

Introduction

During the summer of 2020, two important events occurred which compelled societies across the world to look at how Black people, people of colour and people from ethnic minorities are treated:

1. the murder of George Floyd
2. the disproportionately high numbers of ethnic minority people (including those in health and social care) who died or became seriously ill after contracting COVID-19.

In England, responses to these events varied. Many organisations issued statements about their support for, and commitment to, equality and diversity. Skills for Care undertook a survey to ask: “what are the top challenges facing visible minorities in social care?”

The legal context

It's against the law to discriminate against a person on the grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity.

These are called 'protected characteristics'. Additionally, organisations working in social care have a moral and ethical duty to ensure that they promote and demonstrate good practice in relation to equality, diversity and inclusion (EDI).

In some instances, organisations will be commissioned by, for example, a local authority which is subject to the 'equality duty' as set out in the Equality Act 2010. Whilst not explicitly bound by the Act's Public Sector Equality Duty, care providers commissioned by local authorities have a moral responsibility to comply with its requirements.

In summary, those subject to the equality duty must have due regard to:

- ✓ eliminate unlawful discrimination, harassment and advance equality of opportunity between people who share a protected characteristic and those who don't
- ✓ foster good relations between people who share a protected characteristic and those who don't.

Sometimes referred to as the three aims or arms of the General Equality Duty. The Act explains that having due regard for advancing equality involves:

1. removing or minimising disadvantages suffered by people due to their protected characteristics
2. taking steps to meet the needs of people from protected groups where these are different from the needs of other people
3. encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. ¹

It's also worth noting that the European Convention on Human Rights, Article 14 refers to protection from discrimination, making it illegal to discriminate on a wide range of grounds including: "sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The right to non-discrimination means that the above characteristics should be enjoyed by all equally and without discrimination. They complement the protected characteristics outlined in the Equality Act 2010.

¹ Equality and Human Rights Commission: Public Sector Equality Duty 2021

Social care organisations need to be aware that having charitable status, being a caring organisation, or being set up to do good work does not automatically lead to good EDI practice. All organisations need to be proactive in pursuing equality. An organisation that provides services in ways that meet the diverse needs of its users will carry out its core business more efficiently. A workforce that has a supportive working environment is more productive.

Many organisations have also found it beneficial to draw on a broader range of talent to better represent the community they serve. This can also result in better informed decision-making and policy development. Overall, it can lead to better, more cost-effective services that are more appropriate to the user. This results in increased satisfaction with public services. ²

Over 75% of Black people in the UK do not believe their human rights are equally protected compared to white people.

The Black Community and Human Rights: ClearView Research, September 2020

People from Black, Asian and minority ethnic backgrounds make up 23% of the adult social care workforce, higher than in the national population.

The state of the adult social care sector and workforce in England, Skills for Care, October 2022

People from a Black, Asian, or minority ethnic background are underrepresented in leadership roles within social care, making up 16% of all managerial roles.

The state of the adult social care sector and workforce in England, Skills for Care, October 2022

What is racism?

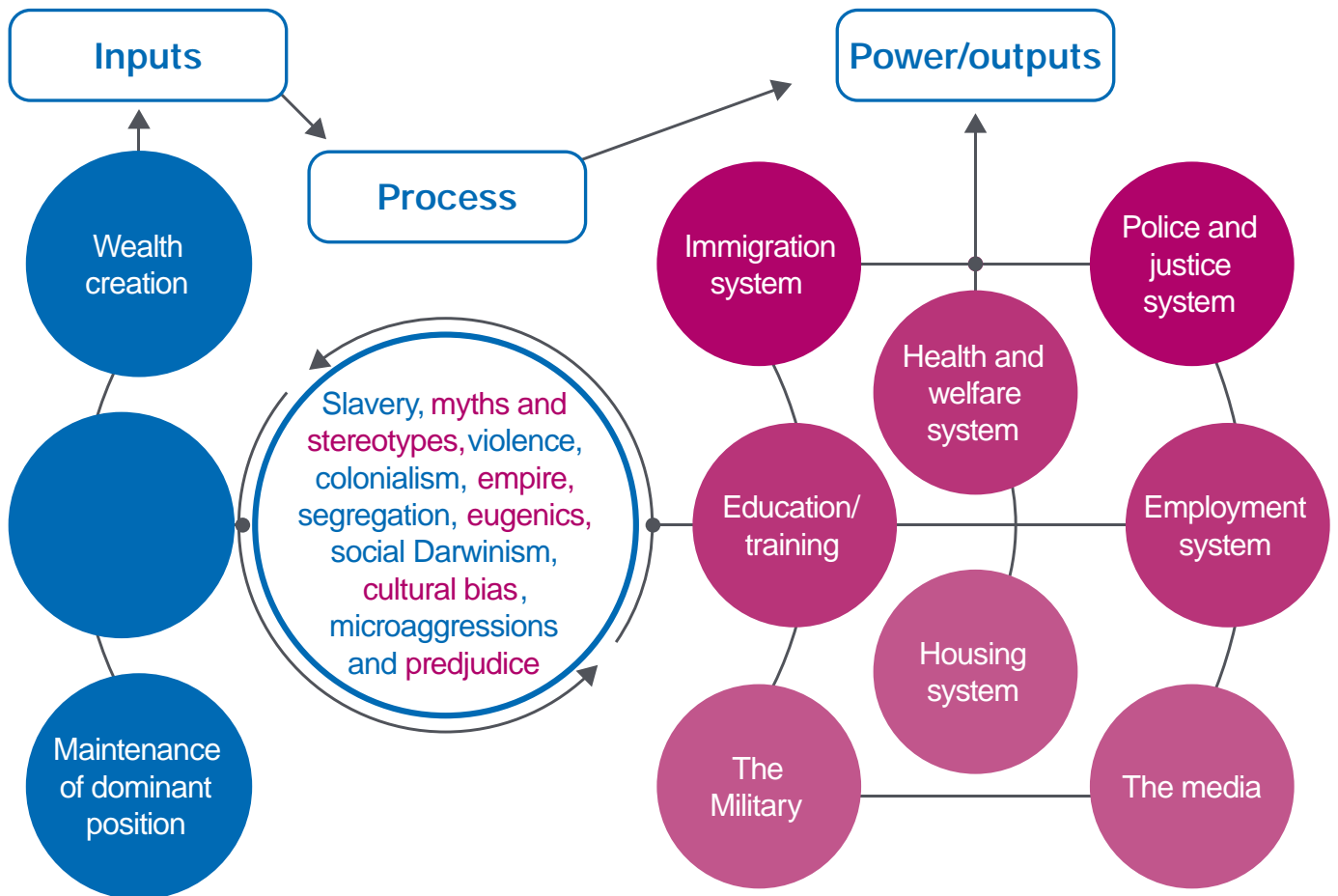
Racism is complex and operates on many different levels. Some commentators have suggested that there are different types of racism. Racism can be overt (explicit, blunt and visible) and it can be covert (hidden and subtle).

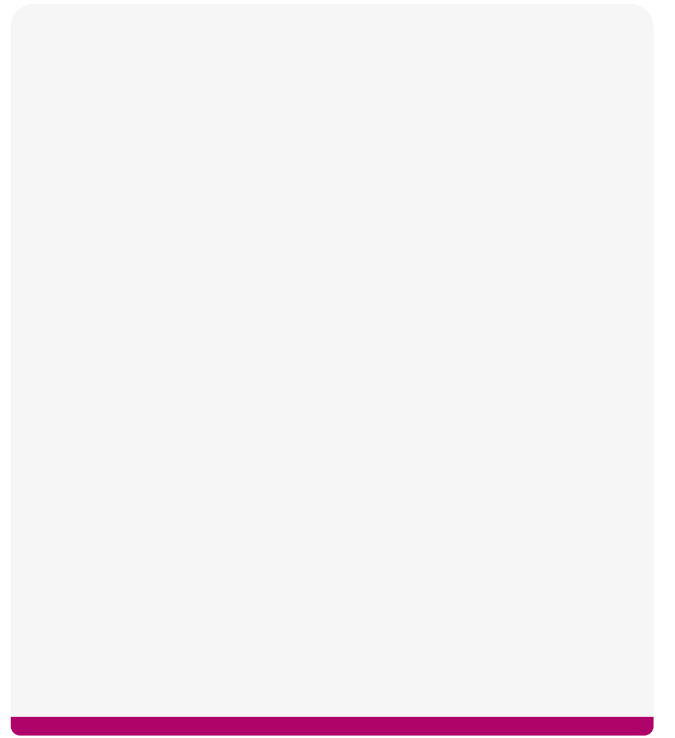
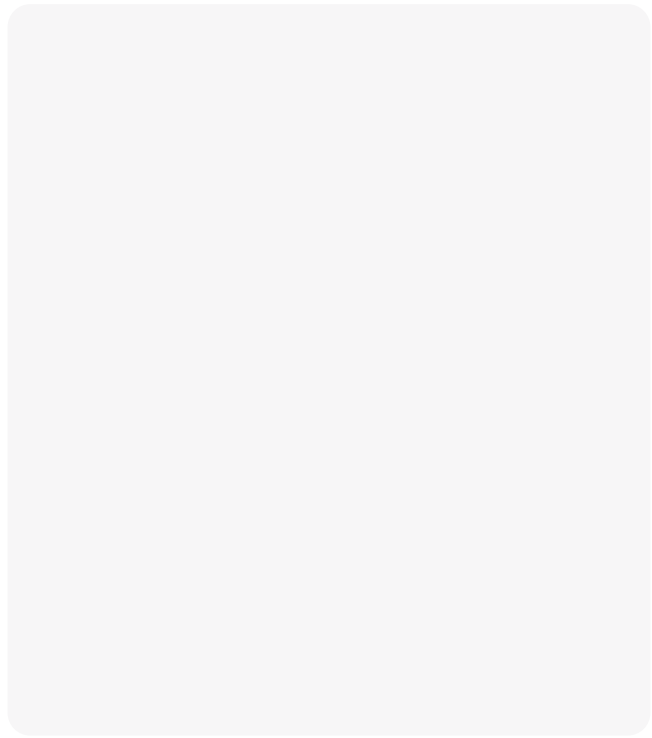
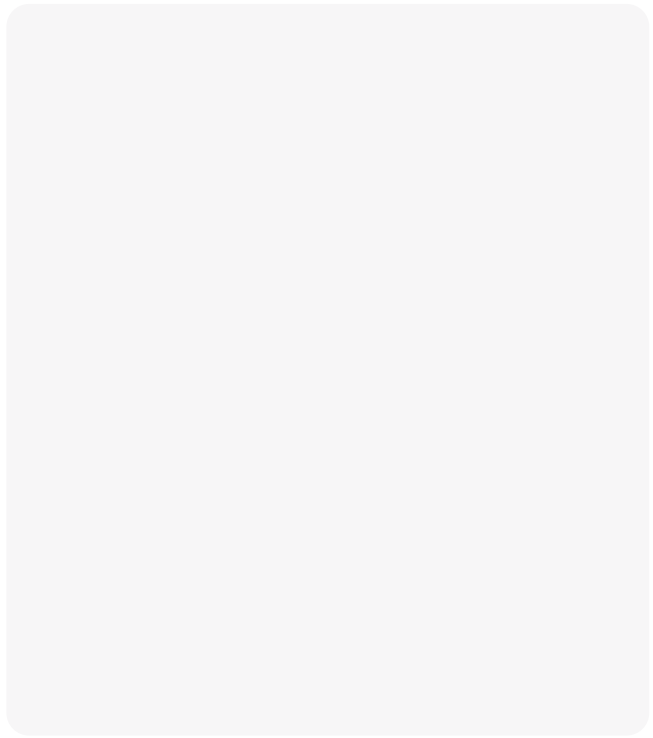
Individual, organisational and systemic racism: what's the difference?

Individual racism – the microaggressions that are interwoven in communication and relationships. It's evident that racism can be both overt and covert and Black people, people of colour and people from ethnic minorities will experience both daily. In this document, we're defining racism predominantly (but not exclusively) as a dynamic based on colour, ethnicity, faith and race. This is not to exclude or devalue other forms of racism.

Organisational racism –







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