Implementing the Race Equality Action Plan

Overview

The Welsh Government's **Race Equality Action Plan (REAP)** sets out to tackle structural racial inequalities in Wales in order to make 'meaningful and measurable changes to the lives of Black, Asian and Minority Ethnic people by tackling racism' and achieve '**a Wales that is anti-racist by 2030**'. The consultation closed in July and responses are currently being reviewed.

Delivering on this ambitious vision will require concerted and carefully thought-through actions. The Welsh Government and public bodies are going to need to establish a very clear set of priorities and metrics to ensure accountability for achieving measurable race equality improvements. And the enactment in March 2021 of the Socio-economic Duty presents valuable opportunities to support the REAP through aligned and co-designed implementation.

This commentary highlights some of the steps that might be necessary or helpful to make good on the REAP's aims. It also:

- Argues for prioritising anti-racism specifically, while ensuring it maintains synergies with, but does not become submerged across, intersectionalities.

- Emphasises in particular the importance of combining the right data with appropriate accountability mechanisms.

- Explores ways to build on inputs already supplied by WCPP's seven related reports on improving race equality in Wales.

Problems with previous approaches

Previous attempts to 'manage diversity' have suffered from the fact that the criteria used to check progress have been:

- **Too numerous** (leading to a failure to prioritise);

- **Brittle** (inflexibility reduced their salience);

- **Diffuse** (they have been vague and hence indeterminate); and

- **Free-floating and toothless** (they were not sufficiently tied in to institutional consequences or effects, and so generated insufficient incentive to change and a lack of accountability for doing so).

How is anti-racism is an advance?

The achievement of an 'anti-racist Wales by 2030', if achieved, might render racism absurd, as the mordant African American writer, Percival Everett did in his response to an interviewer's question:

> **Interviewer: What, for you, is race?**
>
> **Percival Everett: It's when two or more people, dogs, horses or cars try to get to a distant point as fast as they can.**

Rendering racism ridiculous is, however, certainly no glib or self-executing task. It requires active, nuanced and above all *institutionalised anti-racism* to combat institutional racism.

The existence of racism famously does not require the existence of races. Anti-racism seeks, by confronting racism as lived out in society, to actively undo its tangible impacts on people's lives and life chances. Anti-racism is distinct, both in principle and in practice, from the two main paradigms that have been championed in the recent past, namely equality of opportunity and managed diversity.

Terminology

Equality of opportunity seeks to ensure that individuals are given an equal opportunity to take part or 'compete' via processes that treat everyone fairly or similarly.

Managed diversity describes deliberate actions to promote the inclusion of people from different backgrounds.

Anti-racism goes beyond these two approaches by explicitly and consciously taking action to resist and tackle systemic and institutional racism.

An **'equality of opportunity'** approach produces public policy responses that set out to insulate outcomes from racially biased 'bad apples' within society and social systems. It treats culture (including race) as eliminable from institutional practice and seeks to make such practice neutral.

On the one hand, racial discrimination is conceptualised as a sin, requiring clearly demonstrated evidence of extreme behaviour in individual cases to sustain what is deemed (and confined as) a grave accusation. On the other hand, policymakers are confident that they know how to construct 'colour-blind' liberal processes to keep the apple cart on course despite any

bad apples that may be on board. This may mean, for example, removing all markers of race from job application materials, or reliance upon genres of 'objective' Scholastic Aptitude Tests (SATs) for competitive race-free university admissions. The theory is that once such properly 'blind', processes are completed, the veil is lifted, and the resulting distribution of opportunities and exclusions is inherently fair, because impeccable procedure is deemed to have eliminated racial impacts.

'Managed diversity' goes further, and critiques supposedly race blind meritocracy, seeing for example that expensive coaching can inflate test scores for the wealthy. Research has, moreover, repeatedly demonstrated how the presumed neutrality of objective tests is diluted by the unnoticed cultural freight carried by test questions and concepts. These impurities of process are then taken to justify proactive or managed interventions to correct raw outcomes, so that managed outcomes better reflect the background demographics from which candidates are deemed to have been drawn. This is potentially a problematic approach as it diminishes and blurs differences between and within groups – for example, within the broad and increasingly controversial 'BAME' meta-

category as well as between this category and its outsiders, such as the Roma community.

Anti-racism is a significant advance on the approaches of equality of opportunity and managing diversity. As the Welsh Government has stated within the REAP, it is about *'consciously surfacing and actively tackling systemic and institutional racism. Anti-racism is a preferred term to race equality, as it signals conscious awareness and a positive redress of institutional racism'.*

Anti-racism tackles the failure of previous approaches to address underlying issues of justice and transformation across society. Where managed diversity identifies difference and accommodates it on sufferance, anti-racism fosters cultural co-authorship and not only the formal or procedural equities that define race-liberalism.

Race liberalism, meanwhile, is classically associated with global diffusion of the call for neutral principles. These principles were originally stated by Herbert Wechsler, the U.S. legal scholar who in 1959 questioned the legitimacy of school desegregation because he said he could not identify any neutral principle that would distinguish between the rights of black school children to associate, as against the rights of white school children not to do so.

As the systemic failures of such approaches are increasingly highlighted in global popular consciousness by communities in action since the George Floyd agitations began, the crisis of a managed diversity paradigm has deepened. An intensified *hiraeth*, a deepened longing for a shared home, has fuelled an actively anti-racist turn and the rejection of what has recently been termed 'the ruse of repair', meaning the idea that depoliticised practices of nudging and compensation can displace more full-throated justice-based claims.

Achieving anti-racism by 2030

Achieving anti-racism requires:

- Displacement of 'race liberalism' and associated 'neutral' and 'colour-blind' racial justice approaches by acknowledged attention, instead, to complex phenomena of racialised power;

- Co-production of policy and priorities by the racialised;

- Acknowledgment of institutional racism, hence of systems implementing racism-without-racists;

- Acknowledgment of broader categories of racism beyond sin-based models such as 'hate crimes', because these attract censorious dynamics and consequently febrile demands for inappropriate standards of proof beyond reasonable doubt;

- More precise articulation of non-'overt' racism, retrieving the Macpherson Report's (1999) slightly lost shift from objectively policed 'hate crimes' towards a broader category of 'racist incidents' that are defined from the victim's (rather than the police officer's) perspective;

- Factual and contextual inquiry towards an anti-racism that is resourceful and committed, not perfunctory and under-resourced; and

- Institutional memory, aligned with historical rectification and genuine reparation.

Proactive governance is going to matter more than reactive, let alone punitive, vigilance.

Recursive REAP metrics

Good measures of progress will be vital to achieving an anti-racist Wales. Existing policy and practices designed to achieve race equality in crime and justice for example, emphasise enhanced disclosure of metrics and improved transparency and regularity of data collection

and analysis. (See, for example, the [Lammy Review](#) 2017, an independent review of the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the criminal justice system).

Yet there is always room for debate, across all themes and policy areas covered in the REAP, about the meaning and relevance of particular metrics. Metrics need to be kept nimble and interrogated intelligently rather than being seen as providing a straightforward and definitive answer to the question 'are we achieving an anti-racist Wales?'. For example, if the Crown Prosecution Service (CPS) releases without charge a greater proportion of black women than other groups, does this signal an anti-racist CPS has been achieved or merely that there is disproportionate race-and-gender skew in police arrests, disproportionately sweeping up black women?

By actively generating such recursive queries **about how changes in system and policy act back upon system-wide anti-racist objectives** when viewed holistically, the REAP actively queries which disparities may require **differing kinds of explanation or reform**, and how these shape-shift over time.

In addition, the **integration of assorted metrics, and assessment of whether and how they might or might not be relevant to the REAP** is in itself a non-trivial task. It cannot be assumed, for example, that the public or even policymakers will be aware of, or will spontaneously understand, the value added for the REAP by the EHRC's [Measurement Framework for Equality and Human Rights](#) (2017). Widespread application of the Framework's ten **key features** is also not to be taken for granted and cannot adequately be discussed under the space constraints of this document. But broadly the key features promote intersectionality while the REAP is alert to racially differential impacts.

While these are potentially synergistic, this gap points to what is a vital workstream: work to synthesise the REAP and the 2017 EHRC

Framework, here flagged as a key priority for active attention going forward.

Against capture of metrics

An ideal set of metrics commands credibility by supplying agreed-upon facts that underpin a shared view of the policy world. These facts can then become subject to policy-based debate over options for solutions. These options are in turn tested against the agreed-upon facts, or version of reality, which is now safely treated (for purposes of deliberation and decision), as beyond question.

However, both the selection of metrics (**what should be measured?**) and then the analysis of data collected in accordance with them (**what do the metrics imply or signify?**) turn out to be subject to various additional kinds of political debate, if not manipulation. These must be anticipated and themselves managed.

Under the first category (the politics of *what* should be measured) one might consider the recent insistence of the Prime Minister Boris Johnson: 'I've given you the most important metric, which is—er, I mean never mind life expectancy, never mind uh, uh, you know, cancer outcomes or . . . look at, look at, wage growth' (BBC, 3 October 2021).

Under the second category (the politics of the *implications* of chosen metrics) vivid illustrations cluster around recent 'humanitarian' experience from Afghanistan. A senior official of the U.S. National Security Council commented about President Obama's surge over the last decade: 'It was impossible to create good metrics. We tried using troop numbers trained, violence levels, control of territory and none of it painted an accurate picture. The metrics were always manipulated for the duration of the war'. Colonel Bob Crowley, Senior Counterinsurgency Advisor, added: 'Every data point was altered to present the best possible picture. Surveys, for instance, were totally unreliable but reinforced that everything we were doing was right and we became a self-licking ice cream cone'. These underlying insights regarding the design and

potential manipulation of metrics are portable for civilian life, beyond humanitarian intervention and developmentalism, and are present regardless of national boundaries and policy silos.

In retrospect, the reality of the particular Afghanistan initiative as simply not humanitarian was the one thing that would have been impossible to craft as a metric during the project, because this reality was fundamentally at odds with the announced logic of the project: 'Our biggest single project, sadly and inadvertently, of course, may have been the development of mass corruption', Ryan Crocker Ambassador to Afghanistan under Bush and Obama concedes belatedly.

Such policy capture operates in the far less colourful (or differently colourful) context of anti-racism as well. Policy capture arises where administrators prioritise institutional self-importance and departmental budgets, producing poor alignment with key accountabilities and sense-checks. For example, while the [Lammy Review]'s recommendations 31 and 32 sought to improve the contractual terms and metrics applicable to Community Rehabilitation Companies (CRCs, responsible for managing offenders in the community), the underlying ice cream van of outsourcing collapsed, unassisted by any indictment by any metrics, by December 2020. It was not metrics, but the sheer unworkability of the underlying, ideologically placed model of profit-incentivised outsourcing, that did for CRCs.

This consideration of disjunctures between metrics and realities suggests four risks for the REAP (and related policy with additional metrics of their own) to try to avoid:

1. **Too many metrics**: The [Well-being of Future Generations (Wales) Act] 2015 contributes an additional 46 national indicators, inset within the EHRC's 2017 Measurement Framework. Which metrics are relevant and strategic to the implementation of the REAP?

2. The assumed easy complementarity of these many metrics may, in practice, cede to the **'gaming' of metrics**, where they are sorted through, buffet-style, and selected for convenience by those whom they are meant to constrain.

3. Attempted separation of **structure** (the laws), **process** (government efforts) and **outcomes** (grass roots experience as end results) will be less relevant than will be co-determined interaction and integration of these levers.

4. The EHRC's 2017 Measurement Framework is presented under an overarching ambition 'to be a global leader in equality and human rights monitoring'. But the Covid-19 impact crises have demonstrated that the announcement of world beating systems and ambitions, even when partially realised (as with the vaccine success) can **distract from more salient realities** (as with the 'world beating' test and trace failure).

Because the March 2021 enactment of the Socio-economic Duty of Wales expressly creates no rights that individuals may themselves enforce at their own initiative against any institution, and does not engage the EHRC's enforcement powers against unlawful acts, the announcement of any kind of world beating machinery of the REAP is going to matter far less than an insistently detailed multifactorial, recursive, and integrated approach across all REAP policy arenas. **Proactive governance is going to matter more than reactive, let alone punitive, vigilance.**

The combination of Covid-19 and racialised injustice has well-staged these debates and has placed many societies 'under the blacklight': a kind of ultraviolet pandemic-enabled vision has highlighted what are ordinarily obscured racialised infrastructures of injustice. This makes the REAP timely.

Next steps

Next steps are required to:

- **Define the end-state 'anti-racist by 2030'** both as an outcome in 2030 and afterwards for maintenance and critique;

- **Identify key levers** (the 'how') and themes (the 'what') of 'anti-racist by 2030';

- Help the REAP Accountability Group **embed data and analytical accountability** across levers and themes (aligning the 'how' with the 'what' and with the end-state);

- Critically **synthesise metrics between the REAP and other potential supports** such as the EHRC Framework and the Public Sector Equality Duty in Wales;

- Winnow down proliferating metrics by **conducting a dedicated audit of relevance to the REAP** and drive this as a creative analytical task:

  o The relevance of any given metrics to the REAP is not found but made: ir/relevance will not spontaneously be clear without thoughtful and dedicated analysis;

- **Anticipate/resolve data gaps** for actionable relevant REAP metrics, once determined;

- Nest each above step within an **enabling mesh of legal frameworks**, e.g. through:

  o Creative interpretations of data protection and freedom of information laws;

  o The Public Sector Equality Duty and other equality duties and regulations, as well as the Human Rights Act;

  o Probing 'soft law' and 'soft power' avenues and human rights approaches;

- Critique, propagate and **knowledge-share across best practices**; and

- **Initiate a rapid lessons-learned review** of early pitfalls in the implementation of the UK Race Disparity Unit to inform the development of the Welsh Government's initiative.

The importance of working across silos is clear. The 2017 Lammy Review, for example, understood how racialised problematics spill over from sectors or institutions to broader society: 'I present my findings and recommendations with one major qualification: many of the causes of BAME over-representation lie outside the CJS, as do the answers to it.'

This highlights the broader need for what have been called 'T-shaped' collaborations towards REAP implementation, where skills can speak at depth across difference. Together, the next steps suggest the scope for **listening exercises among stakeholders to optimise accountable implementation of the REAP and build traction beyond silos**.

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