Community Engagement – Summary of Justice-Related Findings

Scottish Government
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Introduction

> "Unfortunately, the colour of your skin matters… I was born and brought up here, and I'm looking at my grandchildren and thinking, you think that you're part and parcel of this fabric of this society that we've loved all our lives and the minute somebody sees your skin, it's the colour of your skin that matters."
>
> Participant 7 – Group 2

Eleven participants from organisations representing a range of minority ethnic communities took part in 2 discussion groups in July 2021, to discuss ethnicity research and data relating to justice in Scotland. The purpose of the groups was to help inform the work of the Cross Justice Working Group on Race Data and Evidence and feed into the development of their research plan and data development plan.

These discussions took a qualitative approach, with a small number of self-selecting participants, therefore the findings presented cannot be generalised or said to represent the views of minority ethnic communities more widely. They are the personal views of participants.

Issues beyond the remint of the Cross Justice Working Group were also discussed. This report summarises the findings most relevant to the Working Group. Wider findings will be shared with the SG Equality Data and Improvement Programme (EDIP) Board for them to consider.

Communities represented by participants

The table below shows the communities represented, listed by participant, using the terminology that participants themselves used to describe the communities they work with.

Participant	Community(ies) they represent
Participant 1	Jewish
Participant 2	Roma
Participant 3	Central Eastern European communities, mostly Polish
Participant 4	Black, Pakistani, Muslim, Bengali, South East Asian
Participant 5	Ghanaian
Participant 6	Equality Body focussing on race
Participant 7:	Sikh community, also African, BME, Muslim community, Turkish community
Participant 8:	East and South-East Asian - people coming from Brunei, Cambodia, China, East Timor, Hong Kong, Indonesia, Japan, Korea (North and South), Laos, Malaysia, Mongolia, Myanmar, Philippines, Singapore, Taiwan, Thailand, and Vietnam. Also represent asylum seekers and refugees from East and South-East Asia
Participant 9:	Eastern European, Syrian refugee population, ethnically Chinese folk from Hong Kong, South Asian population - Indian and Pakistani primarily

Participant	Community(ies) they represent
Participant 10:	Sikh and Asian community
Participant 11:	Muslim Women, also anybody who identifies themselves from black minority communities across Scotland, including refugees, asylum seekers, as well as African and Middle Eastern communities.

Particular groups that participants worked with included: young people; women, asylum seekers and refugees and the elderly. The organisations they work for had a range of focuses, including, e.g. employability, education and enterprise, mental health, community development, rights, welfare, family issues, and domestic violence, amongst others. Some organisations are Scotland-wide, others operate in particular geographical areas, including Edinburgh and Glasgow, the West of Scotland, Perth and Kinross and Grampian.

The wider context

It is vital to acknowledge the wider context in which this engagement work sits. A whole range of complex and multi-faceted factors exist, including, but not limited to, the following, which emerged as part of the discussion groups: experiences of inequality, racism and discrimination over a period of many years and over a number of generations; the existence of white privilege; how people see and label one another; present experiences and issues should be understood within the historical context of slavery and colonialism; and the COVID 19 pandemic highlighted health inequalities and other inequalities experienced by minority ethnic communities.

> "I mean, the whole colour issue comes from days of slavery and how people are defined. So we need to get away from this and we need to find new ways of calling ourselves… So I think we have to move forward and get away from this colour coding. Although this seems like a philosophical issue, I think it's highly important because this is now defining our consciousness and how we see each other…Again, if we could get away from the colour coding, we will see each other as human beings and not as defined by skin colour."
>
> Participant 6 - Group 2

The wider research and consultation landscape of the Scottish Public Sector is also relevant. There was a feeling that different parts of the Scottish Government and other public bodies, have consulted with and carried out research with minority ethnic communities over the years, but that this has been disjointed and not led to action and improvement. This can lead to "consultation fatigue".

Engagement, collaboration and communication

> "We want to work with you at all levels and as positively as possible to make Scotland stay as the best place to live."
>
> Participant 7 – Group 2

Participants were keen to work with the Scottish Government to represent their communities, and ensure their voices were heard and action is taken, e.g. through sitting on a paid steering group, or facilitating access to their communities for further research, provided such research would have an impact.

> "Going forward from this discussion, it should be that we form a steering group, but being paid, a steering group that informs the Scottish Government on these issues… All these people on this call are skilled, knowledgeable, and very educated in their own fields, and it's from that point that we're giving our views."
>
> Participant 7 – Group 2

Some participants felt that they would like to contribute their views directly to government rather than working through interface organisations. There was a suggestion that people in organisations "on the ground" might be better placed to represent their communities.

> "Those individuals who are sitting here and discussing with you, they would give you 100% better, because they're on the ground, they're speaking to people, they're physically experiencing it, and I have experienced it."
>
> Participant 10 – Group 2

Participants were eager to collaborate with one another to share and learn.

There was also a feeling that the SG and Justice Organisations need to learn more about the communities that they serve, and to better engage, and communicate with minority ethnic communities.

Areas where participants would like more, or better research and data

Participants would like to see more research and data on the following topic areas:

Data: Police and immigration enforcement

> "We would be interested in data about the police and in particular the role of the police in facilitating and enabling particular immigration enforcement operations. So Police Scotland were playing a role in a series of Home Office operations – not the most recent, famous incident at Kenmure Street, but actually over the last couple of years and there were questions there about what exactly that role was and we would really welcome more transparent public information about the role of the Police in such operations as it pertains to racial justice, I think."
>
> Participant 2 - Group 1

<u>Domestic abuse (specifically in the context of white minority ethnic women)</u>

"The other problem we work often is domestic abuse and we never manage to get any reliable information either, because of the categories that people fall in. So yeah, and it would be about the incidents, but also around involving the justice system further as well."

<div align="right">Participant 3 - Group 1</div>

The participants also wanted more research and data on the following minority ethnic communities: African; Polish; Central European and Spanish and Latina.

Research

"We're taxpayers and sometimes I think where is our money being spent? Constantly on research and then nothing. The research then, is not helpful then for policy development because if it was, we wouldn't be having this conversation."

<div align="right">Participant 7– Group 2</div>

Participants had a range of experience in conducting, using and participating in research around ethnicity, often this was not specific to the topic of justice. However, some participants also felt that their previous contribution to SG research and consultation had not resulted in tangible change and questioned its impact.

There was a feeling that given the length of time Scotland has had a minority ethnic population, that research should already have been done, and where this was the case, the findings should have been implemented.

"For the number of years that Scotland has had an ethnic population – a very diverse ethnic population – that has, in my experience at all times been inputting into hundreds and thousands of things … and yet we're still sitting here and we're still saying that we're looking at evidence or you're looking at the research…that we're still looking to see where the gaps are, or that you're still finding gaps, it's horrific!"

<div align="right">Participant 7 – Group 2</div>

Some participants felt that the answers were already known, and that existing research should be collated centrally and its impact assessed, before carrying out more research.

"I would strongly recommend that rather than making this another data and research exercise, to actually look at the implementation of previous recommendations and also sharing of those data."

<div align="right">Participant 11 - Group 2</div>

"…previous research, hundreds of them, and people need to be collecting them. There needs to be one central point where all that's collected. There's been so many good examples of where all of these things have worked …- all of these things are there and yet we're still looking for the answers."

Participant 7 – Group 2

Participants felt that any new research should be meaningful and have an impact.

"I think research without impact is not really relevant. One of the key areas I'd be interested in is to see mapping the previous research in the context of impact. And if it's not been impactful, well I think that should be a starting point for any further research. Because what's not worked will help us then to change things, to improve them. So, yes, just contextualising that in terms of impact and not just research for the sake of research."

Participant 11 - Group 2

There was a feeling that community organisations were being asked to give up valuable time to participate in research, and they stressed that it was important that such research had an impact.

"As a community organisation, we need to have reassurance that our time that we are giving to you to do this research actually will be going somewhere, not sit on a desk, because it's valuable time."

Participant 7 – Group 2

Participants reflected on negative experiences of research carried out by public sector organisations. One participant described being involved in research which they felt had had been rushed, with participants not having enough time or information to contribute meaningfully or understand the implications of what was being asked of them.

Another participant expressed concerns that researchers did not know enough about different minority ethnic communities, which could result in analysis, which was unintentionally racist.

"They assume a lot of groups – ethnic groups – are the same, and they're a monolith. For example, the East and South-East Asian community are all classified, either not counted at all, or are all classified as Chinese. And this is a very, very racist assumption… people who are conducting this research are ignorant, are racist, they don't even know the difference between all these different ethnic groups, and they make very, very bad assumptions and they get away with it."

Participant 8 - Group 2

There was a feeling that there is a difference between the type of research and data that is used to inform policy decisions and the type of knowledge, research and data collected by organisations "on the ground", and there was a request for more collaboration between the SG and smaller organisations around sharing this type of information. Concern was expressed that certain ethnic groups don't "exist" in official data, and that it falls to organisations who work with such communities to

record their experiences. There was also a call for the SG to prioritise lived experience more within research.

> "A lot of really useful data is kind of being collected and produced but also sometimes the problem is that because the kind of data that sometimes a small organisation will have the capacity to gather is sometimes quite different from the data that the Scottish Government and its associated justice organisations and so on, can capture, but at the same time, it seems that there's a bit of disjunction between the capacity and the time and the resources and so on, so maybe a way forward in thinking about this could operate better, these kind of relationships, maybe a bit more collaboration between the Scottish Government and organisations in collecting this data and sharing that data too."
>
> Participant 2 - Group 1

Barriers to carrying out research with minority ethnic communities and potential solutions

Participants spoke of barriers to carrying out research with minority ethnic communities. These included those related to **research participants**, such as: language; literacy; digital exclusion; understanding questions and terminology; and an unwillingness to declare ethnicity or answer questions on official forms.

> "Some of the questions they don't even understand, they haven't heard it before, and they think if they write what they really, really felt or what is there, they are going to be tried and arrested or something of that nature."
>
> Participant 5 - Group 1

> "The communities that we work with are very unlikely to declare their ethnicity in any sort of formal context for obvious historical reasons. But even when it's in their material interest to do so, so the times where I've been helping someone fill out a housing application for example, and I've said this is an equalities monitor, the reason for this is this can help you, but people will still refuse that."
>
> Participant 2 - Group 1

For **organisations carrying out research**, obstacles included: researchers not knowing enough about differences between minority ethnic communities; difficulty accessing data on particular communities; and a lack of resources for smaller organisations to carry out research. One participant who was involved with research, related to justice, around Covid regulations, highlighted the complexities of interpreting research and drawing conclusions related to ethnicity.

Potential solutions to overcoming some of the barriers discussed involved: training community members to carry out research; using trusted community groups as conduit to pass information on to communities, to explain what is being asked and why; and to involve people of colour in conducting and analysing research.

"The decisions that you take about us, you need the truth from us to be able to help you do that. So, try to give us more indication, send us the information, and then we will pass it on to our communities and what I've realised is that if something is coming from me to my fellow, they usually take it seriously, but when it comes directly from the Police, oh, don't even go there! I don't want to listen."

<div align="right">Participant 5 - Group 1</div>

"Maybe when you carry out research about ethnicities and data, you should maybe have people of colour conducting this research. Maybe there should be more people of colour that are involved in these research. Maybe that would help, maybe stop being so racist."

<div align="right">Participant 8 - Group 2</div>

Data

"Include actual ethnic minorities when classifying us. WE should define US."

<div align="right">Participant 8 - Group 2</div>

Ethnicity data in Justice Organisations

In relation to ethnicity data within justice organisations, it was seen as acceptable to make ethnicity a mandatory data collection item when collecting other personal information such as age and gender, provided people could choose whether or not to answer it.

Consistency between Justice Organisations in how data is classified was seen as important, but there was less certainty around what a "meaningful" consistent classification system within Justice Organisations might look like. This was in large part because Census classifications were not considered to be meaningful by many participants.

"Yes. I mean, clearly if we are going to track anything across the system, you have to be using the same categories for it to be meaningful, there's no question about that. The question is, what's meaningful?"

<div align="right">Participant 1 - Group 1</div>

Dissatisfaction with ethnicity data, including the Census classifications

There was widespread dissatisfaction with the ethnicity classifications within the Census. Many of which were echoed in discussion around ethnicity data more generally. These included that: large disparate communities are often "lumped" together under one classification, there is a lack of disaggregated data; a lack of intersectional data; and categories make no distinction between those born and raised in Scotland and more recent migrants. More specific to the Census was the feeling that the ethnicity question in the Census actually measured a mix of things with some categories based on colour and others on geographical region.   It should

be noted that, within the Census, all of the high level response categories have the option to write in a response rather than tick a box which allows people to express their ethnic background in the way in which they feel best describes them.

> "If what we call ethnic data was categorised only using the headings in the census, then there's the problem of garbage in, garbage out… Africa, is a very big place, and so is Asia, and therefore sticking the entire population of those continents into one box, in the case of Africa…is not going to tell you anything revealing in terms of justice, health, all sorts of other topics that we might be interested in, because it's lumping very different populations into a single category."
>
> Participant 1 - Group 1

> "Sometimes they categorise everybody, especially Africa, as Africans… but when you go to Africa, each and every country has their own culture, everything they do, their beliefs; something that is acceptable in one country, is not in the other".
>
> Participant 5 - Group 1

> "I don't know if you know but, in the official categories, we don't exist. The only ethnicity that exists of the 14 ethnicities that we represent, only one of them is represented in the official data – which is Chinese people. But we also represent people coming from Brunei, Cambodia, China, East Timor, Hong Kong, Indonesia, Japan, Korea (North and South), Laos, Malaysia, Mongolia, Myanmar, Philippines, Singapore, Taiwan, Thailand, and Vietnam."
>
> Participant 8 - Group 2

Discussions around data classifications highlighted a tension which exists, between the requirements of organisations to collect data that is meaningful to them (with large enough numbers within categories to draw conclusions from), and the importance of gathering data in a way that is meaningful to the individual, in that they can see themselves and their community reflected in the categories.

> "Basically the reason I'm here is that I want to really hammer home to you guys that, yes, it's good to collect data but are you using the right terminologies to define us as human beings? Because that is really, really important and that is really the discrepancies that most people from my community and also from the Sikh community are experiencing. And this is something that I really, really hope you can understand from this talk with us."
>
> Participant 8 - Group 2

Next Steps and Considerations

Next Steps

This report will be shared with the Cross Justice Working Group, then be published online.

A separate report on the wider issues raised by the discussion groups will be shared with the SG Equality Data Improvement Programme (EDIP). The report for the EDIP will include considerations on how we might best address evidence gaps around ethnicity and race, ensuring we go about this in an ethical way, and don't unknowingly cause or perpetuate harm through any blind spots we might have. These considerations, are summarised briefly below.

Considerations specifically of relevance to the Cross Justice Working Group are listed first, then the wider considerations. These will help inform the work of the group as well being of interest to Justice Sector Organisations and the Scottish Government more widely.

Considerations for the Cross Justice Working Group

Areas where participants would like more, or better research and data

- Use the findings from the community engagement work and academic engagement work around research priorities to inform the Working Group's Research Plan. Specific topic areas mentioned by discussion group participants were:
  - Data on Police and Immigration enforcement
  - Domestic abuse (particularly in relation to white minority ethnic women)
- Be aware that participants considered the following minority ethnic communities to be under-researched, and consider if there is any way to improve the knowledge base around these groups:
  - African
  - Polish
  - Central European
  - Spanish and Latina

Data used by Justice Organisations

- Include ethnicity as a mandatory data collection item when Justice Organisations collect other personal information, such as age or gender, as long as people can choose to refuse to answer.
- Encourage improvements in consistency between how different Justice Organisations classify ethnicity, however as noted throughout the report, how ethnicity data is classified is a contentious issue.

Summary of Considerations relevant to both the Cross Justice Working Group and SG more widely

Engagement, collaboration and communication

- Build relationships with smaller organisations carrying out research, or gathering their own data, and encourage collaboration and sharing of information
- Work to build trusting relationships with minority ethnic communities, and be open and transparent in communicating with them, being aware that some communities might not trust or might fear Public Sector Organisations, such as the police or the government, for a range of reasons.
- Use trusted community groups as a way to access communities and as conduit to pass information on to communities.

Research and data

You may wish to consider the following:
- Be aware of the wider context of your research in relation to people's experiences
- Be aware of intersectionality, people's identities include a range of protected characteristics,
- Be aware of the possibility of "consultation fatigue"
- Is your research going to be meaningful and have an impact?
- Before carrying out new research around ethnicity, consider mapping out what research already exists, and what impact it has had.
- Are research participants, or community organisations who are facilitating access to communities being adequately recompensed for their time and input, or are they being expected to give time and expertise for free?
- If you are going to carry out research with minority ethnic communities, as with any research, take the time to do it properly
- Communicate with participants, report back on findings and next steps.
- Consider who is carrying out your research and/or analysing data - is possible to involve minority ethnic communities in any of the research and analysis stages?
- If research/analysis is being carried out internally, is there any training or upskilling of staff required?
- Consider what type of evidence informs decision making? Is there a role for "lived experience" data, or peer research?
- Be aware that there appears to be widespread dissatisfaction with the ethnicity classifications used with the Census. You may wish to communicate with stakeholders about why these classifications being used, and what the strengths and limitations of them are.
- Consider if there are ways to provide more nuance data breakdowns around ethnicity:
- Consider if there are ways to make ethnicity data easier for community organisations to access and use.

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