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Facing Inwards And Outwards?

Institutional racism, race equality and the role of Black and Asian professional associations

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Abstract

This article considers the role and influence of black and Asian professional associations in the criminal justice services, five years on from the pivotal Lawrence Inquiry (1999) and its assertion that ‘institutional racism’ was endemic in the British police service. Drawing on interviews with Chairpersons of seven professional associations, and a small case study of the Association of Black Probation Officers, the paper explores their internal supportive function in assisting members who have experienced various forms of occupational racism. A tentative proposal is made for black and Asian professional associations to develop their external focus to utilise members’ life skills and cultural knowledge to challenge the institutional dynamics of racism within the criminal justice services and to engage more directly with local black and Asian communities. Such work can be conceptually framed by conceiving of ethnicity as a resource.

Keywords: black, Asian, professional association, race equality, institutional racism, ethnicity as a resource.

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Introduction

Under New Labour 'race equality' has assumed a central place in the political agendas of the criminal justice services. It was the catalytic public inquiry into the Metropolitan Police Service's investigation into the racist murder of Stephen Lawrence and the subsequent Macpherson Report (1999) which marked the turning point after the 'racism-blind' years of the Conservative government. It propelled racism into the political and media spotlight, and was followed by New Labour fully endorsing the Lawrence Inquiry team's findings that 'institutional racism' had played a part in the flawed police investigation. The aftermath saw a (perhaps pre-emptive) scurry of senior criminal justice officials, such as the Chief Constable of Greater Manchester Police, the Director of the Crown Prosecution Service, and the Home Secretary, admitting the presence of institutional racism in their own organisations (*The Guardian*, Friday August 27, 1999; *The Guardian*, Thursday July 26, 2001; Straw 1999). During its first term of office, the elimination of institutional racism appeared at the centre of New Labour's policy rhetoric (see for example Home Office 1999). This has subsequently given way to a less radical discourse of promoting race equality and diversity (see for example Home Office 2005a). The New Labour variant is concerned with ensuring equal access to services and employment across the public sector. This is enshrined in the Race Relations (Amendment) Act 2000, which for the first time, brought the police service and other public authorities into the ambit of race relations legislation.

The Lawrence Inquiry also established unequivocally that there was a fundamental lack of trust between minority ethnic communities and the police. Minority ethnic communities lacked confidence in the police service to act in a fair manner towards them as victims, suspects, witnesses, and even as colleagues. The current paper is concerned with the latter group and, specifically, the professional associations that have

been established to represent the interests of minority ethnic employees working within the police and other criminal justice services under the responsibility of the Home Office and Her Majesty's Prison Service. Like the earlier Scarman Report (1981) on the policing of black communities, Macpherson reiterated the symbolic and actual importance of increasing the representation of minority ethnic officers in the police service. In better reflecting local multi-ethnic communities, police legitimacy would be increased, it was argued, and minority ethnic officers could be expected to act in ways which did not negatively stereotype minority ethnic communities¹. This epitomises the 'business case' for race equality and diversity where organisations themselves benefit directly from a more diverse workforce. Unlike the response to the Scarman Report which had not netted more minority ethnic officers however, Macpherson's recommendations were better heeded by the government. New Labour's managerialist orientation resulted in the Home Secretary's Action Plan (Home Office 1999) with its explicit targets and milestones established for improving the recruitment, retention and progression of minority ethnic staff across the criminal justice services.

The Action Plan gave significant impetus to, and in some cases, funding for the work of black and Asian professional associations², set up in response to the well-documented negative experiences of minority ethnic practitioners who have faced marginalisation, discrimination, and sometimes victimisation in the police, crown prosecution, probation, and prison services (Holdaway and O'Neill 2004, Holdaway 1996, Cashmore 2001; Denman 2001, Francis-Spence 1995, Reardon 1993, HMIP 2000, Alfred 1992, McDermott 1990). Newly formed associations such as the National Black Crown Prosecutor's Association and The Association of Muslim Lawyers have emerged to sit alongside established ones such as the Society of Black Lawyers and the Association of Black Probation Officers. Undoubtedly the Macpherson Report (1999) provided the spur for the emergence of these new professional associations, particularly

those such as the Network and Respect representing minority ethnic staff within government.

The research on which this article is based was concerned with the role and influence of black and Asian professional associations in developing more inclusive, anti-discriminatory employment practices in light of the Macpherson agenda. It does not directly address broader issues of equality and diversity, although it is acknowledged that race equality has increasingly been subsumed under the general 'diversity banner' amidst claims that anti-discriminatory approaches must encompass oppression on the grounds of gender, sexuality, religion/faith and disability too (but see Wrench 2005; Phillips forthcoming). As well as providing support networks, mentoring, conferences, training, and social events for their members, the role of black and Asian professional associations has become increasingly central to recruitment initiatives as the criminal justice services seek assistance in meeting the targets contained in the Home Secretary's Action Plan (1999). The research also centred on examining the extent to which professional associations' work had extended their external focus beyond recruitment activities to improve service delivery for minority ethnic individuals and communities as 'users'³ of the criminal justice system. With the exception of Holdaway and McNeill's (2004) recent research on black police associations, these topics have not received empirical research attention.

In-depth interviews were conducted with the Chairs of the National Black Police Association, Metropolitan Police Service Black Police Association, National Association of Black Crown Prosecutors, Association of Black Probation Officers, National Association of Asian Probation Staff⁴, the Home Office Network and Respect (HM Prison Service), and two senior officials working within the Home Office on race equality and diversity issues⁵. A small case study of the Association of Black Probation Officers⁶ entailed further interviews with five Executive Committee members, and the

observation of a small number of regional and national meetings, including the AGM in April 2004⁷. The interviews took place between June 2003 and June 2004. Each interview was recorded and transcribed verbatim, then coded and analysed using QSR NUD*IST. In an attempt to preserve anonymity, the interview quotes used throughout this paper have not been individually attributed.

The research offered an insight into how professional associations had responded to the race equality agenda in their own work, as well as affording an opportunity to explore the nature of occupational racism in the criminal justice services in the post-Macpherson period. The article begins with an inward focus, examining the supportive function of black and Asian professional associations in relation to employment issues, before focusing externally on their role in community engagement and service delivery. In so doing, the article considers the potential role of professional associations in combating institutional racism as well as promoting race equality. The paper concludes with a discussion of how ethnicity may act as a resource to enhance the delivery of criminal justice services.

Facing inwards

The political and emotional significance of support

Black and Asian professional associations saw their primary role as providing a support network for members who experienced racism and discrimination in their workplaces. This was an enduring, central element of professional associations' *raison d'être*, many of whom had formed under a Conservative government where racism within public organisations, particularly the powerful pillars of the establishment, such as the police and legal system, was barely acknowledged (Bowling and Phillips 2002, Bourne 2001). The predominance of depoliticised multiculturalist policies amidst the ridiculing of anti-racist stances across the public sector during the period must have fostered a sense of

marginalisation among those experiencing discrimination within criminal justice employment settings (Bonnett 2000, Gordon 1990). Interviewees' accounts and views expressed at the Association of Black Probation Officers' AGM showed that long-standing members had a shared memory steeped in historical instances of their own or colleagues' experiences of discrimination and harassment in their criminal justice work environments. This legacy of occupational racism led to the prioritisation of the supportive function of the black and Asian professional associations. This was seen as a fundamental mainstay or the 'bread and butter' of organisational business. The strength of feeling regarding this role is expressed by one interviewee from the Association of Black Probation Officers:

If you take the issue of support away from ABPO [Association of Black Probation Officers] and there is a climate of institutionalised racism, then there is no ABPO... if your colleagues are still facing what they are facing... and as I said, twelve years on for me, since people are being constantly put through the mill of rough times, people going off sick, people leaving because they feel that they are going to be sacked, I had all of that, working with such an undercurrent, and we are not there to support them and progress matters...I think that there won't be an ABPO for me anymore.

This support offered to members can be seen as having both a political and an emotional dimension. Interacting with professional colleagues from minority ethnic groups enabled members to feel part of a racialised collectivity and minority grouping within each criminal justice service, a process similarly described by Holdaway and McNeill (2004) in their history of black police associations. It both redefined negative occupational experiences as discriminatory at the organisational rather than individual level and unequivocally accepted perceived experiences of racist practice:

My motivation to join was as a black person living and working in [home county] and going through the trainee process again in [home county], I had had difficulties in that process... And for the first time I was now talking to people who said 'Oh yeah that is usual. They like to fail... black people who are in the system. That is what happens. They question your English, they question your writing, this is what happens'.... I went from feeling 'Oh oh I am a failure to OK, this is oppressive practice.' And it was a reversal then, because it became 'oh, ok, all right I am not so bad after all.'

Membership thus provided a means for resisting the marginalization of ethnicity and racism, particularly in relation to internal employment practices within the criminal justice services. The need for collective support and reassurance from 'your own people' or to find 'someone there that I could talk to, who could understand what I was going through', to know 'it is not just you that feels like that' was often referred to by interviewees in this study and that conducted by Holdaway and O'Neill (2004). This was particularly the case where members worked in isolated offices as lone minority ethnic members of staff. The commonality of racialised experience created a safe space for members where they could express their feelings without being judged or challenged.

This recognises the bonds and sense of belonging that ethnicity provides members with (see Barth 1969; Tomlins, Johnson and Owen 2002).

The nature and level of support offered by professional associations varied, being largely determined by the extent of funding received for this work. At a minimum, support slots at regional meetings allowed members to seek emotional support and reassurance, advice or advocacy regarding incidents of discrimination. These would be unminuted with the floor open for attendees to discuss their particular issues.

Alternatively, members could contact local or national offices to request more formal support or representation. Telephone and face-to-face contact would be made with local members who had received representational or member support training to assist on a one-to-one basis, outlining options for members to consider. This work, whilst considered vital, was also extremely demanding, particularly when dealing with members who were very distressed. Where members were involved in a grievance or were subject to disciplinary procedures, the representational work could also be protracted, involving unions and senior management. In the case of the Association of Black Probation Officers, for example, trained professional association staff worked as advocates for members, often alongside their union representative, but focusing specifically on race equality issues. This work required a sensitivity with one interviewee describing his strategy as one which avoided using the racism label unless absolutely necessary, even when racism was believed to be the cause of the dispute:

My experience is that if you go in there shouting race and they just shut up and all of the shutters come down and it is like us against them...I use the race discrimination bit as a last resort. I will go through all of the other stuff about career progression, discriminatory practice. I don't use the black word unless I have to because what I've

noticed from my experience is that you mention that and all of the barriers go up. You are just playing the race card again. And if it is valid, I will use it, but if I think that there are other ways of winning this...I will use discrimination. And you can pin it on that because that could happen to anybody. And I have found that managers are more open when you start talking discrimination. I may be thinking black discrimination but they are thinking discrimination per se, I have an interest in this.

Mainstream trades unions across the criminal justice sector were almost universally⁸ criticised by interviewees for failing to respond adequately to issues of race equality and discrimination, and therefore providing a poor service to minority ethnic members. Whilst there was recognition of the need to work strategically with established unions and professional associations, with signs of more recent positive relationships, many of the black and Asian professional associations reported hostility to their formation. They were regarded as both divisive and ‘stepping on the toes’ of unions and their traditional business of representing staff, although they saw their role as complementary and as filling a gap not met by unions. There was a commonly held view that unions were slow to take on board the race equality agenda with insufficient internal expertise to meet minority ethnic members’ even basic employment needs. One interviewee discussed the arrangement of an important local union meeting to discuss industrial action which had been scheduled during the Diwali festival, thus effectively excluding some Asian members of staff from expressing their views. There was also a residual suspicion that the mainstream unions were dragging their feet on race equality issues because they had to accommodate the majority views of their membership, including some white members who held racially prejudiced attitudes. This, from one

interviewee:

we work closely with them and we go to their conferences. We invite them to ours. They would never dream of putting me on one of their platforms at their conference. Never. Still. The culture is such.... they have a reserve position for women on the [union] nationally. They will refuse point blank to have a black representative. And they had a big motion vote a few years ago and it got voted out. And they all clapped and everything else, in their hundreds.

Support for black and Asian members also took the form of assistance with career development. This might involve specific training events such as mock promotion interviews or inviting human resources colleagues to address regional meetings. The Home Office Network had run clinics to assist members through the promotion process from application to assessment centre, while one of Respect's training events had focused on personal influence, negotiation and conflict resolution. The National Association of Crown Prosecutors had provided training for members to help them challenge prejudice within the office without recourse to formal action. Training events, whilst again limited by resources, appeared to be highly valued by members above in-service courses. More informal mentoring was also in operation within the case study, the Association of Black Probation Officers. Interviewees discussed how they worked with members, often in their own time, to help them present themselves in a favourable light for promotion or to access further development opportunities.

Forms of discrimination post-Macpherson

At the heart of the supportive work undertaken by black and Asian professional associations was a perception of the continuity of racism within the criminal justice services. This was despite the political focus on race equality which has infused the agendas of the criminal justice services since the Macpherson Report (1999). However, there was a welcome acknowledgement of a sea change in the way in which services responded to claims of discriminatory practice with more proactive engagement with race equality issues, not least because of statutory obligations under the Race Relations (Amendment) Act 2000. As public authorities, criminal justice services were required to promote equality of opportunity, to proactively promote good relations between people of different racial groups, and to publish a race equality scheme. This also meant that they had to audit, consult, and monitor existing policies and services to assess whether these impacted differently on different ethnic groups, either as recipients of services or as employees.

Nonetheless, interviewees described negative employment experiences that they felt amounted to direct forms of discrimination against minority ethnic members of staff. Interviewees in this study provided examples of members suffering a range of discriminatory experiences which tended to be more subtle than pre-Macpherson forms of discrimination such as explicit racist abuse or the wearing of racist insignia in the workplace. Whilst this study is small-scale and inevitably biased towards including the perspectives of those who have directly encountered employment discrimination, it chimes with findings from a wide range of independent sources, including empirical research, inspections and investigations carried out by service inspectorates or other inquiry teams (Cashmore 2001, 2002; Holder, Nee and Ellis 2000; HMIC 1997; HMIP 2000; 2002; Denman 2001; The Zahid Mubarek Public Inquiry 2005, The Morris Inquiry 2004, CRE 2003, 2005).

One of the most commonly cited forms of inequality was minority ethnic colleagues being disadvantaged either by being given impossible tasks to perform or by their being inadequately supervised or trained in particular work areas. As the following excerpt makes clear, such tasks were seen as being disproportionately allocated to minority ethnic colleagues, either in an unthinking way or deliberately to publicly reveal incompetent performance:

She should be breaking her teeth on little careless driving. Or drinking and driving. Do you know what I mean? They were giving her like deception trials...and they were giving her them consistently. And then they thought she was incompetent, because if you keep losing, she loses her confidence...the kind of issues that I have seen throughout my career are.... they will give you a murder case... no training. Yeah. So it is a sink or swim. I have always said there is a fine line between development and dumping. So they think this is helping and they give you a case, no training... so they set you up to fail. And also another thing is they are given the heaviest courts.

Working within a different criminal justice service area, another interviewee described black managers being brought into lead historically poorly performing teams, with unrealistic expectations as to how quickly these teams could be turned around to perform at the desired level.

Judgements on work performance were also believed to be more severe in relation to minority ethnic professionals resulting in unfair disciplinary charges being brought. This extended to minority ethnic staff feeling undervalued regarding the contributions they made to their organisations. One Chairperson reflected on their association's success in reducing racist jokes and banter in the workplace, but they felt

they had so far failed in eliminating the institutionally racist ways in which appraisals were written and bonuses were awarded. Although this form of discrimination was much more difficult to pin down and provide evidence for, there was a belief that the wording of appraisals for two similarly performing staff members would convey satisfactory performance for a minority ethnic staff member but be described by a manager as exemplary in the case of a white member of staff. Another interviewee referred to a number of cases where formal representation had been requested where individuals were being disciplined for failing to meet targets. Further investigation had revealed that other white team members were performing at the same or nearly the same level but were not subject to disciplinary charges. In the case of minority ethnic staff members the benchmark had been regional or national targets with no consideration of local performance.

The more formal route to dealing with poor performance was also seen as another way in which minority ethnic staff members were disadvantaged compared with their white counterparts. As the Morris Inquiry (2004) found in investigating the Metropolitan Police Service's employment standards and procedures, several Chairpersons reported minority ethnic members being formally proceeded against at an earlier stage than might be generally expected. Poor performance by minority ethnic members of staff was seemingly less likely to be tackled via structured supervision, development or training so that they were not given the opportunity to improve their performance before formal action was taken, leading to feelings of victimisation. The Morris Inquiry (2004) suggested that this was because managers lacked confidence in managing minority ethnic members of staff, demonstrating 'management by retreat' as they were fearful and anxious about managing colleagues who were 'different'.

As also emerged in the Denman (2001) inquiry into the Crown Prosecution Service, another form of discrimination highlighted by interviewees was inequitable access to development opportunities, such as 'acting up', which later assisted in securing promotion. In considering changes in the extent and nature of racial discrimination pre- and post-Macpherson, one interviewee had the following to say:

they weren't calling names or the laddish bullying type management, that reduced. But we found that they were withdrawing from the member of staff what was really due to them... They weren't getting the postings. They weren't getting the certain type of job that would develop them. And we found that, you know, it was a lot more insidious. It was a lot more sophisticated.

Passive management where staff's careers were not proactively developed was perceived to disproportionately affect minority ethnic members of staff, hence the significance of informal mentoring and career development provided via black and Asian professional associations.

Finally, the more familiar forms of discrimination or negative stereotyping were still present as the following extracts from the interviews demonstrates:

...this colleague was going through such a process in this building where if he went for a home visit, somebody phoned him to check whether he was where he said he was. Even though it is not their job. And that went on for months to a point where they would accuse him of going home when he was supposed to be doing home visiting... And on one occasion he was so annoyed that he gave the phone to the offender and said 'please speak to my people at work to confirm that I am sitting in your living room.'

I am properly dressed with my hair done, and my bag and my briefcase and I will walk up.... and I will say 'where is the breach court or where is the court entrance?' and they will say to me 'have you got a solicitor'.... automatically... You feel disempowered.

Whilst the interviews indicated the continued presence of racism, witting and unwitting, within the criminal justice services, there was some cause for optimism with many recognising positive improvements in workplace relations with the support of some white colleagues, and better mechanisms in place to challenge discriminatory employment practices. Nowhere was this more evident than at a regional professional association meeting attended where, when directly asked to highlight issues for consideration to be put before Home Office ministers discussing race equality in the criminal justice system, participants raised a number of employment-related issues such as changes to probation officer training, volume of work, and the pay structure, all of which would have undoubtedly been raised by a meeting of white staff.

Recruitment and career progression

In their study of black police associations, Holdaway and McNeill (2004) noted the way in which professional associations came to be seen by senior managers within the police service as a means of confronting the collective problem of institutional racism in the aftermath of the Lawrence Inquiry (1999). Specifically they have had a key role in recruitment activities as chief constables have been keen to ensure they meet the Home Secretary's targets on the recruitment, promotion and retention of minority ethnic police officers (see also Bland et al. 1999). As Holdaway and McNeill have observed, this marks a change from earlier practice uncovered in research by Holdaway (1991) where minority ethnic officers were reluctant to encourage individuals into an occupation which

routinely discriminated against them. While this demonstrates real progress, it is worth remembering that as recently as September 2003 the National Black Police Association threatened to advise all member associations around the country to withdraw from recruitment efforts until serious efforts were made by police services to tackle racism. The recruitment boycott imposed by the Metropolitan Police Service Black Police Association ended at the start of the Morris Inquiry (2004) into professional standards, grievance procedures and diversity issues. This notwithstanding, the black and Asian professional associations across the criminal justice sector, have been actively involved in recruitment efforts, often providing a dedicated stand at recruitment fairs or organising local and regional events. Moreover, as several interviewees commented, their ‘spreading of the word’ about the value of working within the criminal justice services in their own communities – whilst out shopping or attending community events - was perceived as even more important than any formally organised activities as a means of recruiting new minority ethnic members of staff.

The current research concurred with Holdaway and McNeill’s (2004) findings with interviewees wanting more minority ethnic individuals to join and progress within their services. Research participants demonstrated commitment to their services and considerable professional pride in their jobs, at the same time as wanting to find ways to eliminate racism within their organisations. In some senses the problem of occupational racism had moved on to career progression and the persistent failure of the criminal justice services to advance minority ethnic members of staff (see also Home Office 2005b). This was explicitly acknowledged with some interviewees discussing their professional association’s training and development events for junior staff and middle managers to facilitate their future progression, which in turn would open up opportunities to influence organisational cultures. Whilst career progress was regarded as a problem in and of itself it was also inextricably linked to recruitment, with a lack of

senior role models seen as hampering attempts to attract minority ethnic groups into the criminal justice services (see also Stone and Tuffin 2002). Moreover, whilst the targets for lower grade employees might be exceeded, it was not 'just a numbers thing' as the following interviewee recognised:

my main concern about hitting the targets is it is relatively easy, in fact, to hit the targets if you are recruiting at AA [Administrative Assistant] level.... But an AA has no influence apart from the filing that they do...No one has to listen to them. And it easy to say we have hit the targets, but only if the target is nobody who is actually going to change the culture in your organisation.

For critical commentators, such as Bourne (2001: 12) even 'changing the colour of the incumbent, however, does not necessarily change the colour of the policy'. Her concerns lie with the structures and cultures of organisations such as the police which allow operational racism in organisational practices, a concern exemplified in Macpherson's (1999) definition of institutional racism. The last part of this paper considers how black and Asian professional associations can play a part in challenging the institutionally racist culture of criminal justice organisations, such that they have an impact on service delivery for users of criminal justice services – victims, witnesses, suspects, defendants and prisoners - as well as employees.

Facing outwards

'Institutional racism' and racial equality

Probably the most politically controversial conclusion of the Macpherson Report (1999: para. 34) was that institutional racism was partially responsible for the failed investigation into Stephen Lawrence's murder and that it was endemic to public organisations such as the police service. This stood in direct contrast to Scarman's (1981) earlier report on the

Brixton riots which had rejected the claim of an institutionally racist police service, instead positing the problem as one of a few ‘rotten apples’ (see Bowling and Phillips 2002). The definition of institutional racism used in the Macpherson Report perceived public institutions to be collectively failing minority ethnic individuals by not providing “an appropriate and professional service...because of their colour, culture, or ethnic origin.” Institutional racism could be seen in “processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping”. Certainly this research, conducted five years after the Macpherson Report, has uncovered continuing instances of unwitting prejudice (unfairly appraising the job performance of black staff), ignorance and thoughtlessness (holding a union meeting during Diwali), and racist stereotyping (assuming a black person attending court is a defendant rather than a criminal justice professional). However, these elements are really examples of direct or indirect racial discrimination legally defined in the Race Relations Act 1976 with little reference to the structural and institutional dimensions of racism suggested by the label itself (if not explicitly by Macpherson). Indeed, as Bourne (2001: 15) has noted, this lack of clarity has precipitated public organisations’ tendency to respond to the Macpherson agenda with ‘formulaic anti-racism’ – ethnic monitoring and recruitment policies - rather than critically examining the ways in which policies and organisational processes serve to routinely disadvantage minority ethnic groups. In large part the blame for this conceptual and definitional imprecision lies with Macpherson and his team. As many critiques have contended, the Macpherson definition actually conflated institutional racism with individual prejudice and discriminatory behaviour (Lea 2000; Anthias 1999; see also Mason 1982; Miles and Brown 2003, and it failed to acknowledge the role of the state in reproducing racism within public institutions (Bourne 2001).

New Labour’s response to the Macpherson Report (1994) was a plethora of

policy proposals which centre on achieving racial equality, of opportunity and not outcome⁹. Less politically controversial than the elimination of institutional racism, the policy approach has been one which attempts to level the playing field for all ethnic groups so they can compete equally for social rewards – in this case employment or equal access to services. Framed by the requirements of the Race Relations (Amendment) Act 2000, initiatives have included reviewing and assessing services' policies and functions to assess their impact on race equality, rigorous ethnic monitoring of policy outcomes, racism awareness training, specialised training for particular service elements (e.g. prosecuting racially/religiously aggravated crime), and of course, improving the recruitment, retention and career progression of minority ethnic staff. It is not, therefore, surprising that the role of many of the black and Asian professional associations studied in this research has involved having an input into these types of activities.

The extent to which the black and Asian professional associations have been able to influence the organisational culture of the criminal justice services through changes in wider policy and practice was hard to gauge in a small-scale study such as this which did not directly examine decision-making on policy and service delivery. At the local level, previous research on anti-racist political struggles has suggested they tend to be marginalised within the local political machinery (Ben-Tovim, et al. 1986). More positively, in the current research there was some evidence that black and Asian professional associations were represented on key committees concerned with national policy-making and service delivery, particularly in relation to employment practices, and most had made critical but constructive contributions to local or national race equality and diversity strategies. Several interviewees recognised that this external focus was entwined with the negative experiences minority ethnic staff members had as employees. As one Chairperson explained:

it was quite clear to us that there is an inextricable link between internal staff confidence and interaction and external community perceptions and service delivery....we saw that you can't separate the two...because of the issue that we were experiencing with the organisation there was a reflection of what was going on in service delivery so.... it just seemed to be common sense to keep the two connected.

More specifically, using the example of the probation service, the Association of Black Probation Officers and the National Association of Asian Probation Staff were part of the service's main strategy committee, various service delivery committees, and had been advisory group members for the thematic inspection on race equality work. This covered employment practices and probation work with minority ethnic offenders and racially motivated offenders (Her Majesty's Inspectorate of Probation 2000, 2004). Such examples represent meaningful ways in which black and Asian professional associations have been able to have a critical input into decision-making within the criminal justice services, which in the longer term may bring about positive changes in organizational cultures (see also Stubbs (1985) research on black workers' groups in social services departments).

This leads on to the more politically complex role for black and Asian professional associations in challenging the institutional dynamics of racism from within the criminal justice services. On the one hand, their state funding and employee position places them in rather ambiguous territory to be highlighting institutionally racist practices (see Phillips forthcoming). On the other hand, their professional commitment and their ability to act as a 'critical friend' means they are well placed to critique existing policies and propose new structures and practices which are operationally feasible. This might involve, for example, ensuring their involvement in assessing the race equality impact of

policies and functions, a measure required under the Race Relations (Amendment) Act 2000. The Crown Prosecution Service, for example, has already established a Critical Friends' Group of officers and representatives from staff networks including the National Association of Black Crown Prosecutors, which is consulted on disproportionality in CPS decision-making (at charge, bail, mode of trial, failed cases, discontinuance, plea and plea bargaining). A role for the Association of Black Probation Officers and the National Association of Asian Probation Staff could also be envisaged, as current practice indicates that much impact assessment work in the probation service has been carried out internally by staff (see Wells and Barr 2003). In the police service this could include guaranteed representation on scrutiny panels concerned with exploring disproportionality in stop and search practices¹⁰. The problem of the institutionalisation of stop and search as a key indicator of productivity implicitly used by supervisors (see Cashmore 2001; FitzGerald 1999) which can inflate disproportionality, could form part of a broader discussion about institutional racism within policing (see Bridges 2000).

Ethnicity as a resource

Returning to the Macpherson Report's (1999) definition of institutional racism, a further opportunity to inform service delivery is framed by the need to provide "an appropriate and professional service" to minority ethnic groups. In their study of the housing careers of Vietnamese communities in London, Tomlinson, Johnson and Owen (2002) conceptualise ethnicity as a resource which operates to satisfy housing need. The bonds provided by ethnicity, for example, common language and behaviour patterns, served to encourage clustering in particular locations creating housing demand. Information exchange, social and religious activities, the provision of specialist community resources such as shops and places of worship all reinforced ethnic ties and promoted a positive ethnic identity, which in turn, attracted other Vietnamese households to these locations.

Specialist Vietnamese housing associations used the resource of ethnicity to respond to the specific housing needs of Vietnamese communities, and in supplying housing they provided culturally sensitive housing services such as first language front-line services and more flexible property types. Holdaway and McNeill's (2004) study of black police associations similarly conceptualises ethnicity as a managerial resource for chief constables to fulfil their commitments on employment policy and practice.

The idea of ethnicity as a resource can be further extended to provide a mechanism in which black and Asian professional associations can draw on their members' cultural knowledge and multi-lingualism to improve criminal justice services for users (see Bowling, et al. 2005 discussion of this in an international perspective). Members of the black and Asian professional associations representing probation service staff, for example, had played a major role in establishing specialist groupwork programmes for black and Asian probation clients. In the policing context, the Metropolitan Police Service Black Police Association has established the Community and Cultural Resource Unit. It emerged after the Damilola Taylor investigation where black police officers had engaged with local people to assist the case investigation in an area marked by hostility between the police and local black communities. This facilitation had resulted in police gaining access to potential witnesses' houses and learning detailed information about suspects. The unit operates in critical and major incidents to provide, where necessary, a 'cadre of officers to assist in breaking down some of those barriers of potential witnesses and suspects'. For some of those who contributed to the current research, there was a political imperative and responsibility to use cultural skills in this way to directly benefit local black and Asian communities – what Prevatt Goldstein (2002: 772) has referred to as a “race’ based service ethic’ in the social work context:

because of my political, cultural beliefs... I have to give back from whence I took. And I know I have taken from my community so I

have to give something back.

Whilst some interviewees acknowledged that this was the direction in which they wished their professional associations to focus, this aim remained largely aspirational because of funding constraints. The exception was the Metropolitan Police Service Black Police Association whose pioneering work has also involved a community engagement project which sought to “empower local people, influence and enhance the quality of service received within the North Paddington area” by facilitating positive interactions between the police and local communities. Additionally, the association has also established a Youth Leadership Programme which aims to engage local youth on particular policing issues such as gun crime and stop and search, whilst encouraging them to advocate for their community. The community programme Revival is a response to rising drug- and gun-related crime within black communities (see <http://www.metbpa.com/community.htm> for details of these community-based initiatives).

The role of facilitating community engagement is one which might be fruitfully filled by other black and Asian professional associations. In the case of the National Probation Service, for example, recent assessments of race equality work indicates that community consultation on the racial impact of policies was an area that local probation services were finding particular difficult in pursuance of their obligations under the Race Relations (Amendment) Act 2000 (Wells and Barr 2004). Connecting with local communities and working in partnership is also a Priority Objective for the service’s diversity strategy, *The Heart of the Dance* 2003, and one in which the black and Asian professional associations could be active and make a significant contribution.

These forms of engagement and participation are not without their flaws, however. An assumption is made, for example, that black and Asian professional associations collectively or through individual members are predisposed to take on additional race

equality work simply because they form part of a category of employees who have experienced occupational racism. At the level of the professional association, the current research did indicate such predilections, but it is impossible to say how widely this extends to individual black, Asian and other minority ethnic employees working across the criminal justice services (see also Prevatt Goldstein 2002 in the social work context).

The idea of utilizing ethnicity as a resource may also throw up claims of essentialism if the underlying premise is that only black and Asian professional associations can contribute to service provision and race equality issues because of some defining cultural characteristics they possess as a result of their 'blackness' or 'Asianess'. Instead here the proposal is for black and Asian professional associations to expand and enhance their role because as a collectivity they possess a wealth of expertise which can be used alongside to inform the perspectives of other key actors in policy-making and service delivery. Moreover, in the current research, any such essentialising notions were consistently negated by interviewees in the context of their own day-to-day work. The contribution of cultural perspectives or insight to operational practices, such as providing probation support to an offender or interviewing traditionally hostile witnesses, and to community engagement and participation in decision-making on policy and service delivery was viewed as complementary to existing practices, rather than as a more valid substitute. This is politically significant because it avoids the risk of removing the 'responsibilizing task' of eliminating occupational racism, individual or institutional, from senior managers and politicians within the criminal justice services – a process which Garland (2001: 125) argues has happened in relation to crime control¹¹. Moreover, framing ethnicity as a resource does not preclude the use of what one interviewee described as staff's 'life skills', thus it is an inclusive complementary conceptualization which can encompass white ethnicity as a resource too. Given that the vast majority of individuals coming into contact with the criminal justice system are of white ethnicity,

this is hardly controversial.

In the housing context, Tomlins, Johnson and Owen's (2002) work too recognises the constraints of ethnicity, whereby it can limit housing choice as households select particular areas to live as opposed to others where local residents have historically discriminated against them. The same potential problem applies to black and Asian staff members in the criminal justice services if they are perceived to only have skills relating to their cultural origin rather than the traditional professional skills in their service areas. Their 'ghettoisation' in race-related areas of expertise, whether by informed choice or external direction, can have disastrous effects on their careers if they are unable to gain other professional skills and competencies in order to progress (see Walker, Spohn and DeLone 2004; Cashmore 1991). Prevatt Goldstein's (2002) research with black social workers indicates that if such work is not valued and rewarded by service managers, it can become burdensome and exploitative, and contribute to heightened stress levels among black staff. This is a potential pitfall which members must individually and collectively guard against, until such a time that cultural knowledge, language skills, and other 'life skills' are equally considered to be professional attributes essential to criminal justice service delivery.

A further constraining factor that will hamper community-focused work relates to the funding of black and Asian professional associations. At a time when gaining internal funding for staff associations is becoming increasingly competitive given the government's commitment to broader equality aims, centred on gender, religion/faith, sexuality and disability, in addition to race, (see Phillips forthcoming), expansion in the direction described in the last part of this paper may not be feasible, however valuable such work might be. It would likely necessitate new funding arrangements from the criminal justice services or other funding bodies.

Conclusion

It is difficult to foresee how the black and Asian professional associations studied in this research will develop in the next decade. Broader strategic alliances with black and Asian professional associations in other employment sectors, or with professional associations representing criminal justice staff on sexuality, disability or faith grounds are both possibilities as a means to eliminating discriminatory employment practices¹². Given the multitude of shaming exposés of racism within the criminal justice services – the failure to prevent the racist murder of an Asian prisoner by his cellmate, the collapse of the inappropriate disciplinary case against senior police officer Ali Dizaei, and the BBC documentary *The Secret Policeman* which unearthed blatant and extreme racism among trainee constables – it seems probable that race equality will remain on the political agenda for some time to come, and thus the role of black and Asian professional associations may be assured. This paper has highlighted the significance of the internal functions of such organizations in assisting members to resist racism and marginalization in the criminal justice services. Despite the reform agenda post-Macpherson, employment for some staff is still marked by subtle discrimination in the workplace. Therefore it seems likely that support, advocacy and networking will continue to be core activities for the black and Asian professional associations. This paper has tentatively proposed the further development of the external focus of professional associations to improve service delivery to minority ethnic users, arguing that they present an under-utilised resource for criminal justice services in pursuing race equality and eliminating institutional racism. It remains to be seen whether such work can be established, given the rather insecure nature of their internal funding and any political opposition which may arise if proposals are made to expand their work.

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Notes

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¹ This assumes that minority ethnic officers do not act in the same way as their white colleagues in negatively stereotyping members of the public from their own ethnic groups, an assumption which is not necessarily supported by empirical evidence (see for example Walker, Spone and DeLone (2004), Bowling and Phillips 2002, and see Bowling et al. (2005) for a discussion of the role of ethnic minority practitioners in the criminal justice process).

² For a full discussion of the issues surrounding the naming and membership criteria of these organisations see Phillips (forthcoming).

³ These include police suspects and victims, defendants, probation clients, and prisoners, etc.

⁴ A former Chairperson was also interviewed.

⁵ Despite repeated attempts, access was not gained to interview Chairpersons of the Association of Muslim Lawyers, the Association of Asian Lawyers, or the Society of Black Lawyers.

⁶ This professional association was selected as one of the longest established and because of its focus on

both supporting black probation officers and promoting the anti-discriminatory delivery of services to probation clients.

⁷ There was also some documentary analysis of ABPO materials (e.g. constitution, minutes of meetings, AGM papers, business plans, etc.).

⁸ One interviewee who had worked more closely with the relevant mainstream union was more positive about their contribution to race equality work.

⁹ This commitment has been espoused by government politicians on numerous occasions – Tony Blair has himself talked of New Labour achieving “true equality: equal worth, an equal chance of fulfilment, equal access to knowledge and opportunity”, and “not equality of income or outcome” (see for example his 1999 Labour Party Conference Speech).

¹⁰ The Metropolitan Police Service’s Black Police Association appeared as witnesses to the MPA Scrutiny on Stop and Search with similar consultations undertaken in Avon and Somerset, for example. A more formal role as Panel members is envisaged here.

¹¹ As yet, the state has not abrogated sovereign responsibility for race equality, although there are some common elements in the way in which it has sought to responsabilize private and non-state actors to assist with this ‘troubelsome function’ (Garland 2001: 127).

¹² At the Association of Black Probation Officers AGM in 2004, one of the workshops asked delegates to consider whether there should be one staff association representing black probation staff and prison staff, given the establishment of NOMS, or indeed one for all those working within the criminal justice services. In March 2005, the National Coalition of Black-Led Organisations (NCBLO) was launched with representatives from many government departments and some private companies.