



**The Sheku Bayoh Public Inquiry**

**Expert Witness Statement**

**Professor Augustine John**

**Taken by [REDACTED] via Microsoft Teams  
on 22 August and 4 September 2024**

**The writer**

1. I am Augustine John, aka Gus John. My date of birth is March 1945. My contact details are known to the Inquiry.
2. I declare that I am not and have not been associated with anyone involved in the Sheku Bayoh Public Inquiry, save for my knowledge over many decades of two witnesses, namely, Marcia Rigg and Deborah Coles. That said, I was not aware of their involvement in the Inquiry as witnesses until I was sent their evidence as part of the material I was to examine in preparing my own statement. I have no knowledge of any members of Mr Bayoh's family, or their legal representatives.

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3. I have provided my CV to the Inquiry.<sup>1</sup> My specialist field is Race in Social Policy, Education and Equality and Human Rights. I have been delivering training on race and discrimination for the last half a century. A summary of my relevant experience is set out at Appendix A to this statement.
4. The principles for effective training and cultural change which I will go on to discuss in this statement are a distillation of years of experience of training and guidance on training programmes in a wide range of institutions. They are transferrable to any organisation. It's a template that organisations should use, and is applicable to police services, prosecuting authorities and Commissioners such as PIRC.

### **Background and instructions**

5. The Sheku Bayoh Public Inquiry was set up to examine the events surrounding the death of Sheku Bayoh, a 31-year-old black African male who died on 3rd May 2015, after being restrained by police officers in the street in Kirkcaldy, Fife. The Inquiry is chaired by the Right Honourable Lord Bracadale.
6. The remit of the Inquiry is to establish the circumstances of the death of Sheku Bayoh; to assess the post incident management process and subsequent investigation.
7. The Inquiry's terms of reference also require it: *"to establish the extent (if any) to which the events leading up to and following Mr Bayoh's death, in particular the actions of the officers involved, were affected by his actual or perceived race and to make recommendations to address any findings in that regard"*.

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<sup>1</sup>SBPI-00662

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8. The full terms of reference for the Inquiry can be found on the Inquiry website.<sup>2</sup>
  
9. Based upon the profile presented above, I have been asked to prepare a report covering the following matters:
  - a. An introduction to types / methods of training on the following topics, including any comments I may have on the effectiveness of these types of training:
    - i. Non-discrimination and anti-racism, including accountability mechanisms;
    - ii. Cultural and racial awareness in policing;
    - iii. Lessons learned from previous deaths in custody or following contact with the police; and
    - iv. The concept of unconscious bias.
  - b. Any comments I may have on whether there are different considerations that apply in relation to training on race in the Scottish and English contexts in the context of policing.
  - c. A discussion of any other mechanisms for achieving cultural change that may be required in addition to or in conjunction with training. For example, in relation to workforce recruitment and retention, including with reference to the experiences of black and other minoritised police officers.
  - d. A discussion of how the effectiveness of training and other mechanisms can be monitored and evaluated.

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<sup>2</sup> [Inquiry terms of reference.pdf \(shekubayohinquiry.scot\)](#)

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e. A review of the training relating to race that was in place as at 3 May 2015 (the date of Sheku Bayoh's death) by:

- i. Police Scotland;
- ii. PIRC; and
- iii. COPFS.

10. I was instructed by the inquiry on 20 March 2024 to produce a report. However, we later agreed to take my evidence on the matters instructed in the form of statement. I have subsequently additionally been asked to provide commentary on the Macpherson definition of institutional racism.

11. In accordance with those instructions and my duty to assist the Inquiry, I have set out to provide a statement about matters that are within my knowledge, drawing upon the teaching and training I do with respect to promoting equity and deploying a strategic approach to combating racism, anti-Semitism and Islamophobia.

**Terminology**

12. Language adapts and changes over time, but it remains ever powerful, with the power to demean, devalue and crush, as well to validate, praise, motivate and inspire, both individuals and groups. Throughout this statement, I use the term 'Global Majority;' or 'Black and Global Majority', although when quoting from or referring to texts with which I have been provided, I retain the terminology used in those texts. My reasons for rejecting 'BAME', 'POC', and 'ethnic minority' are given in a presentation on language hegemony that I gave at a webinar at Coventry University in 2020.<sup>3</sup> While I use the term 'Black' in the collective sense, eschewing all considerations of colourism and shade-ism, it is important to acknowledge that many people included in the

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<sup>3</sup> <https://chattingcritically.com/2021/01/28/gus-john-proclaims-dont-bame-me/>

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term 'Global Majority' do not identify as Black.<sup>4</sup> Rosemary Campbell-Stephens defines 'Global Majority' as follows:

*'Global Majority is a collective term that first and foremost speaks to and encourages those so-called, to think of themselves as belonging to the majority on planet earth. It refers to people who are Black, African, Asian, Brown, dual-heritage, indigenous to the global south, and or, have been racialised as 'ethnic minorities'. Globally these groups currently represent approximately eighty per cent (80%) of the world's population, making them the global majority now, and... for the foreseeable future. Understanding that singular truth may shift the dial, it certainly should permanently disrupt and relocate the conversation on race.'*<sup>5</sup>

**Training: identifying the purpose of training**

- 13. There is a danger that training as an activity becomes a kind of panacea. The go-to or, rather, default position that many institutions adopt is, "*Well, let's organise a training programme on this*". Training is a facilitative process. It's meant to support people in doing better what they should be doing anyway, and quite often the supporting them in doing better requires being very clear from the beginning as to what they should be doing anyway.
  
- 14. In too many instances training becomes a kind of box-ticking exercise. We put people through training on X, Y, Z. I have known a university to send all of its managers on a residential training course for a whole week on unconscious bias and they all came back wearing the lapel. But absolutely nothing changed in terms of the way they ran their departments or dealt with

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<sup>4</sup> Since the late 1960s, the concept of 'political blackness' was embraced by groups building communities of resistance to racism in all its manifestations. However, by the 1990s, 'political blackness' as a unifying concept began to have less and less currency.

<sup>5</sup> [Global Majority: we need to talk about labels such as 'BAME' \(linkedin.com\)](https://www.linkedin.com/pulse/global-majority-we-need-talk-about-labels-such-as-bame-linkedin-com/)


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complaints or heeded the very clear messages the staff networks were giving them – the Black staff network, the women’s network, the disability forum. Although they were brimful of unconscious bias training, I didn’t see it translate into any adjustments based upon what these groups – organised groups – were saying to the university.

15. The organisation needs, first of all, to determine which of its various functions has relevance for race equality or combating racism. Once a decision is made that these many functions do have relevance, then the question is how does one identify within those functions what your race-equality or combating-racism objectives should be, and what form would that take? What actions are necessary in order to enable you to meet those objectives?
  
16. A ‘function’ is everything the organisation does in discharging its duties as a public body and a provider of services to its community and to society generally. For example, the organisation:
  - a. appoints staff
  - b. supervises staff
  - c. conducts staff appraisal and performance reviews
  - d. formulates policies
  - e. designs and delivers training curriculum
  - f. engages in research
  - g. engages in procurement of goods and services
  - h. makes provision for supporting staff on wellbeing issues
  - i. provides catering services
  - j. erects/leases and manages buildings and their use
  - k. puts in place procedures for registering and hearing complaints, grievances and disciplinary cases
  - l. provides work placements for students
  - m. enters into partnerships and collaborations with agencies, employers, educational institutions and with communities.

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17. Once it is identified that a function needs to improve to achieve a race equality objective, to make sure that people do what is required and bring about the intended change, they may need training. So, they're very clear as to what is required of them and how it fits into the strategic priorities of the organisation. In this way, you're able to identify concretely the actions that are being taken in relation to the function; what the results or impact of those actions are; how is it assisting you to get to where you want to be, and if it isn't, why it isn't, and what corrective measures you might want to take. If it is, and there are signs of good practice, how does one capture that and, if appropriate, spread it out across the organisation as good practice.
18. I am asked to give an example of an organisation identifying a function with relevance to race and designing / commissioning training to improve the operation of that function. At Salford University, one function with relevance to race was operating their Complaints and Grievance Procedure. The training to improve the operation of that function allowed the University to review how that function was operating across the piece and why it was experienced by BGM staff as not being responsive to their complaints and grievances. Why, for example, was the system favouring and giving support to managers automatically, without examining their conduct which staff were complaining about? Why was Human Resources/People Team responding promptly and taking disciplinary action as requested by managers, yet taking considerably longer than the 10 days stipulated in the procedure to respond to BGM staff's complaints and grievances?
19. In any organisation, the appropriate person to identify those functions which have relevance to race and could be improved by training on race is the person who is the leader or manager who has responsibility – and accountability - for that function. This begins with the Senior Command/Senior Leadership Team and the member of that team with

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designated responsibility for legal compliance with the Public Sector Equality Duty. They should do this by interrogating current practice and current monitoring data, including any results of impact assessment. They should also involve staff networks and capture their data and their perspectives and guidance. Practicalities to consider are:

- a) degree of relevance of the function
- b) ensuring that relevance is not determining solely by numbers (e.g., of BGM officers and staff; of self-identified disabled people, or LGBTQ, etc)
- c) interrogating current practices and arrangements (e.g., by virtue of their experience in the organisation and as they perform their operational duties, might BGM officers and staff require wellbeing support, or Safeguarding measures?)
- d) monitoring and continuous assessment measures
- e) reviewing supervision arrangements of HR practices.

**Training: evaluation and monitoring**

20. There is no point in releasing people to go to training if the follow-up mechanism does not allow them and their supervisors to understand what the training was meant to do. What were the objectives of this training? What was taught on the basis of that? I believe very much in self-evaluation: placing the responsibility on individuals to reflect on their practice upon the training that they receive, or that they might still need. Individuals are required to demonstrate what the objectives were, how it was applicable to that situation, how it is likely to improve their professional performance and their operational performance. Managers need to understand what other

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needs, training needs, supervision needs, support needs they have that that training might have thrown up for them, and to follow that through. The organisation should undertake an impact assessment on training as an intervention, so the impact of training is evaluated and measured.

21. It's not sufficient to send people on a course and tick their attendance record. I use the model of dipping sheep – if you put people through the trough, you know they are “done” for the year, you get on with business and they come back again next year for something equally unsophisticated.
  
22. Training should always be discussed as part of a staff appraisal or performance review process, in order to assess the impact and suitability of past training and discuss recommended or self-identified training needs. Appraisals provide an opportunity for the individual to schematically identify their own training needs, or for supervisors, on the basis of any number of criteria, to determine areas in which they need more training now. Routine supervision, when consistent and properly and not cursorily done, provides the opportunity:
  - a. for staff to discuss training and training needs
  
  - b. for supervisors to get those whom they are supervising to comment upon training they may have had, and how that is impacting upon their practice and their growth in awareness, knowledge, understanding and skills
  
  - c. for supervisors to recommend training, as necessary, or to discuss pairing up the member of staff with a colleague or peer mentoring, or a form of training and staff development.

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- 23. Some organisations say they don't have resources to do all that. But if you're not going to follow it through, don't start the process because that could generate a huge amount of cynicism and worsen people's conduct, not just on the street but among their own colleagues, especially Black and Global Majority colleagues.
- 24. All three organisations, Police Scotland, PIRC and COPFS have resource constraints. Irrespective of those, however, they have a responsibility to ensure continuous professional development. This is necessary for upholding sound professional standards and for assisting all staff in embracing personal responsibility for their own self development and for using their agency in building a culture of equity and in eliminating discrimination and the toxicity of racism, Islamophobia, misogyny, homophobia and more.
- 25. I am asked to give an example of an institution providing effective training despite budgetary restraints. Coventry University did this by providing training on decolonising the curriculum and on reviewing EDI as applied to both staff and students were activities that a self-appointed network of staff undertook, outwith the formal training calendar. For example, the Black Staff Network ran a series of webinars that involved academic affairs staff, heads of schools and curriculum leads. Similarly, Students Union staff and Chairs of student societies ran training sessions that were facilitated by the Black Staff Network, or by the wider non-formal network of staff.
- 26. Managers should take this more seriously than they do. Too much of the time training is seen as a programme that must be done; it's on our calendar and we have done it; but no one can point to evidence of how it has impacted on individuals; on the culture of the organisation; on individuals' performance; in operational settings; on the number of complaints received about (for example) police officers' conduct. That is not only wasteful financially and in

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terms of human resource, but can also compound bad conduct and have a deleterious impact on the culture of the organisation.

27. I am asked what should be done if officers or staff in the police, or staff in PIRC or COPFS, attend the training, and go through all those mechanisms, and are still identified as not open to training. As far as I'm concerned, that's straightforward. No one can place themselves above the law. No police officer or staff member should be able to place themselves above the professional standards that are clearly articulated in terms of what that particular organisation or police service is about, and what they expect in terms of conduct, competency or whatever it may be.
28. There has to be a clear statement by the organisation, or police service itself of what sanctions there would be and what would trigger those sanctions, so people are very clear that there is no choice in the matter.
29. There must be mechanisms for supervisors or line managers to ensure that individuals are embracing personal responsibility for making the working environment one in which their colleagues feel safe, and can bring and be their best without constantly stressing about the prejudice they're facing. When those mechanisms are not there, that is when people feel they have the space to indulge in racist behaviours and to create a toxic culture. This Inquiry has heard evidence by former Chair of SEMPER, Sandra Deslandes-Clark, that *"there are some people who are untrainable ... and lack the necessary understanding of why the police is so important, the office of constable is so important... if you cannot distinguish behaviours based on individuals, rather than your interpretation of a group of people, maybe this isn't the role for you and Police Scotland should look at that"*.<sup>6</sup> I agree with her 100%.

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<sup>6</sup> [Day 115](#) 3 July 2024 at pp. 123-124

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30. If individuals come to the organisation with their prejudices, stereotypes and antipathy towards particular groups in the population and in the workplace, they must know what the bottom line is. The organisation is committed to building a culture of equity and providing a working environment and a service that is safe and free from discrimination for all staff and service users. If your antipathy towards any individual and the group(s) to which they belong prevents you from doing what the law stipulates and what the organisation is committed to building, but rather disposes you to denying people's right to fair and equitable treatment, then you cannot continue to be part of the organisation.
31. So, when people are talking about resources and about building a competent and effective force or service that has the consent of the public, it cannot come cheaply. You can't trim the edges and say "*well alright, we've done the training, we have no time for this level of follow-up*". In the absence of that you're giving people license to indulge their prejudices and to treat others illegally and in ways that are morally reprehensible.
32. There should be some trackable and traceable trails that actually give the organisation a very good idea of what this person's development has been; how open they are to being assessed; what their own self-assessment looks like in terms of its openness, its transparency, its honesty; so that the individual is taking responsibility for their own professional development as well as the organisation supporting them in doing that. Individuals must know that these are the mechanisms that go with, for example, the assessment that's made of them and their performance. It would count towards their progression within the organisation; whether they want to go and do the examination to become a Sergeant or whatever else it might be.
33. With regard to training, how do leaders and managers assess the extent to which staff, uniformed or not, are actually applying the training they receive in

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their day-to-day roles, operational or otherwise, especially if their own competences are not evidenced? When I evaluated for the Home Office the mandatory training the 43 police forces in England and Wales were receiving as per a recommendation in the Macpherson report, this was the most obvious shortcoming. Staff therefore did not feel they had any need to take responsibility for their learning and development, especially as a good 50% of them attended the training truculently and then simply reverted to business as usual. That was evident, not only among officers in lower ranks.

**Training: Modes and frequency of training**

- 34. Some organisations deliver training online and others through a mix of in-person and online. Some training is mandatory and standalone, other training programmes are delivered as part of the overall index of training that the organisation provides (e.g., health and safety; officer safety; firearms, safeguarding, community policing, etc).
  
- 35. Online training can be suitable where you are reproducing bits of factual information which can't be altered even if you were in a larger group. If you're talking about what are the main components of the equality and human rights legislation, which articles are the most applicable in terms of standard operational procedures or whatever else it may be. That's a solitary activity. It involves you. It does not involve any interaction between you and anybody else; not an in-person trainer, not your colleagues sitting in the same room being trained as yourself. So, you create your own dynamic, and what you're doing is demonstrating that you have read something, you brought a modicum of understanding to it, you could reproduce the knowledge or information appropriately, and then tick the box. The dynamic between you and your colleagues won't cause the law, as articulated in statute, to change. If that were to happen online you just have to hope that the person is doing it

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diligently, and when they tick that they've got to the bottom, you've got some way of testing that they didn't jump from page 1 to page 5.

36. The minute you begin to talk about people in operational settings, in situations where they could be using discretion to make this decision or not, to interact with the public in a particular way, which sends out messages to the public about what they think of them or how sensitive they are and empathetic to what the public is actually going through, that's a completely different matter. You might tease these kinds of answers out online, but given the fact that individuals are unlikely to be operating individually in applying that training, it would make considerably more sense for that to be done as a group. So, for example, if there are people there who are more experienced firearms officers and they've been caught in a dilemma as to "*what do I do at this particular moment because the decision I make could end this person's life?*" It is important that that kind of experience and knowledge is shared because it's not just the person standing in front of the group, or in the middle of the group or whatever, who has knowledge to impart. Everybody in the room, including the newest recruits, would have something to contribute, even if it is their fears and anxieties. So, whether it's online or in person will depend very much on what the training content is, what the reason for putting people through that actually is.

37. Other modes of training include:

- a) scenario-based training, involving exploration of race as a factor in the way the event unfolds, or/and is dealt with, including by first responders; body worn cameras and CCTV footage are a good source of material to be examined in such training
- b) hearing stories of people's lived experience, including police officers' accounts of what they did in certain situations, how that was viewed by

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onlookers or/and by their colleagues and what they learnt from it/what they would do differently

- c) examining scenarios that put trust and confidence in policing under strain
- d) having officers evaluate the role of supervision in following up on training and in the assessment of impact
- e) having supervisors talk about how they support the training function and assist officers/staff in taking responsibility for their own training and staff development
- f) lectures and presentations on the context of policing and the factors that affect trust and confidence in policing; police conduct and antecedents to civil unrest, especially involving confrontations between young people and the police.

38. Hearing from speakers about their lived experience is of enormous value. I believe that telling stories is a very powerful thing, a very powerful medium for getting messages across by making people come alive so that you're not just dealing with collectives. You're actually seeing people, understanding their expectations, their aspirations, their pain, their hurt, and their articulation of what it is that they would prefer to see, for example, the police doing within their communities. Having said that, it is not sufficient to have a trainer who is a black person come and do this. It is much more impactful hearing from people in the community who are marginalised. Working with welfare and rights groups, such as the Scottish Refugee Council for example, is a good way of identifying appropriate speakers. You also have to consider the trauma for the speaker. It may be beneficial and powerful for bereaved

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families to be involved in training for Family Liaison Officers about how things could be done better, but I would have reservations about recommending that general training on race in policing involve bereaved family members.

39. I note in relation to Police Scotland, that former trainer Tim Kirman has told the Inquiry that probationary training originally including inviting external guest speakers such as a refugee to speak about their experiences, but this was cut in around 2010.<sup>7</sup> I don't know what this cost or what the budgetary issue was, but it seems to me that it's very important for probationers to get a sense of how communities experience policing to hear that and to feel sufficiently challenged by what people are saying so that they themselves begin to form a view as to what their practice should be when they're interacting with communities. So to get rid of that was a mistake in my view.
40. I am asked whether I have a view as to the frequency of training. I want to link that to what I have said above about evaluation and how training needs are identified. In most staff appraisal schemes, there is a section where the individual line manager makes comments about the person and whether they believe that that individual would benefit from this, that or the other kind of training. It's **always** very useful because the individual line manager, if she or he is diligent, can see the potential in individuals, and might actually encourage them to go into this area of leadership or whatever, and might want to signpost them to the appropriate training to enable them to get there.
41. **Individuals themselves** might say, *"Having been through this experience, although I think I benefited from the training we had nine months ago, I think it would be very valuable for me to hook into a training program at this point."*

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<sup>7</sup> SBPI-00504 para 30

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42. There are certain categories of operation, or certain dynamic factors operating in the workplace, which would warrant training being organised on a cyclical basis, whether it be termly, twice termly or whatever, as well as having the capacity to organise training on demand, whether it be for one day or two days or whatever, depending upon what feedback you're getting from individuals. It needs to have that flexibility, but it needs to operate in a manner that serves the organisation well. Saying that all probationers and recruits do a particular training course at this time, then in 18 months' time or 12 months' time, when they're coming up for review or whatever else it may be, that might have its purpose, but in terms of inducing and enhancing, accelerating cultural change, one would need something, in my view, much more flexible than that.
43. It is sensible to think in terms of when impact assessment would be done in relation to whichever function it is that one determines so that that information can feed into, let's say, an annual report, and the organisation will have the metrics as well as the qualitative analysis to see where it is at, at that particular point.
44. I am asked whether there is a risk of memories fading if training is insufficiently frequent, as discussed in evidence previously given to this Inquiry by Inspector Young, in reference to skills training.<sup>8</sup> This relates very much to the issue of training and budgetary constraints. It is important to distinguish here the various contexts and settings of training: formal, non-formal and informal. Any organisation should be clear as to the function of all three in the training and staff development process. Irrespective of the specific intended outcomes of individual training sessions or programmes, the overarching organisational objective of training is to develop staff to be better able to perform their various functions and contribute to meeting

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<sup>8</sup> [Day 70](#) 22 November 2023 at p.166

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organisational goals. So, effectively, the organisation seeks to equip its staff with the knowledge, understanding, skills and aptitudes, including knowledge and understanding of the underpinning values that define the organisation, that are necessary for them to do their jobs effectively, thus reflecting the organisation's ethos, values and pursuit of excellence. This should not only inform and help regulate employees' behaviour, it should also empower them to challenge the behaviour of others which is seen to be antithetical to the organisation's values and goals.

45. Training cannot be seen, therefore, as pouring knowledge into empty vessels and having to refresh and refill those vessels as the contents evaporate. This 'flowers in a vase' model of training is not only costly, it represents a particularly passive form of staff development. Hence the need to encourage and validate not just programmed and formal training inputs, but also non-formal and informal training. In this way, the evaporation that results in memory and skills fade is apprehended and officers and other staff are encouraged to see training as a raft of learning opportunities that punctuate their day, as distinct from learning that takes place at a training centre such as Tulliallan in didactic mode.
46. Decisions about the regularity of training, the provision of refresher courses and the rest will typically be made in consideration of the nature and purpose of the training. Is it to inform about and discuss the implications of changes in policy and practice, changes in reporting requirements, or updates on external developments that affect the work of the organisation? Or is to refresh the information and knowledge imparted in earlier training sessions?
47. The organisation needs to have a sense of the contribution that self-evaluation, supervision, peer mentoring, external training opportunities accessed by members of staff make to the overarching objective of training,

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i.e., developing the knowledge, understanding, skills and aptitudes and exhibiting the behaviours that reflect the organisation's values and goals.

**Training: Types of training**

- 48. In this section of the statement, I will discuss various types of training, including anti-racism, non-discrimination, cultural and racial awareness, restraint, unconscious bias and lessons learned from previous deaths.
  
- 49. There are various types of non-discrimination and anti-racism training, with content encompassing:
  - a. Racism awareness
  - b. Prejudice and discrimination
  - c. Stereotyping and racial profiling
  - d. Understanding and valuing diversity
  - e. Cultural awareness (dealt with in more detail below)
  - f. The nature of multiculturalism
  - g. Multiculturalism and integration
  - h. Interculturalism
  - i. Integration and assimilation
  - j. Equality, Diversity and Inclusion
  - k. Community cohesion
  - l. Working together with diverse communities to build trust and confidence
  - m. Community liaison
  - n. Impact assessment
  - o. Communication and consultation
  - p. Understanding human rights and complying with HR legislation
  - q. Knowledge of and compliance with anti-discrimination legislation
  - r. Institutional racism and the Police
  - s. Understanding and tackling institutional racism

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- t. Stop & Search
- u. Religious diversity and policing
- v. Police accountability
- w. Racially and religiously aggravated offences
- x. Tackling Islamophobia
- y. Tackling anti-Semitism
- z. Deaths in police custody over the decades – Institutional learning (dealt with in more detail below)
  - aa. Family liaison
  - bb. Safeguarding
  - cc. The intersection of race, gender, sexuality, disability
  - dd. Working with support agencies (Probation Service, MIND, Refugee Council, Shelter, Age UK, Children’s Legal Centre)
  - ee. The role of police in schools
  - ff. Recruitment, Selection and Progression to enhance ‘ethnic representation’ in the workforce
  - gg. The strategic role of staff networks/staff associations
  - hh. Unconscious or implicit bias (dealt with in more detail below).

50. I am asked what type or types of training from this list would be most useful for Police Scotland, Crown and COPFS. This list covers training content as distinct from training styles. PIRC would find (a) to (e) and (n) to (z) most useful. Police Scotland and COPFS should find them all very useful, although they might want to merge some and focus in much more depth on those with direct organisational and operational relevance, as distinct from broader and more societal issues such as multiculturalism, interculturalism and integration.

51. Non-discrimination and anti-racism training, as indeed EDI training generally, should have three core objectives and intended outcomes:

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- a. to build, nurture and sustain a culture of equity
- b. to be compliant with equality and human rights legislation and use the legislation as a lever to achieve objective (a)
- c. to ensure that everyone within the organisation embrace personal responsibility for demonstrating evidence of pursuing the above two objectives.

52. I am asked how I identified these core objectives. They are my constructs on the basis of my years of experience as a trainer, senior manager, service director, consultant conducting leadership and management as well as 'Investors in People' audits for a range of organisations, mainly public sector.

53. The success of this is predicated upon Effective Leadership. Such leadership should bear the hallmark of commitment to and evidence of:
- a. leading with moral purpose
  - b. competence
  - c. personal responsibility
  - d. personal accountability.

Anti-racism training

54. I am asked whether anti-racism training is the same or different from non-discrimination training. One can encompass the other, but they are not the same thing. Anti-racism training encompasses more than non-discrimination training. I first started doing antiracism training in 1970, in Birmingham, focusing upon the 1948 Nationality Act and examining issues of race, nationality and citizenship and the systemic racism being perpetrated by the state, not least through the racialisation of immigration. Principally, I was seeking to alert communities and organisations to the increasingly evident trend of government seeking to appease the British electorate and especially the 'Keep Britain white' lobby, rather than acknowledging and honouring its

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debt to those whom it had colonised and had relocated to Britain as surplus labour. Its refusal to acknowledge that historical fact and the obligations it placed upon the state encouraged the country to see 'coloured immigrants' as people without citizenship rights who posed a threat to the very essence of Britain and its way of life. Hence Enoch Powell and a growing number of organised racist and neo-fascist groups.

- 55. Anti-racism training has a longer history not least because immigration and race relations have been high on the policy and legislative agenda of government, at least since the Nationality Act 1948. The fact that populations larger than that of Britain, whose futures Britain determined under colonial rule, carried passports that gave them the status of Citizens of the United Kingdom and Colonies and that as loyal colonial 'subjects', many of them had seen active service in two world wars, posed a dilemma for Britain. At least, Britain had to determine what its relationship was going to be with citizens of its Commonwealth (where the wealth was not so common after all).
  
- 56. Anti-racism training should cover the long history of imperialism, enslavement and colonialism which spawned a corrosive racism back home and a culture of anti-blackness which meant that those colonial subjects who had been nurtured to see Britain as their 'Mother Country' were not very likely to be welcomed by their 'siblings' in London, Cardiff, Liverpool, Glasgow, Edinburgh and Belfast.<sup>9</sup>
  
- 57. When I taught a cross-faculty module on Social Justice in Professional Roles at the University of Strathclyde in the early 2000s, my colleague, the late Andrew Johnson and I devised what we called the SCIP model to denote the core manifestations of racism and discrimination:

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<sup>9</sup> I expand upon those arguments in my book *Don't Salvage the Empire Windrush*, John, G. (2023) New Beacon Books, London.

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- **Structural/Systemic racism**
- **Cultural racism**
- **Institutional racism**
- **Personal racism.**

58. We have an abiding problem in the society and in institutions. In this model, I identify manifestations of racism as systemic and structural, cultural, institutional and personal. All operate in a symbiotic relationship with one another, in a nation characterized by the racism spawned by imperialism and colonization and etched into its DNA.

59. Discrimination and racism are more commonly seen as something individuals do and that, if you could correct the mindset of individuals and alter their behaviour, then there would be no problem. I think that is why so many police forces, especially the Metropolitan Police after Stephen Lawrence's death and so on, have been reluctant to accept the idea that their force could be institutionally racist. Why is that important? It is important because, even if individuals are predisposed to being racist towards their neighbour, if the institution provides opportunities for them to indulge that rather than challenging it, if the institution fails to project and sustain a culture in which it is seen as unacceptable to behave in those kinds of ways, then the institution, by its very nature, is perpetuating the experience of racism that people have.

60. The police use enormous powers daily and they have an ability to constrain people and deny their freedom. Now, knowing that, the question is, "*How do you ensure that, irrespective of what their predispositions might be, they go out there and, wearing a uniform, or not as the case may be, treat people fairly, justly, legally?*" and therefore that culture defines the service, it defines what the police service is about and how it does its business.

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61. So it seems to me that we need to differentiate between individual acts of racism and discrimination and what have you and systems that promote/support those acts and create the space for people to indulge in them, and it happens at all of these levels.
62. There are two worrying trends I detect nationwide. One is the practice of subsuming race, tackling unlawful discrimination and combating racism within a general approach to Equality, Diversity and Inclusion (EDI). For one thing, EDI is rarely defined. Yet, it rolls off the tongue as if its meaning is glaringly obvious to everyone. For example, CI Conrad Trickett gave evidence to the Inquiry concerning a common approach to the protected characteristics:
- “So I would say that ... so the equality, diversity and inclusion progression, if you make progress and understanding in one protected characteristic, it has a knock-on effect across all characteristics. So being inclusive, having a diverse workforce, that is beneficial to everyone. That's -- so it's not -- it's not necessarily about saying, "This is the piece of work we're going to do about race discrimination", it's a broader agenda than that...”<sup>10</sup>*
63. This approach fails to take into account the history of the ideology of racism, the origins of theories of white supremacy, the perceived inferiority of ancient civilisations outside Europe and the stigma that has been attached to blackness by imperialism and colonialism. That stigma attached uniquely to black folk even when they share the other protected characteristics. Black folk have multiple identities and suffer discrimination and exclusion on the basis of, let's say disability and sexual orientation, as well as race. Racism operates at systemic, cultural, institutional and personal levels. People with other protected characteristics can discriminate and exclude on the axis of race, even when black folk share the same characteristic as them, e.g., white

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<sup>10</sup> [Day 46](#) 8 March 2024 at p.115

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women managers; white disabled managers; homosexual men. The culture of racism within organisations tends to mirror the culture of racism in the society, which itself is typically a reflection of how the state and its institutions treat its BGM citizens. The British-born children of black folk cannot assume the same opportunities as the British-born children of white women, disabled, LGBTQ people, etc. Organisations which adopt this ‘treat everybody equally by treating them all the same’ approach could add layers of oppression upon black folk by not being attentive to the discrimination and marginalisation they suffer on the axis of race.

- 64. The second is to focus predominantly upon personal behaviour and motivation for discriminatory, or unfair, or unjust conduct, as distinct from the culture that gives individuals licence to indulge in, for example, racial, or gender, or faith-based oppression. In my view, it is this tendency that has spawned the burgeoning unconscious bias industry (of which, more later).
- 65. Some two to three decades earlier, those of us committed to promoting racial and social justice and to combating racism, critiqued the racism awareness industry which, to put it crudely, projected racism as what white folk did to black folk, or were complicit in making black folk experience. Developing awareness of racism was more or less reduced to inducing guilt for the ‘sins of your fathers’, no less than for your own present-day racism. Such an approach effectively displaced the individual from the societal and institutional culture of which we are all a part.
- 66. I have seen Professor Nasar Meer’s evidence to this Inquiry that antiracism awareness training put in place at the Metropolitan Police in the 1980s following the Scarman report “*was criticised from the start, because people felt that the reforms that he was pursuing were patchy, they weren’t wholly introduced, chief constables exercised a great deal of discretion in not taking them up, that trainers were inadequately prepared, insufficiently resourced,*

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*that programs lacked senior managerial authority and rarely were they integrated into a wider policing programme”.*<sup>11</sup>

67. This critique also sums up pretty well my own experience of evaluating the training that Jack Straw as Home Secretary managed across the 43 Police areas in England and Wales following the Macpherson report. I came to a similar conclusion that that that training programme lacked commitment from chief constables and service managers. Not only did they fail to ensure that the mandatory training was followed up, especially as so many officers attended under duress and displayed unacceptable levels of hostility towards the trainers, many of whom were black women, they had no mechanisms for evaluating the impact of the training upon their organisation’s performance on the axis of race, or upon the level of trust and confidence that BGM communities had in the police service. My evaluation found that the majority of the 43 police services continued with business as usual both during and after the roll out of that training programme nationally.

68. An unfortunate starting point of much anti-racism and non-discrimination training is the assumption that this nation’s post-colonial self-repair is neither necessary nor desirable. In other words, training is geared towards outcomes for ‘the other’, directly or indirectly. It’s about ensuring that we treat ‘the other’ right and do not deny them their just deserts; that we value their difference and open ourselves up to be enriched by it, that we give them opportunities to thrive and progress. It is not assumed to have anything to do with us understanding what imperialism and colonialism have done to us, the way we define ourselves relative to others, relative to the ‘othered’, the way we frame our identity and take our privileges for granted; we who are not minoritized and othered, we whom the society validates automatically, never requiring us to prove ourselves and work harder than everybody else in order

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<sup>11</sup> [Day 105](#), 6 June 2024, p.72

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to secure that seal of approval and to overcome those hurdles, physical and mental. This is accompanied by a great deal of homogenizing, such that, for example, multiculturalism and interculturalism are assumed to involve sections of the population with origins outside Britain. Even in a society as stratified on class lines as this is, white Britain is not considered multicultural.

69. Anti-racism training should address structural, cultural and institutional racism as well as personal racism, and in order to do so, the history of racialisation of immigration in the UK must form part of that training. People have a very narrow view of what anti-racism is. They see it as trying to make sure individuals are not racist in their conduct. It's much deeper and more systematic than that. Part of the process of embedding racism in nation states as a direct consequence of imperialism and colonialism has been to erase, invalidate, sideline systems of knowledge production and knowledge itself from amongst those who are sidelined or considered to have nothing to contribute.

Non-discrimination training

70. I am asked how I would define non-discrimination training. It is about helping people to understand that by virtue of our socialisation the society in which we grow up - the customs, the values, the beliefs - we are in a sense programmed to think of particular events, people or countries in certain ways. Many of those ways could be discriminatory, in that we could easily be making pre-judgements about people or things without necessarily knowing very much about them, and repeating the general consensus.
71. I am asked what non-discrimination training involves, and how one might go about helping people understand these points. As a teacher, my starting point would be addressing what I assume or know that people already know. In our lives, it doesn't matter what ethnicity we are, or what colour we are, or

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what class we are. We would have had experiences of people acting in a discriminatory, unfair, unjust manner towards us individually, towards our family, towards the group to which we belong, i.e., the village or district or whatever else it may be. Therefore, one is able to get people to unpack that and to try and scrutinise it in terms of where the power lay in all of that, how it made them feel, where did they think injustice occurred or fairness was evident or whatever, so that they can gain an understanding of, if you like, the microcosm of all of this and then escalate it to a much more macro level.

72. **It's like learning a language.** It's easier to build upon people's understanding of their own language and how that works so that they could then approach another with an understanding of how language is organised, how it functions in society. That would be my starting point, or else the whole thing becomes very theoretical, and it does not provide people with enough anchorage for them to then take leaps of imagination and discover how systems operate within society, locally and globally, that result in discrimination against particular countries, particular people, stereotypes of particular people and so forth, in which they themselves could be implicated.

73. I am asked what the purpose is of enabling people to draw links between their own experiences of unfairness and patterns of discrimination. Individuals gain a better understanding of themselves in the world, of interdependence between people and nations, and understand concepts of ideology of power, othering, exclusion, oppression so they can better understand why certain groups have to struggle against systems and practices and policies and so forth, and why they themselves should take personal responsibility for their actions or what they support. It is important that people understand that your own experience of oppression, or worse yet of barbarism, is no guarantee that you are yourself incapable of oppressive or barbaric conduct.

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74. I am asked how non-discrimination training might be done badly. If the focus is on potential victims of discrimination who are seen as outside the norm, or belonging to an excluded group, or a group who is not particularly wanted in society, and focussing on that in a manner that suggests that what we are doing is to support or protect them without understanding the many nuances involved in that.
75. Historically, 'class' as a social construct and an index of stratification cutting across equality legislation and many other areas of people's identity and ways of being in the world was not targeted formally, if at all, in policy making and in equal opportunity training. If you ask a body of working class people who are living off foodbanks, or/and who have been waiting on a housing list for the last 7 years to have some empathy for newcomers you are asking them to make leaps of imagination, displace themselves from their own conditions and be charitable to others. They might say "*charity begins at home – why should I encourage the state in the county in which I and my forebears are born to be accommodating to those people when I can't afford to eat and have to go to food banks?*". The way it could be done wrong would be to not take account of all that and demand that people must be hospitable and accommodating. That's what has been wrong about racism training and training about prejudice. It's enabling people as carefully as one can to make a link between all those things and understand that by taking care of the needs and interests of others, you're not neglecting or downgrading the needs of yourself.
76. Many police officers come from working class communities. It's very important you acknowledge these dynamics. For well over a century, working class communities have been considered culturally inferior to the rest of the society. Despite that, the state, the political class and the media encouraged that majority section of the population to see themselves as white, as

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belonging to a proud empire and as far superior to BGM people of whatever class. If, coming from among that class, police officers harboured a mindset which said they had the right and the power to contain and control those 'alien others' whom the empire had defined as inferior and the nation had cast as unwanted, then there was likely to be widespread abuses of the power that being a police officer gave them. This accounts in large measure for the way BGM police recruits experience policing and especially the treatment they receive from their white peers. This is why training should never be geared simply to 'understanding minority ethnic communities', important though this is. Training should always focus upon assisting police officers and staff to understand the intersection of race and class and situate themselves within that, no less than that our respective and conjoined histories. They are not just being asked to go out and be nice to black people for the sake of it, or because the law says so.

Cultural and racial awareness training

77. I am asked to explain what cultural and racial awareness training means to me, and whether it is similar to or different from non-discrimination training. It has an element of non-discrimination training. In western societies with white majorities or with experience of colonisation and imperialism etc, it's more than usual for people to have a concept of culture that either homogenises the culture within the nation state itself, or it suggests that the attention to culture is necessary and valid only when you are thinking in terms of the cultures people carry with them. There is an assumption that there's a homogenised culture in Great Britain, when you strip away the culture of people from the global majority. Cultural awareness needs to be about how people – irrespective of where they are in the society – contribute to the culture of the place.

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78. The first point to be made is that this will play differently for white staff and for Global Majority staff. Cultural awareness derives both from the culture in which you were socialised and the culture(s) that are given expression around you, even though you may not be directly a part of them. An appreciation of and being at ease within your own culture enables you to develop a fuller understanding of other people's cultures and the way they both shape it and are shaped by it.

79. As former Deputy Chief Constable, Fiona Taylor, told the Inquiry:

*"... there is an organisational responsibility to ensure that our colleagues understand that the behaviours that they are evincing could potentially be seen to be racist and discriminatory, but if an individual has come through the schooling system in Scotland, the schooling system anywhere else in the rest of the United Kingdom, for example, gone through university potentially and then come into policing, they may not have any understanding that that behaviour is potentially racist. And it's our responsibility to educate those officers, to educate those first and second line managers, to help them to understand that those behaviours are not acceptable."*<sup>12</sup>

80. In other words, training and awareness raising is both an imperative and a challenge because the schooling and education that recruits to the police service received did not equip them with the knowledge and understanding that they require in their policing roles. The problem is, though, that that vacuum never remains unfilled. The society, from those in government to those in the media, to the culture of racism that permeates the body politic, helps to shape attitudes, outlook and expectations of people in the police service.

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<sup>12</sup> [Day 108](#), 20 June 2024 pp.7 -12

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81. Cultural awareness requires that police, PIRC and Crown personnel have knowledge and understanding of structural and systemic racism and how it contributes to the culture of racism in society and its institutions, including how that influences the way Global Majority people are treated in the society and by the criminal justice system. It could be seen in historical processes and contemporaneous practices such as:

- a. the racialisation of immigration
- b. the Windrush scandal
- c. the racialisation of crime ('mugging', 'sus', drug-pushing and now senseless murders)
- d. the demonisation of refugees and asylum seekers
- e. disproportionality in 'Stops & Searches'
- f. disproportionality in the number of Black and Global Majority students excluded from school
- g. 'Prevent' and the demonisation of Muslims on account of '9/11' (New York) and 7/7 (London)
- h. a focus on radicalisation of young Muslims, while young whites are being radicalised by the Far Right (as is evidenced by the number of young whites caught on camera engaged in inciting racial violence and racial hatred during the most recent civil disorder)
- i. making the entire Muslim population responsible for the heinous crimes against young girls that gangs of Muslim men committed
- j. officially attaching the label BAME to British born Global Majority children and young people, 75 years after their great grandparents' generation came and settled in Britain.

82. Cultural and racial awareness in policing requires that police, PIRC and Crown personnel demonstrate understanding of:

- a. the relationship between structural/systemic racism and institutional racism

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- b. the fact that systemic racism frames and provides oxygen to institutional racism
- c. the fact that the latter creates and sustains a culture in which personal manifestations of racism become normalised
- d. the fact that it is in order to protect the right of Black and Global Majority to be treated with respect and dignity and to work in an environment in which that right is respected, that employers are required to comply with equality and human rights legislation
- e. the duty, therefore, that employers have to ensure that every employee, irrespective of grade, embraces the personal responsibility to create and sustain an environment where everyone can feel valued and free racial oppression.

83. These are what I would consider the basic things that such training should enable participants to understand and get their heads around. The benefits of giving them this training is to enable them to not just exercise better judgement but come to a better understanding. Police officers generally have very little time in the course of their operational duties to make judgements. If we understand that policing involves the consent of the policed, of communities irrespective of their diversity, then it is important that police officers understand the world of, for example the Muslim community in Glasgow or Kirkcaldy or Cupar and their presence in Britain within this wider context. Cultural and racial awareness in policing requires that police personnel demonstrate respect and sensitivity for the various cultures and cultural and religious traditions and practices that are to be found in Scotland and the UK generally (because Scotland is still part of the UK). That will enable people to be more understanding and more respectful, and understand why certain things police services do are problematic for particular communities.

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84. I have been asked if I'm aware of training under the heading of 'cultural or racial awareness' having problems, or whether there are any drawbacks to such training. From what I have seen, people's approach is too simplistic and not challenging enough, especially where people believe there is likely to be some kickback from those whom they're training. In many of those training sessions, especially if they feel they're in a supportive crowd, attendees might come out with some pretty dreadful things. If the trainer is not confident to face that down and assist people in unpacking it and questioning their own beliefs and motives for wanting to wreck the training session by causing mayhem, that trainer could leave the training room pretty devastated and in need of repair themselves.
85. I have been asked for an example of this. I've sat in on training sessions where a trainer is given a training package by an organisation that won a tender to provide the package to the police. They are delivering a mandatory course. Some officers come truculently - they don't want to be there, they consider it a waste of time. They verbalise all of that and challenge the trainer not in terms of their own learning but in terms of the prejudices they bring with them. One might say "*I experienced this when I was on patrol last week, you people all have a chip on your shoulders. You don't understand that police officers have a job to do, you're always making excuses*", that kind of tropes. People come with a mindset that says "*this is all rubbish, we will not leave ourselves open to learning anything, we won't allow anything that is shared make us examine our own conduct or beliefs*" and they generally leave there sometimes more prejudiced than when they first came. It can be unhelpful and wasteful to put people through that kind of training unless there are mechanisms for their supervisors to follow up on how the training has impacted on them, their behaviours, beliefs, operational conduct. If you don't do that follow up, the training is totally gratuitous. It could have very little value.

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Unconscious bias training

86. I am asked what the term unconscious bias means. I would love to know what it means myself, because frankly, it seems to me to be such a peculiar concept. So, I suppose it means forming ideas, forming attitudes which could inform and motivate behaviours which may be inappropriate. Therefore, needing to be aware that one has those biases and that, if you act upon them, that could disadvantage other people or deny their rights.

87. I have read Dr Peter Jones' statement to this Inquiry which addresses the concept of unconscious bias.<sup>13</sup> His paragraph 8 says:

*"... we can create either positive or negative attributions to particular groups, and it is based upon often our own experiences. It's based upon what we see in the media, and it's also predominantly based upon the culture in which we live. So what does our culture tell us about which groups get assigned positive value and which groups get assigned negative value. There is a strong base upon stereotypes; what does society tell us about particular groups and suggest what we should think about those groups? Although we might consciously reject a stereotype about a particular group, our implicit brain may have already wired and continue to wire that stereotype into our brains. Even though we might reject that comment or newspaper headline, the simple fact is that we absorb it anyway and we create these neural connections between groups of people on positive or negative constructs. We activate those constructs quickly and automatically, particularly when we're under cognitive or emotional load."*

88. I can endorse much of that but I don't understand what makes those biases 'unconscious' or 'implicit', or when and by what process we become

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<sup>13</sup> [SBPI-00526](#)

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conscious of them. If I have a bias and I am going to act upon it, that's not a passive thing; it's an active thing: "*I am making a decision based upon my bias.*" For example, in the case of like racial profiling: "*I am making a decision that this particular person or group of people are likely to have these characteristics or behave in these particular ways,*" and on the basis of that, I intervene. There's nothing unconscious about that. It's very conscious.

89. Your basis and motivation for intervening may be wrong, but that doesn't make what you do "unconscious," and that's the problem I have with the concept, especially when it is used to provide some kind of a rationale or excuse for what people go on to do, which then impacts upon other people's lives. To give an example, in my view, the Employment Tribunal decision in the case of Sharma -v- Portsmouth University<sup>14</sup> is hugely concerning, not because of the judge's findings, but because of the many references to unconscious bias in a claim that was brought of direct race discrimination. At his paragraph 13, Dr Jones gives evidence that:

*"I think one of the issues around the actions around implicit bias is that if we heap more load onto individuals. We ask people to be personally responsible for their biases, but it is yet another load. We know that emotional and cognitive load causes people to fall back onto their biases..."*

90. Why is it too much to expect that, armed with that consciousness, people would be more alert to how they relate to situations and people that you experience every day as having a lesser status in society than others, such that you too do not heap oppression upon them? Why is that 'a load' that individuals cannot be expected to bear? If you view racism in all its manifestations through the unconscious bias lens, antiblackness will continue to be seen as a condition that white folk cannot control, to the extent that

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<sup>14</sup> <https://www.gov.uk/employment-tribunal-decisions/dr-k-sharma-v-university-of-portsmouth-1401084-slash-2021>

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although their conduct might be tantamount to direct discrimination, they as perpetrators are absolved because unconscious bias was operating in spite of themselves.

91. Given the evidence of the racism to which Global Majority people are subjected in the society, racism that represents an ethnic penalty that we must pay pretty much from birth till death at any age, it is disturbing that the society, its institutions and staff within corporate and public sector organisations appear more at ease focusing upon 'unconscious bias', rather than racism and other areas of discrimination.
  
92. Unconscious bias relates almost exclusively to the actions and utterances of individuals and whether those are motivated by bigotry, malice, feral racism, homophobia, misogyny, Islamophobia, or are the actions and utterances of otherwise decent people who are not aware of their prejudices and have no wish to offend. Their actions and utterances are presumed to be the result of socialisation in a society that treats short people, bedraggled people, women, black people, etc., in a not very nice way. Unconscious bias therefore assumes that people need to be more aware of the impact of those societal influences upon them, more aware of how prejudice works and on the basis of that awareness, cleanse themselves of such influences and change their behaviour.
  
93. In my view, the ever-increasing focus on 'unconscious bias' and the rate at which it is being embraced by organisations as an explanation for what historically oppressed groups experience as discrimination on the axis of race, gender, sexuality, faith or whatever, will lead inexorably to a compounding and perpetuation of injustices against such groups. In my experience, organisations are more than happy to invest in unconscious bias training for all their staff and having ticked that particular box, press on with business as usual.

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94. 'Unconscious bias' is a euphemism for direct and indirect discrimination and the hegemonic externalization of the power to exclude, typecast, essentialise and marginalize, if not demonise. The exercise of unconscious bias often includes a range of micro-aggressions that express superiority, cultural supremacy, intolerance and even contempt.
95. 'Unconscious bias' training has developed into an industry, not unlike racism awareness training in an earlier era. Like racism awareness training before it, its focus is almost exclusively on individuals and their behaviour and the extent to which such behaviour could be considered knowing, wilful and deliberate, or simply the result of socialization and a process of normalizing in society.
96. Let me be clear. I am not arguing that unconscious bias does not exist. However, there is absolutely no need for it to be made into a new fad and commercialised as 'must do' staff development and training, especially as such training could well have very little impact upon the restrictive, exclusionary and often discriminatory structures, cultures and practices to which people return, having had the 'sheep dip' of unconscious bias training.
97. Some of us have been alerting people and organisations to unconscious bias for many decades, not as some newly identified phenomenon in human conduct, but in exploration of the nature of prejudice, the place of stereotypes in discrimination and exploitation, the process of socialisation into dominant and hegemonic cultures and systems, the exercise of power by individuals and organisations, the role of ideology, the process of essentialising, i.e. attributing the conduct of one section of a population or ethnic group as being common to the group as a whole; the clustering of structural, cultural, institutional and personal forms of discrimination and exploitation.

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98. This, I would suggest, is where consideration of ‘unconscious bias’ belongs. Unless one addresses these issues, training in ‘unconscious bias’ is unlikely to disturb business as usual, however satisfied the recipients of such training might be at having earned the badge of ‘unconscious bias’ training.

Lessons learned from previous deaths

99. I have studied the evidence of Lady Eilish Angiolini, Deborah Coles and Marcia Rigg to this Inquiry regarding previous deaths and I wholeheartedly endorse that evidence. All their evidence has been framed against the background of 55 years of so-called deaths in custody, with successive fatal events mirroring many that went before. Lady Angiolini is correct to point to patterns repeating themselves and common factors that could be identified, e.g. positional asphyxiation.<sup>15</sup> INQUEST has been a massive source of support to bereaved families both in practical and organisational terms as they manage their loss and in their struggle for justice.<sup>16</sup> Marcia Rigg speaks for scores of families when she argues that justice has been too elusive in too many of those cases because of a lack of accountability.<sup>17</sup>

100. As I set out in Appendix A, I have experience of supporting families following previous ‘deaths in custody’. It is important that the lessons learned are incorporated into training for the police, PIRC (and the IOPC) and prosecuting authorities. It is unacceptable that over the last 55 years (since

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<sup>15</sup> Lady Angiolini, [on day 109](#) gave evidence about her 2017 report on deaths in custody ([SBPI-00496](#)); at pp.13-30 of the transcript she spoke about patterns repeating so that “*it is evidence that much more can be done to prevent these deaths from occurring*”. She made recommendations about recognising medical emergencies, the dangers of prone restraint, the importance of de-escalation. At pp.41 to 45 she spoke about stereotypical assumptions and tropes made about black men and the need for robust investigation into race discrimination.

<sup>16</sup> Deborah Coles [on day 112](#) at pp.126-127, gave evidence to the effect that potentially life-saving recommendations arising out of deaths and inquiries “*disappear into the ether or sit on a shelf*”.

<sup>17</sup> Marcia Rigg’s evidence at [SBPI-00630](#) at pp.56-60 paras 126-135 was that in her view the main lesson to be learned is the need for accountability.

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David Oluwale), while there has been a focus on each death in custody, there is little evidence of institutional learning about causes, prevention, police conduct, the questions investigations raise and why there is such an overrepresentation of black victims. INQUEST has been filling this void, but police and criminal justice bodies have tended to treat these deaths as individual tragedies in relation to which accounting for their own engagement is all that mattered. Lady Angiolini's **Independent Review of Deaths and Serious Incidents in Police Custody**<sup>18</sup> gave voice to the trauma, grief, concerns and determination in pursuit of justice of families whose loved ones met their death while in the custody of the state and highlighted patterns in the circumstances surrounding such deaths. Her review report is of huge relevance to Scotland and provides a compact and useful guide to Police Scotland, PIRC and Crown on the structures and processes that should be put in place and the training that should be provided, hopefully, so as to prevent any further deaths.

101. Before Sheku Bayoh, I know of no Scottish case of a death of a black man following police restraint. There could be no question, though, that given the attention paid to deaths in custody in England since David Oluwale in Leeds in 1969, **police training and investigators' training in Scotland** should have been using, routinely, material on those deaths, the investigation of them and lessons to be learnt therefrom, as from inquests into those deaths.

102. Apart from some limited training material on circumstances surrounding Christopher Alder's death, **I have seen no evidence of Police Scotland, or its predecessors, or PIRC or COPFS accessing and using that material in ensuring that their officers learn lessons and are more confident as to how to conduct themselves if faced with situations that could lead to loss of life.** Detective Superintendent Campbell said in evidence that "*experiences arising from significant incidents*" including Stephen Lawrence, Habib Ullah,

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<sup>18</sup> SBPI-00496

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Sean Rigg and Christopher Alder, as well as other incidents that were relevant to equality, diversity and race, there were significant inputs into the equality and diversity OST courses over the years<sup>19</sup>. Nevertheless, given the numerous case studies provided by deaths in England that are of direct relevance to police, prosecutor, investigator and family liaison training in Scotland, the sparse use of them in such training is concerning, especially since training has a combination of purposes:

- a. Sharing knowledge and skills
- b. Identifying mistakes and learning how to avoid them
- c. Developing understanding
- d. Developing competence
- e. Growing confidence
- f. Modelling good practice.

103. My view is that more evidence should have been available of material suitable for training from across the 43 police services in England and Wales and from coroners' and Fatal Accident Investigation reports being used across the three Scottish organisations.

104. I am asked what the benefits would be for Police Scotland, PIRC and COPFS to take account of what we know, and what is clearly in the public domain, about these events and learn from them. The benefits would be: to be able to point to what the results of stereotyping and profiling could be; to the fact that individuals are contravening Articles 2, 3 and 14 of the European Convention on Human Rights, as enacted in the Human Rights Act 1998, if they don't attend and pay personal attention to issues around the need to keep people safe and respect them and treat them in a humane manner; to be able to demonstrate how poor judgment and poor decisions about restraint, for

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<sup>19</sup> [SBPI-00256](#) p.13 paragraph 47

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example, could lead to positional asphyxiation, and to show concrete examples of all of those things.

105. For example, training on risk assessment should include learning that the mental processes involved in threat assessment can be influenced by:
- a. Memory of prior encounters with black men, especially if those were confrontational and/or physical
  - b. Stereotypes about the black man's physical strength and propensity to use it
  - c. The assumption that the individual might be carrying a weapon
  - d. The expectation that bystanders might be hostile towards the police and might intervene to assist the apprehended person
  - e. Assumptions about the intent of the individual vis a vis the officer, or the intent of those witnessing the encounter.

106. Race is potentially a critical factor underlying many if not all of these mental processes and the quick decisions officers make in those situations, especially if they feel threatened. Further, training on restraint should include learning about how race can impact the way officers use restraint.

107. It's important that people have a graphic understanding of all of that and see themselves in the same uniforms as the people who were on the scene and responsible. It seems, to me, for trainers in Scotland not to access that kind of material and use it in their training to illustrate the same kinds of points that they might want to put over in a more theoretical way would be wasteful.

**Scottish and English contexts**

108. I first started working in Scotland some 50 years ago because lecturers in Youth and Community Work wanted me to share my expertise based upon the work I was doing for the Home Office's Voluntary Services Unit on 'Youth

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and Race in the Inner City'. That action-research project sought to explore how local authorities framed their youth policy and what provision for young people was made on the basis of those policies.

109. Training on matters to do with race and policing has had a different trajectory in England than in Scotland for a variety of reasons; reasons which have impacted the content of training over time.

110. The demographic histories of Scotland and England are different. The South East of England, especially the 32 London boroughs, attracted the largest proportion of post-war migrants, former citizens of the United Kingdom and colonies. They were predominantly of child-bearing age, so that in addition to children whom they had brought with them, they would give rise to future generations of British-born BGM people. Most of larger cities in England have had a sizeable and growing BGM presence since the Second World War and for considerably longer in some cases.

111. The 43 police forces in England, therefore, needed to adapt and serve expanding multi-ethnic communities and build their trust and confidence, especially as the structure and style of policing in England/Britain were so different from what they had left in 'the colonies'.

112. Fairly early on, from the early 1960s, one began to see evidence of tension between the police and BGM youth. Government, the police and the media began to project a generational binary, with the law abiding, conformist, aspirational parent generation on the one hand, i.e., those whom the police and the state could do business with, and on the other hand, their wayward and rebellious youth, who were not averse to taking on the police.

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113. Mr (now Sir) Geoffrey Dear, former chief constable of the West Midlands, commenting upon the civil unrest in Handsworth in 1985, posed the binary thus:

*'The facts already cited in this report point very clearly to the conclusion that the majority of the rioters who took part in these unhappy events were young, black and of Afro-Caribbean origin. Let there be no doubt, these young criminals are not in any way representative of the vast majority of the Afro-Caribbean community whose presence has contributed to the life and culture of the West Midlands over many years and whose hopes and aspirations are at one with those of every other law-abiding citizen. We share a common sorrow. It is the duty of all of us to ensure that an entire cultural group is not tainted by the actions of a criminal minority.'*<sup>20</sup>

114. In England, the state has engaged the police in immigration and border control much more extensively than in Scotland. Community surveillance entailed swooping on factories, restaurants, wholesale markets, etc. to check the resident or/and immigration status of employees and customers. Such raids provided massive opportunities for police to abuse their powers and harass communities. When Derek Humphry and I were researching Police Power and Black People, police officers unashamedly described such raids to us as 'going on fishing expeditions'.

115. 'Stop & Search' provided more targeted opportunities for 'fishing' disproportionately among BGM youth. The disproportionality has been reported upon for years. In Lambeth, a deliberate operational decision resulting in what the MET called 'Swamp '81' gave rise to the April 1981 riots which became the subject of the Scarman Inquiry.

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<sup>20</sup>'Oh Dear! That criminal minority again!,' by Gus John, *Race Today*, Vol 16 Issue 6, Jan 1986.

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116. Reports such as that of: Scarman (Brixton) 1981; Hytner (Manchester) 1981; Gifford (Tottenham) 1985; Ouseley (Bradford) 2001; Ritchie (Oldham) 2001 and Cantle (Burnley) 2001, point to struggles the BGM community has had with respect to securing equal rights and justice. Over the years, BGM communities in England have had greater routine engagement with the police on issues such as police/community liaison, youth justice issues and the policing of organised racist and neo-fascist groups than in Scotland. Commensurately, policing and race as a social policy issue has been a staple for journalists and academics since the 1960s. In addition to Lady Angiolini's 'Independent Review of Deaths and Serious Incidents in Police Custody', which has been considered in this Inquiry,<sup>21</sup> there have been numerous other government and civil society interventions on the issue.<sup>22</sup>

117. Inevitably, police training for all ranks in England is done against that canvass and there is a strong focus on building trust and confidence and on the recruitment and retention of BGM officers.

118. Two fatalities in 1998 lifted the lid on race relations in Scotland. On 13 February, Imran Khan, a student at Shawlands Academy was stabbed by white twins in the vicinity of his school and died in hospital a week or so later as a result of an infection, even though his stab wounds were not life threatening. On 4 November, 32 year old Surjit Singh Chhokar was attacked by three white men and fatally stabbed in Overtown, North Lanarkshire. The fact that in each case the victim was black and their assailants white, added to the fact that murder charges were dropped in each case, led to widespread

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<sup>21</sup> SBPI-00496

<sup>22</sup> For example:

<https://publications.parliament.uk/pa/cm199899/cmselect/cmhaff/81/8109.htm>

<https://www.vkpp.org.uk/assets/Police-Race-Racism-enabling-racebased-conversations-2023-002.pdf>

<https://www.iapondeathsincustody.org/news/2023/12/7/iapdc-responds-to-government-review-of-investigations-following-police-use-of-force>

<https://www.iapondeathsincustody.org/about-the-iapdc>

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public debate about race in Scotland and about the relationship between black communities and the police.

119. Both these tragic events occurred while Sir William Macpherson was still conducting his inquiry into the racist murder of Stephen Lawrence in Eltham, south London, in 1993. Macpherson would report in February 1999.

120. Given the findings of the Stephen Lawrence Inquiry and in particular the much debated conclusion that the Metropolitan Police was 'institutionally racist', it was to be expected that the media, at least, would want to bring that same lens to an examination of the police and COPFS' response to those two fatalities. What is clear, though, is that whether or not it is believed that Police Scotland (as it is now), was/is institutionally racist and that this is a condition that can be 'cured', there remains a culture of racism in Scottish society and its institutions that frames reactions to, if not motivations for, acts of racial violence, harassment, verbal abuse and micro aggressions. This impacts upon the daily experience of the Black and Global Majority (BGM) people in Scotland, in a variety of ways whether they be elderly, women, disabled, Sikhs/Hindus/Muslims/Christians, homosexuals and transgender, middle class/working class.<sup>23</sup>

121. In other words, being black in what remains a largely monoracial society where even talking about race in a non-confrontational manner induces anxiety in many, is an existential challenge, irrespective of the combination of identities you carry. That is why, whether or not organisations consider that they have eliminated institutional racism, this is never a done deal and has got to be seen as an iterative process and one in which each individual must hold themselves responsible for their own conduct and for their contribution

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<sup>23</sup> See the 2012 report, 'Institutional Racism: Scotland Still Has Far to Go' by CRER (SBPI-00491) and CRER's engagement responses in 2015 on institutional racism (SPBI-00518). See also the research referred to by Professor Nasar Meer in section 2 of his report to this Inquiry (SBPI-00597, pp.17-30)

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to growing a culture of equity, fairness and respect, or its opposite, i.e., a culture that BGM people experience as hostile, emotionally and physically draining and conducive to anything but them giving their best to the organisation as an employer and a service and to the community they serve.

122. While there are commonalities between England and Scotland with regard to operational policing, management challenges, approaches to community engagement, growing cultural competency, eliminating institutional racism, etc., I would argue that the identification of training needs, the rapidly changing operational landscape in metropolitan and increasingly cosmopolitan England make for some marked differences in approach to and content and delivery of training as between the two countries.

123. Former Deputy Chief Constable Stephen Allen discussed his different experiences of race in policing in Scotland and England in his witness statement to this Inquiry.<sup>24</sup> I found his comparison of how the demographic differences affected the experiences of police officers when it came to race very insightful.

124. Engagement with race as a dynamic in the ordering of social and economic relations in the society was far more intensive in England than in Scotland. The size of BGM communities grew at a much faster rate in England than in Scotland, and although a high percentage of that population had Scottish family names, people arriving from the Caribbean settled in England's industrial cities and towns, rather than in Scotland.

125. Consequently, Scotland had a tendency to dissociate itself from Britain's colonial past and to see enslavement and chattel exploitation as nasty things that England did. Most Scottish people are unaware, for example, that not only were there Scottish plantation owners and merchants trading in

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<sup>24</sup> SBPI-00531 at paras 49-53

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enslaved Africans, most of the ironware that was used in sugar cane mills and in agriculture on plantations was made in the west of Scotland, Glasgow especially, and transported to the plantations in the Americas.

126. Scotland was and still is not part of the hysteria in which England is gripped on account of immigration. It also has a considerably more relaxed attitude towards refugees and asylum seekers, even though their presence in communities already stretched for accommodation and decent standards of living still cause conflict and occasionally xenophobic attacks and fatalities.

127. The biggest challenge for training in the Scottish context as opposed to the English context, is convincing white Scotland that for its own sake and against the history I indicated above, it needs to understand racism and take responsibility for expunging it, irrespective of the size of the BGM population. A still largely monoracial Scotland requires to understand how Empire and colonisation impacted them.

**Other mechanisms for achieving cultural change that may be required in addition to or in conjunction with training**

128. I have been asked to address other mechanisms for achieving cultural change that may be required in addition to or in conjunction with training. The mechanisms I discuss below are: the Public Sector Equality Duty, monitoring complaints, protecting whistleblowers, reverse mentoring, and working with staff networks and other organisations.

The Public Sector Equality Duty

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129. The Public Sector Equality Duty ('PSED') under the Equality Act 2010 requires public bodies in carrying out its functions to have due regard to the need to:

- a) Eliminate all forms of unlawful discrimination, harassment and victimisation that are prohibited by the Equality Act 2010,
- b) Advance equality of opportunity, and
- c) Foster good relations.

130. The Race Relations (Amendment) Act 2000 ("RRAA 2000") imposed a specific race equality duty on public sector organisations. Despite the move from race specific duties under the RRAA, the general and specific PSED under the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 remain an important lever for achieving cultural change. In summary, the statement of race equality objectives, the identification of actions to meet those, the carrying out of race equality impact assessments to get a measure of how successful those actions are and to impress upon the entire organisation that everyone bears responsibility for creating and sustaining an antiracist culture are all the building blocks of cultural change. This has to led robustly from the top and managed at every level of the organisation.

131. Overall, I would propose:

- a. A re-examination of objectives for implementing the Equality Act 2010 and mainstreaming equality and combating discrimination against people with 'protected characteristics' across its various functions and the specific actions being taken within functions to meet those objectives.
- b. An identification of factors hindering or facilitating the process of setting equality objectives as per the PSED and embedding race equality principles and practices within each of the organisation's functions.

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- c. An assessment of the quality and extent of senior managers' leadership in and accountability for promoting the equity, diversity and inclusion agenda.
- d. An assessment of the extent to which action to promote equity and combat unlawful discrimination is becoming organic to the way the organisation conducts its business, having regard to the multiple functions it performs.
- e. An evaluation of the extent to which the application of the organisation's core equality and diversity principles and objectives is supporting the development of a culture of equity.
- f. Identifying success indicators.
- g. Reflexively using the results of monitoring and impact assessment to enhance performance and eliminate barriers.
- h. Building a culture of equity and taking concrete measures to pursue equality objectives and break down the barriers that people with protected characteristics face is arguably the most meaningful and organisationally sensible way of 'valuing diversity' and deconstructing the hegemonic power of 'in groups' that focus far too little on the myriad ways in which they and the systems they operate keep 'out groups' othered and marginalised, if not excluded.
- i. The organisation should place the equity agenda at the centre of its strategic planning and management and be seen to engage with the needs and concerns of staff around issues of globalisation, racism, decolonisation, xenophobia, Islamophobia, and all the other challenges that Scotland and Britain face.

132. Individuals within an organisation, as well as identifying functions that have relevance for promoting equity and eliminating unlawful discrimination (as

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discussed at paragraph 16 above) can contribute to building a culture of equity by considering the following:

- a. How might you build your own personal action plan?
- b. Who would you choose as a partner to work with as you put your plan into operation?
- c. How would you relate your plan to the work of other members of your team, or in your group?
- d. Where would you like advice and support to come from?
- e. How would you monitor the application of your plan and assess its impact?
- f. How and with whom would you want to share the results of your assessment?
- g. How would you use those results to build upon your progress and/or make adjustments to your assumptions/objectives/actions and intended outcomes?

133. Police Scotland, PIRC and Crown should adopt Equity Values and Anti-discrimination Principles. I would suggest the following, for example:

*“The organisation is committed to an approach to meeting the requirements of the legislation that sees the latter as a lever for building a culture of equity as a core underpinning value and ensuring that all staff and members of partner organisations can work in an environment free of structural, cultural, institutional and personal forms of discrimination and exclusion.”*

134. Each organisation will articulate its race equality principles and antiracist objectives which reflect their own purpose, function and complexity and will apply those to its various functions with an accompanying statement of monitoring and impact assessment procedures.

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Monitoring complaints and protecting whistleblowers

135. If the level of complaints from others within the organisation (whether they have protected characteristics or not) suggest that there is a culture (some people call it “canteen culture” where a number of people who are known to have a particular disposition are able to cow others into silence or make their life miserable and nothing is done about it, then it’s quite important that managers know that.

136. I note that in her ‘Final review of complaints handling, investigations and misconduct in relation to policing’ dated November 2020, Lady Eilish Angiolini stated that “*Whistleblowing should always have a positive purpose. It is one of the building blocks of an open culture which recognises that employees have a better knowledge of what is going on in their organisation than managers do and encourages them to speak up when they see wrongdoing.*”<sup>25</sup> I agree with this. She also recommended that there should be an external, third-party body to receive whistleblowing complaints.<sup>26</sup>

137. There may indeed be valid reasons why an individual would want to be able to report wrongdoing to an external body, but I consider it fundamental to culture change that all employees understand the whistleblowing policy and are encouraged to regard it as a mechanism by which they exercise responsibility for their own conduct, for upholding standards and contributing to building and maintaining a culture of equity and non-discrimination in the organisation. This applies to Police Scotland, PIRC and COPFS.

138. All three interlinked purposes of whistleblowing should become organic to how the organisation functions. For example, if a police officer witnesses the unacceptable conduct of a colleague and the colleague does not respond to

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<sup>25</sup> [SBPI-00501](#) para 10.29 at p.166

<sup>26</sup> *ibid* para 10.31 at p.166

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a direct conversation, the officer should be able to blow the whistle to managers with total confidence that they would not be victimised or ostracised for doing so, even if the colleague is senior.

139. It is unlikely that senior managers will have direct knowledge of the culture throughout the organisation. In his evidence to the inquiry, the former Chief Constable, Iain Livingstone stated:

*"I have never heard any comments of a racist nature made by officers in Police Scotland in my presence. However, I am aware of some instances of such comments being reported to, and investigated by, PSD. Such matters would be addressed and investigated with the utmost priority and seriousness".<sup>27</sup>*

140. Who would be explicitly racist in the presence of the chief constable? It's more likely that colleagues in lower ranks would hear such comments. Those colleagues must be able to transmit that practice and the fact that they find it disturbing to senior managers, in the expectation that swift action would be taken to root it out.

141. The evidence Sandra Deslandes-Clark gave to the Inquiry was critical in this respect.<sup>28</sup> I have attended and spoken at many conferences of the National Black Police Association and their Metropolitan branch over the years and they never fail to stress how much the racist conduct of their white peers, both by commission and omission, exposes them to danger and even puts their lives at risk. Those experiences have an impact both on BGM staff attrition and on the level of success forces have in recruiting from among BGM communities. A service such as Police Scotland knows that it is making progress when more white staff than their BGM colleagues who are rendered

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<sup>27</sup> SBPI-00596 para 6

<sup>28</sup> SBPI-00597 para 19

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vulnerable by those practices, flag them up in the interests both of justice and respect for their black colleagues' rights and of upholding standards and building a culture of equity in the organisation.

Reverse mentoring

142. Mentoring is a process of sharing and exchanging knowledge, experience, skills and ways of being. It typically is a transactional relationship between who has life experience and knowledge gained from being and doing, or/and from employing and gaining knowledge from study and from employing practical skills. It is a process in which the mentor and mentee exchange knowledge, insights, practical, analytical and problem solving skills, revealing themselves and their world to each other. It is a process that typically involves a more experienced and skilled person and one less experienced. Peer mentoring involves people of similar ages and with similar interests and/or tasks to be accomplished, sharing different skills and experiences, including skills at dealing with life challenges. Examples would be: peer mentoring among school and college students; learning circles among teachers, actors and other young professionals.

143. Reverse mentoring is a similar process, but one typically in which a younger child, student or employee provides mentoring to an older and more senior family member or work colleague, teaching various skills or/and ways of producing, organising and sharing knowledge. One example of reverse mentoring in an education context is when a school student provides a 'masterclass' to a group of English teachers on 'decolonising the curriculum', pointing out how literature in English by writers outside Europe and by writers in the Global African Diaspora has been largely eclipsed in English literature in British schools.

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144. I am asked whether I have any observations on the difficulties that might be experienced enabling people to speak out about the poor behaviour of people senior to them in a hierarchical organisation.

145. A younger person and someone of a lower grade would probably feel pretty inhibited in terms of having the courage to report what the senior manager is doing or has failed to do. There is an upward mentoring process which is becoming trendy, whereby people from lower down the organisation do mentoring of more senior people. People lower in the organisation have more grassroots experiences, and senior managers might only come to those things obliquely, or only where some major problem arises and there is a complaint. As long as the person doing upward mentoring doesn't get exploited, I believe that could be pretty valuable. But there should be mechanisms to protect whistleblowers irrespective of who it is that they blow the whistle on, and that has to become part of the management culture, so senior managers themselves would have an appreciation of that and what it means, i.e., that they themselves have a responsibility to ensure that they build a culture where no one feels inhibited to blow the whistle on them because of their seniority.

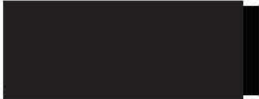
Working with staff networks

146. Staff networks should be seen as playing a pivotal role in the strategic management of the organisation, hence the funding of them should not be regarded as funding non-essentials. The support such networks receive from those eligible to become members is determined to a large extent by their view of how the organisation treated the network. An organisation therefore needs to decide what the benefits are of investing in the network and facilitating it to have that strategic reach into the organisation. This has a bearing, too, on the organisation's wish to grow trust and confidence in the BGM community and to enhance recruitment from that community.

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147. Promoting equality and diversity has come to be seen as requiring measures to deal with demographic underrepresentation of historically excluded groups. It is generally assumed that such groups should be visible in the organisation in proportion more or less to their representation in the population overall. Leaving aside the obvious point that that easily results in mono-ethnic, or majority straight, or majority male enclaves insisting that they therefore have no requirement to be inclusive of others who are not like themselves, it implies that 'getting them in' and making 'them' feel included is the goal. To acknowledge that their presence allows them to hold a mirror up to the organisation, interpret it to itself and identify what needs to change in order that their presence could mean something, is often seen as an expectation too far.

148. When staff networks/associations attempt to perform that latter function and are thwarted, thus preventing them from contributing strategically to the management of the organisation and its efforts to promote equity, positive action measures such as building trust and confidence with communities, or taking steps to recruit more staff from underrepresented groups are impacted and members of the staff network become discouraged, demotivated and distrustful of the earnestness of leaders and managers. My experience in higher education and in supporting black staff networks across central and local government is that this in itself leads would-be members of such networks to question the purpose of them and the benefits of joining them. Depending upon the nature of the relationship between the network and the organisation and its management, some potential members consider it safer to dissociate themselves from the network and its activities for fear of being seen as associating with a challenging body that the organisation views as an irritant.

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149. Police Scotland clearly acknowledges the importance of the role the staff association, Supporting Ethnic Minority Police employees for Equality in Race (SEMPER) plays. Having performed and developed that role over the last 20 years, SEMPER, Police Scotland and other key partners must surely be able to assess the impact of its work upon:
- a. Recruitment and selection of Global Majority personnel
  - b. Support and mentoring for new recruits and for those with a longer service record
  - c. Tackling staff attrition
  - d. Targeted efforts to build trust and confidence with Global Majority communities
  - e. The content, delivery and evaluation of anti-racism and related training
  - f. The way Police Scotland and other core partners in the criminal justice space deal with formal complaints, as well as anecdotal evidence of the discrimination suffered by Global Majority personnel
  - g. Culture change within policing and criminal justice in Scotland generally.

150. One common experience which Black and Global Majority staff involved in the work of staff networks/associations routinely share is of what I dub 'Blaxploitation'. As the term suggests, it is when black folk are exploited by being made to work on complex tasks, or in support of discrete organisational goals relating to black employment rights, culture change, promoting EDI, or other declared strategic priorities, without remission from their main duties and without commensurate remuneration. Consequently, leaders and managers do not routinely assess the staff network/association as performing a strategic function in the organisation and contributing to its realisation of organisational goals, in order to determine the price tag that should be placed on that work. When leaders and managers have difficult budgetary decisions to make, therefore, there is invariably the assumption on their part that the

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key movers and shakers would continue to do the work, if only because of their passionate belief in its importance for them and their members or fellow participants. For example, I knew a black head of year in a secondary school who became the go-to person to help with issues affecting black and dual heritage children, and was credited with helping to improve behaviour and discipline. However, when the school created a senior pastoral care post, she was passed over for more recently qualified white teacher with a psychology PhD, and the school expected her to help him learn from her knowledge and community links for no additional pay.

151. It certainly does not help that few organisations actually declare what they mean by 'inclusion' and what they see as the contours of the relationship between them and those whom they wish to include. Such conversations rarely take place and organisations do not always negotiate such meanings, even when there are dedicated EDI officers on hand.

152. I am asked what a small organisation such as PIRC should do about facilitating staff to join staff networks. There should be an opportunity to join a wider sector-based organisation. For example, could SEMPER work the modalities for supporting PIRC staff to become affiliated or full members and engage them in SEMPER's core work?

Working with other organisations

153. Senior leaders and managers across the 43 forces in England and Wales have established forums and lead officers on a whole gamut of police and crime issues. I am aware that from time to time, managers in Police Scotland have attended some of those forums to discuss nationwide approaches to particular challenges.

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154. United Friends and Families Campaign ('UFFC') is an umbrella organisation that brings together campaigns by the friends and families of people who have died while in the custody of the state: police, prisons and psychiatric hospitals. UFFC aims to draw public attention to such deaths, to the fact that they involve a disproportionate number of black people and to prevent such deaths from occurring. UFFC does not currently have a presence in Scotland as far as I am aware.

155. Police Scotland, PIRC and COPFS could consider establishing a forum on deaths in custody with lead representatives, and starting a dialogue with UFFC. Another relevant organisation to work with is the Independent Advisory Panel on Deaths in Custody ('IAPDC'), a non-departmental public body which provides guidance on policy and best practice to prevent deaths in custody.<sup>29</sup>

**A review of the training in place as at 3 May 2015**

156. I begin with three general observations. The first is that having studied numerous documents provided by Police Scotland, PIRC and COPFS,<sup>30</sup> I find it very difficult to disaggregate policies, processes and activities that are specifically geared to combating racism and tackling institutional and cultural racism. It would appear that some of that is integrated within EDI programmes generically, but then it is not always clear just what the specific race equality objectives are, or how the PSED is being delivered on the axis of race as a protected characteristic.

157. My second observation is that it is not at all clear, just what measures are in place for assessing the impact of training upon the operational practice and general professional conduct of those trained. I may have missed it, but I

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<sup>29</sup> <https://www.iapondeathsincustody.org/about-the-iapdc>

<sup>30</sup> The documents that were provided to me are set out at Annexes B, C and D.

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have seen no evidence of where accountability on that score is delivered. Apart from people effectively 'marking their own homework' online, how is training impact explored? Through supervision? Self-evaluation and forward planning? Staff appraisal? Race Equality Impact Assessment?

158. Related to the first two: By what measures do you ensure that each person is owning personal responsibility for helping to create and sustain a culture of equity and a safe and supportive working environment for everyone?

159. Third, I did not see the concept of equality and equity addressed in any of the training material I examined. Equality is about treating everyone in accordance with their need(s). That is why the furniture in restaurants includes high chairs for toddlers and new trains, as on the Jubilee and Elisabeth Lines in Transport for London, are flush with the platforms to facilitate entry and egress for wheel chair users and buggies. Equality and equal opportunity are closely related for that reason. People are given equal resources or opportunities to achieve an outcome, irrespective of their needs. Equity recognizes that people have different circumstances, including the family into which they are born, the wealth of the country in which they live, the life chances that have on account of the quality of their education and the choices it enables them to make and that therefore they may need more resources and opportunities than others if they are to achieve the goals that others take for granted. This is why equity is so closely related to human rights and to positive action to combat disadvantage and discrimination.

160. In the 'Valuing and Managing Difference' trainer guide used in COPFS training in 2015, which I go on to discuss in more detail below, trainers are told to tell trainees that "*Equality relates more to the legislation covering under-represented or minority groups or protected characteristics*" whereas

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*“Diversity is about recognising that everyone has different needs.”*<sup>31</sup> The emphasis in the exercise was to explain the difference between the terms, and in context to the whole course *treating people equally as per the Equality Act 2010*, whereas the diversity emphasis is about understanding, embracing and appreciating diversity (in the workplace) and the value it brings to an organisation (such as COPFS). The COPFS trainer guide fails to correct but rather reinforces the erroneous belief that you treat people equally by treating them all the same.

161. When looking at the evidence police officer witnesses gave to this Inquiry about their training, I noted that PC Geddes says that he received training at Tulliallen that covered *“everything relating to any – people of different race, different genders, different backgrounds...that gave you a wee bit of insight into other people and their cultures, how they have different ways of life, how they live”*. He says he thinks he received similar training as part of his training as a custody officer but is not able to remember specifics.<sup>32</sup> When asked if he was able to put any of his learning into practice, PC Gibson says *“well, that was easy for me because I just treat everyone the same anyway”*.<sup>33</sup> PC McDonough says *“...I would like to think that I have implemented that way of thinking anyway. At the end of the day you want to treat everyone the same way and with respect”*.<sup>34</sup>

162. It is concerning that police officers come away from Equality & Diversity training believing that you treat people equally by treating them all the same. Arguably, the first myth to be challenged in such training is precisely that. The lack of training to address this misconception is another reason why I lament the widespread tendency to discuss cultural diversity as if the majority

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<sup>31</sup> COPFS-05788 p.12.

<sup>32</sup> [Day 22](#) 24 June 2022 p.47

<sup>33</sup> [Day 13](#) 1 June 2022 p.193

<sup>34</sup> [Day 14](#), 7 June 2022 p.111

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society is homogenous and the diversity is represented by people from culture and faiths external to Britain.

163. Overall, I think that before Sheku Bayoh died, matters to do with race were very poorly attended to by each of those three organisations.

Police Scotland

164. I have reviewed the documents in Appendix 1. I am asked about my views on the training in place regarding race in May 2015 as described in Police Scotland's 10<sup>th</sup> Position Statement (as amended by subsequent position statements)<sup>35</sup> and the second witness statement of Tim Kirman.<sup>36</sup>

165. I understand that in 2015, training on race was done as part of a 2-day course called "Diversity Awareness" provided to police probationers at Tulliallan by in-person trainers. I have considered the training materials from this course and make the following comments.

166. Diversity Awareness: Intro Training.<sup>37</sup> This slide pack sets out the aims and intended learning outcomes for the course. I was interested in slide 6, 'The Contract', which shows there was a learning contract in place between the trainees and the training provider. It says that "*Inappropriate behaviour or attitudes by anyone will be challenged*". I relate this to what I say at paragraph 85 above about the risk of truculent attendance at mandatory training resulting in the training being experienced by others as a waste of their time. It's an example of good practice that Police Scotland stipulated as part of their learning contract that inappropriate behaviour or attitudes would be challenged.

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<sup>35</sup> SBPI-00376, SBPI-00482 and SBPI-00631

<sup>36</sup> SBPI-00504

<sup>37</sup> PS-18871

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167. Diversity awareness: stereotyping, prejudice and discrimination.<sup>38</sup> The aim of this module was to enable attendees to identify stereotyping, prejudice and discrimination and to “*recognise the adverse consequences of such actions for the individual and the organisation*”.<sup>39</sup> The PowerPoint presentation for the session includes an exercise called ‘Who Drives This Car?’ with pictures of different types of vehicles. Tim Kirman says that the trainer would “*ask questions about race in this exercise and show how easy it was to stereotype. One example was a 19 year old who was driving his father's BMW. He was pulled over because he didn't fit the expectation of what a person should be who is driving that car. We asked them to think if someone of colour driving this car, what would their reaction be?*”<sup>40</sup> That raises a question as to what extent did this training discuss class as a dynamic and as a particular axis of discrimination within the society? The cars exercise might have allowed discussion of this dynamic.

168. The part of the session covering stereotyping includes a slide on ‘Areas of Prejudice / Discrimination in Scottish Life’ which represents aspects such as race, disability, religion, sectarianism and so forth as interlocking pieces of a jigsaw puzzle.<sup>41</sup> I think this is a useful configuration which people could have identified with from their own experience.

169. The next part of this module covers Allport’s Scale of Prejudice.<sup>42</sup> This scale was devised by Gordon Allport in 1954 principally to describe the escalation of prejudice against Jews in Nazi Germany which culminated in the Holocaust. I do not think it is helpful to include in training in modern Scotland because it is culturally and historically specific. Not all circumstances of prejudice and oppression will follow every step on Allport’s ladder. For

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<sup>38</sup> PS-18872

<sup>39</sup> Ibid slide 3

<sup>40</sup> SBPI-00504 para 25

<sup>41</sup> PS-18872 slide 22

<sup>42</sup> Ibid slides 29-56

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example, there are situations where it is not in the interest of the oppressor group to exterminate the oppressed group (such as enslaved Africans), so the final stage of Allport's scale is never reached. The risk of training on Allport's scale is that attendees will not be equipped to recognise signs of prejudice and oppression which are not following the same pattern.

170. I am concerned that the structural and systemic element of race and how it is managed and manipulated by nation states was not being taught. This is critical to understand how dominant ideologies get transmitted to become normalised in the way society organises itself, for example in schooling and education, and people are marginalised and expected to adjust to that social order. It's that broader picture that trainers should be constantly aware of, and where that is missing one begins to drift towards individual explanations of racism as distinct from systemic ones.

171. Diversity awareness: responses to dominance.<sup>43</sup> The learning outcomes for this session were for the attendees to identify formal, informal, legitimate and illegitimate power, with examples, and to "*Explain the classic responses to dominance and relate them to situations involving oppression.*"<sup>44</sup> These are pretty straightforward outcomes. The quality of this session would depend on what the trainer elaborated on and the conversations the training group engaged in around the slides. What is critical is not just the principles on the slides, but how the group related them to their operational roles.

172. Diversity awareness: organisational culture.<sup>45</sup> I am interested in slide 14, titled 'How Can an Organisation Overcome the Negative Elements of Its Culture?'. This slide mentions senior management "buying-in" and setting an example. However, it doesn't mention leadership, which seems to me to be stronger than just buying in. The senior management must be seen to lead

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<sup>43</sup> PS-18873

<sup>44</sup> Ibid slide 3

<sup>45</sup> PS-18874

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the process and articulate the values that the organisation has and demonstrate by their own conduct that they're living those values. Tim Kirman says that the investigation into Simon San's death was discussed as part of this presentation, in particular in reference to slide 17<sup>46</sup> which says "*Community & Race Relations Not just part of your job..... It IS your job!*" I would consider that good practice, to include a discussion of the race-related failings in that operation.

173. Diversity awareness: unacceptable behaviour.<sup>47</sup> This training presentation covered racism, homophobia, religious hatred, agism, racism and disability discrimination, as well as prejudice against asylum seekers. It included the Macpherson definition of institutional racism,<sup>48</sup> which I discuss in more detail below. Tim Kirman's statement says that at this point in the presentation, the trainer would put on a video about Stephen Lawrence and facilitate a discussion about race-related failures in his case.<sup>49</sup>

174. Diversity awareness: challenging methods.<sup>50</sup> The learning outcomes for this session were to: "*Outline the appropriate action to be taken on witnessing or being the victim of unacceptable behaviour*" and to "*outline the appropriate action to be taken if the behaviour contravenes the law.*"<sup>51</sup> My impression of this session was that attendees might take appropriate action in terms of making sure that people are obeying the law but I could not see what knowledge base it gave them to exercise discretion when it came to making judgment calls about operational situations which are less clear-cut. I note that Tim Kirman says this session would include conversation with

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<sup>46</sup> SBPI-00504 paras 57-61

<sup>47</sup> PS-18875

<sup>48</sup> Ibid, slides 36-37

<sup>49</sup> SBPI-00504 paras 43-50

<sup>50</sup> PS-18876

<sup>51</sup> Ibid slide 3

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probationers about current topics in the public eye, so the PowerPoint presentation I have reviewed may not show the whole picture.<sup>52</sup>

175. I am asked for my comments on Tim Kirman's evidence regarding the use of previous cases in probationer training, including Stephen Lawrence's case and Simon San's case in the Diversity Awareness course (discussed above), and Christopher Alder's death and lessons learned from it in custody training.<sup>53</sup> I think as a general rule, it is particularly good that they use previous cases. The important thing is how the learning to be derived from those cases was related to other areas of police training. It was good practice that Christopher Alder's case was used as part of custody training.

176. Overall, the whole package provided a reasonable starting point for considering various elements relevant to race. The quality of the training delivered would have depended on how the trainer used that to embellish these notions and encourage the trainees to use examples from their own day-to-day experiences.

177. However, the package skimmed the surface of some rather important and in many ways complex concepts about which I would imagine most of those probationers would have had very little experience. It should, at the very least, have given some history of how race became such a major issue in Britain and how the various groups – racialised groups – have been attempting to deal with that through education and schooling, through building community initiatives, through attempts to work – and they were very genuine attempts over many decades – with police forces and get them to understand the harm that bad policing is doing to communities.

178. There just was not enough of a focus on race as a structural issue, or on how the lack of an understanding of race and racial dynamics within communities

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<sup>52</sup> SBPI-00504 para 23

<sup>53</sup> Ibid paras 52-56

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influenced those communities' attitudes towards the police and relationship with the police.

179. Nothing is said as far as I can see about the pattern of settlement of people of different racial groups, or backgrounds in Scotland itself, how that impacted upon the local community, what the local community's view was about their presence, if they have the same concerns about – to use Margaret Thatcher's word – "swamping" as they did in England, what benefits did they the slowly growing population of people from South Asia, for example, were going to bring to Scotland? And how did the presence of these groups of people from different cultures encourage white Scottish people to look at themselves and the assumptions they were making about themselves in relation to those groups? If one is going to talk about racism and get some indication as to its cultural potency, you can't avoid these kinds of issues and the sort of thing that they have in that package seem to me to be skirting around many of those fundamental points, which I think probationers would have been anxious about. They are going out there. They've got to deal with situations as they find them. They are first responders in many cases, and I just don't believe that that training would have served them particularly well.

180. I note from Tim Kirman's statement that this training was assessed by way of a multiple choice exam and the trainer could provide feedback in 'performance notes' to the trainees' force / division.<sup>54</sup> However, I understand that in 2015 there was no follow-up or refresher training package in place to reinforce training related to race. If the Diversity Awareness course came as part of probationary training, it was going to be quite important that Police Scotland indicated how that was followed up. I have mentioned above the importance of good supervision to the training cycle. If there is no follow-up,

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<sup>54</sup> SBPI-00504 paras 63-67

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monitoring by a supervisor, or mechanisms for encouraging people to self-evaluate their training, then it could be pretty gratuitous. People could forget the content of the course fairly easily, and the fact that they would have been exposed to it in the first six months of their life in the police service doesn't necessarily mean that it's imprinted upon their consciousness to the extent that it plays a part in their operational procedures, their decision-making, and their application of judgment. It's a question of finding organic ways of reinforcing training outcomes and training messages and enabling the individual to take responsibility for their own learning and for evaluating the impact of that learning.

181. On the issue of taking responsibility for one's own learning, I was interested in this response from PC Paton, commenting on training he had received:

*"I think it [training in equality and diversity] could probably be improved if I am being honest... Maybe every two years or something like that would be handy....., done for the right purposes and for the right reasons...but not rammed down your throat. Not every year."*<sup>55</sup>

182. Top up training is one thing, but there is no hint from this officer as to how he was building, or had built upon the initial training that he received.

183. I am also asked for my views of the Diversity Booklet given to probationers in 2015.<sup>56</sup> In terms of probationers' understanding of race, so much would have happened before then. In addition to the 2010 legislation and the background to that, which I would have expected them to explore, what happened before all of these protected characteristics were brought together under that one piece of legislation?

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<sup>55</sup> [Day 20](#), 21 June 2022, p.163

<sup>56</sup> PS-11300

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184. What kinds of issues were people experiencing before that and how might they have influenced people's attitudes towards the police? This might have included the riots which occurred in cities around England in August 2011 after Mark Duggan was shot by the police. In 2013, Theresa May had vans driving around London with billboards screaming: *Go Home or Face Arrest*, as a consequence of which people were being targeted for whom the only 'home' they ever knew was Hull, or Hounslow, or Brixton or Birmingham.

185. This guidance seems to me to be disconnected from what was going on in the country generally and from the sense that probationers etc. could have been expected to make of all of that. I think there is a sense in which they were seeing these probationers as empty vessels into which to pour a lot of new knowledge in one huge dollop, and expecting them to digest all of that and see it as a kind of barium meal that would run through the whole system and get them all more conscious of how these matters/these dynamics played out in society and provided the context of policing.

186. I would be very surprised that, whether they were talking about race or any other characteristic, that people would have found those things particularly useful, and certainly in terms of sex discrimination and a growing culture of misogyny and so forth, it just didn't treat those as issues to be understood structurally and in terms of what reinforces those kinds of ideas and stereotypes in society.

187. When the 10 legacy organisations<sup>57</sup> formed Police Scotland in 2013, they ought to have been compliant with the PSED since the Equality Act 2010 came into force, and before that with the race equality duty. Why was that information not transmitted to Police Scotland? I have seen evidence

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<sup>57</sup> Statement of former DCC Fiona Taylor [SBPI-00546](#) paragraph 11. These included 8 regional police forces.

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provided to this Inquiry from witnesses involved in the transition period.<sup>58</sup> This was clearly a challenging project and it was understandable that the objective was to make the transition as seamless as possible. That was a strategic priority but one that need have displaced other interlocking strategic priorities. Operational competence could not be achieved without attention to issues of staff morale, culture, a focus on delivering quality and ensuring that everyone was experiencing their working environment as safe and free from harassment on account of their profile or/and protected characteristic. I saw no evidence pointing to the conduct of an audit of training by the newly formed Police Scotland, on the basis of which training could be planned and delivered to officers and staff according to need.

188. I have been provided with an extract from the Sheku Bayoh Inquiry Inventory of evidence about race (Inquiry hearing 1, PS PIM, Cause of Death and written evidence) containing a summary of the evidence given by Police Scotland officers about training relevant to race.<sup>59</sup>

189. The answers given on EDI training received paint a picture of a rather disjointed approach to promoting equality and diversity and commensurately eliminating discrimination and ensuring equal opportunity in Police Scotland. Worse yet, coming as they do from senior leaders and managers, those narratives indicate the lack of a strategic focus on legal compliance, let alone on growing a culture of equity within the organisation. This in itself is quite alarming, given the fact that a new architecture for the police service was put in place in order to effect the transition from the former ten legacy organisations to the single entity, Police Scotland, in 2013.

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<sup>58</sup> Namely: former DCC Steve Allen - [SBPI-00531](#) paras 16, 54 & 66-83; Sandra Deslandes Clark - [SBPI-00626](#) paras 16- 17; Paul Castledine - SBPI-00594 paras 25-26; CI Conrad Trickett - SBPI-00257 paras 45-49.

<sup>59</sup> SBPI-00588, an extract from SBPI-00684

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190. It is concerning that, even from the answers provided by senior leaders, including an Assistant Chief Constable, there is no mention of the Equality Act 2010, or the PSED, save for the categorical statement of one chief inspector that: *“the terms of the Equality Act 2010, and the fact that race was a protected characteristic, would have been widely understood within policing in 2015”*.<sup>60</sup> Despite that confident assertion, however, no officer mentioned training on race, on understanding the Equality Act 2010 and the PSED, its relevance for the range of functions Police Scotland performed, on what compliance required the organisation to do in respect of race as a protected characteristic, how race intersected with other protected characteristics, or how the legislation would be implemented.

191. It is my assessment that the failure to embed compliance with Equality and Human Rights legislation within the strategic priorities of Police Scotland from the outset had a number of obvious consequences:

- a) In 2015, two years after Police Scotland was established, there was no evidence in the chain of command as to what was required of leaders and managers in terms of responsibility and accountability for driving the agenda to promote equity and eliminate unlawful discrimination against people with protected characteristics.
- b) There was no evidence of an interrogation of the performance of the 10 legacy organisations in implementing the Equality Act 2010 and the tranches of legislation that that Act replaced, especially the RRAA 2000 and its General Duty requirements.
- c) There was consequently no audit of the measures, including training, the former 10 legacy organisations had in place to facilitate and ensure compliance with Equality and Human Rights legislation. Presumably therefore, Police Scotland had no reliable baseline for determining where

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<sup>60</sup> Conrad Trickett [Day 46](#), 8 March 2024 p. 104

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gaps were, what could be built upon and what needed to be put in place as a matter of priority, the training that would be necessary if all officers and staff were to be encouraged to develop the mindset that the evidence of legal compliance and of the organisation bearing the hallmark of respect, fairness, justice and competence depended upon each and every one of them.

- d) Officers were going daily into operational situations where the only thing that was guaranteed was unpredictability, but without the knowledge, understanding, skills, aptitudes and behaviours that would help keep them safe, let alone enhance trust and confidence in policing, especially among sections of the population that historically have grown distrustful of the police and their capacity to conduct themselves legally and justly.
- e) In this scenario, it is senseless for the organisation to expect that it would be able to recruit from sections of the community that are currently underrepresented in policing, or that those whom they manage to recruit would enjoy the trust of their communities who are already feeling let down by the police, or would survive the culture of the organisation that is so evidently haphazard in its efforts to identify and confront its own internal racism.
- f) Crucially, given the lack of focus on patterns of discrimination, on structural, institutional and cultural racism, it is unlikely that Black and Global Majority recruits would have confidence that senior leaders and managers would be more knowledgeable and antiracist than officers in lower ranks and would have the competence and confidence to deal with the racism they are likely to encounter upon joining the service.

192. Training is not an activity that is done for its own sake, however much those who are required to do it might consider it a waste of money, time and energy. It is typically meant to facilitate self development, self awareness, awareness of organisational goals and the development of knowledge,

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understanding and skills so that the workforce is better able to meet organisational objectives and give of their best because the working environment is conducive to their doing so. The working environment is not given. It is created by those who inhabit it and therefore they are accountable to one another. Ideally, the working environment would be a reflection of the vision that leaders and managers have for the organisation and its societal purpose. The nature of that environment is created in large measure by the leadership of the organisation, the values they bring to it and the extent to which they exemplify living those values.

193. Many of the issues the police deal with are the result of the operation of cultures of oppression and of exclusion in society. The police cannot be expected to fix that. What society and historically targeted and excluded groups have a right to expect is that the police is aware of how oppression and exclusion mars the lives of those sections of the population and do not themselves become an oppressive force.

PIRC

194. I have reviewed the documents in Appendix 2 including PIRC's Position Statement on training dated 29 January 2024.<sup>61</sup> I understand from this Position Statement that there was a training programme on equality and diversity provided to all staff members at PIRC between October 2014 and January 2015 conducted by external trainers from Queen Margaret University.<sup>62</sup> I am told that it was not possible for the Inquiry to obtain a witness statement from someone involved in the training as it was in 2015 to add context to the documents.

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<sup>61</sup> SBPI-00455

<sup>62</sup> Ibid p.6

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195. Providing training to the whole organisation including senior as well as junior people would have provided an opportunity for discussion. In addition to coming and receiving pearls of wisdom, because those people would have been in leadership positions or management positions, I would have thought that that would be supplemented by them using their prior knowledge and experience in an interactive way to not just make this thing come alive, but to try and identify what sorts of challenges they were likely to have within PIRC and how their past experience can support others in gaining a better understanding of meeting those challenges or the way in which they failed to address them in the past, or whatever. I can understand a presenter coming in and sharing all of those things, but one would hope that, as part of the training day or the training exercise or programme, there would have been some interactive work that used the knowledge and skills of the participants.

196. I have been provided with a timetable for this session which was called 'Equality and Diversity: Knowing Your Obligations'.<sup>63</sup> I can see from the timetable that a session titled 'Need for the Equality Act' included covering 'Unconscious bias', 'Impact of prejudice and discrimination' and 'Business case for equality and diversity'. I don't think this a helpful grouping. I have already explained my concerns about focussing on unconscious bias. I'm also sceptical about having a 'business case' for equality and diversity; whether or not it is considered to be advantageous business-wise is immaterial. The law is the law. One needs compliance. It would be much better to be asking the question, "*How does the Equality Act assist us in being a better organisation? What kind of organisational culture do we want, or have we had, and how might that be improved by attending to the public sector equality duty?*". From the outline, this session appears to be a peculiar mishmash.

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<sup>63</sup> PIRC-04726

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197. The next session in the timetable was called 'Evolution of Equality legislation' which I expect would have informed people about the way the different strands of equality legislation were developed and brought together, from the Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Human Rights Act 1998 and Equality Act 2010. That would have been a helpful and important session. The afternoon sessions covered terminology, protected characteristics, prohibited conduct and the PSED. All pretty straightforward.

198. I have also been provided with a slide pack for a training session called the 'PIRC Inclusion Power Hour' which appears to have been undertaken jointly with Police Scotland's CPD Team.<sup>64</sup> I haven't seen a witness statement explaining how this session was delivered so it is difficult to drill down into what it involved. The first slide is about unconscious bias, and I have explained my reservations about unconscious bias training already. The second slide does state that unconscious bias isn't an excuse for racism or other types of discrimination. The fourth slide is a 'ladder of inference' diagram setting out a series of steps between perception and taking action, showing how people might be influenced by their assumptions. It's linear and sequential, which is not actually how people go about interacting with the world, especially when reacting in a direct encounter. The model does not allow for changes in people's perceptions or assumptions based on whom or what they're interacting with. I have seen this used before in training and it has its limitations. Without knowing what conversations the trainer had about the model, it is difficult to see how it could have been helpful to the people being trained.

199. The slides on different types of bias<sup>65</sup> are helpful, especially the explanation of affinity bias, "*favouring people with whom you have something in common*"

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<sup>64</sup> PIRC-04739

<sup>65</sup> Ibid slides 5-7

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*that creates a personal connection...*” This is something that I have found when reviewing recruitment processes in many organisations. People make assumptions that introducing someone they perceive as different to the workplace would require them to make adjustments as a result of the presence of that person, so they hire people who look like themselves, who they think they will have interests in common with. This contributes to an organisational culture which is excluding even if the organisation might promote itself as an equal opportunities employer with a policy on inclusion.

200. In relation to slide 8, ‘Beliefs about the world’ I’m not sure I agree with the statement *“Our identity is mostly static”* but the slide makes a good point about there being an empathy gap, which goes with the whole question of seeing the world through different eyes depending upon your profile and your experience and how the society defines you. As with the rest of this presentation, the quality of the training would depend on how the trainer assisted the understanding of the participants in the session.

201. Slide 11 is a list of tips regarding what individuals can do to support a change in the organisational culture. If this was supplemented with a discussion of what other tips participants could think of, drawing upon their experience, prior training and knowledge, you could end up with a pretty interesting basket of stuff. Similarly, slide 12, which sets out ‘Key takeaways’, provides good headlines to have discussions around these things. It is really a question of how well the bullet points were used to facilitate sharing and learning.

202. Generally speaking, I would say this was a useful set of training materials. As with all presentations, the mortar between the bricks would have been the way the presenter led the discussions. However, I was disappointed by the lack of a focus on race and the dynamics of racism and how those play out in Scotland, including considering how Scotland sees itself. There is an

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imbalance in terms of how you look at the community holistically. You might identify disability and gender etc. and make comments about them but what this material fails to do is to consider the interaction and intersection between race and gender and religion and so on.

203. There are a whole range of issues PIRC might investigate which engage race. For example, consider a hypothetical scenario where a Black woman has had contact with the police to report domestic violence expecting some intervention to keep her safe and they haven't thought it was worth their time. There could also be an issue with investigating the actions of Black and Global Majority officers, who fear being overdisciplined compared to white officers. PIRC would need an understanding of the culture within which complaints against those Black officers would arise, and be in a position to satisfy itself that its investigation is rigorous and informed. So, there's a whole range of things which are specific to particular groups but at the same time feature in the general culture of racism within the society, and it seems to me that PIRC staff should be encouraged to understand that and to have some knowledge about it.

204. The PIRC Position Statement on training also provides an answer to the question on "*how training needs for PIRC staff were assessed and met as at 3 May 2015 and throughout the duration of the PIRC investigation*".<sup>66</sup> It says that training needs were identified through the appraisal process, staff could obtain approval and find external training, and once the training was completed there was an evaluation section in a form to fill in. This does not explain whether there was a process for identifying what training PIRC staff had received before joining the organisation, and what was missing. This would have been sensible as part of an assessment of the training needs that were necessary for the investigating team. It would also have allowed PIRC

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<sup>66</sup> SBPI-00455

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to benefit from the skills of anyone who had previous experience of delivering EDI training or training on race.

205. I have been provided with an extract from the evidence given by PIRC staff about training relevant to investigating issues of race.<sup>67</sup> On reviewing that evidence, I make the following headline points:

- a) PIRC’s investigators do not appear to be have been able to demonstrate competence, knowledge and understanding of race and racism in society and organisations which may have helped them to make judgements about the confluence of events that led to Mr Bayoh’s death and the part race could have played in that.
- b) PIRC cannot specify the training its investigators had prior to joining the organisation, on the basis of which their capacity to investigate a ‘death in custody’ involving a black African male following restraint by white officers could be assessed.

206. In particular, the evidence of Mr McSporran was that when PIRC was established, recruiting investigators with specialist skill sets, primarily detectives from the Army Special Investigations Branch, the fire service, Trading Standards, and Borders and Immigration enabled the organisation to “hit the ground running”.<sup>68</sup> But, PIRC has not produced any evidence of the training former employees of those organisations who now make up its Investigation Team(s) would have received, how intensive it was and how well it dealt with the complex dynamics of racism.

COPFS

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<sup>67</sup> SBPI-00687

<sup>68</sup> [Day 82](#), 15 February 2024 page 73

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207. I have reviewed the documents in Appendix C, including the COPFS Position Statement addressing training<sup>69</sup> and the witness statement of Robert Martin who was involved in training throughout the relevant period.<sup>70</sup>

208. I understand from these documents that between 2009 and 2015, all COPFS staff were required to attend a two-day course called 'Valuing Diversity, Raising Awareness', which had external speakers giving personal perspectives, including on race.<sup>71</sup> I have been asked to focus on the training that was in place from 3 May 2015, when Sheku Bayoh died, and during the subsequent investigations into his death. This was a two-day course called 'Valuing and Managing Difference' provided by an external consultancy firm called Skills for Justice. It was delivered face-to-face in a classroom setting by two trainers.<sup>72</sup> The Position Statement says this was a mandatory course for all new employees.<sup>73</sup> Robert Martin says it was not grade or role specific, and was mostly accessed during the 9-month probationary period.<sup>74</sup>

209. I also note from Robert Martin's statement that COPFS implemented a contract with learners on any training course which would cover the behaviour of participants and welcome them to express their opinions, respectfully.<sup>75</sup> As I have mentioned already, I'm in favour of learning contracts. Expressly welcoming expression of opinions is to make sure you're creating an environment where people can feel safe to express things which they might otherwise be very bashful about because they want to be politically correct or they won't know whether it's the right thing to say. For people to benefit most from that kind of training, they must be able to come warts and all and say, "*This is how I see the world, this is where I am at just*

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<sup>69</sup> SBPI-00253  
<sup>70</sup> SBPI-00610  
<sup>71</sup> SBPI-00253 p.6  
<sup>72</sup> SBPI-00610 para 8  
<sup>73</sup> SBPI-00253 p.6  
<sup>74</sup> SBPI-00610 para 6  
<sup>75</sup> SBPI-00610 para 14

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*now in terms of my understanding and my development, and I know that I have to make decisions that can affect people's lives, and that is why I want to share those things."* They must know that if they do that, nobody will jump down their throats or try to get them expelled from the building, but it is genuinely a space that is meant to help them grow, help them drill down into their anxieties and stuff that they feel uncomfortable about so that they're better able to do their jobs and the organisation can be more confident that it is doing the right thing, both by its employees and by the people whom they're supposed to be serving.

210. I have been provided with the 'Valuing and Managing Difference Training Guide' which includes notes for the trainers who delivered this course.<sup>76</sup> It says that participants were required to complete an e-learning module covering relevant legislation prior to the course.<sup>77</sup> The guidance advises trainers that:

*"Delivering the Valuing and Managing Difference course is not about you picking up these notes the evening before the course and then running with it. That works for some generic training. However, for this course, you need to understand the underpinning messages, you need to have relevant anecdotes, personal experiences, and have researched the case studies."*<sup>78</sup>

211. This is good practice, so that the trainer takes ownership of the content and could customise it in relation to their own experience or other training that they've done or whatever else. So, it becomes a more authentic experience both for them doing the training and for participants. It's a good thing that a trainer should be required to do if they're going to be running off-the-shelf courses, as this one appears to have been.

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<sup>76</sup> COPFS-05788

<sup>77</sup> Ibid p.1

<sup>78</sup> Ibid p.2

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212. The course outline shows the two days' training included sessions on 'equality v diversity', 'valuing difference', 'examining personal values, beliefs and assumptions', 'stereotyping', 'prejudice and discrimination', 'direct and indirect discrimination', 'Allport's ladder of prejudice', 'minority responses to dominance', 'cultural awareness', 'religion and belief in the workplace', 'sectarianism and hate crime', 'making reasonable adjustments in the workplace', 'bullying and harassment' and 'challenging inappropriate behaviour'.<sup>79</sup>

213. The outline looks fine, as far as it goes, but it is generic. I would like to have seen issues of race expressly addressed, anti-racist principles set out, and a consideration of how the organisation was going to meet its PSED obligations in relation to race. The issue of race in the criminal justice system is a huge and volatile one. The participants in this training would go on to make decisions and exercise judgment about prosecuting cases. They required robust training on race to support them to do that properly.

214. In relation to the trainer notes for the individual sessions, I make the following comments.

215. The 'equality v diversity' session<sup>80</sup> contains pretty standard material on the definitions of the two concepts. If the discussion enabled participants to see these ideas presented in an applied context and ask questions arising out of their own practice, it would have been a helpful session. However, as I have already discussed, I do not agree with race or any other protected characteristic being subsumed into a broader concept of diversity.

216. The valuing difference session<sup>81</sup> looks like good practice to me, because it focussed on the trainee's personal values as an operator or employee, and

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<sup>79</sup> Ibid pp.5-8

<sup>80</sup> Ibid pp.12-14

<sup>81</sup> Ibid pp.14-21

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placed them in the organisational context and in relation to compliance with the relevant legislation. This was followed by the session on values, beliefs and assumptions<sup>82</sup> which also used examples which participants could relate to in order to communicate the concepts.

217. The stereotyping session<sup>83</sup> included discussion of Jane Elliot's 'brown eyes / blue eyes' study in the USA in 1968. This is useful, but it's dated. One can transmit the same messages by being more imaginative and drawing from modern Scottish life so it's seen to be applicable by trainees. The danger is that people will think the example is so long ago it's archaic. Similarly, there is a session in this pack on Allport's ladder of prejudice<sup>84</sup> which I think is of limited value for the reasons discussed at paragraph 169 above.

218. There appear to have been three case studies used for the session on Allport's ladder of prejudice and the subsequent session about minority responses to dominance.<sup>85</sup> The third case study is about Jermaine Lee, whose family brought a race discrimination claim after he took his life following bullying at work for the Royal Mail. It is surprising to me that although there was a race discrimination claim, the article used in the training material is fairly generic. Robert Martin says in his witness statement that "*The case study was intended to illustrate the consequences of bullying and harassment on individuals. In Jermaine Lee's case study, this was linked to responses to dominance.*"<sup>86</sup> Bullying is a nasty practice which challenges the person's whole persona and identity as an individual. But racist bullying (or homophobic bullying, or domestic violence) is egregious because it is doubly traumatising. If one is going to use a case study relating to race, you should bring out those nuances. So, in the 'minority responses to dominance'

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<sup>82</sup> Ibid pp.22-30

<sup>83</sup> Ibid pp.31-35

<sup>84</sup> Ibid pp.45-46

<sup>85</sup> Ibid pp.46-52

<sup>86</sup> SBPI-00610 para 24

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session,<sup>87</sup> it is not enough simply to talk about dominance. It displays itself in all of those different ways with different consequences for people based upon the particular character of the bullying.

219. The 'cultural awareness' session<sup>88</sup> included a culture quiz.<sup>89</sup> Having looked at the answer sheet, in my view this quiz came nowhere near the level of race awareness that would be needed by prosecutors working in the criminal justice system. As I have explained above, it is essential to convey the historical context and an analysis of race as a dynamic within Scottish society. This session did not begin to deal with the issue with the depth and seriousness it deserved. I can see the next session on religion and belief in the workplace also included cultural awareness content,<sup>90</sup> but this did not remedy the lack of content about race.

220. Although there was an e-learning module on legislation, and a mention of equality impact assessments as part of the session on direct and indirect discrimination,<sup>91</sup> in my view the course was also missing a discussion of how the organisation would go about meeting its legal obligations in relation to equality. I'm not expecting every organisation in the land to follow my model, but it seems to me that, given the functions of this group of people which included lawyers, I would have expected there to be much more detailed attention paid to the equality and human rights legislation and how the organisation is going to meet its equality duty. Nothing is said about anti-racist principles or race equality objectives. I feel that it was a missed opportunity for the Crown.

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<sup>87</sup> COPFS-05788 pp.52-54

<sup>88</sup> Ibid pp.55-58

<sup>89</sup> COPFS-05789

<sup>90</sup> COPFS-05788 pp.59-74

<sup>91</sup> Ibid p.40

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221. One shouldn't have to look for evidence of attention to race in a training package such as this and it seems to me to be swept up with everything else without understanding the specific issues around racism in organisations and society which COPFS would need to know about in order to be aware of the impact of race on the decisions it made and on people's lives. Although some of the training material is clearly important and good and people will have derived learning from it, specifically in relation to race in terms of the various functions of COPFS, there seems to be very little that I could identify.

222. Robert Martin was asked how EDI training relating to race was assessed, and responded that:

*"The EDI training was assessed by opening with aims and learning objectives, closed by reviewing learning objectives and had on-going in session feedback and review mechanisms which trainers routinely do in all forms of training. Also, group exercises would be reviewed and commented on in feedback sessions and any mis-understandings or incorrect assumptions addressed by the trainer. Course feedback would also be sought after the training."*<sup>92</sup>

223. As this course was mainly delivered to probationers, I would be interested to understand how COPFS assessed what the participants got out of the session, and whether they could actually translate that knowledge into interactions in their operational roles. What impact did the training have on their growth and knowledge, understanding, skills? It seems to me that the feedback as something fairly general, and may not have identified when people were struggling with something to do with race. The answer also relates to EDI training generally and not race specifically.

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<sup>92</sup> SBPI-00610 para 9

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224. Because of the lack of specific focus on race, it is quite likely that the individual participants of this course would go away, this would become ancient history, they're getting on with business as usual, but they're not necessarily demonstrating any learning on the basis of training that would enable them to make the right judgments and challenge colleagues or other partner organisations as needed.

225. I note that the external speakers giving personal perspectives as part of the 'Valuing Diversity, Raising Awareness' course were dropped from the 'Valuing and Managing Difference' course introduced in 2015, replaced by videos of scenario-based training.<sup>93</sup> I have discussed at paragraph 38 above the value of hearing from speakers with lived experience. However, the essential thing in the case of COPFS would be to make the interface between prosecutors and communities very real, very important. How does the training connect the COPFS staff being trained with communities that feel targeted by the criminal justice system? You could do this by having someone coming in to speak about their experience as an individual or a family member, about the issues the community faces and the ways in which COPFS can work in partnership with the community and with the police. You could also film case scenarios and show a DVD. Both approaches might work, so long as the content and discussion help to grow the understanding of the Crown about the issues faced by communities.

226. I have also reviewed COPFS' position statement authored by the Crown Agent, John Logue, dated 7 May 2024.<sup>94</sup> This statement is a commentary on the Inspectorate of Prosecution in Scotland's Thematic Report on COPFS' Response to Race Issues (2004).

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<sup>93</sup> SBPI-00610 para 10

<sup>94</sup> SBPI-00570

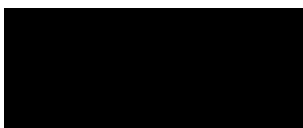
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227. It provides very useful information. However, I think it rather epitomises the problem I see running through much of the material I have examined in preparing this report, i.e., the phasing out or eclipsing of a focus on race in its own right and its inclusion in more ill-defined approaches to implementing the PSED of the Equality Act 2010, or worse yet, generic EDI approaches.

228. The thematic report is a useful baseline document for COPFS and it is good that it adopted all of the Inspector's 40 recommendations. While it is 20 years since that report was produced and 14 years since Parliament combined various tranches of non-discrimination legislation into the single Equality Act 2010, my reading of it tells me that the findings and recommendations of the thematic review should still be a work in progress for COPFS. In other words, I see no evidence that by 2015 COPFS had addressed all the matters appertaining to race that the review highlighted, notwithstanding the lessons learnt and the commensurate improvements in training.

229. It is commendable that there once was a COPFS Race Team that was 'was set up to develop and support the implementation of the Race Equality Action Plan ("REAP") as required by RRAA. We are told that the Race Team became known as the Diversity Team, which 'worked with the Equality Act Implementation Team to implement all of the statutory requirements of the Equality Act (2010) and the Scottish public sector equality duties. This included the creation of a set of Equality Outcomes and a Mainstreaming Equality report, both of which were published in April 2013.

230. Given that the Specific Duties of the RRAA 2000 required organisations to align their existing policies that had relevance for race relations with the new Act and ensure that their Race Equality Action Plan (that public bodies were required to have in place by November 2002) was capable of ensuring

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compliance with the General Duty of the Act, one would have hoped to see an assessment of the progress COPFS had made on implementation, as well as the difference the action plan had made to the culture and performance of the organisation between 2002 and the Equality Act 2010. In other words, no information is provided as to the progress COPFS had made before the EqA 2010 and how it would continue to build upon that race action plan simultaneously as determining the actions it would take in respect of the other 'protected characteristics' as defined by the EqA 2010.

**Addendum: The Macpherson definition of institutional racism**

231. The Macpherson definition of institutional racism set out in the Stephen Lawrence Inquiry Report is:

*“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.”*<sup>95</sup>

232. In 1983, in response to the Swann report on West Indian Children in British Schools, the Commission for Racial Equality (CRE) provided what is arguably a more helpful definition of institutional racism than the better-known Macpherson one:

*“A range of long established systems, practices and procedures which have the effect, if not the intention, of depriving ethnic minority groups of equality of opportunity and access to society’s resources. It operates through the normal*

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<sup>95</sup> SBPI-00480

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*workings of the system rather than the conscious intent of the prejudiced individual.*<sup>96</sup>

233. In the CRE definition, 'long established systems, practices and procedures' have become normalised, unquestioned and systemic, so much so that individuals have no requirement to acknowledge their prejudices, the harm they might be doing to black folk and to the working environment the latter might experience as hostile and denying of rights, and therefore abandon those prejudices. In other words, the system indulges prejudicial behaviour as normal, individuals act upon their prejudices and consequent condone or overlook wrongdoing and the organisation's failure to provide a working environment that black folk do not continue to experience as hostile, racist and excluding.

234. By contrast, in the Macpherson definition, 'attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping' relate almost exclusively to individual beliefs and conduct. 'Unwitting prejudice, ignorance, thoughtlessness and racist stereotyping' effectively absolve individuals of the need to take responsibility for their conduct and the need to act justly and fairly, respecting the rights of all persons.

235. The notion of 'unwitting' is highly problematic, especially given the nature of racial politics in the country and the weekly, if not daily, discourse about race, racial disadvantage and race disparities in the media and in day to day communications. Institutions do not comprise of just bricks and mortar and the built environment. Essentially, they are cultural entities and the shaping of their culture and ethos is something to which everyone operating within the institution contributes. But, leaders and managers at the top of the

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<sup>96</sup> [svr \(manchester.ac.uk\)](http://svr (manchester.ac.uk))

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organisation set the tone and the standards they want to define the institution. Ideally, those standards would reflect their own values and their vision for the organisation, a vision they would wish all those within the organisation, working towards a common purpose and goal to share and to reflect in their own practice and social interactions.

236. This is why the importance the importance of leading with moral purpose and being seen both to articulate and to live your values. It is in the absence of that and in the absence of mechanisms to hold everyone to account, from the chief executive to the office cleaner, that racism becomes institutionalised and seemingly, so 'unwitting' as to be beyond anyone's ability to place themselves in the shoes of those whom it affects so damagingly.

237. I have been asked to address the following specific questions about the definition of institutional racism, and my answers are inserted after the questions.

a. What may be the challenges as to how the definition of Institutional Racism at [6.34] of the Macpherson report ('the Macpherson definition') has tended to be understood and applied?

Police officers, especially leaders and managers, object because as a Borough Commander in London protested to me: *'It paints everyone in the organisation with the same racist brush and people resent that. Not everyone should be blamed for the racist conduct of a minority'*. The problem with this 'bad apple' analysis is that it ignores the systemic, institutional culture that underlies managerial decisions in relation to Stop & Search, for example, or towards young black boys and their assumed membership of gangs (cf, Met Commissioner Hogan-Howe's 'gang matrix' following the civil disorder in 2011 in the wake of the police killing of Mark Duggan). An operational culture then

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becomes normalised, one in which the 'bad apples' feel justified and emboldened to do bad things.

b. Whether and how the conventional or mainstream understanding of the term could be improved so that it could be utilised in order to achieve transformative change and racial justice?

By paying attention to a) and understanding the SCIP pattern of how racism and discrimination manifest in society.

c. Whether there would be any benefit in broadening or revisiting the Macpherson definition in order to achieve greater conceptual clarity, given that the Macpherson report emphasised at [6.6] that the definition in the report was not "cast in stone"?

Yes; but I don't think one would achieve this by simply tinkering with Macpherson. One challenges group think and group behaviour by first adumbrating clear antiracist principles that define the organisation and its culture, ones which articulate clearly the organisation's role in ensuring that the culture of racism in society is not reflected in the way that policing is done. Hence the need to pay attention to the conduct of individual and have them own personal responsibility for conducting themselves in a manner that is not experienced as racist. Individuals must be expected, indeed required, to take responsibility for curbing their 'unwitting prejudice, ignorance, thoughtlessness and racial stereotyping'. The organisation provides training and supervision in order to assist the individual in doing just that. Supervision allows the individual to demonstrate how training impacts upon their practice, operationally and in their general conduct across the organisation, including in the canteen and other social spaces where they engage in banter.

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**Endnote**

238. I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry's website.

September 11, 2024 | 11:43 AM BST

Date.....Signature of witness.....

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## Appendix A: Career summary

239. What qualifies me to act as an expert witness in order to assist this Inquiry?

240. In summary, I have conducted social research and written about race and policing since the late 1960s. In particular, I trained as a youth and community worker in 1968 and did youth work in London, Leicester, Birmingham and Manchester which entailed dealing with situations involving black young people and the police in each of those cities. I worked as a youth leader at the Metro and Cryptic One youth clubs in Notting Hill between 1967 and 1969. Starting in October 1969, I carried out action-research in Handsworth, Birmingham, for the Runnymede Trust. In 1970, the Runnymede Trust published my report on that action research: *Race in the Inner City* by Augustine John.<sup>97</sup> In 1971, I co-authored *Because They're Black* (a Penguin special) with Derek Humphry, a staff reporter on the *Sunday Times*.<sup>98</sup> In that book, a number of black people narrated their experience with the British police. The following year, Humphry and I published *Police Power and Black People*, a book which examined black people's experiences of the police and criminal justice system.<sup>99</sup>

241. Since writing that book, I have paid close attention to so called 'Deaths in Custody'<sup>100</sup> as a policing and racial justice issue. I have been involved, directly or indirectly, with campaigning and supporting bereaved families following the deaths of David Oluwale in 1969, Cynthia Jarrett in 1985, Roger Sylvester in 1999 and Darren Cumberbatch in 2017.

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<sup>97</sup> John, Holman, Lambert & Nandy, *Race in the Inner City: A Report from Handsworth, Birmingham*, Runnymede Trust, 1970

<sup>98</sup> John & Humphrey, *Because They're Black*, Penguin Books, 1971

<sup>99</sup> John & Humphrey, *Police Power and Black People*, HarperCollins, 1972

<sup>100</sup> I consider the term 'deaths in custody' to be unhelpful because it does not distinguish where these are not natural deaths.

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242. Over the decades, I have delivered training to various police forces and at the Police College at Bramshill. The latter focused principally upon the role of leaders and managers in creating and sustaining a culture of equity and setting standards of police practice in promoting antiracism, rather than racialising crime. I also provided critiques to chief constables and commanders of their approach to community liaison and the work of police community liaison committees.

243. I have been delivering training on race and discrimination for the last half a century to: police, the CPS, social workers, probation officers, careers officers, trainee teachers, school, college and university managers, business leaders, local authority officers and civil servants. I have delivered management development courses for local authorities which opted to adopt positive action measures and invest in the development of black and global majority staff within their own workforce, in order to ensure a better representation of black staff in senior managerial positions.

244. I was a member of the Commission of Inquiry set up by Manchester City Council and led by the late Ian Macdonald QC into the murder of the 14 year old student, Ahmed Iqbal Ullah at Burnage High School in South Manchester in September 1986. In 1989, I co-authored with Macdonald and the other two commissioners: *Murder in the Playground – a Report of the Macdonald Inquiry into Racism and Racial Violence in Manchester Schools*.<sup>101</sup>

245. As a member of the Home Secretary's Race Relations Forum and an adviser to Jack Straw (1997 – 2002), I worked with civil servants on the Race Relations (Amendment) Act 2000 ("RRAA 2000"), having delivered training over many years on implementing the Race Relations Act 1976.

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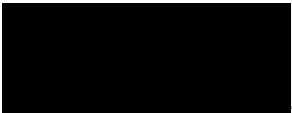
<sup>101</sup> McDonald, John et al, *Murder in the Playground: Report of the Macdonald Inquiry Into Racism and Racial Violence in Manchester Schools*, New Beacon Books, 1971

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246. From 1989 until 1996 I was Director of Education and Leisure Services in the London Borough of Hackney, having been Assistant Education Officer and Head of Community Education in the Inner London Education Authority. In that latter capacity, I had responsibility for the education provision in the five London prisons and campaigned for access to education to be a right, rather than a reward for good behaviour, given the high level of illiteracy in the prison population and the importance of education in the rehabilitation process.

247. Between 1997 and 2007, I was Visiting Faculty Professor of Education at the University of Strathclyde and among other things, delivered a cross-faculty module on Social Justice in Professional Roles. In that capacity, I also advised the Provost, chief executive and service directors in Glasgow City Council on combating racism in the city. This included working with the antiracism task force on tackling racial violence in the city, set up by the council following the stabbing and death of Imran Khan at Shawlands in February 1998.

248. Between 2001 and 2007, I was commissioned by the higher education funding councils in England, Scotland and Wales to evaluate the Race Equality Policy & Action Plan that every University/Higher Education Institute in their respective funding areas had produced as part of the compliance requirements of the RRAA 2000. In Scotland, in addition to evaluating the policy and plan of each of the 20 universities, I did the same with the 46 colleges for the Further Education Funding Council. I produced a comprehensive confidential evaluation report for each institution and an overview report for the sector as a whole in each funding area. I later provided training on conducting impact assessment and using the results of same to accelerate change. I conducted equality audits for a number of universities, including Salford, Manchester, Northumbria, Brunel, Cambridge and Coventry, as well as providing training on using the framework for

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ensuring compliance with the RRAA 2000 as a template for promoting equity in relation to what would later be defined as other 'protected characteristics', especially sex and disability discrimination.

249. In the early 2000s, I was commissioned by the Crown Prosecution Service to conduct research as to how prosecutors made decisions at the case review stage regarding cases involving race and gender, including racially aggravated offences. I chose 1500 closed cases from each of 10 CPS areas for my team and me to study. I was alarmed by the repeated pattern of defence lawyers and CPS engaging in plea bargaining and making deals which involved prosecutors agreeing to drop the racially aggravated component of the offending. I gathered the evidence and presented it to the then Attorney General (Peter Goldsmith QC), who issued instructions preventing prosecutors from reaching deals which meant that the racially aggravated aspect of offending could be dropped. Racially or religiously aggravated offences attracted stiffer sentences<sup>102</sup>. I delivered training at CPS headquarters with their EDI team and in CPS areas (of the 10 involved in the Case Review study) on the results of our research and of the thematic reviews I conducted for the CPS.

250. In 2002, I was commissioned by the Home Office to evaluate the training then being delivered to the 43 police forces in England as a requirement of the Home Secretary in implementation of recommendations of the Stephen Lawrence Inquiry. My report: Quality Assurance of Community and Race Relations (CRR) Training was published by the Home Office in October 2003.

251. In 2004, for the Equality Challenge Unit & Joint Negotiating Committee for Higher Education Staff (JNCHES), I produced for the HE sector a Toolkit on

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<sup>102</sup> [https://www.report-it.org.uk/files/race\\_for\\_justice\\_taskforce\\_report.pdf](https://www.report-it.org.uk/files/race_for_justice_taskforce_report.pdf)

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Communication and Consultation for Implementing Equality Legislation and Assessing Its Impact in Higher Education.

252. My specialism since 2000 has been in assisting organisations to employ equality and human rights legislation as a lever for building a culture of equity across their organisation, which goes beyond legislative compliance. I have conducted audits/reviews for the Crown Prosecution Service, the Solicitors Regulation Authority, Arts Council England and the Methodist Church and have provided executive coaching for senior leaders and managers in those organisations.

253. Between 2012 and 2014, I conducted an Independent Comparative Case Review for the Solicitors Regulation Authority to examine reasons for the disproportionality in the number of Black and Ethnic Minority solicitors and firms that are intervened<sup>103</sup> by that Regulator. I simultaneously chaired the Equality, Diversity and Social Mobility Working Group for the Legal Education and Training Review (2012/2013), the first such review in 33 years.<sup>104</sup>

254. Between 2016 and 2022, I was Visiting Professor at Coventry University (Vice Chancellor's Office), with a brief to assist the university in adopting a strategic approach to growing a culture of equity and ensuring compliance with equality and human rights legislation.

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<sup>103</sup> 'Intervened' is a technical term in the practice of the SRA as a regulator

<sup>104</sup> The Legal Education and Training Review (LETR) – a joint project of the Solicitors Regulation Authority (SRA), the Bar Standards Board (BSB) and ILEX Professional Standards (IPS). It constitutes a fundamental, evidence-based review of education and training requirements across regulated and non-regulated legal services in England and Wales

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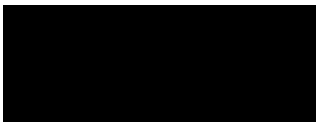


**Appendix B: Police Scotland documents**

DOC ID	Name of Doc
SBPI-00358	Police Scotland – Position Statement 8 – Training – 5 April 2023
SBPI-00359	Police Scotland – Position statement 9 training hearing – 31 May 2023
SBPI-00360	Police Scotland Position Statement 10 on training
SBPI-00376	Police Scotland Position Statement 10A
SBPI-00482	Police Scotland Position Statement 10B
SBPI-00504	Statement of Tim Kirman
SBPI-00578	Rule 8 Request Brenda Armstrong
SBPI-00613	Statement of Brenda Armstrong
SBPI-00688	Extract from Inventory - Race - Training, Use of Force, Use of spray, and Perceived threat - from evidence and transcripts
PS-10933	Use of Force PSoS SOP v1.03
PS-10938	Student Training Manual 2013
PS-10945	Equality, Diversity and Dignity SOP
PS-10966	Police conduct and complaints training document
PS-10967	Human Rights Act 1998
PS10970	Communication skills module
PS-10999	Mental Health and Place of Safety SOP v2.0
PS-11300	Diversity booklet 14/08/2013
PS-11417	Hate Crime SOP
PS-11547	Equality Impact Assessment Police Scotland Standard Operating Procedure (Pilot) v1.00
PS-11640	Glasgow University intercultural communication FLO course
PS-11660	Equality and Human Rights Impact Assessments presentation

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PS-11667	Diversity Awareness
PS-11678	Police Scotland hate crime document 07/02/2013
PS-11682	Mental Health pre-read
PS-11698	Cimplexity CIM20 21/01/2015
PS-11699	Cimplexity CIM January 15 16/02/2015
PS-11700	Cimplexity 16 March 2015
PS-11702	CIMplex 1day activity log version 1
PS-11983	Searching people module
PS-17208	OST Theory Powerpoint (Agnew)
PS18745	Values Based Policing - Policing Values & Human Rights
PS-18746	CIMplexity - Leading Critical Incidents
PS18748	Equality & Human Rights Impact Assessment
PS-18773	Values based policing ethics training strategy Fife division
PS-18871	Diversity Awareness - Intro Training (PIT Misc)
PS-18872	Diversity Awareness Stereotyping-Prejudice-Discrim (PIT Misc)
PS-18873	Diversity Awareness Responses to Dominance (PIT Misc)
PS-18874	Diversity Awareness Organisational Culture (PIT Misc)
PS-18875	Diversity Awareness Unacceptable Behaviour (PIT Misc)
PS-18876	Diversity Awareness Challenging Methods (PIT MISC)

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**Appendix C: PIRC documents**

DOC ID	Name of Doc
SBPI-00252	Position Statement re Training - 27/01/2023
SBPI-00455	PIRC Position Statement on Training - 29 January 2024
SBPI-00361	John McSporrان statement in response to rule 8 request 16/08/2023
SBPI-00371	PIRC Position statement re statistics – 21 September 2023
SBPI-00609	Ryan Martin Statement
SBPI-00687	Extract - PIRC oral evidence on training
PIRC-04473	Death in Police Custody and Following Police Contact Investigations April 2013 - March 2021
PIRC-04574	PIRC's Code of Conduct for Employees March 2014
PIRC-04582	Diversity monitoring form
PIRC-04583	Equality and Diversity Monitoring Form
PIRC-04584	EO MONITORING FORM - Master April 23
PIRC-04585	Police Scotland CS PAVA Discharge Force Form No. 064-001
PIRC-04586	Police Scotland Taser Discharge Force Form No. 064-035
PIRC-04681	HR Management Course - I Sutherland R McCallum C Caugie - from Tranche 21
PIRC-04720	Training for PIRC Staff - Jan - Feb 2015 - from Tranche 21
PIRC-04723	Family Liaison Officer - February 2015 - from Tranche 21
PIRC-04726	Equality and Diversity and DPA training content - 23 Oct 2014
PIRC-04728 – Disclosed as PIRC-00057	PIRC - Job Description - Director of Corporate Services - Aug 2014 BMcK - from Tranche 21
PIRC-04729	Training Coordinator (B1) - December 2018 - from Tranche 21
PIRC-04730	Head of HR & Corporate Services - C2 - from Tranche 21
PIRC-04739	Eqilaity & Diversity Training - QMU - October 2014 [sic]

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**Appendix D: COPFS documents**

DOC ID	Name of Doc
SBPI-00253	Lord Advocate - Position Statement with Annexes 27.01.23
SBPI-00566	Rule 8 Response Collette Paterson
SBPI-00610	Robert Martin Rule 8 response
COPFS-05788	Valuing and Managing Difference
COPFS-05789	2015 Culture Quiz Answers
COPFS-05790	2015 Case Studies
COPFS-05791	BBC News Article
COPFS-05792	2015 Allports Ladder of Prejudice
COPFS-05793	2015 ACAS guidelines
COPFS-05794	2015 Statements
COPFS-05795	2015 Rosenthal & Jacobson Reference
COPFS-05796	2015 Handout - Jermaine Lee
COPFS-05797	2015 Diversity Wheel Example
COPFS-05798	2015 Diversity Wheel Blank
COPFS-05799	2015 Challenging Behaviours Facts
COPFS-05800	2015 Valuing Diversity Raising Awareness presentation
COPFS-05778	The Independent Publication – Jermaine Lee handout
[REDACTED]	[REDACTED]
COPFS-06500	A Concise guide to fraud and whistleblowing in COPFS

Additional documents

DOC ID	Name of Doc
SBPI-00685	Links to witness evidence from the SBPI Hearing on race - for Prof. Gus John
SBPI-00686	Uses of the word training in the SBPI hearing on race

