

UNISON Cymru Wales Response: Welsh Government Race Equality Action Plan

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Introduction

UNISON is the UK's largest trade union organising and representing 1.3 million public sector workers UK wide, including 100,000 public sector workers across Wales.

Our members, 85% of whom are women, work in the delivery of public services through direct public sector provision, private and voluntary contractors providing public services, and in the essential utilities.

Our members include frontline staff and managers, working full or part-time in public administrations, local authorities, health and social care, the police and justice service, university, colleges and schools, the electricity, gas, environment and water industries, transport, and in the voluntary and community sectors.

UNISON Cymru/Wales welcomes the opportunity to respond to the Welsh Government Race Equality Action Plan (REAP).

In UNISON, Black is used to indicate people with a shared history. Black with a capital 'B' is used in its broad political and inclusive sense to describe people in Britain that have suffered colonialism and enslavement in the past and continue to experience racism and diminished opportunities today.

UNISON will use the term Black throughout this response. Language changes and evolves but terminology is always important in terms of intention and direction. Using Black is about creating unity in our fight against deep-rooted racism that sees Black people disadvantaged in housing, education, employment and the criminal justice and health systems.

Preface

UNISON is concerned with the length and scope of the action plan for this consultation. UNISON recommends breaking down the action plan, perhaps on a sectoral basis, for the next stage of the consultation. We believe this will produce more detailed responses.

UNISON has concerns about the accessibility of the action plan. Whilst we acknowledge there are some shorter supporting documents, the overarching plan is technical and long. We believe this may present a barrier to engagement, particularly for those whose second language is English or Welsh, and for those with basic skills or additional needs.

UNISON would also like to highlight the need for engagement beyond this document. As elements outlined in the REAP progress, the Workforce Race Equality Standard (WRES) for example, it is essential that it is done in Social Partnership with Trade Union engagement.

UNISON's response to the Welsh Government race equality action plan will focus on the importance of trade unions in the delivery of the plan – this will include the role unions can play in scrutinising existing workplace policies and procedures, ensuring they are fully accessible and implementable.

UNISON will also call for additional and meaningful facility time to help realise the goals of the action plan and will seek to support workplace education to ensure workers are aware of their rights and to educate around anti-racism.

UNISON will also call for better utilisation and monitoring of current policies and procedures at Welsh Government level and will seek a review of the utilisation of the Code of Practice for ethical employment in supply chains.

UNISON will seek definition of the term 'zero-tolerance' to ensure all partners fully understand how to implement the plan.

More broadly, UNISON will highlight the ongoing impact of constrained resources in public services and the detrimental effect this has on realising race equality.

UNISON will also call for a well-defined and specific timeline that links with a legislative framework.

Question 1

Does the vision, purpose, values and the imagined future to 2030 reflect what you would like to see achieved by 2030? What may get in the way to realise the vision and values? What may help to realise the vision and values?

UNISON welcomes this rightly ambitious Race Equality Action Plan (REAP). The proactive language used throughout the plan, in particular the vision of an 'anti-racist' Wales, sets the tone that action is required to realise the goal of a Wales without racism by 2030.

The COVID19 pandemic has widened pre-existing inequalities based on race, with a recent example of the vaccination programme. A Public Health Wales report found the largest inequality in uptake was seen between ethnic groups in adults aged 80+ years. Uptake for the combined Black, Asian, Mixed and Other ethnic groups in the age-group was 71.5 per cent compared to 85.6 per cent in the White ethnic group, a gap of 14.1 per cent. These statistics alone demonstrate the need to address race inequalities, and that these inequalities are a public health issue¹.

Whilst the emphasis of the REAP is understandably on race, section four of the summary document for consultation makes barely any reference to intersectionality. Identity is not tied up in race alone and the experiences of a Black woman, a Black disabled person, or a Black LGBT+ person, for example, will vary immensely. Without fully addressing intersectionality there is a danger of ongoing silo ways of working. People should not have to choose to

¹ <https://phw.nhs.wales/news/public-health-wales-report-analyses-inequalities-in-covid-19-vaccination-uptake-in-wales/>

prioritise one area of their identity above another, they should be able to be their whole selves. Building intersectionality properly into the context of the plan will strengthen the outcomes.

Anti-racism and equity are in everyone's interests. Everyone stands to benefit from a racism free Wales. Any person, institution, body, or workplace holding Wales back from becoming an anti-racist nation is failing us all and must face consequences.

Strong implementation is going to be key to realising the goals and vision of this plan. As we have seen so many times before, we can have access to the most robust and thorough policies and procedures, but if they are not properly implemented then they become pointless, or even damaging.

Welsh Government need to demonstrate strong leadership regarding implementation. There needs to be a well-defined and specific timeline that marries with a legislative framework. Welsh Government need to provide clarity about what powers they have and their expectations. There must be consequences for failure to meet and comply with these expectations. There are strategic partners in Wales, Race Equality First for example, who have the experience and specific expertise to develop this plan into targeted actions and outcomes.

UNISON is aware of a recent example whereby a Black clinician was physically and verbally racially attacked by a patient in a hospital setting. The clinician reported the incident according to the policies and procedures at the workplace. The clinician was discouraged from taking the matter further and reporting it to the police because the patient had been assessed as being temporarily incapacitated. The clinician decided to report the incident to the police. The workplace violence and aggression manager again discouraged the individual from reporting the incident to the police. The clinician did not accept the advice and reported the incident to the police. The police attended to take a statement but advised the clinician that the chances of the CPS proceeding with the charge was very slim, again because of the capacity of the patient.

This example demonstrates numerous barriers the individual clinician faced after experiencing racism in the workplace. The assessment that the patient was temporarily incapacitated is subjective – how is this assessed? The patient in question had repeatedly boasted about the incident after it took place, but this was not a consideration in assessing capacity. The race and aggression manager did not prioritise supporting the member of staff, but instead discouraged the individual from taking the matter further, identifying the policy implications of the capacity assessment as the predominant factor. If the incident were not taken further, there are questions over how it would have been recorded within the health board, and whether it would have been documented as a racist incident. Finally, when the individual decided to proceed in reporting the incident to the police, the police officer determined that the CPS would not prosecute because of the capacity issue – yet this is outside of the remit of the role of the officer.

At no point was the individual supported by the policies and procedures in place. In fact, the policies and procedures around the capacity assessment actively allowed the clinician to experience physical and verbal racism whilst they were at work, with no recourse. Effectively, the clinician was a victim of the racist incidents and then a victim of the processes in place

that should have protected the clinician, whilst the perpetrator's racist behaviour was protected by those same policies and procedures.

This example is one of many but demonstrates that policies and procedures alone cannot be anti-racist. The implementation of the policies and procedures must be actively anti-racist to achieve the vision set out in the REAP.

In this example, the policies and procedures should have clearly laid out the reporting mechanisms and support available for the employee, and the managers should also have clarity over the process they need to undertake in such an incident – including mechanisms around the reporting of the conduct of the police where they have failed. The employer has a duty of care over the employee and must recognise this role. So, if a patient has been medically assessed as not having capacity, then the employer should have checks and measures to ensure that workers are protected from harm. Reporting must have outcomes and is not just a case of noting an incident.

It is also worth noting at this point that this example further entrenches the feeling of mistrust Black people have of the police. There are numerous examples of Black people being harassed by the police when going about their daily routines. There needs to be an additional mechanism to encourage reporting of these examples.

To support the delivery of workplace equality and anti-racism, it is imperative that Trade Unions are a central element of this plan. UNISON is concerned with the lack of emphasis on the Trade Union role within the plan. The plan lacks an understanding over how unions can help deliver this vital piece of work. UNISON has policy and bargaining support, including model policies and procedures, including equality and diversity, and tackling hate as a workplace issue²

The role of workplace Equality Representatives cannot be overemphasised. Equality Reps are trained to identify specific equality issues and can support with scrutinising workplace policies and procedures to ensure they are fit for purpose. Equality reps can support and represent individuals to navigate through workplace processes and can also support with the drafting and delivery of workplace education. Trade Unions and Equality Reps are also able to hold employers to account. UNISON believes it is essential that Equality Reps are granted funded facility time specifically for the purpose of the equality agenda – this should be additional to current facility time agreements.

Additional paid facility time for these roles will also help emphasise that employers are taking anti-racism seriously. It is a proactive action and will be hugely beneficial in taking this agenda forward across workplaces.

The role of Equality Reps in the workplace can include some or all the following functions:

- provide information and advice about equality matters to individual members
- represent employees on equality issues
- help promote the value of equality in the workplace
- help employees to achieve a more equitable work-life balance

² <https://www.unison.org.uk/get-involved/in-your-workplace/key-documents-tools-activists/bargaining-guides/>

- assist with monitoring and assessing the impact of employment policies on distinct groups to ensure that no discrimination arises, or steps can be taken to avoid discrimination arising
- work in partnership with employers to develop policies and practices that will reduce the risk of discrimination cases being taken and ensure that the workplace is fair and inclusive
- facilitate consultation and employee involvement on equality matters, helping build consensus
- support other union representatives and advise on any equality matters that arise in collective bargaining with the employer.
- a Trade Union equality representative has been defined as a representative of an independent Trade Union who, in workplaces where independent Trade Unions are recognised for collective bargaining purposes:
 - has been appointed or elected by their union in accordance with the union’s rules to take on the role and;
 - has been or intends to go through training approved by the Wales TUC or their independent Trade Union to carry out the role³.

Trade Unions have established workplace networks, as well as the trust of the workforce and so are fundamental in achieving the vision set out in the plan.

A further barrier to achieving an anti-racist Wales are the ongoing financial constraints placed on the public sector because of a long-term austerity agenda. These financial constraints place a disproportionate burden on those who need to use public services the most, many of whom are Black. Furthermore, the use of certain public services to help address inequalities is a key theme of the plan, but this is unrealistic unless the appropriate and necessary resource is made available.

For example, pages 67 and 68 of the overall action plan refers to the goal to improve the experiences of Black, Asian, and Minority Ethnic learners and teachers in schools by taking an inclusive and anti-racist approach to teaching and school experience. One of the short-term actions outlined to achieve this is to: *“work with our sector partners to acknowledge and promote the valuable reach of youth work.”* UNISON reported in 2016 the impact austerity has had on youth provision in Wales. UNISON revealed spending by Welsh local authorities on youth services between 2012 and 2016 was cut by £6.1m. In that time, more than 100 youth centres closed, and 360 jobs were lost.⁴

These issues have been further compounded by the COVID19 pandemic, with reports in July 2021 on BBC Wales of growing concerns for youths who have experienced even more

³ <https://www.tuc.org.uk/research-analysis/reports/wales-equality-issues>

⁴ <https://cymru-wales.unison.org.uk/news/press-release/2016/11/welsh-youth-work-crisis/>

restricted access to youth services.⁵ In order for youth services to truly be a part of the solution to making Wales anti-racist, they must be properly resourced.

This can be said for public services across the board. Additional resourcing to specifically tackle racism must be a consideration. Funding alone is not enough.

Education must be central to this strategy. It must start at pre-school level and run through the education system. It must be a requirement in workplaces in the same way that health and safety education is a requirement. There must be refresher training. It must be a pre-requisite for entry into any professionally registered role and must continue through career development. It must go beyond visiting museums.

Question 2: We would like your views on the goals and actions.

As referenced above, one of the main factors that must be considered is the resources available for public services and specifically to ensure public services are anti-racist. There must be investment in people and the infrastructure to undertake this work – for example, the necessary software to collate data, the necessary buildings to deliver training, and specialist advice to guide the delivery of the plan.

UNISON would like to see a stronger emphasis on education throughout the plan, from pre-school age right through the education and into career development and workplaces. All professionally registered workers should be expected to commit to anti-racism as a part of their professional codes of conduct and anti-racist education should be a pre-requisite of registration. This should go throughout workplace education. It is the norm to undertake manual handling and other health and safety training in the workplace, this should be extended to anti-racism.

Throughout the goals and actions in both the summary and main document, reference is made to 'zero tolerance.' UNISON believes the plan would benefit from a clear definition of what is meant by the term zero tolerance and that the plan fully considers the connotations of zero tolerance – including ensuring that the burden of taking such an approach does not fall upon Black people. There are numerous examples where an employer's solution to workplace racism is to move the Black worker to, for example, another team. Whilst this course of action might sometimes be appropriate to protect the individual, it does not tackle the root cause of workplace racism and should not be the default. There must be proper consequences for direct and indirect criticism. Ignorance of the law is not a reasonable excuse. Refining this work through a legislative framework will allow greater transparency, a legal definition of zero-tolerance, and would allow Welsh Government to assess the extent of their influence.

Taking the NHS as an example, what does zero tolerance mean in the context of a patient/care-provider scenario? Registered professionals must balance their professional codes of conduct and duty of care with determining how to respond to an individual who is racially attacking people. This is an unfair burden to place on an individual registered care

⁵ <https://www.bbc.co.uk/news/uk-wales-57468462>

provider. Can care be withheld? What would the implications be? Who does such a decision rest with?

Similarly, in any other workplace situations, how does zero tolerance of racism translate into policies and procedures, and who is ultimately responsible for ensuring zero tolerance? Employers have a duty of care to their workforce and this must include the application of zero tolerance policies and procedures across all sectors.

An open debate around how zero-tolerance is defined would strengthen the plan and allow a more unified response to racism in Wales, allowing Wales to reach the anti-racist vision we are striving for.

Health

The COVID19 pandemic highlighted huge inequalities for the health outcomes of Black people in Wales and the rest of the UK, but also serious institutional racism within NHS Wales – an issue further exposed by joint research undertaken in partnership with UNISON and ITV Wales⁶. The findings evidence a troubling picture where it is common for Black healthcare workers to suffer offensive racial comments from the public and a majority feel the colour of their skin has negatively impacted their NHS career.

Key findings include:

- 67% of respondents experienced racism whilst working in the NHS.
- 60% experienced racist harassment/ abuse from members of the public in the NHS.
- 37% experienced racist harassment/ abuse from NHS colleagues.
- 76% did not report the racism experienced.
- Of those who reported the racism, 21% were not satisfied by the employer's response.
- 52% think their skin colour/ethnicity has had a negative impact on their career.
- 12% often experience racism; 40% sometimes experience racism; 34% rarely experience racism; 14% never experience racism
- During the Covid pandemic, 44% have not felt comfortable reporting their safety concerns.
- During the Covid pandemic, 37% said their employer has not conducted a formal risk assessment on the risks they faced as a Black worker.
- Asked what the employer should do to ensure Black staff are better valued and supported, better training for managers to tackle racism and more robust policies for challenging racist behaviour from patients were ranked highest by respondents.

It is of great concern that, even within the workforce goals outlined in the plan, there is barely any reference to Trade Unions. Trade Unions are a huge untapped resource that can support the delivery of an anti-racist Wales, yet this does not seem to be understood within the plan. Additional paid facilities time with the specific purpose of working on equality within health services should be prioritised. Trade Unions should not be considered as merely

⁶ [Two thirds of Black NHS Wales workers have experienced racism at work | News, Press release | News | UNISON Cymru/Wales](#)

stakeholders in this work, Trade Unions are the collective voice of the workforce, with equality and workplace expertise, and this should be fully recognised throughout the plan.

UNISON welcomes the commitment to a Workforce Race Equality Strategy (WRES) for Wales. It is essential that Trade Unions are involved in the development of a WRES as unions are a key element of ensuring compliance through holding employers accountable. The WRES must be independent and strategic delivery partners must be agreed through consensus. UNISON has experience of working with Race Equality First and believe they should host the independent delivery of the WRES.

As identified earlier in the response, UNISON believes the plan would benefit from a clear definition of what is meant by zero tolerance, particularly within a healthcare setting.

UNISON has numerous detailed contributions to make about a WRES. We believe it should apply across both health and social care. It is important that lessons are learnt from the WRES in England when applying the process in Wales. The collation of data alone is not enough. Data cannot just be presented back as a mirror – it must be dissected and specific and must be allied to strategy. It must be broken down on ethnicity to allow full engagement and understanding. Employers must not be allowed to hide behind large collections of homogenous data.

UNISON must have the opportunity to feedback fully on the establishment of a WRES in Wales and we believe it should be out for full separate consultation. It is also worth noting that, in England, those Health Boards that have better race indicators as employers tend to perform better overall across the board.

UNISON notes the timescale outlined in the plan with regards to the WRES and we look forward to being engaged in the full consultation and implementation process.

Social Care

The fragmented nature of social care is a barrier to tackling racism within the sector - numerous small employers all acting independently of one another and so lack accountability. It can be even more difficult to tackle racism in such environments and there is a sense of disposability about Black workers in the sector. Management structures are disproportionately staffed by white people and where Black workers have been able to reach a more senior level, they must work twice as hard to prove themselves. Examples include a Black manager who placed a mug in a communal cupboard, and all the white staff removed their mugs.

There must be consistent policies across the whole of the social care sector so each employer is operating according to an industry standard, and this should be determined and rolled out from the Social Care Forum at Welsh Government level. There must be an industry standard on which all social care providers are expected to adhere, or they cannot bid for contracts and will be ruled out of the commissioning process. As the registering body for social care, Social Care Wales should be a key player in anti-racist training both at qualifying

stages and as part of continuous professional development and maintaining fitness to practice registration.

UNISON believes public services should be publicly delivered and social care services should be brought back in-house. This would allow services to be better managed and more accountable.

Local Government

The lack of diversity across local authorities, including the leadership of authorities, is a concern and will be a barrier to the implementation of this plan. Swansea is a city of Sanctuary and signed up to the City of Sanctuary constitution in February 2012. Despite this, the workforce employed in Swansea Council goes nowhere near being representative of the local community. Local authorities urgently need to address their recruitment, organising, interview, and appointment strategies.

The plan considers the role of councillors once in position, but it is important to take a further step back in the process and ensure both the candidates are aware of the expectations on them if they become elected, as well as to ensure the pool of candidates are truly reflective of the community it will serve.

It is not enough to adhere to a code of conduct, but the behaviours and decisions taken by those with power must be actively anti-racist.

Greater diversity within both democratic and appointed structures will build confidence for people to be able to engage and access culturally appropriate services.

We would again reiterate the need for Trade Unions to be able to undertake a leading role across the local authority workforce plan. There is no mention in the action plan around local government of Trade Unions. Additional facility time must be granted across all local authorities in Wales for Equality Reps – this will allow better scrutiny of policies and procedures in the workplace.

There are many examples of Black members of the workforce being unable to access promotion. Examples include an experienced and qualified Black professional who performed well at interview was deemed to be un-appointable, despite being the only candidate. The candidate applied a further two times for the same role. On the third occasion, a less experienced white woman was given the role as a secondment opportunity.

Examples such as these happen too often in local authorities and there is a huge task ahead to address the cultural challenges across the organisations.

There are many incidences where a manager approaches a Black member of staff to seek support on matters of race that have arisen in the workplace. This is unfair and unreasonable. There are many times when a manager has shared confidential information about a potentially racist incident with more junior Black staff to gain their views on how it should be handled. This is an unfair burden on the junior member of staff to be a voice for all Black people within that workplace, and further emphasises the lack of diversity of senior leadership

and management within authorities. There is an urgent need to address this which goes beyond 'exploring the option for quotas' or 'reviewing processes.'

Unions have expertise in all these areas not properly recognised within this plan and could provide huge support in tackling racism in local authorities. Unions are the collective voice of the workers and have networks in place that allow under-represented groups in workplaces to self-organise. Unions can hold employers to account and can scrutinise policies, procedures, and behaviours, as well as support the development and delivery of training and education. This needs to be fully recognised in the action plan.

Education

Successful schools education and environments rely on the whole schools workforce. It is obviously important to increase the ethnic diversity of teaching staff, but it is also important to improve proportional ethnic diversity of the whole schools workforce and ensure there are good career development structures in place. This same principle applies across the whole education workforce, whether in schools, further, or higher education.

Furthermore, in accordance with the new curriculum guidance, pupils in Wales will learn about "Black, Asian, and Minority Ethnic Stories." The action associated with this outcome is "As recommended by the First Minister's Black, Asian and minority ethnic COVID-19 Advisory Group – report of the socioeconomic subgroup, chaired by Professor Ogbonna, we will make learning about Black, Asian and Minority Ethnic stories mandatory within the curriculum for Wales. Understanding of anti-racism, and the confidence and ability to challenge harmful norms will be mandatory learning across the curriculum. This will be confirmed as statutory by end 2021 (after the passage of the Bill)." This must be from preschool and throughout the whole education system. The Black curriculum must go beyond visiting museums and statues, and it must form a compulsory part of education.

The summary information recognises the teaching workforce is not diverse – EWC data shows the proportion of teachers who are black has remained at 0.2% since 2016, during which time the proportion of white teachers has increased from 88 to 91%. Consideration must be paid to how this element of the curriculum is taught and whether the workforce has the skills to be able to deliver this type of education as roundly as possible to do it justice. Additionally, this same data is not provided on support staff. It is important to not only teach this topic, but to also be the change that needs to happen, and that must include diversity and an understanding of what needs to be delivered, across the whole schools, further and higher education workforce.

Similarly, Black teaching staff are less likely to be awarded permanent contracts and are more likely to work in supply teacher roles. All teachers must receive anti-racism training and must be able to evidence this at point of entry into the profession. This must also form a part of teacher's continued professional development, and the Education Workforce Council should be responsible for overseeing this. Teachers need to understand what they need to do when dealing with racism both in the playground and for pupils experiencing racism out of school. This is a fundamental safeguarding issue. As a recent example in Wales, Muslim children were made aware of a "Hate a Muslim Day" which called for people to attack Muslim people with points awarded based on the level of attack. Some Muslim pupils were scared to leave their homes and attend school. When reported to a school, no positive action was taken, instead the Head Teacher encourage the parents to ignore it and focus on the fact

nothing untoward had happened. The Head Teacher could have taken positive action and, for example, held a school assembly to discuss the issue and to use the opportunity to challenge and educate around racism.

Furthermore, the whole education workforce needs to benefit from anti-racist education for schools, colleges, and universities to be genuinely anti-racist. An example was cited to where a Muslim pupil had opted for the Halal option at school dinners. The catering staff at the school gave the child a ham wrap. When the pupil raised it, the member of staff removed the ham and then sprinkled some cheese into the same wrap. The act was not malicious but was due to a lack of understanding. Issues such as these need to be considered as a whole school approach and education does not start and stop with the curriculum alone.

There needs to be a single reporting system across education to fully grasp the scale of the problem. Schools need to be able to report and record bullying and hate crime consistently. Schools should be enabled to join the Schools of Sanctuary scheme.

Once again, there is the lack of recognition of the vital role Trade Unions can play in terms of ensuring people are treated equally in the workplace and the scrutiny of workplace policies and processes. Again, UNISON recommend additional facility time specifically for these purposes.

Leadership and Representation

It is not enough to consult with public body leads to determine the data needed to ensure the public sector workforce in Wales at least accurately represents the population it services. Public body leads will have a personal stake in presenting data favourably – the decisions around what data should be collected and used should be better scrutinised, and we would encourage the use of race equality experts in determining data collection.

There should also be agreement that all data will be made publicly available to ensure full transparency. This is not a punitive action but will allow greater accountability.

Again, the significant role Trade Unions can play in terms of delivering this plan is missing. UNISON is a leading civil society organisation and is the largest Trade Union in public services. We collectively represent the worker voice and can be key partners in terms of delivering this action plan.

The plan refers to the use of spending power and the use of grants and public procurement to further an anti-racist Wales. Welsh Government's *Ethical Employment in Supply Chains: code of practice, guidance, and training*⁷ has been published and available to implement for over four years. The code has potential to make great improvements for all workers, including Black workers, throughout the supply chain. It seems timely, given this action plan and other ongoing consultation around public procurement, to assess the impact the code of practice has had. This will help to better understand barriers to implementation and how they can be addressed.

Fair work and social partnership

⁷ <https://gov.wales/ethical-employment-supply-chains-code-practice-guidance-and-training>

Fair work and social partnership structures should have a specific role to pay consideration to equality. Council structures should include a position to enhance equality scrutiny and to be able to pursue this aim without having to balance other elements.

Again, we would seek a review of success of Welsh Government's *Ethical Employment in Supply Chains: code of practice, guidance, and training*.

Question 3: Are there any goals and actions that you can think of that are missing? Who should deliver on them and what actions would help to deliver them?

UNISON would like consideration to be paid to a Race Equality Commissioner – the profile of other Commissioner roles funded by Welsh Government has allowed status and scrutiny of key issues, as well as expertise specific to the Commissioner role. It is essential the right people undertake the appointment of such a position and further discussion would be necessary on the remit of the role. UNISON would call for the Commissioner role to have similar powers to the older persons and children's commissioners. It is important to listen to Black communities about who should be considered for such a position, and we would call for the role to be 'for the people, by the people.' Some communities have well recognised and respected elders who would be naturally suited to such a role.

UNISON believes there should be an independent body monitor, scrutinise and support the delivery of much of this work. This could be hosted through already established organisations with expertise in place, for example, Race Equality First. There is no stand-alone organisation in Wales where racist experiences can be reported. Without a record of these experiences, no action will be taken as there is a perception racism does not exist. This data does not exist in a meaningful and usable way, despite the fact we know racism occurs. The fact there is no stand alone, non-Welsh Government reporting body in Wales has been identified as a barrier. There is a sense that something could be done about this issue if the will were there.

There needs to be a stronger expectation on the collecting and publication of data, and systems in place to be able to track data. The data outcomes then need to be properly matched to actions.

This theme continues throughout the plan. UNISON believes there should be a stronger to commitment to action throughout rather than commitment to review. In terms of delivery, we again reiterate the vital role Trade Unions can play in supporting the implementation of this plan. A firm commitment to increased facility time for Equalities Reps would help deliver outcomes across the Welsh public sector.

UNISON further believes that a review of *the Ethical Employment in Supply Chains: a code of practice, guidance and training* should be reviewed. This tool has been available for use for over four years, yet there is little data on the commitment to the code or the impact it has had. Given the REAP and the proposed legislation on public procurement, it seems to timely to assess the level of success of the code.

As previously reference in the response, further consideration needs to be paid to the definition of zero-tolerance and the lines of responsibility associated with a zero-tolerance approach for those delivering public services.

Question 4: What are the key challenges that could stop the goals and actions achieving anti-racism by 2025?

If Welsh Government intends to use public procurement and commissioning processes as a lever to achieve fair work and to achieve race equality, then existing contracts that run beyond 2025 will be a barrier to achieving the necessary change. Commissioning bodies cannot unilaterally change the terms of an existing contract, yet that same contract may perpetuate inequalities.

There are additional inherent inequalities that exist through supply chains that must also be considered. Taking PPE as an example. Much of the PPE sourced, certainly at the initial stage of the COVID19 pandemic, was PPE modelled on white Western males- meaning that is was unlikely to be as reliable for Black people or women. Clearly this presents a huge logistical issue in sourcing the right PPE for individuals and is a challenge across existing, well-established supply chains, and this does not even consider the labour standards in PPE supply chains, an issue that is more fully explored in UNISON's *Public procuring during COVID19*⁸. This is just one example of the systematic issues within PPE that fail people with protected characteristics, and it is important to note that Wales cannot be truly anti-racist if it is procuring goods and services that have unethical and unlawful racist implications.

Timescales - the rhetoric that everything takes time implies a deficit approach to the progress of this action plan. Welsh Government was able to progress legislation at pace with regards to the COVID19 pandemic under their devolved powers. The far reaching and longstanding impact of racism on Black lives is at emergency and crisis level. Welsh Government must be transparent about how far and how rapidly it is prepared to go to make Wales anti-racist. The REAP is so broad and has such wide timescales that is difficult to monitor effectively, and it lacks accountability. Employers have too much scope to take the plan forward without effective accountability. We must avoid a situation where employers are monitored against this plan in five years' time, only to find little or no progress is made. Every employer should have a race equality protocol as a matter of urgency. Employers should have race accountability managers and hold a race accountability database as a part of the protocol. Welsh Government should recognise these infrastructures and tools as urgent requirements and should support these through appropriate investments. We believe the timescales are too long and will have the effect of prolonging the negative impacts of racism. As a result, Welsh Government need to manage these timescales with the aim of removing barriers that prevent Wales from being anti-racist now.

Resource - resource must go beyond a pot of money. There must be adequate and appropriate systems and databases to capture meaningful data that will allow us to build actions and outcomes. Investment must be made in the right people to deliver on this plan, and they must have the right tools to be able to take this plan forward, including physical tools

⁸ <https://www.unison.org.uk/content/uploads/2020/11/Public-Procurement-during-Covid-19-FINAL.pdf>

such as buildings or office space, software and systems, and tools to deliver on educational elements.

Culture – there are still huge cultural challenges that effect the day to day lives of Black people in Wales. Whilst addressing recruitment and selection issues in workplaces may go some of the way in helping address these issues, it does not address the challenges people face at community level. Before accepting a job, Black workers must consider the broader impact on their health, safety and wellbeing for themselves and their families. Consideration over issues such as whether their child will be the only Black child in their local school, will the local community be welcoming, will the be subjected the direct aggression and racism.

Legislation – there needs to be specific Welsh legislation to make the transition from non-racism to anti-racism. This must be the case throughout Welsh Government competencies and must be a theme through legislation. Welsh Government has demonstrated the ability to pay consideration to priority areas such as the Welsh Language. Each consultation process specifically questions the impact the outcomes would have on the Welsh Language. This should be extended to include a specific question on the impact on progressing anti-racism.

We would also seek to legislate where issues within the workplace – such as risk assessment. Welsh Government, in social partnership, demonstrated the capabilities to drive this forward through the COVID risk assessment tool that specifically identified race as a risk factor.

Th establishment of an independent government funded organisation to collect and analyse the necessary data and to hold Welsh Government and other public organisations to account should be legislated on.

It is difficult to see how this legislation could be passed and implemented by 2025.

UK legislation – whilst Welsh Government have more devolved powers than ever before, we are still largely in the hands of the UK government both in terms of funding and legislation. Welsh Government are unable to legislate directly on employment rights which could be a main driver to improve and enact change. It is unlikely we will see any short-term governmental change at UK level to allow for faster progress to be made.

Question 5: What resources do you think will be necessary in achieving the goals and actions outlined?

Investing in public services - As previously identified in the response, Black people have experienced a disproportionate impact of austerity. The impact is multi-layered – Black people have been more likely to be made redundant because of budget cuts, and cuts to services have also impacted Black people disproportionately. Many of the goals and actions identified in the action plan will require additional funding, and this cannot be ignored. Services such as youth services have been decimated in Wales and will take significant investment to turn this around.

Facility Time – Improved and meaningful facility time agreements specifically for Equality Reps will naturally cost, but the benefits far outweigh any outgoing. Four main benefits of facility time that will help deliver this action plan include meaningful consultation and

representation; partnership working leading to good workplace relations; preventing problems escalating; better management of change.⁹

Staff time – Audit of recruitment and selection processes, training for line managers implementing the Just and Learning culture¹⁰, end to end audit of policies and procedures, workforce training and development, targeted employment, and recruitment – this will all have an impact on staff time, and this will entail a cost.

Networks – visible resourcing and support from senior leaders for networks for Black staff and partnership working with Trade Union equality reps.

Additional staffing – Taking the establishment of a, for example, WRES in the NHS will require additional staff which may include a data-analysts, strategy implementation leads, and administrators.

Independent organisation – Establishment of stand-alone independent organisation (could be hosted by an established body) to ensure independent scrutiny and accountability.

Visible public campaign - Welsh Government should invest in a pan-Wales public education campaign to support this work, including TV and social media advertising and awareness raising. We have seen similar campaigning on public health issues including drink driving and, most recently, COVID19. These are impactful, they provide insight into Welsh Government's strategy, and reinforce expectations and standards.

Question 6: Do you feel the Race Equality Action Plan adequately covers the intersection of race within other protected characteristics?

Intersectionality is under researched and there is a natural tendency to deal with protected characteristics in isolation. It is important to recognise the breadth of experiences an individual may have, and the barriers faced on an intersectional basis. Intersectionality must be considered through data collection and analysis. This will be an ongoing element of equalities work and must be regularly reviewed.

Question 7: What suggestions can you provide for measuring success in creating and anti-racist Wales and for strengthening the accountability for implementation?

Accountability is essential and will happen at various layers from Welsh Government, across public services, private and voluntary sector, within communities and workplaces, and at individual level. Anti-racism is everyone's responsibility, and this must be effectively communicated through a visible public campaign. It needs to have a highly publicised launch. Welsh Government needs to communicate the plan to Black communities, and everyone

⁹ https://www.unison.org.uk/content/uploads/2013/06/Briefings-and-CircularsBG-Value-of-Union-Facility-Time-FULL-REPORT-FINAL_3.pdf

¹⁰ <https://resolution.nhs.uk/wp-content/uploads/2019/07/NHS-Resolution-Being-Fair-Report-2.pdf>

need to know that Wales is an anti-racist country. This is not a hidden piece of work, and it should be promoted at all opportunities.

The UNISON/ITV Wales survey could also be used as a benchmark indicator and could be used revisited to assess whether the situation in NHS Wales has improved.

Trade Unions are in an excellent position to be able to hold employers to account on their delivery of an anti-racist Wales. UNISON can hold employers to account at regional, local, and national level – especially given the progression of social partnership in Wales. Unions should be given the time and resource to be able to perform this role.

Citizens feedback groups should be established which encompasses people from all ethnic backgrounds to collate evidence about what has changed for people on the ground. What changes have citizens seen and how have their own views adjusted.

Accountability and success can only be accurately measured if we are fully informed on the baseline. All public sector bodies should commit to publishing the required data and making it publicly available before the details of the required data is decided on. The principles of openness must be established primarily to allow for the data to be accurately analysed. Targeted actions can only be taken if we know where the need is.

The Accountability Group should regularly report on their findings and recommendations.

Whilst there should be consequences for poor standards, areas of good practice and progress should be recognised. A mechanism for publicly rewarding good work should be considered – for example, a Race Equality Standard award system. The information, as well as information of poor performers, should be made public.

Whilst anti-racism and this action plan is everyone's responsibility, we recommend the responsibility for this action plan falls within a specific Ministerial portfolio at Welsh Government level to ensure there are clear lines of communications. This could be replicated across the public sector.

Question 10: We have used the term Black, Asian and Minority Ethnic people. What are your views on this term and is there a suitable alternative you would prefer?

Following UNISON's 2013 national Black members' conference the national Black members committee looks at defining 'Black' in UNISON. The motion to conference asked for an explanation of the term to be used consistently throughout Black members structures.

In UNISON, Black is used to indicate people with a shared history. Black with a capital 'B' is used in its broad political and inclusive sense to describe people in Britain that have suffered colonialism and enslavement in the past and continue to experience racism and diminished opportunities today.

The terms 'minority ethnic' and 'ethnic minority' are in widespread official use today. However, these terms have clear disadvantages in terms of the connotations of marginal or less important and in many neighbourhoods, towns, and cities in Britain it is statistically inaccurate or misleading to describe Black groups as a minority.

Historically in the UK the term Black has been used routinely in anti- racist campaigns starting in the 70s. 25 years ago when four Black MPs Bernie Grant, Paul Boateng, Diane Abbott, and Keith Vaz were elected at the height of 1980s Black activism, African, Arab, Asian, and Caribbean communities had come to realise the importance of unity in our common struggle against racism and under- representation and campaigned under the political term 'Black'.

Language changes and evolves but terminology is always important in terms of intention and direction. Using Black is about creating unity in our fight against deep-rooted racism that sees Black people disadvantaged in housing, education, employment and the criminal justice and health systems.