The failure to act on race equality duty has compromised the legacy of the Stephen Lawrence report

Runnymede Trust’s analysis of the race equality duty, which came out of the Macpherson Report, suggests that race discrimination may have become more entrenched and institutionalised as a result of the downgrading of the (race) “equality duty”.

Had the duty been properly applied, the worse of the Windrush injustices arguably would not have happened.

It is 20 years on from the Macpherson report into Stephen Lawrence’s murder, but the wider lessons of the report have still not been learned.

The race equality duty was introduced in the wake of the Macpherson report to bring about ‘deep seated cultural change towards race’ (then Home Secretary Jack Straw).

The finding that the police were institutionally racist was the most prominent finding of the Stephen Lawrence Inquiry Report (‘Macpherson’) published 20 years ago this year. The Metropolitan Police Service and other forces have a long way to go to reach representation, and need to redouble their efforts not just in terms of recruitment, but in terms of retention and progression, which requires greater attention on institutional cultures.

Not many people realise that Macpherson’s recommendations didn’t just apply to the police. The report suggested that other institutions needed to focus more clearly on racial discrimination, a recommendation that began to be followed in the immediate years following.

The Runnymede Trust briefing (written by Barbara Cohen – a discrimination lawyer involved in the PSED and response to the Lawrence inquiry) argues that while the Macpherson report was brave and courageous in concluding that “pernicious and persistent institutional racism” was behind the catalogue of failures and misjudgements which bedevilled the Stephen Lawrence murder inquiry, recent policy actions by the Coalition and Conservative government have significantly undermined the spirit of the Macpherson Report.

In the early 2000s after the Macpherson Report was released change in race equality duties was not only accepted by the government, but was also being enacted in law. But since 2010 government has deliberately downgraded the importance of the Equality Duty (through the Red Tape Challenge), made it
more difficult to bring discrimination cases, reduced the EHRC budget and independence and crucially not monitored the impact of policies on different groups as mandated by the Public Sector Equality Duty. Speaking at the CBI conference in 2012, the Prime Minister David Cameron emphasized his government’s position on equality duties:

“Take the Equality Act. It’s not a bad piece of legislation. But in government we have taken the letter of this law and gone way beyond it.... I care about making sure that government policy never marginalises or discriminates. …[that] we treat people equally. But …caring about these things does not have to mean churning out reams of bureaucratic nonsense. …We don’t need all this extra tick-box stuff. So …today we are calling time on Equality Impact Assessments. You no longer have to do them if these issues have been properly considered.”

This approach has had far-reaching consequences for Britain’s 8 million black and ethnic minority communities. There’s little evidence to suggest that the Public Sector Equality Duties were considered when the Prevent Duty was proposed; when austerity policies were being developed; similarly it became apparent that the Home Office had not fully considered its duties under PSED for Hostile Environment policies when race was often used as a proxy for immigration status. The Windrush scandal highlighted how while there may not have been an intention to discriminate against particular ethnic groups, the government in failing to monitor or assess policies by race or ethnic origin, allowed discrimination to occur. Discrimination can occur in failing to act as well as in taking particular action.

The briefing paper also argues that the focus on “institutional racism” has also been downgraded by public authorities with more emphasis on personal responsibility, “unconscious bias” and diversity policies. This is despite significant evidence from the government’s Race Disparity Unit that racial inequalities exist across key areas of life: housing, health care, education, employment and criminal justice. Overall, Runnymede Trust concludes that not only have the patterns of race discrimination not changed since Stephen Lawrence’s racist murder, but the impetus for achieving race equality has considerably slowed down in the last ten years, with negative effects for black and minority ethnic people.

Quote from Dr Omar Khan, The Runnymede Trust

“If we are to honour the legacy of the Stephen Lawrence Inquiry report, we need to see all of Britain’s institutions better respond to racial discrimination. The government must better apply the ‘public sector equality duty’ to ensure that its future policies and actions don’t result in future Windrush injustices. Benign intent isn’t enough, as Macpherson argued 20 years ago; policymakers need to more carefully evaluate whether and how their outcomes affect race equality. The same applies to
all of Britain’s institutions, whose actions to tackle racial inequalities are still too piecemeal and increasingly viewed through the less productive lens of individual ‘unconscious bias’ and ‘diversity’ rather than ‘racial discrimination’ and institutional practices and outcomes.”

**What is the Public Sector Equality Duty?**

The Public Sector Equality Duty (PSED) stipulate that public authorities must have due regard for the need to eliminate discrimination, advance quality of opportunity and foster good relations.

The amended Race Relations Act proposed that every specified or defined public authority “...shall, in carrying out its functions have due regard to the need—

a) to eliminate unlawful racial discrimination; and
b) to promote equality of opportunity and good relations between persons of different racial groups.”

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**Notes to Editors:**