a negative stereotype may shape the outcomes people are trying to avoid. In the US, studies have taken this further into police encounters, and specifically how stereotypes that depict Black groups negatively ‘translated into racial differences in anticipated anxiety, self-regulatory efforts, and behaviour that is commonly perceived as suspicious by police officers’.⁵² Researchers have thus argued that these tendencies make Black men ‘more at risk of mistaken judgments of danger and criminality’ and ‘more likely to be seen as deserving of an officer’s use of force’⁵³. The relationship between these conscious and unconscious assumptions, and the policies and practices that reproduce racial inequalities, is considered in section 1.5 below. The issue here is not about the behaviour of ethnic and racial minorities but about the prevalence and possible implications of stereotypes, something further illustrated by Islamophobia and stereotypes about Muslims.

Islamophobia in Scotland

1.4. Islamophobia describes discrimination directed to minorities on the grounds of their real or perceived ‘Muslimness’, in addition or in combination with other ethnic or racial markers.⁵⁴ It came to public policy prominence with the Runnymede Trust’s Commission on British Muslims and Islamophobia (CBMI) which defined Islamophobia as ‘an unfounded hostility towards Islam, and therefore fear or dislike of all or most Muslims’.⁵⁵ The Commission sought to draw attention to both an increase in the volume of anti-Muslim prejudice, as well as the character of this discrimination which, they maintained, had grown so considerably and so rapidly in recent years that a new item in the vocabulary was needed. This, of course, was before global events had foregrounded the place of Muslims in public life, and which resulted in a second sitting of the commission that heard testimonies from leading Muslim spokespeople of how ‘there is not a day that we do not have to face comments so ignorant that even Enoch Powell would not have made them’.⁵⁶

1.4.1. As detailed in Part 3, a significant body of attitude polling⁵⁷ tells us that stereotypes of Muslims are salient – something especially well illustrated in a large UK wide and representative survey which found in 2015 the words or phrases respondents most associated with the term ‘Muslim’ was ‘terror/terrorist/terrorism’ ahead of all other terms including both ‘mosque’ and ‘Quran’.⁵⁸ Notably, much as with the issue of anti-Blackness discussed in Part 2, in everyday personal abuse since 9/11 and 7/7 it is the perceived ‘Islamicness’ of the victims that is central, irregardless of the validity of this presumption (resulting in Sikhs and others perceived as Muslim being attacked).⁵⁹ Instead of trying to delineate social tendencies that are inextricably linked, researchers on racism therefore understand Islamophobia as a composite of ‘racialization’ in a similar fashion to antisemitism.⁶⁰

1.4.2. This approach informs the prevailing definition of Islamophobia currently used in a number of public policy frameworks that came from the UK *All Party Parliamentary Group on British Muslims* definition:

⁵² Najdowski, C. J., Bottoms, B. L., & Goff, P. A. (2015) ‘Stereotype threat and racial differences in citizens’ experiences of police encounters’, *Law and Human Behavior*, 39, 463-477. p. 463.

⁵³ Song, L. R. (2015) ‘Police Racial Violence: Lessons from Social Psychology’, *Fordham L. Rev.*, 2961 (83), p. 2964.

⁵⁴ Meer, N. & Modood, T. (2009) ‘Refutations of Racism in the ‘Muslim Question’, *Patterns of Prejudice*, 43(3-4), 335-354.

⁵⁵ Commission on British Muslims & Islamophobia (1997) *Islamophobia: A Challenge For Us All*. Runnymede Trust. p. 4

⁵⁶ Baroness Uddin, quoted in *Commission on British Muslims and Islamophobia (2004) Islamophobia: Issues, Challenges and Action*. Stoke-on-Trent: Trentham Books 2004. p. 3.

⁵⁷ Ipsos MORI (2018) *A review of survey research on Muslims in Britain*. Viewed on-line: <https://www.ipsos.com/en-uk/review-survey-research-muslims-britain-0>

⁵⁸ YouGov Plc (2015) *Islam in the UK*. Viewed on-line:

https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/3kri630dkh/Results-for-Islamic-Relief-Islam-in-the-UK-150618.pdf. Total sample size was 6,641 adults (2015) and 5,216 adults (2014). Fieldwork was undertaken between 5th – 9th June 2015 and previously 18th – 25th June 2014. The survey was carried out online. The figures have been weighted and are representative of all UK adults (aged 18+).

⁵⁹ Hopkins P, Botterill K, Sanghera G, Arshad R. (2017) ‘Encountering Misrecognition: Being Mistaken for Being Muslim’, *Annals of the American Association of Geographers*, 107(4), 934-948.

⁶⁰ Jones, S. H., & Unsworth, A. (2024). Two Islamophobias? Racism and religion as distinct but mutually supportive dimensions of anti-Muslim prejudice. *The British Journal of Sociology*, 75(1), 5–22.

'Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.'⁶¹ A Holyrood Cross-Party Group (CPG) inquiry into Islamophobia in Scotland adopted this definition in its report *Tackling Islamophobia*, which included findings from a self-completion on-line survey that more than a third of Muslim respondents stated that Islamophobia is an 'everyday' issue, and almost four-fifths that it was getting worse with verbal abuse at work and on social media in particular.⁶² As we return to in Parts 2 and 3 of this report, it also raised particular issues about under reporting and engagement with Police Scotland.

Structural, Institutional and Systemic Racism

1.5. As the Key Terms sections summarises, it is not uncommon to find the terms structural, institutional and systemic racism used interchangeably. Each is helpful in describing why patterns of ethnic and racial inequalities accrue and become reproduced through agencies, bodies or organisations that connect with one another, and so are greater than individual actions or experiences (in the knowledge that patterns of inequality continue when individuals change).⁶³ In this report:

- *Structural racism* describes how racism can be deep-seated in the informal norms and formal objectives that structure activities and helps us to understand how racism is reproduced.
- *Institutional racism* is the operation of structural racism within specific agencies or organisations e.g., it can function as a code specific to that institution.
- *Systemic racism* concerns the reach of racism either within one institution or across different institutions in society, allowing us to connect otherwise seemingly disparate outcomes and understand their relationship to one another (e.g., connecting ethnic and racial inequalities across the provision of education, labour market participation and experiences of the criminal justice system).

1.5.1. In the late 1960s, the concept of institutional racism was developed by a political scientist and civil rights activist⁶⁴, and informed the Kerner Report - a bipartisan national advisory commission into civil disorders in the US.⁶⁵ The former wanted to distinguish individual racism from what they observed in state institutions, and which warranted special attention for despite being 'no less destructive of human life', they maintained, it is 'less overt, far more subtle, and less identifiable in terms of specific individuals committing these acts.'⁶⁶ To the extent that individual and intentional motives were not solely relevant in sustaining racialised outcomes, processes became the focus of concern, especially in how normalised action was not sanctioned by regulation but rather by the prevailing cultural practice within an institution. A word which relates to what is being described above is 'unwitting', and this is precisely how institutional racism came to be described in an inquiry into the London Metropolitan Police Service.

1.5.2. The Stephen Lawrence inquiry report by Sir William Macpherson found that police officers 'stereotyped those with whom they came into contact in the community'⁶⁷, most obviously in how the investigating officers assumed at the outset that Stephen Lawrence and his best friend Duwayne Brooks were likely gang members. That police officers did not treat them as two teenagers waiting for

⁶¹ All Party Parliamentary Group on British Muslims (2018) *Islamophobia Defined: The Inquiry into a Working Definition of Islamophobia*. p.11. Available on-line: <https://researchbriefings.files.parliament.uk/documents/CDP-2021-0140/CDP-2021-0140.pdf>

⁶² *Report of the inquiry into Islamophobia in Scotland by the Cross-Party Group on Tackling Islamophobia Scotland's Islamophobia* (2021) [Report of the inquiry into Islamophobia in Scotland by the Cross-Party Group on Tackling Islamophobia - John Smith Centre](#). It is not clear if this was a weighted survey and relies on 447 respondents aged between 13 to 87 years. Just under 60% of respondents have a Glasgow postcode and 16% an Edinburgh postcode, and there are several responses from Aberdeen, Dundee, Falkirk, Kirkcaldy and Motherwell.

⁶³ Meer, N. (2022) *The Cruel Optimism of Racial Justice*. Bristol: Policy Press.

⁶⁴ Carmichael, S. and Hamilton, C. V. (1967) *Black Power: The Politics of Liberation in America*. New York: Random House

⁶⁵ The Kerner Report (1968) *The 1968 report of the national advisory commission on civil disorders*. Washington: Pantheon Books.

⁶⁶ Carmichael and Hamilton (1967) p. 4

⁶⁷ Macpherson, W. (1999) *The Stephen Lawrence Inquiry, Report of an Inquiry by Sir William Macpherson of Cluny*. London: Home Office. Para: 46.27.

their bus home, the Inquiry concluded, reflected an underlying ‘canteen culture’ of racially discriminatory attitudes that pervaded the institution. Notably, that attending Police officers did not see Duwayne Brooks as a victim of a hate crime and possible witness of Stephen Lawrence’s assailants, illustrated the role of stereotyping:

‘PC Bethel described Mr Brooks as "very distressed" and "very excitable and upset". In her answer to a 1994 questionnaire she said that he was "aggressive, anti-police, distressed and unhelpful". To the Kent police she said that Mr Brooks was "powerful and physically intimidating", and that his behaviour was "horrendous". We do not believe that PC Bethel consciously sought to attack Mr Brooks by this crescendo of criticism, but the evidence does show how racist stereotyping can develop. We do not believe that a young white man in a similar position would have been dealt with in the same way. He simply was not treated professionally and appropriately and according to his needs.’⁶⁸

- 1.5.3. While the Macpherson definition of institutional racism is now well known, it worth re-visiting as, firstly, the definition informed recommendation 11 of the Inquiry which was later fulfilled by The Race Relations (Amendment) Act 2000 (see [Textbox 3](#)). This carried statutory requirements for what became Police Scotland; ‘That the full force of the Race Relations legislation should apply to all police officers, and that namely Chief Officers of Police should be made vicariously liable for the acts and omissions of their officers’.⁶⁹ Secondly, the Macpherson definition made clear an expectation for all public authorities to take an approach in their engagement with ethnic and racial minority communities that did not evade racism through a colour blind approach. Thirdly, it foregrounded issues of family liaison and the multi-agency engagement with the bereaved. Indeed, the inquiry reported that the treatment of Lawrence family was ‘[o]ne of the saddest and most deplorable aspects’, where following ‘first contact with police officers at the hospital, and thereafter, Mr & Mrs Lawrence were treated with insensitivity and lack of sympathy’.⁷⁰
- 1.5.4. An earlier Inquiry in Scotland chose to depart from the Macpherson definition. This concerns what became known as the Jandoo Inquiry into the liaison arrangements between the Police, the Procurator Fiscal Service and the Crown Office and the family of Surjit Singh Chhokar and the related prosecutions.⁷¹ In many respects, there were very similar background circumstances and family experiences in both cases, yet the definition of institutional racism in the Jandoo Inquiry bore little resemblance to that set out by Lord Macpherson, and which was being adopted across the UK including by the then Scottish Executive. For reasons that are not made clear, the definition chosen in the Jandoo Inquiry was out of step with how institutional racism was being understood by other public authorities at local and national levels, including police forces across the UK, and the stated approach of the Scottish Executive (as it was then known).⁷²

⁶⁸ Macpherson: Para 5.31.

⁶⁹ The Angiolini review (2017: 93) [SBPI-00496](#) also said that policing bodies should consult with bereaved families on how such training should be developed.

⁷⁰ Macpherson, 46.7.

⁷¹ Jandoo, R. (2001) *Report of the Inquiry into the Liaison Arrangements between the Police, the Procurator Fiscal Service and the Crown Office and the Family of the Deceased Surjit Singh Chhokar and the Related Prosecutions*. Edinburgh: The Stationery Office. Digital copy available at the National Archives of Scotland:

https://webarchive.nrsotland.gov.uk/20170812115824/http://archive.scottish.parliament.uk//business/committees/historic/equal/reports-01/chhokar-vol01-01.htm#P271_36602 ([SBPI-00525](#))

⁷² The Scottish Executive (1999) *The Stephen Lawrence Enquiry - An Action Plan for Scotland*. Viewed on-line: [The+Stephen+Lawrence+Enquiry+-+An+Action+Plan+for+Scotland.pdf](#) (www.gov.scot)

Textbox 6 – MacPherson and Jandoo definitions of Institutional racism

Macpherson (1999): “Institutional Racism’ consists of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people.’⁷³

Jandoo (2000): ‘Institutional racism occurs wherever the service provided by an organisation fails - whether deliberately or not - to meet equally the needs of all the people whom it serves, having regard to their racial, ethnic or cultural background.’⁷⁴

- 1.5.5. The Jandoo Inquiry concluded that ‘[e]lements of institutional racism are found in the organisation and procedures both of Strathclyde Police and the Procurator Fiscal Service’. It maintained however, without detailing how and in what ways, that ‘steps are being taken to cure them [the ‘elements’ of institutional racism], and that progress has been made even in the intervening years since Surjit Singh was murdered’.⁷⁵ It is possible this statement referred to the recommendations of Macpherson Inquiry, but it is unclear, and perhaps relies upon the presumption of on-going self-correction in institutions. It is difficult moreover to ascertain which steps to address institutional racism in police services specifically emerged from the Jandoo Inquiry, and that were different to those that emerged from the Macpherson Inquiry.
- 1.5.6. A decade after the Jandoo Inquiry, a complaint inquiry in 2011 identified a ‘collective failing’ in Lothian and Borders Police with respect to the improper investigation of a fatal violent attack on a 40-year-old man of Chinese origin, Simon San, in 2010.⁷⁶ Specifically, the complaint inquiry concluded, in discounting that the attack had a racial motivation, despite evidence of racist language used by perpetrators, ‘Lothian and Borders Police failed to recognise that the attack on Simon was racist’, and that this ‘was not only at the outset of the investigation, but also as it progressed throughout the investigation’.⁷⁷ This transpired despite the police service in Scotland having adopted the Macpherson definition of a racist incident as being ‘any incident which is perceived to be racist by the victim or any other person’, and issued guidance for officers is contained in General Order 26/05, ‘Recording and Investigation of Hate Crime’.⁷⁸ Deputy Chief Constable Allen apologised to the family of Simon San for these failings⁷⁹.
- 1.5.7. It is notable that former Chief Constable of Police Sir Iain Livingston, ignored the Jandoo Inquiry definition entirely in stressing the importance of ‘policies, processes, practices and systems’, in making his statement that ‘Police Scotland is institutionally racist and discriminatory’.⁸⁰ He appealed instead to the ‘ambition set out by Sir William Macpherson to eliminate racist prejudice and disadvantage and demonstrate fairness in all aspects of policing’.⁸¹ Amongst the Macpherson recommendations more broadly was a complete revision of the liaison with families of the bereaved. This is a continuing concern that ethnic and racial minority families have raised. For example, in its written evidence to the Angiolini review,⁸² INQUEST included individual testimonies from families who

⁷³ Macpherson: Para 6.34

⁷⁴ Jandoo: Para 2.16

⁷⁵ Jandoo: Para. 2.28.

⁷⁶ Executive Report - Operation Waymark - An Inquiry into the questions and complaints raised by the San family: Lothian and Borders Police (28 June 2011) [PS18902](#)

⁷⁷ Executive Report - Operation Waymark. p. 7.

⁷⁸ <https://www.scotland.police.uk/spa-media/1igmlx53/22-1191-attachment-01.pdf>

⁷⁹ <https://www.heraldsotland.com/news/13035200.police-admit-race-blunder-over-killing/>

⁸⁰ Police Scotland (2023) ‘Chief Constable statement on institutional discrimination’, <https://www.scotland.police.uk/what-s-happening/news/2023/may/chief-constable-statement-on-institutional-discrimination/> 25 May, 2023.

⁸¹ Fn 66. Indeed, this has been a refrain this the Macpherson Inquiry, with a remarkably similar sentiment stated in in HM Inspectorate of Constabulary review of police Race Relations in Scotland Published by the Scottish Executive (2003), stating that “Diversity for the police should be about acknowledging, understanding and challenging racism and sexism and homophobia and disability”. HM Inspectorate of Constabulary (2003) *Pride and Prejudice A Review of police Race Relations in Scotland*. Edinburgh: Scottish Executive.

⁸² See footnote 45 above.

described attempts to ‘deflect attention away from official incompetence or wrongdoing with misinformation’.⁸³

- 1.5.8. Such testimony is rarely available to researchers given the immense trauma that bereaved family members experience, and the ethical obligations upon researchers to not risk exacerbating this through probing further. Extracts from these testimonies are therefore quoted below:

‘The narrative from the beginning is racist, right from the get-go. They look for things to demonise your loved one. They try to get out a narrative to the press that is demonising, its racist, its dehumanising. That is their agenda’ (Anonymised bereaved family member).

‘His character is completely destroyed and that’s what they do. Instead of looking at what the police have done all the police background, they are busy looking at what my son’s done and its them that have killed him’ (Anonymised bereaved family member).

‘We were stone-walled; we were treated like criminals. [The IOPC] were just not forthcoming. They had no compassion’ (Marilyn Medford-Hawkins, sister of Junior Medford who died in custody).

‘The [IPCC] were investigating the family, instead of the officers’ (Marcia Rigg, sister of Sean Rigg who died in custody).

In light of such experiences, the Angiolini review recommended that national policing bodies and police forces should implement mandatory training and refresher training on racism to confront discriminatory assumptions, stereotypes and ensure better care and treatment for the bereaved families following deaths in custody.⁸⁴

The Current Policy Context

- 1.6. Earlier sections have established that Scotland has formally undertaken to recognise ethnic and racial discrimination, as with the UK, rather than resting on a benign ideal of equality as sameness. At the same time there are Scotland specific features to how this is implemented. It has previously been argued that because equalities is principally a reserved matter within devolution and The Scotland Act 1998, that race equality has tended to be ‘left off’ the agenda in Scotland.⁸⁵ For example, past commissions concerned with social and constitutional reform in Scotland have made no mention of race equality as distinct from a generic concern with ‘fairness’. This includes both the report of *The Commission on Scottish Devolution*⁸⁶ and *The Commission on the Future Delivery of Public Services in Scotland*.⁸⁷ This is not a complaint about the lack of legislation per se, but about priorities, an implementation gap and cultural awareness of ethnic and racial inequalities. Equally, it is something that also bears an older (pre-devolution) character,⁸⁸ that should not overlook developments that can be traced to a distinctively Scottish, rather than UK, experience.

- 1.6.1. In May 2012, the Scottish government placed specific duties on public authorities, also known as the Scottish Specific Duties⁸⁹, requiring listed authorities to publish a race equality mainstreaming report

⁸³ Written evidence from INQUEST (RHR0024) to Angiolini review.

⁸⁴ Angiolini review (2017: 93). [SBPI-00496](#)

⁸⁵ Arshad, R. (2016), ‘Race Equality and Scotland – Forwards and Backwards?’, in: Meer, N. (2016) (Ed) *Scotland and Race Equality: Directions in Policy and Identity*. London: Runnymede Trust

⁸⁶ Calman Commission Report (2009) *Serving Scotland Better: Scotland and the United Kingdom in the 21st Century*, Edinburgh: Scottish Government.

⁸⁷ Christie, C. (2011) *Commission on the Future Delivery of Public Services*. Edinburgh: Public Services Commission.

⁸⁸ As one equality stakeholder puts it, ‘twenty years ago when I kicked off, working in places like West Lothian, Fife or rural Scotland, you would often get “there isn’t a problem here”. For example, we had a case in Falkirk, the family had appalling racist language on their wall, but the local police and local MP told me it wasn’t racist, and I was like “hold on, I don’t understand this?”’. Interview with the author. Quoted in Meer, N. (2020) ‘Race Equality Policy Making in a Devolved Context: Assessing the Opportunities and Obstacles for a

‘Scottish Approach.’ *Journal of Social Policy*. 49(2):233-250.

⁸⁹ <http://www.legislation.gov.uk/ssi/2012/162/contents/made>

on the progress they have made in integrating the three needs of the General Equality Duty (GED)⁹⁰ required in the Equality Act 2010

Textbox 7 – The General Equality Duty (GED) and Scottish Specific Duties

GED: (i) Eliminate unlawful discrimination, harassment and victimization, (ii) Advance equality of opportunity, and (iii) Foster good relations.

The Scottish Specific Duties: (i) Report on mainstreaming the GED; (ii) publish equality outcomes and report progress; (iii) Assess and review policies and practices; (iv) Gather and use employee information; (v) Publish statements on equal pay; (vi) Consider award criteria and conditions in relation to public procurement; (vii) Publish in a manner that is accessible; (viii) Duty of the Scottish Ministers to publish proposals to enable better performance

- 1.6.2. The question this raises is whether Scottish Governments have diverged from the UK in these respects. Much depends on how this question is posed. For example, within existing parameters Scottish administrations have shown a commitment to mainstreaming race equality, in ways that go beyond the minimum required. An illustration of this is the Race Equality Framework (REF)⁹¹ which set out the Scottish Government’s vision and strategy for race equality over a notably long sixteen-year period. The REF was brought into fruition through a collaboration between the Coalition for Race Equality and Rights (CRER) and the then Scottish Government’s Equality Unit. Its development reflected an attempt at a broad consultation with strategic partners including the Council for Ethnic Minority Voluntary Organisations (CEMVO), the Black and Ethnic Minority Infrastructure in Scotland (BEMIS), the Scottish Refugee Council (SRC), and the Equality and Human Rights Commission (EHRC).
- 1.6.3. The Framework document itself reflects on the successes and limitations of prevailing race equality approaches in Scotland, and registers gaps in data and other kinds of practice-based knowledge that might hinder the delivery of effective race equality strategies. One civil servant central to its development characterised it as ‘a point in the crossroads’⁹² and conveyed a view that it may facilitate a distinctive approach. As [Figure 1](#) signposts, the independent Interim Governance Group to develop national anti-racism infrastructure may also be viewed as a ‘stepping stone’⁹³ to this end. Namely, undertaking the scoping work for the creation of a new independent Anti-Racism Observatory which would be unique in the UK. Whether ‘a point in the cross-roads’ or as a ‘stepping stone’, the potential of a Scotland wide anti-racism repository to maintain institutional memory and harness the potential of collaborative and coproduction policy approaches, would represent a significant development.⁹⁴

⁹⁰ http://www.legislation.gov.uk/ukxi/2011/2260/pdfs/ukxi_20112260_en.pdf

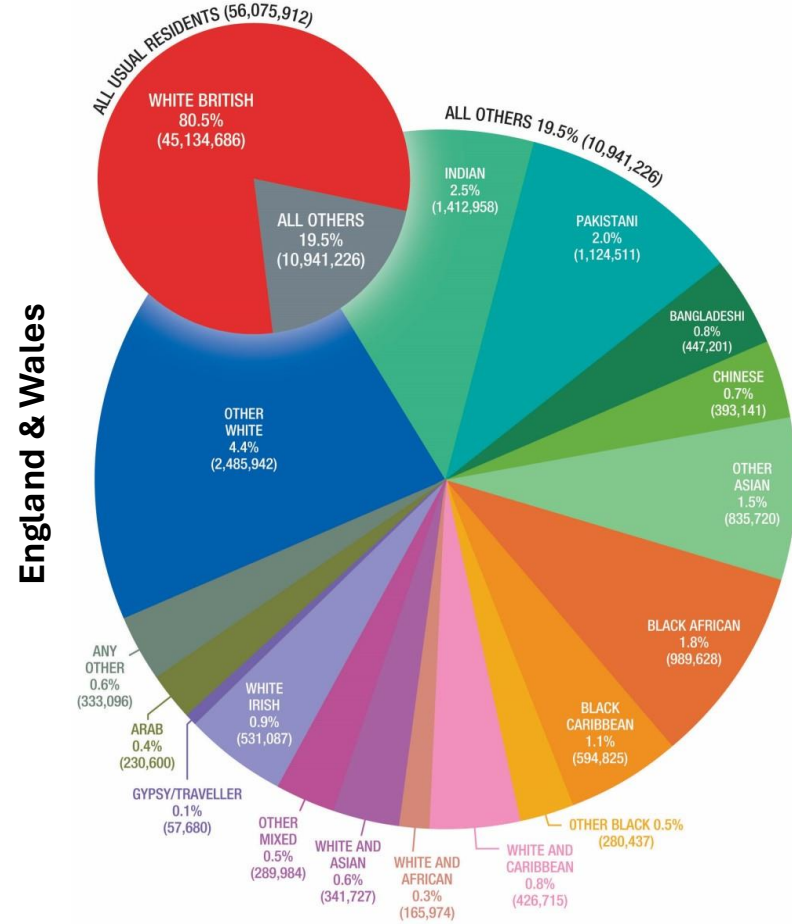
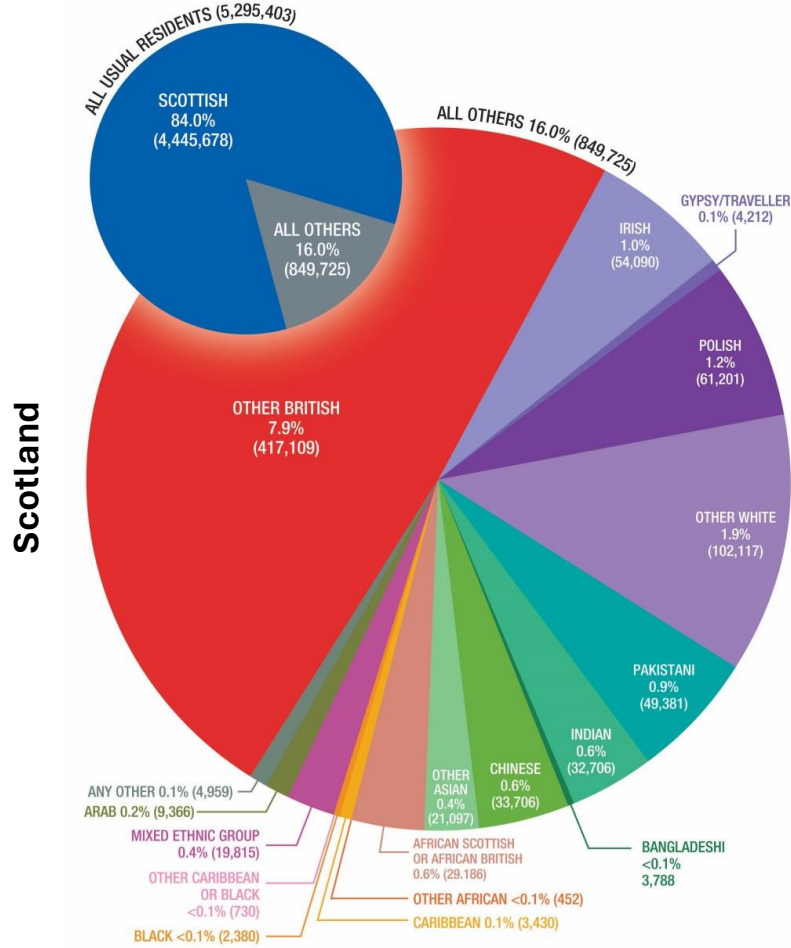
⁹¹ Scottish Government (2016) *Race Equality Framework*. Edinburgh: Scottish Government

⁹² Interview with the author. Quoted in Meer. N. (2020)

⁹³ Scottish Government (2023) *Anti-Racism in Scotland - Progress Review 2023: The Race Equality Framework and the Immediate Priorities Plan*. p.6. *[Anti-Racism in Scotland - Progress Review 2023: The Race Equality Framework and the Immediate Priorities Plan \(www.gov.scot\)](https://www.gov.scot)

⁹⁴ The Anti-racism Observatory for Scotland Summary & Signposting Report Sept (2023) <https://antiracismobservatoryforscotland.org/wp-content/uploads/2023/12/Summary-and-Signposting-of-AIGG-work-April-2022-September-2023.pdf>

Figure B: Disaggregated 2011 Census ethnic and racial minority groups in Scotland and England & Wales



Preliminary Notes on Data Categories and Social Disaggregation

Part 2 of this report will use official data collection categories through which we have come to understand what we name as ethnic and racial differences amongst and across populations.

Typically, official categories mirror what is reserved since data generated in Scotland is required to correspond with that established through reserved legislation such as the Equality Act 2010. To allow for data linkage e.g., with official data such as that generated in Census categories, these aim to be aligned with the Government Statistical Service Harmonised Standard, and the reporting of the 5-category (e.g., 1. Asian, Scottish Asian or British Asian | 2. African, Scottish African or British African | Caribbean or Black | 3. Mixed or multiple ethnic group | 4. White | 5. Other ethnic group) and the 18- categories (listed here⁹⁵).

Such disaggregation is not always undertaken, however, for reasons of resource or availability in population groups, and so the Scottish Government in places refers to 'Minority Ethnic' (ME) to include all racial and ethnic groups protected under the Act. This creates a 2- category with approach of White and ME. In the past it has used 'Black & Minority Ethnic' (BME) or 'Black, Asian & Minority Ethnic' (BAME) and today ME is deemed inclusive of both visible and non-visible (i.e., white) ME groups.

In some areas, there has been more latitude such that the Scottish Government (SG) and the agencies responsible for providing official data have used terminology to describe structural, institutional and systemic dynamics e.g., 'adversely racialised communities', 'racially minoritised/racialised minorities', and 'racialisation' in the description of inequalities for minorities categorised on the basis of race and ethnicity.⁹⁶

In addition to categories of race therefore, ethnicity is in wide usage and describes the real or imagined features of group membership, typically in terms of one or other combination of language, collective memory, historically connected culture, and routinely intersects with religion⁹⁷. It is often preferred to other ways of conceiving groups because it allows for 'change' and 'self-definition' e.g., the category of 'Mixedness' – as discussed below – was introduced to better reflect populations who sought to identify with multiple ethnic minority groups. Conversely, where too much emphasis is placed on the internal strategies, hopes and aspirations of ethnic group members, and too little on the external structural, institutional and systemic dynamics, it can make the very fact of 'difference' an explanatory variable.

In UK-wide public administration, it was not until 1991 that the UK Census included a question on ethnicity – something Parliament later said it regretted. Instead, Census estimates on ethnicity were based on the number of people living in a household headed by someone born in one of the different 'Commonwealth' groups. As such, people were therefore classified into broadly national ethnic groups such as 'Indians', 'West Indians' and 'Pakistanis'. Further research in the 1980s looked at how people responded to possible changes, like 'Afro-Caribbean' being used instead of 'West Indian'.

The 1991 Census was the first to include an ethnicity question (in both censuses in England and Wales, and in Scotland). The question included 9 boxes, 7 labelled with pre-coded categories and 2 allowing people to write in their ethnicity. The classification was: White; Black-Caribbean; Black-African; Black-Other (write in); Indian; Pakistani; Bangladeshi; Chinese; Any other ethnic group (write in). The 2001 Census ethnicity question included Mixed ethnicity; this made the question more relevant. Other changes included the use of the terms 'Asian British' and 'Black British'. In addition, the 2001 Census included a (voluntary) question about religion.

While researching questions for the 2011 Census, it was discovered that although most of the respondents from all ethnic groups felt comfortable with the use of the terms 'Black' and 'White', some people found these terms didn't adequately describe their ethnic group. In response, the 2001 Census category 'Black or Black British' was changed to 'Black/African/Caribbean/Black British' for the 2011 Census. Two new categories were

⁹⁵ UK Government Statistical Service Harmonised Standard: <https://analysisfunction.civilservice.gov.uk/policy-store/ethnicity-harmonised-standard/>

⁹⁶ Scottish Government (2022) *A Fairer Scotland for All: An Anti-Racist Employment Strategy*. Available on-line: <https://www.gov.scot/publications/fairer-scotland-anti-racist-employment-strategy/> p. 5, footnote 2.

⁹⁷ Meer, N. (2014) *Race and Ethnicity: Key Concepts*. London: Sage. p. 37.

added, 'Gypsy or Irish Traveller' and 'Arab'. As with earlier censuses, individuals who did not identify as one of the listed options could choose to write in their own ethnic group.

Nonetheless, statistical agencies in the UK do not adopt a consistent format of categories, with variations that make comparison difficult,⁹⁸ and while the 2021 Census data has been made available for England and Wales, this is not yet the case in Scotland. Figure B therefore shows the disaggregated 2011 Census ethnic and racial minority groups in Scotland and England & Wales

This is still valuable both in showing the categories in use and that it is anticipated population shares will not be out of kilter with natural growth and decline, where the combined White group accounted in Scotland for 96% and was much higher than in England and Wales together (86%) but comparable with Wales (93%) if treated separately. 2.7% of Scotland's population identified as Asian, Asian Scottish or Asian British, while African Caribbean or Black groups made up around 0.7% of Scotland's population. The largest ethnic minority groups in Scotland, after Other British and Other White, are Polish (1.2%), Irish (1.0%) and Pakistani (0.9%).

Current estimates from the 2019 Scottish Surveys Core Questions (SSCQ) dataset⁹⁹, indicate an increase in the proportion of the population identifying as Asian, African, Caribbean or Black, Mixed, or Other ethnic group (4.7%), and White Minority Ethnic (6.7%), and a decrease in the proportion identifying as White Scottish/White Other British (88.4%). As such we can assume that Scotland's population is more diverse now than it was in 2011 but quite how and in what ways remains to be seen in the 2021 Scotland census.¹⁰⁰

The key issue to bear in mind when using such labels is that we can 'run the risk of fixing and essentialising the social meanings that drive the inequalities.'¹⁰¹ This is especially the case in debates over differential success in ethnic and racial minority labour-market participation or educational outcomes, in which the role of ethnicity can be treated as 'mono-causal' (e.g., focusing on minority culture)¹⁰², or that we ignore the internal diversity of such groups. At the same time, disaggregation can result in breaking down the data so much that it ultimately becomes hard to see representative patterns.

This report uses a variety of the 2-, 5- and 18-categories where the levels of disaggregation in the data allows and adopts the language of ethnic and racial minorities to capture each. Comparing the outcomes for post-colonial migrant Black African, Black Caribbean, Indian, Pakistani, and Bangladeshi groups relative to White groups in the UK and Scotland is logical because of the prevalence of these groups within the general population and because the volume of data on these groups allows us to make reliable assertions about their relative outcomes. This approach inevitably excludes the nine other smaller ethnic minority groups recorded by the Census, such as the various Mixed, Arab, and Chinese groups. In particular, the small White Gypsy/Traveller population, which numbered 57,680 at the 2011 Census and is one of the most socioeconomically disadvantaged group.¹⁰³

⁹⁸ Shankley, W., Hannemann, T., & Ludi, S. (2020) 'The demography of ethnic minorities in Britain', in W. Shankley, B. Byrne, C. Alexander, O. Khan, & J. Nazroo (eds) *Ethnicity and Race in the UK: State of the Nation*. Bristol: BUP. pp. 15–34.

⁹⁹ The Scottish Surveys Core Questions (SSCQ) provide reliable and detailed statistics on the composition, characteristics and attitudes of Scottish households and adults across a number of topics that can be used in part to gauge population growth: <https://www.gov.scot/publications/scottish-surveys-core-questions-2019/documents/>

¹⁰⁰ See also the Scottish Crime and Justice Survey 2019/20 Technical Report: [SCJS technical report](#).

¹⁰¹ Finney, N., Nazroo, J., Bécarea, L., Kapadia, D., & Shlomo, N. (2023) *Racism and Ethnic Inequality in a Time of Crisis*. Bristol, UK: Policy Press. p. 3

¹⁰² Schwalbe M., Godwin S, Holden D, et al (2000) 'Generic processes in the reproduction of inequality: An interactionist analysis', *Social Forces*, 79 (2): 419–452.

¹⁰³ The Scottish Crime and Justice Survey (SCJS) offers a good model here in disaggregating between 'White Minority Ethnic' includes: 'White Polish'; 'White: Irish', 'White: Gypsy/Traveller' and 'White: Other White Ethnic Group'. See Hay, N., Campbell, L., Kowalewska, M., Clark, C., Tamm, L., & Balogh, B. (2020) 'A Hidden Community: Justifying the Inclusion of Roma As an Ethnic Identity in the 2021 Scottish Census', *Critical Romani Studies*, 3(1), 46–71; Mullen, A. (2024) *Racialised Capitalism at the Margins: an ethnography with Roma migrant workers*. Manchester: MUP.

Part 2: Attitudinal Experiences and Outcomes

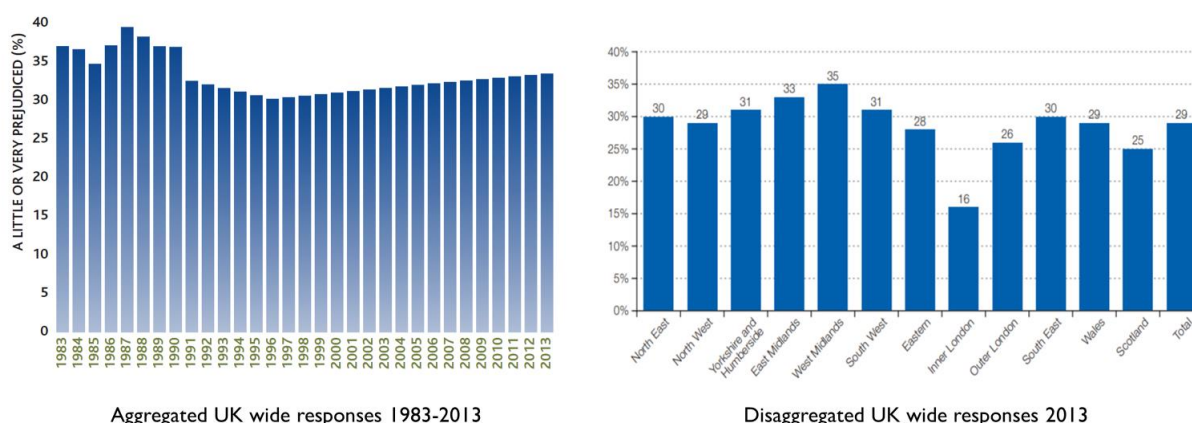
2.1. Part 2 considers the experiences of ethnic and racial minorities in Scotland. Given the discussion in Part 1 on the role of negative perceptions, stereotypes and the ways in which racism can be constitutive of the norms, language and values that *structure* activities and become institutionalised, we begin with social attitudes and perceptions of race and racism amongst majorities and minorities. Following this, we turn in 2.2 to the outcomes across a number of key areas including labour markets, poverty and education. These are chosen, firstly, because they offer an opportunity to connect information we have on outcomes with information we have on perceptions. Secondly, these areas are deemed to be key indicators of life chances, and which social scientists consider to be ‘at the centre of most discussions of not just racial equality but social justice generally’¹⁰⁴

2.1.1. Despite considerable heterogeneity in these trends, including within groups, and spanning across different institutions in society, we can seek to connect otherwise seemingly disparate outcomes and understand their relationship to one another. For example, when we contrast latent attitudes to situational attitudes, anti-Black attitudes can be strikingly present, something that can be observed in the perceptions of prejudice and discrimination in stated experiences of hate crime. In terms of outcomes, ethnic minorities are nearly twice as likely to live in poverty, and that there is both a substantial ‘employment gap’ and, for those in work, a ‘pay gap’, where white Scottish workers earn, on average, ten per cent more.

Attitudinal Data – UK and Scotland

2.1.2. The way we quantitatively measure discrimination on the grounds of race and ethnicity varies from one survey to another. For example, the British Social Attitudes (BSA) survey has asked people the following: ‘Would you describe yourself as prejudiced against people of other races?’¹⁰⁵ Using the same question between 1983-2013, and establishing a UK wide representative sample, it reported that in eight of the ten years following 2001, levels of a self-reported affirmative to this question were at 30% or higher, compared with the low point of 25% in 2000-2001 (the ‘rolling average’ moves from 28% to 34%). Figure C shows this as a trend that was falling during the 1990s but which ‘ticked up’ in the first decade of this century.

Figure C - BSA question: Would you describe yourself as prejudiced against people of other races? - Figure D



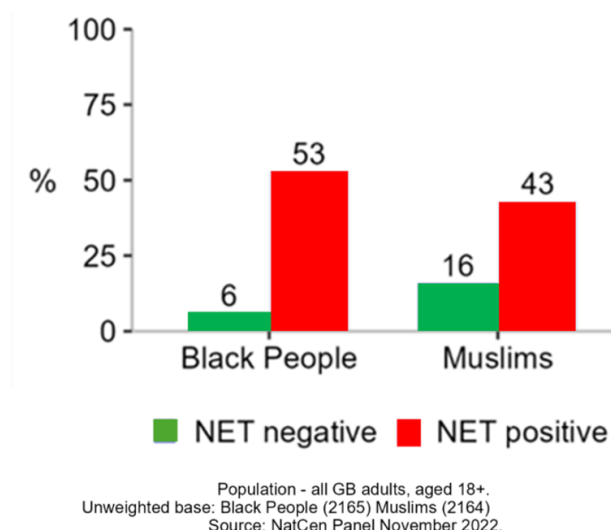
Source: see footnote 105

¹⁰⁴ Modood, T., Berthoud, R., Lahey, J., Nazroo, J., Smith, P., Virdee, S. & Beishon, S. (1997) *Ethnic Minorities in Britain: Diversity and Disadvantage: The Fourth National Survey of Ethnic Minorities*, Policy Studies Institute. P. 5.

¹⁰⁵ Full data file here: <http://www.natcen.ac.uk/blog/is-racial-prejudice-on-the-rise> and individual variables and yearly responses here: https://discover.ukdataservice.ac.uk/variables/?q=VariableName:SRPrej&f=DataCollectorFacet_NatCen%20Social%20Research#close

- 2.1.3. What is especially interesting for our purposes in this data is that in Figure D it suggests that Scotland had a lower level of self-reported prejudice in the UK outside London, although this data is more than a decade old and unable to tell us anything about opportunities for contact between ethnic and racial majorities and minorities. Nonetheless, it is notable that there is not the same clear trend towards social ‘liberalisation’ that is so marked in other areas, particularly attitudes to same sex relationships, gender equality or disabilities.¹⁰⁶
- 2.1.4. In 2024, the National Centre for Social Research (NatCen) returned to this question in a slightly different way, to gauge how ‘negative’ or ‘positive’ majorities felt toward particular minorities in Britain. It did this with the question: ‘In general, how negative or positive do you feel towards...’ three groups: migrants, Black people and Muslims.¹⁰⁷ This question had a five item responses scale that is simplified in Figure E to show the percentage of people who were either ‘very’ or ‘fairly positive’ i.e. ‘NET positive’ and the proportion who were either ‘very’ or ‘somewhat negative’ i.e. ‘NET negative’.

Figure E: UK: In general, how negative or positive do you feel towards each of the following groups in Britain?



Source: see footnote 107

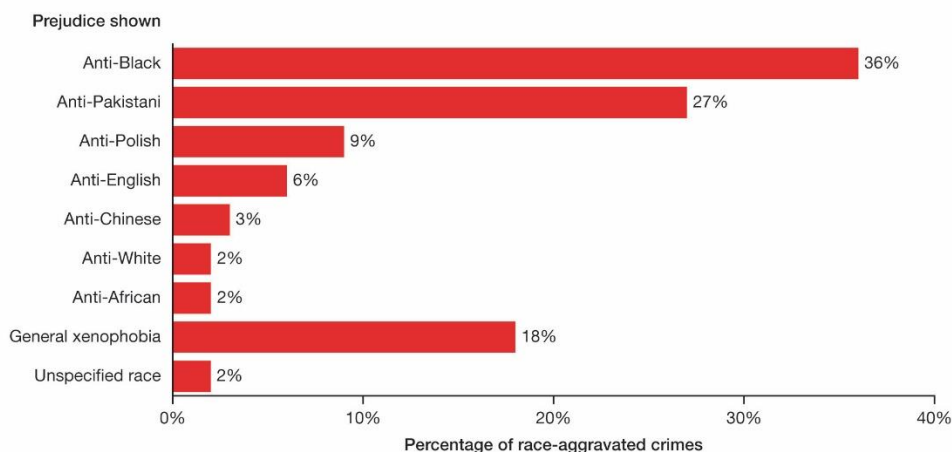
- 2.1.5. Focusing on attitudes towards Black and Muslim groups, Figure E shows that people were more likely to feel positively towards these groups than they were to feel negatively towards them, and while it is not disaggregated between UK nations, it is based on a representative sample of respondents in Scotland. Amongst the challenges in interpreting survey responses such as this, however, includes the issue of social desirability, which is known to play a role in people’s responses e.g., people may feel the more socially desirable answer would be to say they feel positively toward these groups given that racial prejudice is not generally perceived as a positive characteristic.
- 2.1.6. This is important to keep in mind because when we contrast latent attitudes to situational attitudes, anti-Black attitudes can be strikingly present, something that can be observed in the perceptions of prejudice and discrimination in stated experiences of hate crime. For example, in Scottish

¹⁰⁶ NatCen (2023) ‘Britain’s attitudes towards moral issues have become much more liberal’ <https://natcen.ac.uk/news/britains-attitudes-towards-moral-issues-have-become-much-more-liberal>

¹⁰⁷ See National Centre for Social Research (NatCen) (2024) ‘Public attitudes towards immigration and minority ethnic groups’. Available on-line: <https://natcen.ac.uk/sites/default/files/2024-03/Public%20attitudes%20towards%20immigration%20and%20minority%20ethnic%20groups%20%28002%29.pdf> Data presented here for Black and Muslim categories only.

Government’s figures on the characteristics of police recorded hate crime in Scotland¹⁰⁸, and specifically the prejudices displayed in race aggravated hate crime¹⁰⁹, perpetrators explicitly invoke high rates of an anti-Black (36%) or anti-Pakistani (27%) prejudice.

Figure F: Scotland prejudice shown in race aggravated hate crimes recorded by the police, 2020-21



Source: see footnote 108

- 2.1.7. In these instances, the victim may or may not self-identify as Black or Pakistani, the key point instead is what it reveals about the salience of anti-Black and anti-Pakistani rhetoric in situations where perceived race or ethnicity motivates the interaction (it is important to bear in mind moreover that two-thirds (64%) of race aggravated hate crimes had a victim from a visible (non-White) ethnic and racial minority group).
- 2.1.8. Another way to gauge prevailing attitudes is to de-personalise the question, as in a UK-wide Survation poll which asked: ‘Who faces prejudice today?’¹¹⁰ Importantly, the poll disaggregated the responses between ethnic and racial minorities and majorities, which offers insight into the relative salience each affords to the issue. In figure G below we see that majority and minority respondents ranked Muslim groups as facing higher levels of prejudice than other groups e.g., 56% and 58% said that Muslims face ‘a lot’ of prejudice.
- 2.1.9. There was a marked contrast however in perceptions of the level of prejudice experienced by Black groups with minority respondents stating ‘a lot’ nearly twice as much (38%) as majority respondents (20%). Romanians are also perceived to subject to prejudice, with a quarter (27%) of people saying that Romanians face ‘a lot’ of prejudice and 48% feeling that they face a little. The other group perceived as experiencing prejudice are Gypsy/Travellers: half of respondents (50%) say they face a lot of prejudice, and 37% a little.

¹⁰⁸ Scottish Government (2023) *Updated study into the characteristics of police recorded hate crime in Scotland*. Justice Analytical Services. Available on-line [here](#).

¹⁰⁹ Scottish Government (2023) *Ethnicity in the justice system: evidence review*. Safer Communities Directorate. [Ethnicity in the justice system: evidence review - gov.scot \(www.gov.scot\)](#) p. 39.

¹¹⁰ Survation posed a range of questions to a representative sample of 2,000 people across the UK, with an additional 1,000 people from an ethnic and racial minority background. <https://www.britishfuture.org/publication/many-rivers-crossed-britains-attitudes-race-integration-50-years-since-rivers-blood/>

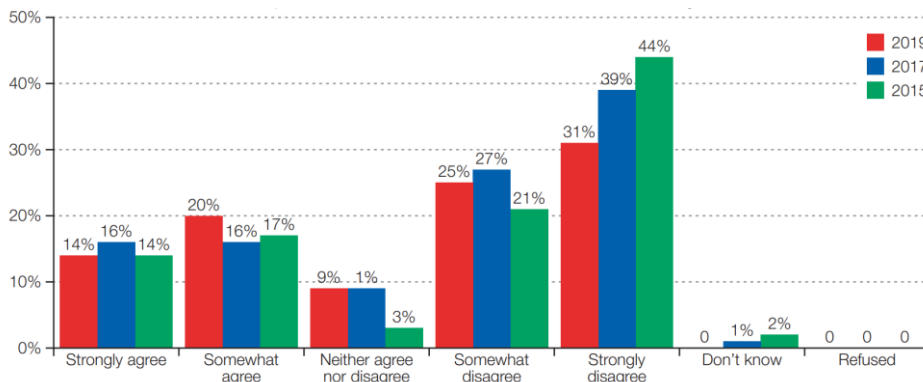
Figure G: UK: Who faces prejudice today?

| | A lot All / BME % | A little All / BME % | Hardly any All / BME % | None at all All / BME % |
|--------------------|----------------------|-------------------------|---------------------------|----------------------------|
| Muslim | 56 / 58 | 32 / 29 | 7 / 7 | 4 / 5 |
| Asian | 21 / 30 | 52 / 46 | 20 / 17 | 7 / 7 |
| Polish | 15 / 21 | 49 / 49 | 28 / 23 | 8 / 8 |
| Romanian | 27 / 27 | 48 / 42 | 19 / 22 | 6 / 9 |
| Black | 20 / 38 | 50 / 40 | 24 / 15 | 7 / 7 |
| Hindu | 13 / 17 | 47 / 42 | 32 / 31 | 8 / 10 |
| Sikh | 14 / 19 | 44 / 44 | 33 / 28 | 9 / 10 |
| Mixed Race | 10 / 15 | 47 / 46 | 35 / 28 | 9 / 11 |
| Jewish | 14 / 20 | 45 / 43 | 32 / 24 | 8 / 12 |
| Christian | 10 / 14 | 27 / 27 | 39 / 34 | 24 / 25 |
| White British | 10 / 11 | 23 / 22 | 32 / 30 | 35 / 38 |
| Gypsies/travellers | 50 / 40 | 37 / 38 | 9 / 15 | 5 / 7 |

Source: see footnote 110

2.1.10. Set against such UK wide attitudinal patterns, we can explore Scottish specific perceptions with three cross-sectional polls of Black and Asian (Pakistani and Indian) minorities in Scotland (chosen as groups with histories of arrival and settlement that are consistent across the UK). These were undertaken at two-year intervals (2015, 2017, 2019 and due to be repeated in the summer of 2024). These have been among the first repeated surveys of their kind to focus exclusively on experiences of discrimination amongst Black and Asian groups in Scotland.¹¹¹

Figure H: I have experienced discrimination in Scotland in the last 2 years



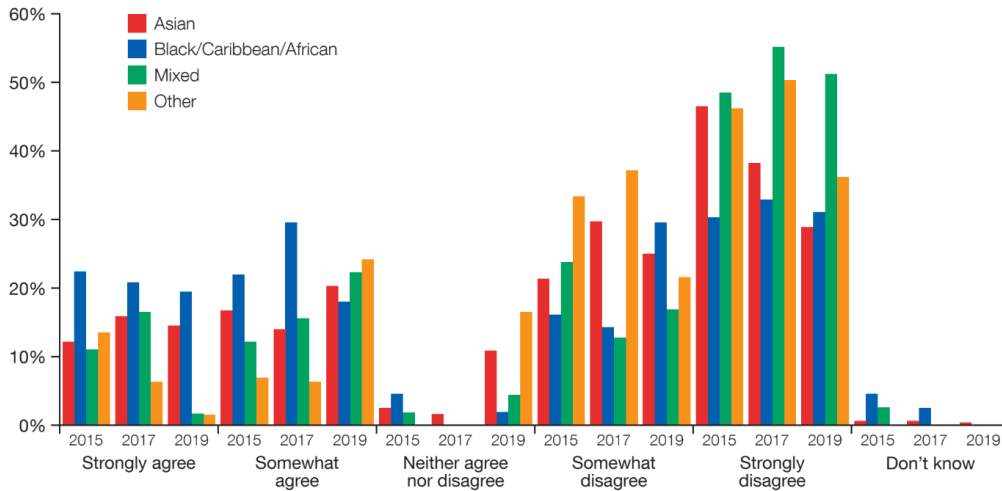
Source: see footnote 111

2.1.11. The key findings include that in each survey year:

- Around one-third of the aggregated sample agreed with the statement ‘I have experienced discrimination in Scotland in the last two years’ (31% in 2015, 34% in 2019 and 32% in 2017).
- In 2015 nearly 45% of respondents who self-identified with a Black category agreed with the statement that they had ‘experienced discrimination in Scotland’.
- This rose to 50% in 2017 and dropped back to 37% in 2019. It compares with 29% in 2015 for respondents with Asian heritage, 30% in 2017 and 34% in 2019. Mixed heritage respondents displayed the lowest level of agreement: 23% in 2015, 32% in 2017 and 22% in 2019.

¹¹¹ The surveys were undertaken during the summers of 2015, 2017 and 2019 and made representative by weighting it by sex, age, ethnic group and region of Scotland. Full data sets are here: 2015 - <https://survation.com/wp-content/uploads/2015/09/Final-Strathclyde-Tables-5e0m21.pdf> | 2017 - <https://survation.com/wp-content/uploads/2017/08/Final-Scotland-BME-University-of-Edinburgh-Tables-5l0p8-1.pdf> | 2019 - <https://www.survation.com/wp-content/uploads/2019/10/University-of-Edinburgh-BAME-Poll-2019-Final-Tables.xlsx>

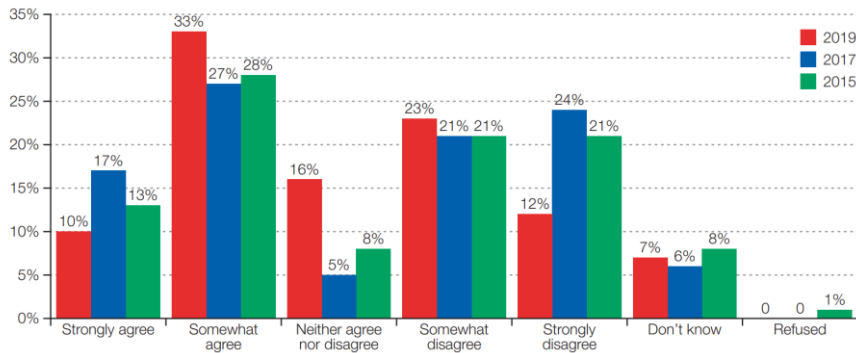
Figure I: I have experienced discrimination in Scotland in the last 2 years (according to ethnic and racial group)



Source: see footnote 111

2.1.12. Of those who reported experiencing discrimination, more than four-fifths (89% in 2019, 83% in 2017 and 82% in 2015) felt that this was due to their real or perceived ethnicity, and a greater number in 2019 than in previous years felt that it was also due to their real or perceived religion (66%, compared with 43% in 2017 and 42% in 2015). When asked a similar (less personalised) question, higher numbers agreed with the statement ‘Other people would perceive discrimination to be a problem in Scotland’. As many as 42% in 2015, 43% in 2017 and 43% in 2019 agreed with this statement.

Figure J: Other people would perceive discrimination to be a widespread problem in Scotland



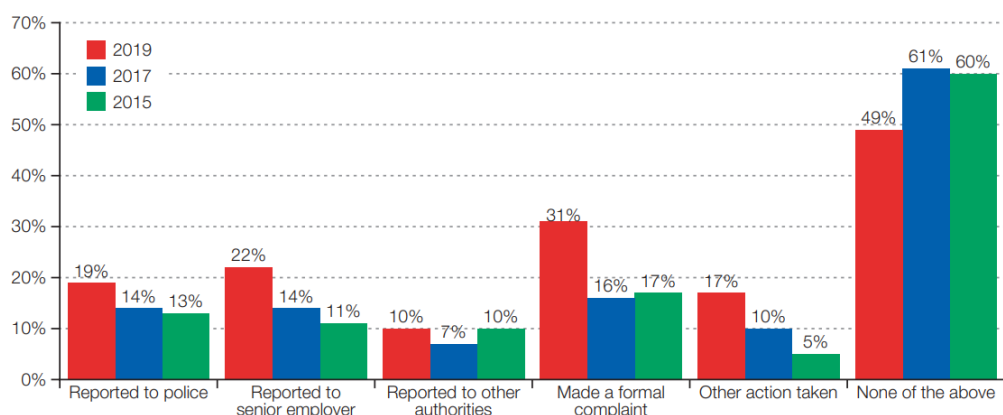
Source: see footnote 111

2.1.13. Those who reported facing discrimination did not feel that it was restricted to a single area, but identified instead perceived discriminatory experiences in:

- *Employment* – either ‘in getting a job’ (36% in 2015, 38% in 2017, and 25% in 2019) or ‘in being promoted’ (31% in 2015 and 2017 and 18% in 2019), or in ‘achieving equal pay’ (22% in 2015, 21% in 2017, 22% in 2019)
- *Education* (35% in 2015, 18% in 2017 and 15% in 2019)
- *Use of transport services* (35% in 2015, 32% in 2017 and 35% in 2019)
- *Accessing health services* (18% in 2015 and 2017 and 20% in 2019).

In each year, over half of the sample also said they had experienced discrimination ‘in other areas’. When respondents were asked if they felt that incidents of racial discrimination were increasing or decreasing, between a fifth and a third stated they had become ‘more frequent’ (21% in 2015, 34% in 2017 and 27% in 2019).

Figure K: Scotland - In which if any of the following ways have you taken action as a result of the discrimination you experienced?



Source: see footnote 111

2.1.14. Interestingly, the survey found that while in 2015 and 2017 60% of those respondents who had experienced discrimination did not report it to any kind of authority, this had fallen to 49% in 2019 (suggesting perhaps that reporting mechanisms were improving). This was despite large numbers of the samples insisting they would encourage a friend or family member to make a formal complaint if they thought they had experienced discrimination (83% in 2015, 86% in 2017 and 87% in 2019), which suggests that perceptions of both low-level and more obvious experiences of racial discrimination in Scotland are still going under-reported.

2.1.15. There was a slightly increased tendency for Muslim respondents to self-report experiences of discrimination, and this is consistent not only with UK wide research but is also linked to a marked difference in Scottish attitudes to the public visibility of non-Christian difference, and Islam in particular. For example, it has been shown that Christian and Muslim symbols enjoy a different status in terms of public attitudes of acceptability, noting in particular the prevalence of the view that employers should be allowed to request the removal of Muslim religious symbols but not that of Christians.¹¹²

2.1.16. As with other attitudinal data, these findings are based on stated perceptions when asked and this means that the actual levels of racial discrimination may be greater (and undetected) or lesser (and over-perceived). However, it is important to bear in mind that, firstly, ethnic and racial minority groups have a familiarity with the concept of discrimination, through experience and/or from navigating social relations in which they are aware it features, to the extent that they can answer direct questions on this, something that has long been supported by qualitative findings, but is also established in larger quantitative studies.¹¹³

¹¹² Ormston, R., Curtice, J., McConville, S. and Reid, S. (2011), *Scottish Social Attitudes Survey 2010: Attitudes to Discrimination and Positive Action*. Scottish Centre for Social Research (ScotCen). See also the CPG report discussed in Part 1.

¹¹³ This is a finding robustly established in the fourth ‘National Survey of Ethnic Minorities’ (Modood et al., 1997, p. 131) which asked direct questions about the perception of discrimination and reported, for example, a significant increase since the previous survey (1984) in the belief that employers discriminate on the grounds of race and ethnicity.

Figure L: UK experiences of racial discrimination in different institutional settings reported by EVENS

| Weighted percentages | | | | | |
|---------------------------------|-----------|------------|-----------------|---------------|-----|
| | Education | Employment | Seeking housing | By the police | N |
| | % | % | % | % | |
| Indian | 27.9 | 31.97 | 16.0 | 18.7 | 557 |
| Pakistani | 28.4 | 28.6 | 15.6 | 22.5 | 176 |
| Bangladeshi | 31.5 | 41.88 | 17.9 | 25.3 | 520 |
| Mixed White and Asian | 24.6 | 18 | 12.5 | 16.5 | 155 |
| Chinese | 25.4 | 23.55 | 18.8 | 17.1 | 354 |
| Any other Asian background | 21.8 | 25.95 | 15.4 | 16.8 | 363 |
| Black Caribbean | 46.3 | 55.12 | 25.3 | 42.7 | 360 |
| Mixed White and Black Caribbean | 45.8 | 35.26 | 27.2 | 33.8 | 227 |
| Black African | 33.2 | 29.57 | 27.7 | 28.2 | 97 |
| Mixed White and Black African | 36.8 | 34.62 | 15.6 | 34.5 | 73 |
| Any other Black background | 48.6 | 39.6 | 32.9 | 42.0 | 650 |

Source: see footnote 114

2.1.17. Secondly, these findings are corroborated as currently valid by the EVENS¹¹⁴ study which included UK wide samples and was weighted accordingly. While not currently disaggregated for Scotland, but with a representative Scottish sample included, this found that similar numbers of ethnic and racial minorities said that they had experienced racial discrimination in education, with a similar proportion reporting racial discrimination in employment. Specifically, around a fifth (19%) reported experiences of racial discrimination when seeking housing, and Black Caribbean (49.3%), Any Other Black (44.4%) and White and Black Caribbean (40.7%) ethnic groups say they experience racial discrimination in public settings, and a notably high number of Black Caribbean (42.7%) and Black Other (42%) groups emphasise police-related racial discrimination.

Outcomes Data

2.2. Data on attitudes therefore ought to be interpreted alongside both qualitative accounts on the mobilisation and impact of such attitudes, and data on social outcomes more broadly.¹¹⁵ When we do so in Scotland, we can see a corresponding pattern in outcomes data, that is not out of kilter with the perceived experiences detailed above.

2.2.1. Beginning with employment, Scotland's working age (16-64) population is less ethnic and racially diverse than the UK as a whole.¹¹⁶ In 2021, there were an estimated 184,000 working-age (16-64) people from a minority ethnic and racial background in Scotland, making up around 5% of the overall working-age population, which compared to around 15% of the UK population from a minority ethnic and racial background.¹¹⁷ Using the available 5 category disaggregation discussed earlier, we know that

¹¹⁴ Finney, N., Nazroo, J., Bécaries, L., Kapadia, D. & Shlomo, N. (2023) *Racism and ethnic inequality in a time of crisis: findings from the Evidence for Equality National Survey*. Bristol: Policy Press. p. 60.

¹¹⁵ In one pioneering study of Black Scottish experiences, the authors detail testimonies that do precisely this, including on respondent testimony who stated: 'somehow being Black is a crime that you have to pay for on a daily basis'. Sobande, F. and Hill, L. (2022) *Black out here: black lives in Scotland. Blackness in Britain*. London: Bloomsbury. p. 128.

¹¹⁶ All people aged 16 and over may be classified to one of three labour market groups: employment, unemployment or economic inactivity. Typically, a person is counted as employed if they did any paid work in a given week. Also counted as in employment are those who were temporarily away from work; doing unpaid work for their own or a family member's business; and some people on government-supported training and employment programmes. Someone is unemployed if they are not in work but are looking for work (having done so at some point during the past four weeks) and are available to start work in the next fortnight. A person who is neither employed nor unemployed is economically inactive. This may be because someone is retired, looking after family or home, or a student, among other reasons. [Understanding statistics on employment, unemployment and earnings \(parliament.uk\)](https://www.parliament.uk/evidence-for-equality/understanding-statistics-on-employment-unemployment-and-earnings)

¹¹⁷ Scottish Government (2023) *Analysis of Labour Market Outcomes of Scotland's Minority Ethnic Population*. p. 5.

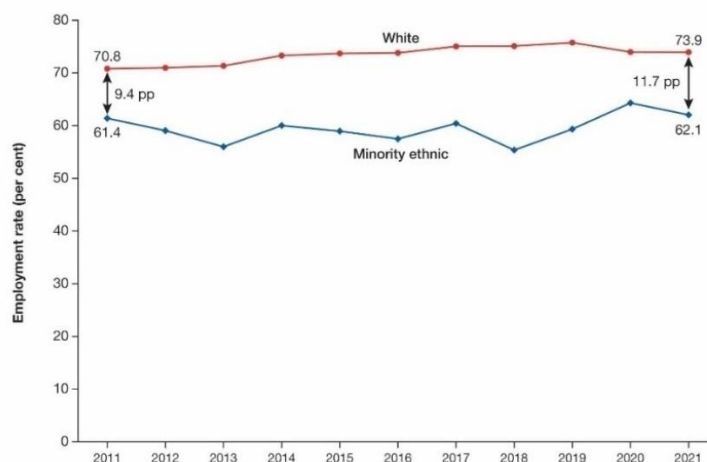
of these around one fifth of the 16-64 minority ethnic and racial population was made up of those with Black or Black British ethnicity, less than one fifth (16%) was made up of the ‘Pakistani/ Bangladeshi’ ethnic group; a further 16% was made up of the ‘Indian’ ethnic group. Over one third was made up of those from ‘other ethnic groups’ which is not disaggregated and includes Chinese, Arab, and other Asian and ethnic groups not already captured. The remainder form a ‘mixed ethnic group’.

2.2.2. Beyond this however, the available indicators and data used in this section are drawn from the available Scottish Government and the Annual Population Survey (APS), and this is not disaggregated by ethnicity in line with the 5- and 18-category ethnicity categories Government Statistical Service Harmonised Standard. This is a longstanding challenge identified by a variety of stakeholders¹¹⁸ but despite the data gaps in granular level outcomes, and consistent with the understanding of equality and inequality discussed in Part 1, reflecting on the societal patterns of disparities between minority and majority group can reveal something meaningful about systemic tendencies.

Employment Gap and Pay Gap

2.2.3. The employment rate (the percentage of a group with a paid job, excluding the self-employed) amongst Scotland’s ethnic and racial minority population is consistently lower than the employment rate of the white majority population. In 2021 this was estimated at 62.1% compared with 73.9% for the white group.

Figure M: Scotland employment rate for ethnic and racial minority and White groups aged 16-64, 2011-2021



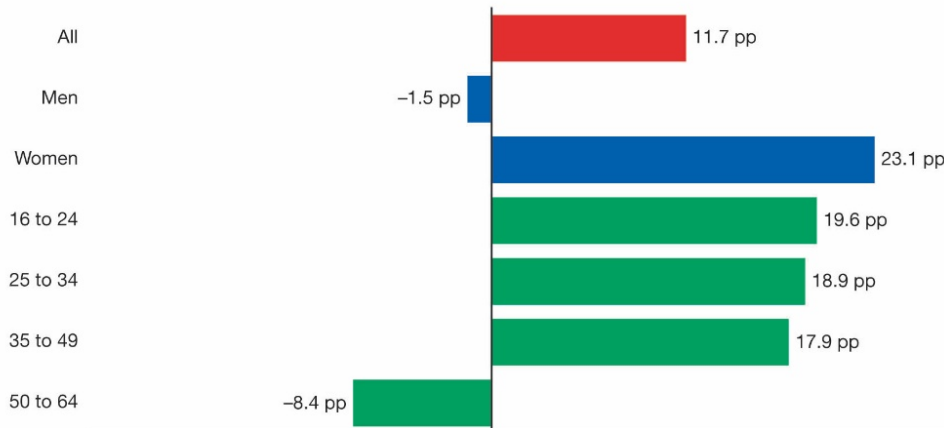
Source: see footnote 119

2.2.4. This means there was an ethnicity employment rate gap of 11.7 percentage points in 2021. The unemployment rate for the non-White ethnic and racial minority group was estimated at 6.5% while the unemployment rate for the White group was estimated at 3.8%.¹¹⁹ In 2021, the ethnicity employment rate gap was largest for those aged 16 to 24 (19.6 percentage points) followed by those aged 25 to 34 (18.9 percentage points). The gap for 35-49 year olds was 17.9 percentage points. With the exception of older workers, therefore, inequalities for ethnic and racial minorities are apparent across the age distribution.

¹¹⁸ In their review, the CRER (2020) found that ‘after discounting indicators in development or for which an ethnicity analysis was not relevant, 26 out of 40 (65%) National Indicators did not have ethnicity data on Equality Evidence Finder’. CRER (2020) *Scotland’s National Performance Framework: Measuring outcomes for minority ethnic communities September*. CRER, p. 50

¹¹⁹ <https://www.gov.scot/publications/scotlands-labour-market-people-places-regions-protected-characteristics-statistics-annual-population-survey-2021/documents/>

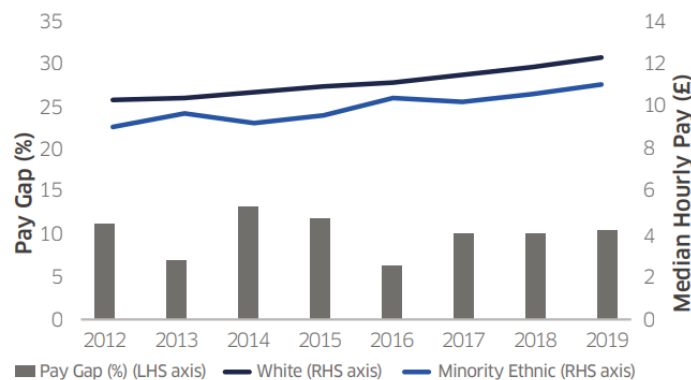
Figure N: Scotland employment rate gap for ethnic and racial minorities according to age and gender



Source: see footnote 119

2.2.5. On average, non-White ethnic and racial minority workers in Scotland earn less than White workers. This is reflected in Scotland’s persistent ethnicity pay gap¹²⁰ which offers a useful indicator of pay inequality in the labour market and shows little progress of being closed. Figure O shows the difference between the median hourly rate of pay of White employees (black line) and the median hourly rate of pay of ethnic and racial minority employees (blue line), and the gap between them (bar chart). This tells us that there has been a persistent ethnicity pay gap in Scotland and that it presently stands at 10.3%. This means that for every one pound earned by a White worker, a non-White ethnic and racial minority group member will earn ninety pence for doing the same job.¹²¹

Figure O: Scotland pay rate gap



Source: see footnote 121

2.2.6. It is also important to understand that ethnic and racial minority workers in Scotland are more likely to work part-time and less likely to work full-time compared to white workers, as well as more likely to be underemployed and less likely to be in contractually secure employment than white workers. Unlike

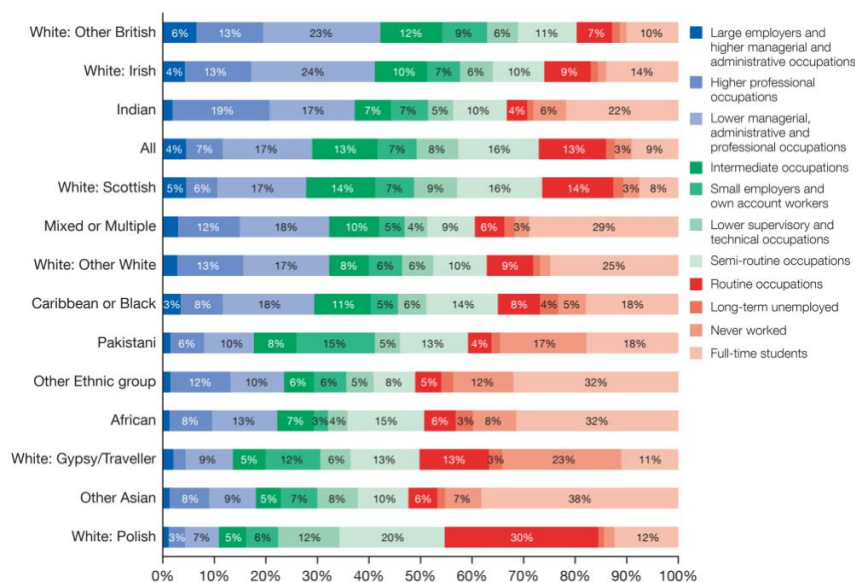
¹²⁰ There are different ways to analyse and quantify pay gaps. The ethnicity pay gap referred to here is calculated in the APS as the difference between the median hourly rate of pay of white employees and the median hourly rate of pay of minority ethnic employees expressed as a percentage of white employees’ median pay.

¹²¹ Scottish Government (2022) *Analysis of Labour Market Outcomes of Scotland’s Minority Ethnic Population*. Available [here](#).

the employment rate gap, the pay rate gap focuses only on people with a paid job, which is important given self-employment is more likely among some ethnic and racial minorities.

- 2.2.7. There is evidence that in some cases this may not be a choice but a reflection of barriers accessing the labour market. It has been shown through studies which tested for racial discrimination in recruitment processes in UK cities (including in Scotland) that ‘people from ethnic minorities were less likely to be successful with their applications, even discounting differences such as age and education’.¹²² While this relates only to the shortlisting, at the early stage of the recruitment process, in order to secure a job interview the researchers had to send out 74 per cent more applications for ethnic and racial minority candidates compared to White candidates. When they controlled for other factors the researchers attributed this to having a name associated with a Black and minority ethnic background.
- 2.2.8. Using ‘odds ratios’ – the probability of a positive response from the employer (ethnic discrimination) or the probability of being employed (ethnic penalty) - others have shown that all ethnic and racial minority groups are substantially less likely than the White British group to receive a positive call-back when applying for a job.¹²³ This is not uniform, however, and Black groups in particular, stand out in this analysis as faring least well, both in terms of discrimination in job opportunities and in terms of the nature of work they are appointed too.

Figure P: Ethnic Group by NS-SeC, All People aged 16-74 years, Scotland



Source: see footnote 124

- 2.2.9. In Scotland, the National Statistics Socio-economic Classification (NS-SeC) uses on 2011 Census data to provide an indication of socioeconomic position based on occupation. It is an Office for National Statistics (ONS) standard classification and helpful in including people who identified as ‘White: Gypsy/Traveller’, and who have a considerably higher proportion (23 per cent) than the other ethnic and racial groups who have never worked.¹²⁴ Based upon this data, ethnic and racial minorities in Scotland are concentrated in the lowest paid occupations (with the exception of Indian groups).

¹²² Wood, M., Hales, J., Purdon, S. et al (2009) *A test for racial discrimination in recruitment practice in British cities*, Research report 607, London: Department for Work and Pensions. p. 41.

¹²³ Zwysen, W., Di Stasio, V., & Heath, A. (2021). Ethnic Penalties and Hiring Discrimination: Comparing Results from Observational Studies with Field Experiments in the UK. *Sociology*, 55(2), 263-282

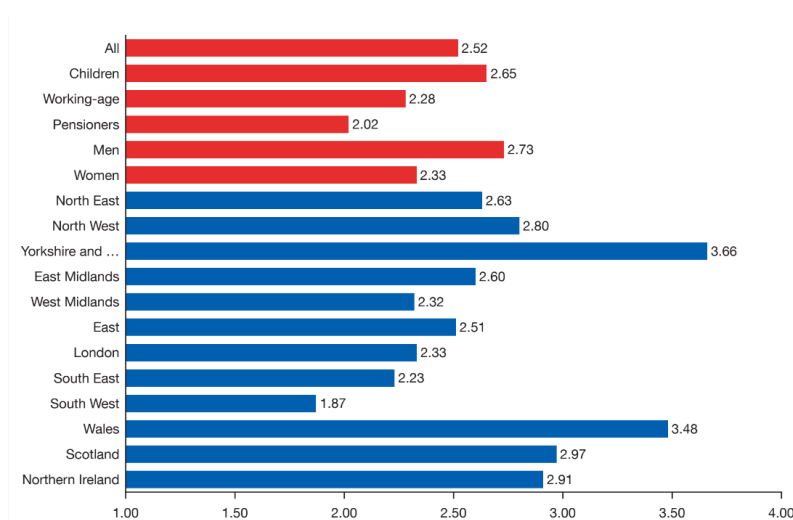
¹²⁴ Scottish Government. 2015. How do Scotland’s Ethnic Groups Fare in the Labour Market? p. 83. <https://www.nrscotland.gov.uk/files/statistics/rgar2014/rgar-14-invited-chapter.pdf>

Some analysis has shown that many ethnic and racial minorities move towards self-employment and the gig economy because they have been unable to access mainstream labour market opportunities.¹²⁵

Poverty

2.2.10. Ethnic and racial minorities are much more likely to not only be in relative poverty across the UK, but also deep poverty, compared to white majority groups.¹²⁶ According to this measure, analysis shows that less than 1 in 5 white people (19%) are in relative poverty compared to more than a third (37%) of ethnic and racial minorities.¹²⁷ These differences are even more pronounced when focusing on Black, Pakistani and Bangladeshi categories exclusively and which show that minorities in these groups are respectively 2.7, 3.3 and 4.2 times more likely to be in relative poverty than white people. This tendency is much higher in Wales and Scotland where Black and minority ethnic people are 3.5 times (Scotland) and 3 times (Wales) more likely to be in relative poverty than White people, compared with the overall UK average of 2.5 times more likely.

Figure Q: UK Relative likelihood of ethnic and racial minorities being in poverty relative to the White group (1.00)



Source: see footnote 127

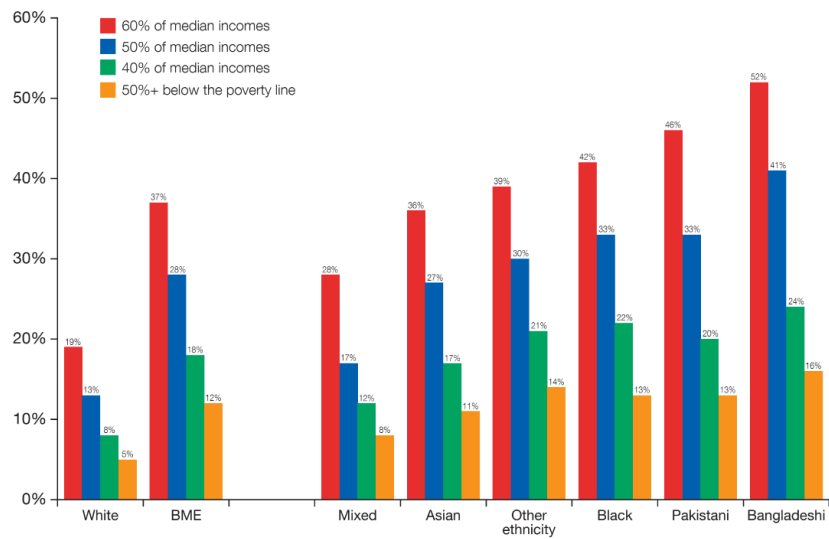
2.2.11. This means that despite making up only 15% of the population, at the UK level more than a quarter (26%) of those in deep poverty are from an ethnic and racial minority background, and make up a growing share of those on the lowest incomes relative to median income more broadly. In Figure R below, we can see this in how far away a number of ethnic and racial minority groups are from the median UK income (the middle of the income distribution). Specifically, it details how likely different groups are to be in 'relative' poverty (measured by whether income falls more than 60% below median) and also 'deep' poverty (having an income – after housing costs - that falls more than 50% below the relative poverty line).

¹²⁵ Florisson, R. (2022) *The Insecure Work Index: Two decades of insecurity*. Work Foundation, Lancaster University.

¹²⁶ Relative poverty can be assessed in terms of having an income that falls more than 60% below median incomes (after housing costs), and deep poverty in terms of having an income that falls more than 50% below the relative poverty line. See: Edmiston, D (2022) 'Plumbing the Depths: the changing (socio-demographic) profile of UK poverty', *Journal of Social Policy*, 51 (2): 385-411.

¹²⁷ See Edmiston, D., Begum, S. and Kataria, M. (2022) *Runnymede Trust Briefing: Poverty, Inequality and Ethnicity in the UK*.

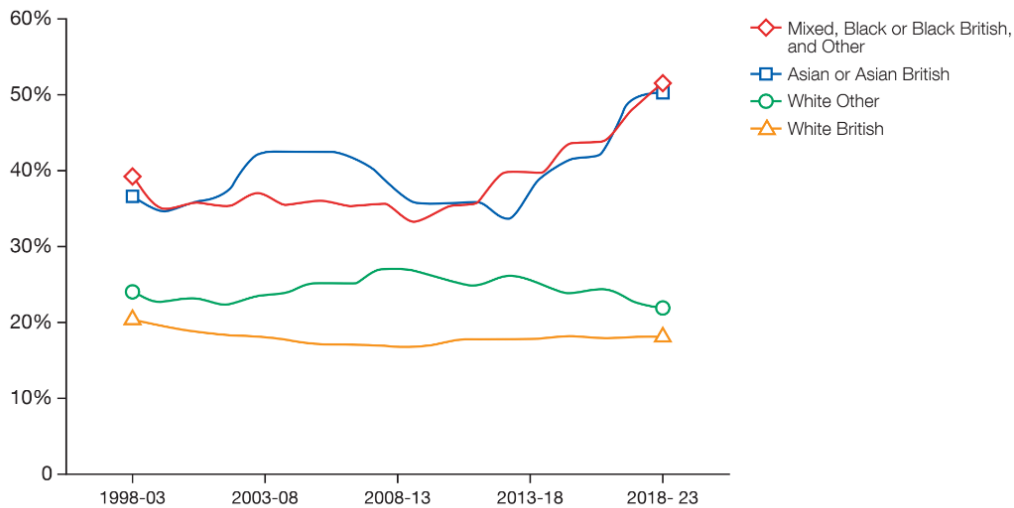
Figure R: Degree of poverty relative to median incomes



Source: Footnote 127

2.2.12. Over the five-year period 2018-23 in Scotland, people from non-White ethnic and racial minority groups were more likely to be in relative poverty after housing costs compared to those from the ‘White - British’ and ‘White - Other’ groups. The poverty rate was 50% for the ‘Asian or Asian British’ ethnic groups and 51% for ‘Mixed, Black or Black British and Other’ ethnic groups, compared with 18% for the ‘White - British’ group.

Figure S: Proportion of people in Scotland by ethnic and racial category who are in poverty after housing costs 2018-2023

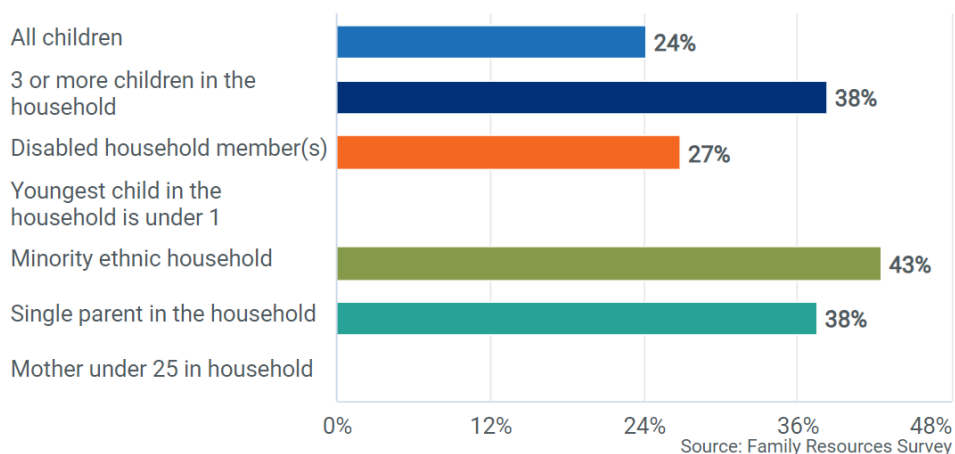


Source: see footnote 128

2.2.13. Within this, data from the family resource survey shows that children in priority groups were more likely to be in relative poverty compared to all children. This was in particular true for those in ethnic and racial minority households, and those with a single parent in the household, and therefore

especially acute for those with intersecting inequalities. Moreover, this gap has widened from 39% between 2019-2022 to 43% between 2020-2023.¹²⁸

Figure T: Children in Scotland at risk of levels of relative poverty



Source: see footnote 128

Education

2.2.14. The 2022 pupil census found that 74.7% of pupils in Scotland identified as White Scottish, 6.5% as White Other British and 6.4% as another White ethnicity including Polish, Irish and Gypsy / Traveller. The census showed 2.1% of pupils identified as Asian Pakistani, 1.0% as African Scottish / British, 0.7% as African Other and 1.7% as Mixed.¹²⁹ The proportion of school leavers in a 'positive' initial destination (e.g., higher education, apprenticeship, employment, or training) increased for most ethnic and racial minority groups between 2019/20 and 2021/22, with Black groups fairing amongst highest (98.8%).

Figure U: Summary Statistics for Attainment and Initial Leaver Destinations 2003

| Pupil Characteristic | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|---------------------------------|---------|---------|---------|---------|---------|---------|
| Sex | | | | | | |
| Male | 92.9 | 93.5 | 94.2 | 92.1 | 94.7 | 95.2 |
| Female | 94.9 | 95.6 | 95.9 | 94.6 | 96.2 | 96.3 |
| Ethnicity | | | | | | |
| White - Scottish | 93.7 | 94.4 | 94.9 | 93.2 | 95.5 | 95.6 |
| White - non-Scottish | 94.7 | 95.1 | 95.8 | 93.3 | 95.1 | 95.6 |
| Mixed or multiple ethnic groups | 94.9 | 95.5 | 93.8 | 92.3 | 96.5 | 94.6 |
| Asian - Indian | [c] | 97.2 | 97.2 | [c] | [c] | [c] |
| Asian - Pakistani | 96.5 | 95.8 | 97.1 | 97.2 | 96.7 | 98.6 |
| Asian - Chinese | [c] | 98.0 | [c] | [c] | [c] | [c] |
| Asian - Other | 96.4 | 97.0 | [c] | 95.0 | 97.0 | 97.4 |
| African/ Black/ Caribbean | 95.3 | 96.9 | 96.4 | 94.7 | 97.5 | 98.8 |
| All other categories | 93.7 | 91.7 | 93.7 | 93.4 | 94.9 | 96.3 |
| Not Disclosed/Not known | 92.7 | 91.5 | 92.8 | 91.2 | 92.7 | 95.5 |

Source: see footnote 129

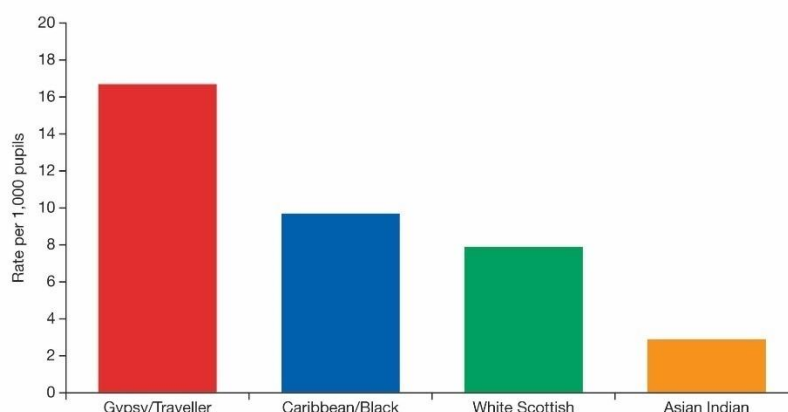
2.2.15. This is a positive pattern, but it also means that the higher levels of school-leaving attainment are unlikely to be replicated in employment outcomes since, as already established, ethnic and minority workers experience both a lower quantity and poorer quality of work. Conversely, while school exclusion rates in Scotland have decreased overall, there are still disparities across different ethnic

¹²⁸ Poverty and Income Inequality in Scotland 2020-23 <https://data.gov.scot/poverty/#Children> (see 2019-2022 data for comparison).

¹²⁹ Summary Statistics for Attainment and Initial Leaver Destinations, No. 5: 2023 Edition - gov.scot (www.gov.scot)

groups, with the exclusion rate among Caribbean and Black children at 9.7 per 1,000 pupils was also higher than the rate for White Scottish children (9.4 per 1,000 pupils).

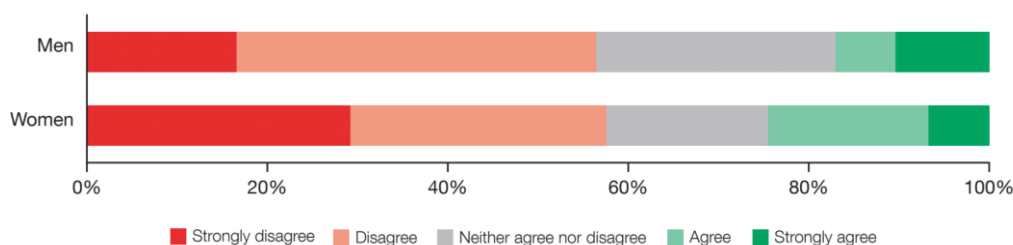
Figure V: School exclusion rate in Scotland per 1000 pupils according to ethnic and racial group



Source: see footnote 129

2.2.16. The issue of ethnic and racial disparities in school exclusion rates is long established, and the reasons include pupil visibility and teacher stereotypes, the culture and ethos of the school (including as reflected in the curriculum), as well as unsatisfactory pupil level support.¹³⁰ In a rich and iterative study with more than a hundred pupils in Scotland, using self-completion and so indicative rather than weighted for representativeness, researchers provide a series of rare and detailed insights into the experiences of ethnic and racial minority secondary school pupils in Scotland.¹³¹ For example, in response to the statement ‘If I experienced a racist incident at my school, I would feel able to tell my teacher’, more than half of the respondents disagreed or strongly disagreed.

Figure W: If I experienced a racist incident at my school, I would feel able to tell my teacher



Source: see footnote 131

2.2.17. The reasons for this lack of confidence in teachers include pupil perceptions of an insufficient grasp of the nature of racism and its impact. This is consistent with qualitative studies of ethnic and racial minority school pupils in Scotland, and which report concern amongst pupils that attempting to communicate the issue ‘could quickly escalate into a confrontation which creates a conflict situation’ in which the underlying issues is ‘completely ignored’.¹³²

¹³⁰ Gillborn, D. (2018) *Exclusions Review 2018 – Evidence on the Exclusion of Black Caribbean and Mixed: White/Black Caribbean students*. Centre for Research in Race and Education. University of Birmingham.

¹³¹ Dr Kevin Guyan in collaboration with Intercultural Youth Scotland & EDI Scotland (2019) *The perceptions and experiences of Black, Asian and Minority Ethnic young people in Scottish schools*. Available on-line: https://kevinguyan.com/wp-content/uploads/2019/11/iys_edi_report_v1.pdf

¹³² Riaz, N. (2023) ‘Dissonance, (dis)respect, and (not) belonging in the school space: BME Muslim student accounts of their experience in Glasgow schools’, *Equity in Education & Society*, p. 10 <https://doi.org/10.1177/27526461231174623>

Part 3: Composition, Outcomes and Perceptions of Policing

3.1. Part 3 focuses on Policing in Scotland, mainly using publicly available data, to explore the composition of the police force, perceptions amongst different groups about policing in Scotland, outcomes in stop and search and deaths in different settings of custody and control. It also reflects on Islamophobia and attitudes towards Muslims in 2015 amidst anxieties about terrorism.

Equality and Diversity in Police Scotland

3.1.1. Having accepted and adopted the recommendations of the MacPherson Inquiry¹³³, each division and area command in Police Scotland should be able to detail an up-to-date record of appropriate training on Equality, Diversity and Inclusion. The emphasis in the MacPherson Inquiry report on monitoring and reviewing the training given to police officers followed their finding: ‘At every location there was a striking difference between the positive descriptions of policy initiatives by senior police officers, and the negative expressions of the minority communities’.¹³⁴

3.1.2. During its evidence gathering stage on an inquiry into race equality, employment and skills¹³⁵, the Scottish Parliament Equality and Human Rights Committee asked Police Scotland the question: ‘How does your organisation deal with racism and discrimination in the workplace? For example, does everyone know their responsibilities?’. In its submission, Police Scotland stated:

‘Police Scotland have a number of training and development offerings that ensure all officers and staff are skilled in relation to Equality, Diversity and Inclusion and are aware of the values and expectations within Police Scotland. At the commencement of every course run, officers and staff in attendance are briefed on the standards of behaviour that are expected whilst on a course. This includes reminding students about Police Scotland’s code of ethics and their responsibilities in relation to diversity and discrimination and what action to take and what action will be taken should any breach occur during the training event.’¹³⁶

3.1.3. Less than 12 months after this, HM Inspectorate of Constabulary in Scotland (HMICS) found an internal culture in which there was ‘a perception of a lack of respect, particularly with negative attitudes and a lack of inclusivity towards those with protected characteristics. This impacted upon people’s willingness to report discrimination and harassment.’¹³⁷ There are no publicly available records of which training is delivered and how consistently across Police Scotland, nor the duration, participation rates and means of determining impact. The author of this report has not reviewed information disclosed to the Sheku Bayoh Inquiry and understands that information about training will be reviewed separately for the purposes of the Inquiry.

3.1.4. The Independent Review of Complaints Handling¹³⁸ drew attention to the perceptions amongst employees that ‘racism was more prevalent within the service than within the community and that racist attitudes are also imported with some new recruits.’ Amongst its recommendations was that ‘Police Scotland therefore had to acknowledge that training is needed to address any racist, bigoted or misogynistic attitudes that exist and to move beyond stereotypes in some recruits’ thinking.’ Two important issues are important with regards to training.

¹³³ Detailed in para 1.5.4. above.

¹³⁴ Macpherson para 45.6.

¹³⁵ [Race Equality, Employment and Skills - Parliamentary Business : Scottish Parliament](#)

¹³⁶ https://archive2021.parliament.scot/S5_Equal_Opps/Race%20Equality%20in%20Scotland/Police_Scotland.pdf

¹³⁷ HM Inspectorate of Constabulary in Scotland (HMICS) (2021) *Thematic Inspection of Police Scotland Training and Development – Phase 2* <https://www.hmics.scot/sites/default/files/publications/HMICS20211020PUB.pdf> p. 57. Scottish Police Authority Policing Performance Committee (2023) *Appendix A - Stop & Search statistics across Scotland, England and Wales, 2021-22*. Policing Performance Committee. 15 June 2023.

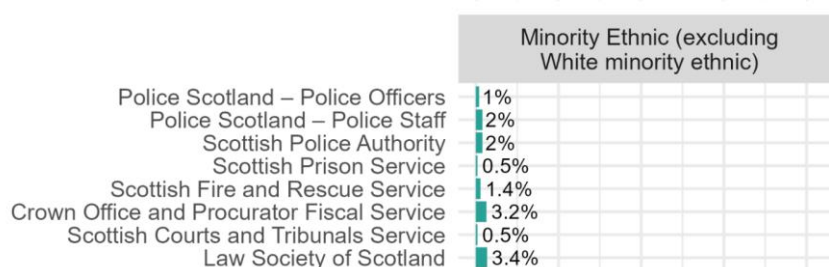
¹³⁸ The Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing Final Report November 2020. [Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing: Final Report \(www.gov.scot\)](#). p. 139-40.

3.1.4.1. The first issue concerns the need to measure the delivery of training in context, and so in much greater depth than registering the fact that training exists. For example, in their audit of revised training delivered by the Metropolitan Police Force after the Macpherson Inquiry, researchers spent six months with the murder team, and ‘included in-depth observations of the different stages of the investigative process, interviews and documentary analysis (including Senior Investigating Officer [SIO] decision logs, family liaison logs and a dip sample of seven murder reviews being handled by other murder teams in London)’.¹³⁹ This was in addition to observing critical incident training courses, a range of strategic and tactical meetings on particular cases (including SIO meetings, superintendent reviews, interview strategies, family liaison, and forensic strategies), and an analysis of SIO decision logs, suspect interviews, witness statements.

3.1.4.2. The second issue concerns the confusion between measuring individual level and institutional level impact of training. If we focus on the level of individual police officers through gauging attendance or participation, changing either in cultural awareness or knowledge, and attitudes to ethnic and racial minorities, we take individual-level changes as evidence of the training’s effectiveness, presuming this is the same as, or will translate into, institutional level changes. This would leave in place possible inequalities in the composition of the workforce, existing systems and procedures, and prevailing policing strategies.

3.1.5. Data from the Scottish Government¹⁴⁰ and HMICS Inspection of Training and Development Phase 2 tells us that just 1% of police officers and 2% of police staff in Police Scotland identified as a member of an ethnic or racial minority group (excluding white minority ethnicities who make up 2% of police officers and 1% of police staff identified respectively). This puts the actual number as follows: 253 Police Officers, 87 Police Staff and 87 Special Constables.¹⁴¹

Figure X - Ethnic composition of workforce in justice organisations



Source: see footnote 140

3.1.6. As part of the HMICS Inspection of Training and Development Phase 2, an unweighted online survey was developed to gauge insights from both current and previous police officers as to their experiences of equality, diversity and inclusion within Police Scotland (PS)¹⁴². 56% of respondents were qualified Police Officers and 21.2% Police Staff (22.9% other, including Special Constables and Probationers). While the data this generated represents the respondents of the survey only, it is nonetheless valuable in offering perspectives of people who had at least five years’ experience of working within Police Scotland (a majority of the responses 79.9%) with a further 61.4% who had more than 10 years’ experience. It also offers insights into resigning which HMICS identified as the most common reason for leaving amongst those who identified as ethnic and racial minority, with six out of the seven who

¹³⁹ Souhami, A., Foster, J., & Newburn, T. (2005) *Assessing the Impact of the Stephen Lawrence Inquiry*. Home Office Research Study: No. 294. London: Home Office. p. 16.

¹⁴⁰ Scottish Government (2023) *Ethnicity in the Justice System*. p. 64.

¹⁴¹ HM Inspectorate of Constabulary in Scotland (HMICS) Thematic Inspection 2021 p. 18

¹⁴² The survey was undertaken by Dr Ali Malik on behalf of HMICS Phase 2 and was live between 21st June and 16th July 2021. In total the survey received 542 responses, 60.9% of respondents currently worked for PS, and 39.1% did not. See HM Inspectorate of Constabulary in Scotland (HMICS) Thematic Inspection 2021 Appendix 1.

resigned still in their probationary period.¹⁴³ Of those who had left PS, 84.9% had left within the last 5 years, offering a relatively recent perspective.

Figure Y - HMICS Training and Development Survey

| | White | Minority Ethnic |
|---|-------|-----------------|
| Feel I belong(ed) in PS | 68.4% | 62.8% |
| Agree/strongly agree PS is committed to equality, diversity and inclusion | 54.5% | 46.5% |
| Agree/strongly agree people of all cultures, ethnic groups and characteristics are welcomed within the organisation | 70.9% | 48.8% |
| Agree/strongly agree people are comfortable talking about their background and cultural experiences with colleagues | 45.9% | 27.9% |
| Agree/strongly agree employees of different backgrounds, cultures and characteristics interact well with each other | 62.7% | 48.8% |
| Agree/strongly agree racial, ethnic and religious jokes are not tolerated within the organisation | 59.8% | 44.2% |
| Agree/strongly agree PS provides an environment for free and open expression of ideas, opinions and beliefs | 29.5% | 25.6% |
| Experienced discrimination | 28.3% | 48.8% |
| Experienced harassment | 25.6% | 34.9% |

Source: see footnote 137

3.1.7. The difference between Police Officer experiences is notable across each question, but of course limited with a non-weighted sample. The further qualitative feed-back from Police Officers with an ethnic and racial minority background offer insight into differences in perceived experiences:¹⁴⁴

“Unfortunately, I feel the colour of my skin and accent is a hurdle standing against my progress. I can feel that management stand every time against my progress whatever opportunity available is given to colleagues first. Such opportunity is only given to me whenever no one is interested or there is an extra place.”

“There is always a sense of ‘being different’. A small minority have passed comment on my protected characteristic and it being used as a ‘tick box’ exercise giving me the feeling of not belonging rather than recognising me for my merit. Although PS may try welcome everyone, not all colleagues do.”

“The racism and bullying made me feel like I didn't belong.”

“How many officers are being investigated for racist crimes? How many of us raised issues at the Truth to Power sessions, but we don't have the confidence to raise a grievance? The organisation has taken a neutral position re Black Lives Matter - this is utterly unacceptable.”

“Muslim officers bullied for praying, yet you can take many cigarette breaks unquestioned. Many white officers constantly tell stories of how BME candidates get through recruitment easier, and are of a poorer quality of candidate because of this. Leads to widespread bullying and people making you feel unwelcome. Supervisors can bully you with impunity, as they use performance management techniques as a cover for bullying you. If a complaint is made by you against your supervisor, they will destroy your character to discredit you.”

“Career progression is still based on nepotism and cronyism.”

3.1.8. Researchers examining why some ethnic and racial minority groups experience more bullying than others, have shown that the salience of negative categories in wider society not only extend to the workplace setting where they are replicated, but that broader discriminatory experiences and related inequalities can sometimes become amplified in the workplace.¹⁴⁵ Amongst respondents to the

¹⁴³ HMICS thematic inspection 2021 p. 20.

¹⁴⁴ All quotes taken from HMICS thematic inspection 2021 p. 63-67

¹⁴⁵ Patel, T. G., Kamerāde, D., & Carr, L. (2024). Higher Rates of Bullying Reported by ‘White’ Males: Gender and Ethno-Racial Intersections and Bullying in the Workplace. *Work, Employment and Society*, 38(2), 442-460. p. 445.

HMICS Inspection of Training and Development Phase 2, were people who said they had experienced discrimination or harassment due to their protected characteristics. Examples included:

“I was verbally and physically abused for being different and a Muslim.”

“Being made fun of and picked up by some colleagues due to my accent and place of birth.”

“Colleagues of various police ranks asked where my name came from as well as how dark my skin was. A colleague once asked me (details removed to protect anonymity) I had many comments over the years but never raised a complaint as it was treated as just a joke.”

“Racial Verbal abuse, discriminatory unfair performance management techniques, having extra training and development blocked for no good reason, having job applications blocked for no good reason, having religious holidays blocked for no good reason, racist jokes made by supervisors, alcoholic drinks given to me in staff night outs as a prank when I don't drink, officers shouting that they want a white only officers association as its unfair that BME officers get one, taken out in a car and interrogated by shift for taking part in a diversity initiative, actively been told that if I put in a complaint they would group together to make a complaint against me, humiliated for eating halal food, given substandard meals by operational planning when asking for a halal meal.”

“Offensive comments regarding religion included being told that Islam is a backward religion and women are treated as second class citizens before being quizzed as to why I don't wear the ‘hijab or burqa’.

- 3.1.9. It is interesting that amidst consultations about policing, during the Scottish Government’s development of an overarching Race Equality Framework, civilian ethnic and racial minority participants highlighted coterminous concerns about Police Scotland’s organisational culture, recruitment practices and retention rates.¹⁴⁶

Stop and Search

3.2. In September 2022, Police Scotland launched its Policing Together Strategy, bringing together multiple strands of work-in-progress within Police Scotland.¹⁴⁷ It included that constables should better record protected characteristics in the use of stop and search. As an investigative power for the purposes of crime detection or prevention,¹⁴⁸ it is especially well established that Black groups continue to be disproportionately subject to stop and search by police forces. The Police Scotland SOP describes stop and search as ‘a significant intrusion into their [the person stopped] personal liberty and privacy’. Since 2017, a Code of Practice (COP) in Scotland has stressed the requirement of reasonable suspicion for its use alongside numerous statutory instruments.¹⁴⁹

- 3.2.1. The use of stop and search powers has long served as a barometer of possible over-policing experienced by people in different minority ethnic and racial groups.¹⁵⁰ Previous research in English

¹⁴⁶ Race Equality Framework for Scotland Community Ambassadors Programme Findings Summary for Police Scotland: CRER (May 2016)

¹⁴⁷ As reported in **Anti-Racism in Scotland - Progress Review 2023: The Race Equality Framework and the Immediate Priorities Plan* (www.gov.scot)

¹⁴⁸ In a presentation to the Scottish Police Authority Policing Performance Committee, Assistant Chief Constable Steve Johnson and Superintendent Claire Dobson describe the powers of stop and search as ‘a valuable policing tactic which helps prevent, investigate and detect crime to keep people safe and is just one tactical option available to officers’. [item-3-5-stop-search-performance-report.pdf](#) (spa.police.uk) p. 2

¹⁴⁹ The three principles that the COP requires all stop and search activity to be governed by are (ii) Necessary (required to locate harmful items or confirm the possession of these *rather than for social control or to gain intelligence*); and (iii) Proportionate (both in the decision to carry out a stop and search and in the way in which a stop and search is conducted); and (iii) Lawful (in accordance with any legal duties imposed on officers and line with the Criminal Justice (Scotland) Act 2016, Terrorism Act 2000, Human Rights Act 1998, Equality Act 2010, Police and Fire Reform (Scotland) Act 2012, and the Criminal Justice and Public Order Act 1994). [Code of Practice on the Exercise by Constables of Powers of Stop and Search of the Person in Scotland](#) (www.gov.scot)

¹⁵⁰ See Norris, C., Fielding, N., Kemp, C., & Fielding, J. (1992) ‘Black and Blue: an Analysis of the Influence of Race on Being Stopped by the Police’, *British Journal of Sociology*, 43, 207-223; Young, J. (1994) *Policing the Streets: Stops and search in North London*. Middlesex

cities (Bristol and Leicester) has shown that ‘stops and searches were targeted at areas where there were disproportionate numbers of those from minority ethnic and racial backgrounds, yet where the local crime rates did not appear [to] justify this attention’.¹⁵¹ In a large recent academic study, researchers examined 36,000 stop and searches by 1,100 police officers at a major English police force¹⁵². Their conclusion is as follows: “Minority communities are over-patrolled, with the median officer patrolling an area that is 1.16 times more Asian and 1.37 times more Black than all of the West Midlands. The overall over-representation of ethnic minorities in stop and search decomposes into officer bias and over-patrolling. With officers over-searching minorities and command deploying officers to more diverse areas, the effects of officer biases are exacerbated by these deployment decisions. This results in more over-searching of minorities than can be attributed to officer biases alone.”¹⁵³

3.2.2. As we will come to, such disproportionate contact with police relates back to use of force, but in addition to officer bias alone, is the systemic tendency to view these communities (who are no more likely to break the law) as warranting the deployment of police searches. Using Scottish Police Authority (SPA) data, the table below disaggregates with the 5 ethnic group categories to show the rates of stops and search for 2021-22 per 10,000 of the population for each ethnic group. There are notable disparities within each country case between ethnic and racial groups, as well as across the country cases. In England and Wales for Black or Black British, 269.6 searches were carried out per 10,000 of the population, compared to 56.0 for White. There is less of a range of rates in Scotland, though the rate for Black groups (108.4%), Mixed (117.6) and Other (132.6) is still significantly larger than the rate for the White group (57.2) that is the lowest for all but Asian or Asian British (39.1).¹⁵⁴

Figure Z - Stop and Search per 10,000 people of each ethnic group in England & Wales and Scotland

| Ethnic group | England and Wales | Scotland |
|------------------------|-------------------|----------|
| White | 56.0 | 57.2 |
| Mixed | 94.3 | 117.6 |
| Asian or Asian British | 87.9 | 39.1 |
| Black or Black British | 269.6 | 108.4 |
| Other ethnic group | 65.0 | 132.6 |
| Not stated | – | – |

Source: see footnote 154

3.2.3. These figures remain at the level of the *general* population (the overall number of people) rather than the *available* population (the number of people in public space). Availability is greater the longer people are in a public space. We have already established that patterns of poverty, unemployment or being concentrated in particular sectors (e.g., catering in the nighttime economy) or insecure employment, or

University: Centre for Criminology. According to one assessment: ‘Nothing has been more damaging to the relationship between the police and the black community than the ill-judged use of stop and search powers.’ Bowling, B. and Phillips, C. (2007) ‘Disproportionate and Discriminatory: Reviewing the Evidence on Police Stop and Search’, *Modern Law Review*, 70(6), 936-931. p. 936.

¹⁵¹ A. Clancy, M. Hough, R. Aust and C. Kershaw, Crime, Policing and Justice: the Experience of Ethnic Minorities Findings from the 2000 British Crime Survey. Home Office Research Study 223 (London: Home Office, 2001) 68.

¹⁵² Vomfell, L., Stewart, N. (2021) ‘Officer bias, over-patrolling and ethnic disparities in stop and search’, *Nature Human Behaviour*, 5, 566–575.

¹⁵³ Vomfell, L., Stewart, N. (2021: 572).

¹⁵⁴ Scottish Police Authority Policing Performance Committee (2023) *Appendix A - Stop & Search statistics across Scotland, England and Wales, 2021-22*. Policing Performance Committee. 15 June 2023

school exclusions are disproportionate social outcomes amongst ethnic and racial minorities.¹⁵⁵ These social outcomes will more likely make populations *available* to over-policing. To this we add an understanding of strategic decisions in targeting of stops and searches in areas which have high concentrations of people from ethnic and racial minorities. It is notable that outside London, Dorset Police has the highest disparity rate for Black people stopped and searched reduces in England and Wales at 11.5, followed by West Mercia and Cumbria with 6.2 and 12.6. Yet the Black population in these areas is very small, in ways that suggest the effects of officer biases are amplified¹⁵⁶.

3.2.4. Researchers working together with bereaved families have established that in Scotland, more than two hundred and forty people die each year (the equivalent of four people a week) either in the custody or control of state authorities.¹⁵⁷ This figure includes a range of settings in which custody or control by state authorities occurs. Namely, people in prison, in police custody or contact, people detained on mental health grounds, looked after children and young people, people hospitalised with learning disabilities and autistic people, and those in migration detention or asylum accommodation.

Figure Z1 - Scottish deaths in different settings of custody and control

| Form of detention | Deaths in most recent year ⁵ | Deaths in 5 years ⁶ |
|---|---|--------------------------------|
| Prison | 38 | 209 |
| Police custody | 2 | 13 |
| Police contact | 39 | 124 |
| Mental Health | 144 | 673 |
| Migration and asylum | 4 | *16 |
| Looked after young people | 14 | 88 |
| People with learning disabilities and autistic people | 3 | 7 |
| Total | 244 | |

*Seven-year total; numbers for this category could not be disaggregated to isolate a 5-year period.

Source: see footnote 157

3.2.5. Amongst the concerns raised in this finding is that there remains no central reporting of deaths in Scottish custody, nor a standardised reporting format that individual agencies and organisations utilise:

‘No breakdown, categorisation or explanation of circumstances is routinely provided, making it difficult to distinguish deaths where the police may have played a direct contributing role to those where they did not. For example, a police pursuit in a car or foot can result in death; police may be called to a report of a person experiencing a crisis who then dies with little or no interaction with police. Both count as deaths following contact’.¹⁵⁸

As such, information gathering has relied on Freedom of Information (FOI) responses, but this has often been provided without elementary demographic information, specifically the protected

¹⁵⁵ In a qualitative study of people stopped and searched, researchers found that some of the black and Asian people in their study tended to work in jobs with unsociable hours, such as in fast food outlets, mini-cab drivers, shift work at factories and postal workers. See Stone, V. and Pettigrew, N. (2000) *The Views of the Public on Stops and Searches*. Police Research Series Paper 129. London: Home Office.

¹⁵⁶ [Update to stop and search and arrests statistics using 2021 Census estimates - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/update-to-stop-and-search-and-arrests-statistics-using-2021-census-estimates)

¹⁵⁷ Armstrong, S., Barkas, B., Allan, L., Allan, S., and Cairns, D. (2024) Scottish Centre for Crime and Justice Research Nothing to See Here? Deaths in Custody and FAls in Scotland. [Nothing-to-See-Here-2023-FINAL.pdf \(sccjr.ac.uk\)](https://www.sccjr.ac.uk/Nothing-to-See-Here-2023-FINAL.pdf) p. 3

¹⁵⁸ Armstrong et al., p. 4.

characteristics of people who have died in custody or control. When this has been probed with Police Scotland, researchers report that ‘Police Scotland noted in its FOI response that it is not required to collect or report ethnicity data’.¹⁵⁹ On what grounds Police Scotland are exempted from recording and reporting on protected characteristics for deaths in custody or following contact is not stated.

Perceptions of the Police

3.3. In UK wide polling by Ipsos¹⁶⁰, and which includes weighted samples from Scotland, there is evidence that ethnic and racial minorities diverge significantly with white groups in their perceptions of the fairness of police conduct. In Figure A2 we see that when asked about how they themselves might be treated by the police if they were a victim of crime, there was a 16-percentage point gap (42% ethnic minority vs. 58% white groups), and similar difference in confidence of fair treatment if they were suspected of committing a crime (34% ethnic minority vs. 46% white groups) or in being stopped and searched (35% ethnic minority vs. 50% white groups).

Figure A2 – Confidence in fair treatment by the police



Source: see footnote 160

3.3.1. In Figure B2 below, we see under half (47%) of people from ethnic minority groups are confident the police would treat them the same as anyone else if they reported a crime, compared with more than two thirds (69%) for the white groups polled, and less confident than white groups that they would be treated with respect (51% vs 64%), listened to and believed (43% vs 59%), or and that the police would be clear with them on what would happen next (47% vs 58%).

¹⁵⁹ Armstrong et al., p. 5.

¹⁶⁰ Ipsos (2023) Charts available here: <https://www.ipsos.com/sites/default/files/ct/news/documents/2023-07/ipsos-attitudes-towards-treatment-of-citizens-by-police-2023-ipsos.pdf> Ipsos interviewed a representative quota sample of 2,178 adults aged 16+ in Great Britain. Interviews took place on the [online Omnibus](#) between 9th-12th June 2023.

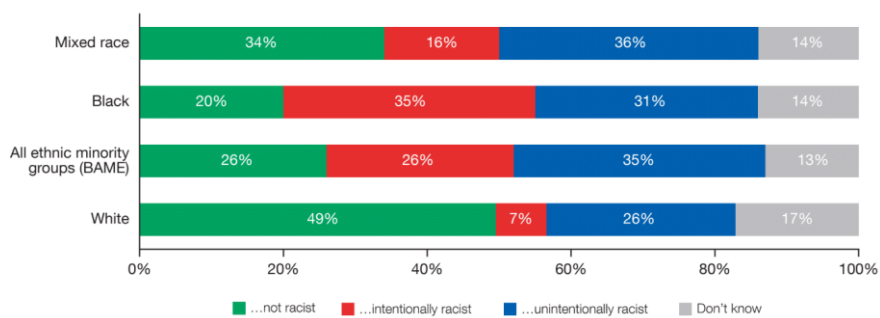
Figure B2: Confidence in fair treatment by the police 2



Source: see footnote 160

3.3.2. Notably, Ipsos have also polled directly on whether the police are perceived to be either intentionally or unintentionally racist and show a striking contrast between white respondents (7% intentionally and 26% unintentionally), and Black respondents (35% intentionally and 31% unintentionally) and with all ethnic minority groups reporting higher levels of perception of police racism (26% intentionally and 35% unintentionally).¹⁶¹

Figure C2: On the whole, do you think police officers are...?



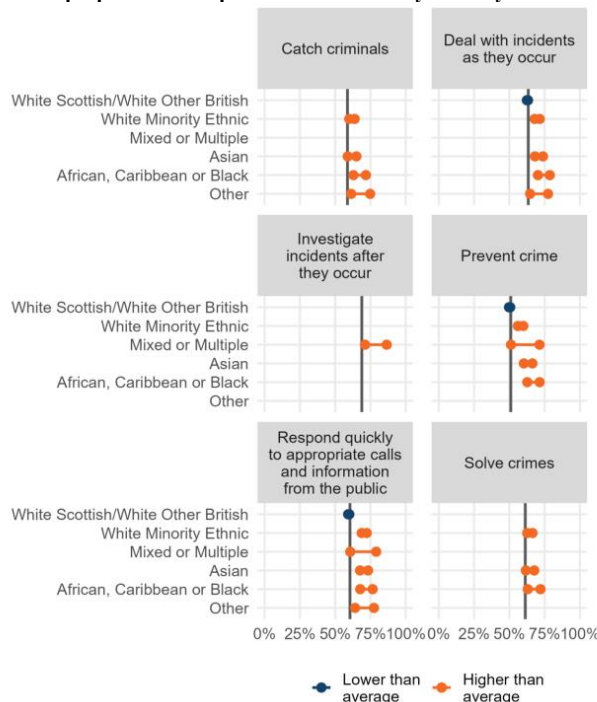
Source: see footnote 160

3.3.3. At first glance, a seemingly different picture is established by the Scottish Crime and Justice Survey (SCJS) which, for the first time, has included analysis according to ethnicity. Namely, when respondents are asked about their confidence in the police on six statements relating to measures in their local area, ethnic and racial minorities are more likely to hold positive views of the police compared with the national average. Figure D2 below shows that this appears to be the case across the six areas of policing that are typically deemed to be of importance to people (described in the grey boxes). The vertical line indicates the average responses, and from which we can gauge above average responses (orange dots) and below average responses (blue dots). Horizontal lines indicate the range within these responses.¹⁶²

¹⁶¹ Ipsos interviewed a sample of 1,499 adults aged 18-75 in Great Britain using its [online i:omnibus](https://www.ipsos.com/sites/default/files/ct/news/documents/2020-10/economist-survey-on-racism-2020-slides.pdf) between 21st and 25th August 2020. This includes a boosted sample of people from ethnic minority groups (BAME) of 502. Data has been weighted to the known offline population proportions for age, working status, gender, ethnicity and government office region and education. Within the ethnic minority sample, the proportions of people self-identifying as Mixed Race and Black were boosted further, to achieve an overall sample size of 220 and 224 for these groups respectively. Within the ethnic minority sample, data was weighted by ethnic group to reflect the overall offline ethnic minority population. Data tables available here: <https://www.ipsos.com/sites/default/files/ct/news/documents/2020-10/economist-survey-on-racism-2020-slides.pdf>

¹⁶² Scottish Government (2023) *Ethnicity in the justice system: evidence review*. Safer Communities Directorate. [Ethnicity in the justice system: evidence review - gov.scot](https://www.gov.scot) (www.gov.scot) p. 30.

Figure D2: SCJS Confidence in the police – proportion of respondents who are very or fairly confident in the police to...

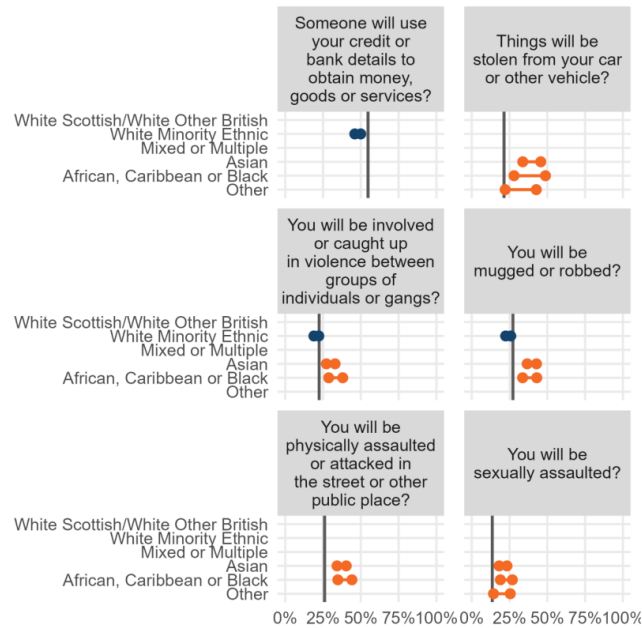


3.3.4. Indeed, across each domain ethnic and racial minorities are found to be no more negative than the national average. There is a simple way to explain this seeming contradiction. If we presume that for both surveys the data sources are valid, samples appropriately weighted and the methodology reliable (a safe assumption), then both sets of findings are accurate because one (Ipsos) asks direct questions of police racism, and the other (SCJS) investigates a different set of questions across a greater number of domains (and is undoubtedly a more sophisticated survey).

3.3.5. What may add further insight in the future, is whether the ‘pooled sample methodology’, adopted for the first time the SCJS, is ensuring that participant responses sufficiently up to date. Pooled samples gathering smaller sets of data that are expected to have the same value and combining this to create an estimate of characteristics. It is used in the SCJS to overcome the problem of too few respondents from minority ethnic and racial minority backgrounds in the standard survey sample. However, as ‘some of the data from the pooled sample is over a decade old, it remains unclear whether the picture presented in the pooled sample is still representative of how it is today’.¹⁶³ In either case, these findings about attitudes towards policing and locality should also be read alongside the findings that respondents who identify as Asian and African, Caribbean or Black, also report a higher level of fear that they will be victim to both property crimes and violent crimes.

¹⁶³ Scottish Government (2023) *Ethnicity in the justice system* p. 73.

Figure E2: Fear of crime – proportion of respondents who are fairly or very worried about each crime type:



Indeed, the SCJS finds that these groups ‘are consistently found to have higher than the national average level of fear for the majority of crimes asked about, including, both property crimes and violent crimes.’¹⁶⁴

Islamophobia and Attitudes Towards Muslims in 2015

3.4. It is noted however that Islamophobia is not considered in such data, beyond the motivation for aggravated crime, and specifically that the experiences of Muslims interactions with Police Scotland are not included. The CPG report discussed in Part 1 offers one source, although the sample size and uncertainty on whether it is appropriately weighted requires us to treat it with caution as to any claims of national representativeness.¹⁶⁵ Nonetheless, if we consult the Inquiry’s findings, read it alongside the quantitative representative national polling discussed below, as well as take note of the qualitative insight it contains in particular, a provisional picture may be drawn.

3.4.1. Firstly, the CPG inquiry found that of all those who stated they had direct experience of Islamophobia, little more than one fifth had reported incidents to the police. This is consistent with what we know of underreporting, including what is discussed in Part 2 on experiences of racism in Scotland. Secondly, the Inquiry stated that some participants ‘did report Islamophobia but claim that the police worsened the situation or exposed them afterwards to what they felt was additional Islamophobia’¹⁶⁶. The

¹⁶⁴ Scottish Government (2023) *Ethnicity in the justice system* p. 15.

¹⁶⁵ *Report of the inquiry into Islamophobia in Scotland by the Cross-Party Group on Tackling Islamophobia Scotland’s Islamophobia* (2021) [Report of the inquiry into Islamophobia in Scotland by the Cross-Party Group on Tackling Islamophobia - John Smith Centre](#). It is not clear if this was a weighted survey, and relies on 447 respondents aged between 13 to 87 years. Just under 60% of respondents have a Glasgow postcode and 16% an Edinburgh postcode, and there are several responses from Aberdeen, Dundee, Falkirk, Kirkcaldy and Motherwell.

¹⁶⁶ *Report of the inquiry into Islamophobia in Scotland by the Cross-Party Group on Tackling Islamophobia Scotland’s Islamophobia* (2021) [Report of the inquiry into Islamophobia in Scotland by the Cross-Party Group on Tackling Islamophobia - John Smith Centre](#). All quotes taken from pp: 24-30.

accompanying qualitative statements reported in the CPG Inquiry offer insight into what this can mean, and includes the following claims:

The police in Aberdeen told me that it was just a case of ‘sticks and stones’ (i.e. it wasn’t a big deal) and that there was nothing that could be done about it. I said that I wanted the incident logged by the police.

I’ve learned from experience that the police are not interested in dealing with anything but the most ‘serious’ crimes.

In addition to citing negative community experiences and a lack of familiarity with the issues, the CPG Inquiry specifically identified the role of racial profiling of Muslims in relation to the counter terror policing as undermining confidence in Police Scotland.

[W]hen the airport immigration officers – the police – are making Islamophobic assumptions about you, questioning your humanity because of your background, how exactly are you supposed to report it and hold them accountable?¹⁶⁷

- 3.4.2. It is arguable that the circumstances and then introduction of the Counter Terrorism and Security Act 2015 amplified scrutiny of Muslims in Scotland and the UK more broadly. This legislation was introduced following an Intelligence and Security Committee¹⁶⁸ report into the murder of Lee Rigby, and against the background of the independent Joint Terrorism Analysis Centre (JTAC) raising the UK national terrorist threat level from SUBSTANTIAL to SEVERE in August 2014.¹⁶⁹ The then Prime Minister announced that legislation would be brought forward to stop people travelling overseas to fight for terrorist organisations or engage in terrorism related activity and subsequently returning to the UK, as well as address possible threats from people in the UK who posed a risk to the public. This was a time when UK attitude polling carried out by YouGov in June 2015 found, with a large, weighted sample of respondents, that when asked which words or phrases they most associated with the term ‘Muslim’, respondents chose ‘terror | terrorist | terrorism’ ahead of other terms including ‘mosque’ and ‘Quran’.¹⁷⁰
- 3.4.3. It is reasonable to say therefore, that amidst a heightened general anxiety about terrorism, negative stereotypes of Muslims and Islam were salient in 2015; indeed in March that year, a YouGov study with weighted Scottish samples, reported that over half of their sample agreed with the statement that ‘There is a fundamental clash between Islam and the values of British society’, and a one in five agreed that ‘Islam is generally compatible with the values of British society’.¹⁷¹ While such polls are an important indicator of public anxiety, how this translates into Scotland specific perspectives is better gauged by consulting the pattern of responses to the indicators of general prejudice in the 2015 Scottish Social Attitudes Survey (SSS).¹⁷²
- 3.4.4. This allows us to consider what is mundane as well as exceptional. For example, it tells us about the proportion of people in Scotland who would prefer to live in an area where most people are similar to themselves (which declined by ten percentage points between 2010 and 2015), and negative attitudes

¹⁶⁷ See footnote 166.

¹⁶⁸ Intelligence and Security Committee of Parliament (2013) *Report on the intelligence relating to the murder of Fusilier Lee Rigby*. Available on-line: https://isc.independent.gov.uk/wp-content/uploads/2021/01/20141125_ISC_Woolwich_Reportwebsite.pdf

¹⁶⁹ HM Government (2021) *Memorandum to the Home Affairs Committee Post-legislative scrutiny of the Counter-Terrorism and Security Act 2015*. Viewed on-line: https://assets.publishing.service.gov.uk/media/60c8c50ad3bf7f4bcc06534b/CCS207_CCS0621700320-001_CP_455_Web_Accessible.pdf

¹⁷⁰ All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 6,641 adults (2015) and 5,216 adults (2014). Fieldwork was undertaken between 5th – 9th June 2015. The survey was carried out online. The figures have been weighted and are representative of all UK adults (aged 18+).

¹⁷¹ YouGov, 1,641 GB adults aged 18+ interviewed online 22-23 March 2015. Older people were more likely to say there was a clash between Islam and the values of British society than younger people (67% for those aged 60+ years compared with 34% for those aged 18-25 years old).

¹⁷² Scottish Government (2016) *Scottish Social Attitudes 2015: Attitudes to discrimination and positive action*. Available on-line: [Scottish Social Attitudes 2015: Attitudes to discrimination and positive action \(www.gov.scot\)](http://www.gov.scot/Scottish-Social-Attitudes-2015-Attitudes-to-discrimination-and-positive-action)

to Scotland becoming a more diverse country (which also declined but not uniformly). What is especially noteworthy is that while the proportion who thought that Scotland would begin to lose its identity if more Muslims came to live in Scotland fell by nine percentage points (50% to 41%), not only did the overall anxiety remain higher than for other groups, but that the previous rise between 2002 and 2006 itself is attributed to an association between Muslims and terrorism.¹⁷³

Figure F2: Scottish Social Attitude Trends 2002-2015

| | 2002/3* | 2006 | 2010 | 2015 |
|--|------------------------|------|------|------|
| Prefer to live in an area where most people are similar to you | 46% | 49% | 43% | 33% |
| Agree: Scotland would begin to lose its identity if more Muslims came to live in Scotland | 38% | 49% | 50% | 41% |
| Agree: Scotland would begin to lose its identity if more people from Eastern Europe came to live in Scotland | - | 45% | 46% | 38% |
| Agree: Scotland would begin to lose its identity if more black and Asian people came to live in Scotland | - | 46% | 45% | 34% |
| Unweighted bases | 1665/1508 ⁺ | 1594 | 1495 | 1288 |

* The question about the kind of area in which someone preferred to live was first asked in 2002, while that about the impact of more Muslims coming to Scotland was included for the first time in SSA 2003.
⁺ Sample size in 2002=1665 and in 2003=1508

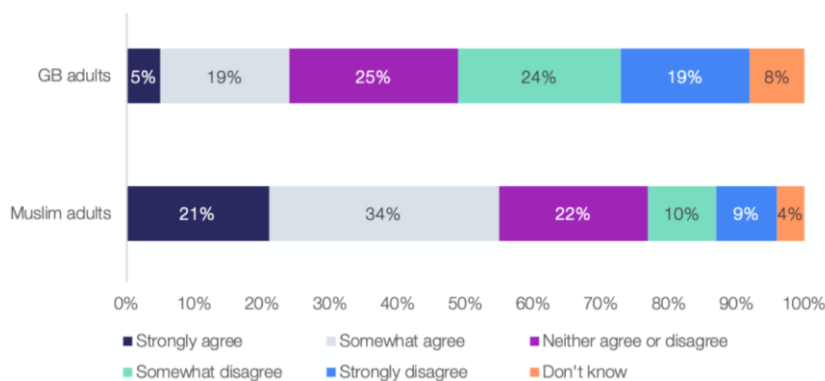
3.4.5. It is important to keep in mind that UK wide polling with Scottish samples can also indicate a mixed picture, something especially notable for levels of trust amongst Muslims, since a majority of Muslims express a reasonable amount of trust in the Police to respond to emergency situations and in their local communities that is not out of kilter with other minority and majority groups.¹⁷⁴ There is nonetheless likely an increasing experience informing a divergence connected with the security profiling of Muslims, something reflected in Savanta ComRes polling¹⁷⁵ that more than half of a representative sample of British Muslims (including a Scottish sample) agreed with the statement that the police unfairly target Muslims as they believe they are a terrorism risk. This perception is greater amongst men but overall, less than one in five disagrees with the statement, and suggests something of a broader perception of Islamophobia that is negotiated by Muslims in Scotland as elsewhere in the UK.

¹⁷³ See SSA 2015 p. 30 footnote 19.

¹⁷⁴ See Ipsos MORI (2018) *A review of survey research on Muslims in Britain*. Viewed on-line: <https://www.ipsos.com/en-uk/review-survey-research-muslims-britain-0> p. 31-2.

¹⁷⁵ Savanta ComRes interviewed 1000 British Muslims online from the 28th October to 8th November 2019. Savanta ComRes also interviewed 1000 GB adults online from the 25th to 31st October 2019. Data were weighted to be demographically representative of British Muslims by age, gender, region and ethnicity, and weighted to be demographically representative of GB adults by age, gender and region. [10239025 Weighted.pdf \(savanta.com\)](#)

Figure G2: To what extent do you agree or disagree with the following statement? ‘The police unfairly target British Muslims as they believe they are a terrorism risk’.



3.4.6. In 2016, the United Nations (UN) Committee on the Elimination of Racial Discrimination (CERD) registered concern with the statutory duty for public authorities to have due regard for the need to prevent individuals from being drawn into terrorism (the ‘prevent duty’) contained within the 2015 Act. Namely, that it had ‘created an atmosphere of suspicion towards members of Muslim communities.’¹⁷⁶ CERD highlighted (a) the wide scope of interpretation and leads to increased profiling of individuals based on their ethnicity and/or religion; (b) the negative impact on the rights to freedom of expression, education, and freedom of religion, and (c) the collection, retention and sharing of information on individuals. CERD urged regulatory bodies to evaluate the impact of the 2015 Act, especially as to whether they ‘constitute profiling and discrimination on the grounds of race, colour, descent, or national or ethnic origin, in purpose or effect.’

3.4.7. No such review is available at the Scotland level but it is notable that at border and ports between 2016 to 2021, of some 1,371 passengers intercepted by Police Scotland, ethnic and racial minorities (presumably including Scottish UK nationals) made up half of the number stopped. This data comes from the Scottish Information Commissioner and was only made available following an initial refusal to release data on the ethnicity of individuals examined under Schedule 7 to the Terrorism Act 2000.¹⁷⁷ What it confirms is that the perception of racial profiling and over-policing is borne out by the finding that Police Scotland are up to 20 times more likely to stop ethnic and racial minorities under counterterrorism powers.

¹⁷⁶Committee on the Elimination of Racial Discrimination (2016) *Concluding observations on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland*. <https://www.refworld.org/policy/polrec/cerd/2016/en/117834>

¹⁷⁷ Scottish Information Commissioner (2022) Decision 032/2022: Ethnicity of those stopped under Schedule 7 to the Terrorism Act 2000 Public authority: Chief Constable of the Police Service of Scotland Case Ref: 202100083. [Decision 032/2022 | Scottish Information Commissioner \(itspublicknowledge.info\)](https://itspublicknowledge.info/Decision-032/2022)

