



How we think about disparity
and what we get wrong

Richard Norrie

CIVITAS

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Contents

Author	vii
Summary	ix
Introduction	1
1. The thinking behind official thinking on disparity	10
1.1 Introduction	10
1.2 Intention	12
1.3 ‘Explain or change’	15
1.4 Data	19
1.5 Inference	22
1.6 Benchmarks	28
1.7 Diagnosis	32
1.8 Omission	38
1.9 Recommendations	40
1.10 Diversity	47
1.11 Illiberalism	50
1.12 Expert opinion	53
1.13 Conclusion	59

2. Exploring disparity and discrimination	60
2.1 Introduction	60
2.2 Defining disparity	60
2.3 Defining disproportionality	63
2.4 Measuring and identifying avoidable disparity	65
2.5 Defining discrimination	70
2.6 Disparity in educational attainment	74
2.7 ‘Ethnic penalties’ – disparity in the labour market	79
2.8 Measuring discrimination in the labour market – the CV test	85
2.9 Disproportionality in youth custody	89
2.10 In search of the ailing white working- class male	93
2.11 Conclusion	101
3. A choice between two worlds	103
Appendix	112
Notes	122

Author

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Summary

- A new government-appointed commission has been set up to address disparity between ethnic or racial groups in outcomes relating to, among other things, health, education, and employment.
- This is off the back of numerous of previous reviews conducted by various Conservative-led governments since 2010.
- Drawing on the full array of existing reviews, this report examines the intent behind them, the empirical base, the inferences that are drawn and the thinking behind the recommendations made.
- It is concluded that while we are adept at identifying disparity in statistics, we struggle to say why it exists or to provide a moral theory as to why it might be wrong.
- It is easy to say why discrimination based on ethnicity or race is wrong, since it violates liberal principles of equality before the state and the injunction to judge people on individual merit, not immutable characteristics over which they have no control.
- Disparity is more difficult since there are innocent reasons why groups may have different outcomes, for instance differences in demographic profile, such as age, or geographic region.

- The various reviews never go so far as to say disparity and discrimination are the same thing, only that they tacitly allow the moral opprobrium reserved for the latter to flow over onto the former.
- This provides a moral basis for government intervention, the justification for new state apparatuses, as well as a sense of purpose and virtue for politicians.
- The problem is this all hinges upon statistics – and these are flawed in terms of missing data, confounding variables, and the problem of inferring causation from correlation.
- Government has adopted the principle of ‘explain or change’ – implying that where a disparity cannot be accounted for by other variables, it must intervene in order to correct the disparity. That the government has any competence in closing statistical gaps is a proposition that often goes unexamined.
- But real statistical data and observed differences between groups are unruly: analytical techniques that allow confounding variables to be taken into account will sometimes close the gap, sometimes reduce it, or sometimes even reverse it.
- One academic study of educational disparity concluded that gaps persist, particularly for black Caribbean pupils, even under a set of near-exhaustive controls encompassing socio-economic status, neighbourhood context, motivational and behavioural differences.
- A further study, replicated in this report, found disparity in unemployment persisted, controlling for age, region, educational attainment, and immigration status.

- Original analyses conducted for this report find no obvious disparity to the detriment of white working-class males in unemployment and economic inactivity through ill-health.
- Growing ethnic disproportionality in terms of youth custody, as highlighted by David Lammy, is due to declines in absolute terms for both ethnic minorities and the white British majority, only at different rates, meaning a rising majority share. Moreover, such trends are mirrored in the shares showing up in court, meaning the cause of the disparity is located ‘upstream’.
- The existence of discrimination in the labour market has been proven through so-called ‘correspondence studies’ that rely on fictitious CVs being sent out in response to job advertisements, some with typically ethnic majority names (e.g. John Smith), some with typically ethnic minority names (e.g. Ravinder Singh). Differences in response rates prove the existence of discrimination.
- The most recent study gave a ‘call-back ratio’ of 1.6:1 – which is widely interpreted to mean ethnic minority individuals have to send 60 per cent more applications in order to receive as many call backs as those from the ethnic majority.
- This is mistaken in that the ‘external validity’ of such studies is low, meaning it is impossible to generalise an experimental finding to the wider population. This is because correspondence studies do not rely on random sampling; indeed, just one third of jobs are obtained through advertisements – meaning they are not an appropriate sample frame for generalisation.

- However, in education and law for example, it is theoretically possible to sample randomly either pupils or cases. It would be possible to have independent teachers or judges review assessments or trials, removing all indicators of ethnicity or race, and then compare their findings to the actual findings of the real teachers or judges.
- Such approaches have already been used in psychology in order to discount racism as the cause of disproportionate diagnoses of severe mental health conditions.
- It is argued that the Government's Race Disparity Unit might better serve the country by looking to evidence and measure discrimination rather than disparity over time, using experimental methodologies such as these.
- While disparity is ambiguous, discrimination can be evidenced. Doing so would provide a better rationale for government intervention and engender greater trust.
- While disparity is inevitable since groups differ in all manner of ways, it is concluded that does not mean we cannot strive for better. Disproportionate problems have disproportionate solutions. Educational improvements can be made, only targeting groups rather than individuals might be inefficient as well as foster resentment. A struggling child from a relatively successful group has as much moral claim on the state for help as a struggling child from a relatively unsuccessful one.

Introduction

Disparity has long been a contentious issue in politics. It is presented as obviously a moral wrong that has to be corrected by government intervention. However, critics such as Thomas Sowell have argued that disparity between groups is the norm across time and space, that it ought to be expected, that it does not *necessarily* imply oppression of one group by another or any other form of moral wrong or injustice, nor that government has any particular competence in addressing it.

In his book *Discrimination and Disparities*, he writes:

‘Much of what is said in the name of ‘social justice’ implicitly assumes three things: (1) the seemingly invincible fallacy that various groups would be equally successful in the absence of biased treatment by others, (2) the cause of disparate outcomes can be determined by statistics showing the unequal outcomes..., and (3) if the more fortunate people were not completely responsible for their own good fortune, then the government – politicians, bureaucrats and judges – will produce either efficiently better or morally superior outcomes by intervening...

‘If some social categories of people are not equally represented in particular occupations, institutions or income brackets, that is regarded as someone’s fault that the supposedly natural equality of outcomes has been thwarted. This is the seemingly invincible fallacy behind much that is said and done...’¹

The invincible fallacy – the endless coming back to disparity as evidence of wrong – regardless of all the other confounding variables that might account for it innocently, is seemingly impervious to either evidence or reason.

The Conservative Party fell upon the idea of disparity as both a source of concern necessitating government action, as well as fertile ground on which it could show it was no longer the ‘nasty party’. This impetus began with David Cameron, who, in 2016, said, ‘It’s disgraceful that if you’re black, it seems you’re more likely to be sentenced to custody for a crime than if you’re white... We should investigate why this is and end this possible discrimination.’²

Politics is a cynical game and so it is easy to be cynical. But there did seem to be something genuine in Cameron’s concern. While this lay with the possibility of discrimination, he did at least display an awareness that disparity or disproportionality may actually stem from complicated social differences rather than be automatically assumed to be the result of racism, either direct, unconscious, institutional or structural, as is the default notion.

There seemed to be an empiricist’s instinct to first of all find out what was going on before trying to issue correctives.

With this in mind, he commissioned David Lammy MP to conduct a review into disparity in the criminal justice system, as well as Louise Casey to conduct a review into integration and opportunity.

This agenda was advanced by Theresa May when she became prime minister in 2016, commissioning multiple reviews as well as what she called a ‘race disparity audit’. This was a major study of statistical differences between groups, covering crime, education, health, employment, and the labour force. It culminated in a website called *Ethnicity Facts and Figures* – where all the information was made publicly available.

The idea was that such openness would engender trust in that the government was being seen to be upfront about uncomfortable truths, and that this would also act as the means by which policy might be developed in order to reduce disparity – to fight the ‘burning injustices’.

Reviews though are in part political theatre, whereby a politician may appear open and seeking consensus through engaging with independent experts. The temptation though is to use the review to push a policy agenda into the long grass; to allow what is a contentious political debate to cool off before finally presenting some rather mild reforms, all the while reaping the benefits of appearing virtuous on race. The folly of this approach is that by encouraging the experts and more state and civil society apparatus, you only serve to grow the long grass even longer, making governance all the more difficult as well as inefficient.

Civil society and state representatives within the civil service are all too happy to oblige since such reviews provide them with purpose, income, and influence, as well as being involved in issues which they undoubtedly care about. But the most important question is, to what extent do ordinary folk who have been treated unfairly on grounds of race actually benefit from all this as well as the taxpayer and citizen in general?

Mrs May also created the ‘Race Disparity Unit’ located within the Cabinet Office to oversee the website, as well as devise ways to address disparity between groups.

The idea was essentially elitist – that experts in Whitehall could use statistics as both diagnostic and cure for social problems. The statistics would allow policy makers to guide their interventions. This assumption lies behind so much of governmental thinking, but, as we have seen with Covid-19, data can be flawed, imprecise and subject to revision. The

former-chancellor Norman Lamont once said you can spend your life studying an economic phenomenon only to find out it never happened, due to statistical reclassification.

As I shall argue, the statistics on disparate outcomes are often ambiguous and there are issues with their quality, making the idea of controlling outcomes through government intervention unlikely. Moreover, for all the tens of thousands of words spent in the reviews, there was little, if any, consideration of what disparity might entail and why it might be morally objectionable. We were left with the ideas that disparity was bad and government was good at correcting it.

Implicit was the assumption that disparity and discrimination were two sides of the same coin, both deserving the same moral opprobrium. But as I shall argue, there is a third aspect – the facts of social life – that throws a spanner in the works.

As Sowell has said, groups differ in all manner of ways, and there is simply no reason why they should have the same outcomes. That someone from a lofty vantage point in Whitehall can distinguish these factors from those that are manifestly unfair, is a highly dubious assertion. This is especially true given the target for government correction was unexplained differences between groups, meaning, in effect, that government was trying to change what we do not know about, other than to say what it is not – the ‘explain or change’ principle.

Now the current prime minister, Boris Johnson, has commissioned a new review. This one is supposedly the review to end all reviews and was announced in the furore that followed the death of George Floyd in America. It will ‘look at all aspects of inequality – in employment, in health outcomes, in academic and all other walks of life.’⁷³

Specifically, this will be a 'Commission on Race and Ethnic Disparities' and will be led by the educationalist Dr Tony Sewell.

It will look at previous reports and take stock of their recommendations along with the extent of their implementation. While presented as a continuation of past governmental approaches, it is also seen as an opportunity to change the way we think about race by those unhappy with the identity politics that has underwritten much of recent Conservative action in this regard.

With this in mind, I present an appraisal of recent 'official thinking' on racial disparity, examining the kinds of ideas utilised, the evidence, and the intentions and assumptions that lie behind it (Chapter 1).

Overall, I find we are guided, more or less, by a faith in data – that data can be used to both identify problems and provide the control necessary for 'solutions'. However, because of the data's ambiguity, policy proposals are seldom solutions, and tend to be bland, vague or dogmatic. For instance, greater ethnic diversity in the workforce and leadership of the relevant institution is often presented as a solution to a given disparity without any consideration that the cause of it might occur 'upstream'; that is to say long before individuals present themselves in a particular institution from which the statistics are generated.

I then undertake a conceptual and empirical exploration of disparity and disproportionality, exploring their ambiguity (Chapter 2). The more I have looked at these matters, the more ambiguity I have found. The term disparity itself is conceptually imprecise as a result of it having become morally loaded by 'social justice' concerns. Nor do we have any consensus on how it might be measured – absolute or relative differences, for instance?

And perhaps, crucially, empirical analysis of disparity showed the differences between groups could never properly account for it. Even a study with a near exhaustive set of statistical controls left unexplained differences. Moreover, analysis would sometimes not explain away disparity, but rather flip it, so that we were left with an entirely new disparity but no light shone on what may or may not be a 'burning injustice'.

At the start of my journey, I was concerned that many resources were being thrown at statistical ambiguity with little scrutiny and less accountability.

Measures of success were never explicitly defined. Nor were the standards of explanation under the government's policy of 'explain or change'. Instead, there seemed to be a burgeoning of government initiatives that was highly compatible with the new morality that had seemed to capture so much of the professions and institutions.

Disparity is not a concept that lends itself to governance. It is hard to fathom and harder to control. As I shall argue, it is conceptually distinct from discrimination. The former is about differences between groups, the latter about people from one group treating others from different groups unfairly. Discrimination may explain disparity but there are other factors – age, geography, values – that may also account for it.

Moreover, there are examples of minority groups that experience discrimination while also having positive but disparate outcomes – the ethnic Chinese in Malaysia, Jews in contemporary western Europe, Asians in America etc. There are also examples of minority groups that experience *equal* outcomes to the ethnic majority, despite their being discriminated against. For example, British Indians have the same employment outcomes as the white British, despite labour market discrimination.

Disparity, as reflected in statistics, is thus neither a necessary nor sufficient indicator of discrimination. The crucial distinction is that the former is an *ex post* outcome, while discriminatory tastes are an *ex ante* condition which may have explanatory power, but so too might other factors.

Perhaps we might reduce our concern with disparity and instead look to properly evidencing discrimination in our institutions using experimental methodologies. As I argue, social scientists have proved the existence of discrimination through so-called correspondence studies – the CV test. But experiments in the labour market fail to provide an accurate measurement of change over time, since it is impossible to sample available jobs randomly from which an experimental finding can be said to be generalised to the real world.

But in things like the law, medicine, and education, proper random sampling is much easier and therefore generalisation of experimental results to the wider population is possible. We could take a random sample of court cases, say, and have them independently checked without any evidence of the ethnicity or race of those involved. Researchers could then compare the independent verdicts with those of the judge and jury, from which we could assess whether or not discrimination was involved. Repeat measurements would allow for an appraisal of change or persistence over time.

Whether or not government might be able to stop discrimination is another question, the proof of which would lie in the pudding. But having cast-iron evidence for discrimination, along with a genuine measurement of change over time, would provide a sounder impetus for change than ambiguous disparity. Experiments of this sort have already been conducted in the field of mental health. According to Swaran Singh, they show no evidence for racism in mental health diagnosis.⁴ Just think of the good

that might come from a finding of no discrimination, in terms of building trust?

Moreover, the apparatus within the civil service already exists for this. Why not shift the focus of the Race Disparity Unit away from disparity to actively trying to evidence discrimination?

The alternative is to persist with statistical ambiguity that gets taken as a sign of unfairness. Identitarians of both left and right seek to present disparity as evidence of a *zero-sum* power game, where one group oppresses the other, or as the result of government neglect and disdain. There is the potential that we stoke resentments, as well as raise expectations for change that we cannot deliver upon. This is not fair.

Finally, I conclude by proposing a choice between accepting the ideological status quo and looking towards something more hopeful, where our concern is not with disparity *per se*, but rather the negative social behaviours in general, in which disparity is evidenced (Chapter 3).

Why should we try and raise the educational performance of one poorly performing group when there are individuals within it who do very well – as well as those from a well-performing group that do badly? A struggling Indian child has as much moral claim on the state for help as a struggling black Caribbean child. I further argue we should focus our effort on actively testing for discrimination by the state, in the courts, schools, and healthcare first, before seeking to remedy it. Such discrimination is intolerable according to our liberal values.

In writing this, I am indebted to two academics. The first is Dr Thomas Sowell, whose book *Discrimination and Disparities* provided me with much of my outlook and should be required reading for the new commission. The

INTRODUCTION

second is Professor Hans-Jürgen Andreß of the University of Cologne, who recently passed away and without whose instruction during my postgraduate studies, I could not have engaged with this topic empirically. I would also like to extend my gratitude to all those who either read a first draft or helped me in some way, including in particular David Green, Jim McConalogue, Rebecca Lowe, David Goodhart, Yaojun Li, Steve Strand, and Hoben Thomas. I am grateful to Civitas for its support.

1.

The thinking behind official thinking on disparity

1.1 Introduction

The purpose of social science is to observe the social world and try to explain it. While the tools at the disposal of the social scientist are powerful, they are also limited. However, social science and sociology in particular has always had as a concomitant, the belief that the knowledge discovered can be served to better, improve, or even perfect the society in which we live. This chapter in essence looks to explore how those who would seek the latter use the former and questions the wisdom of this endeavour.

The idea of disparity between ethnic or racial groups as it is used in the political mainstream is explored. Since David Cameron's premiership, there have been at least ten reviews that have looked at this theme as it is manifested in different areas of social life, and it is from these that I draw my conclusions. The reviews in question are:

- The Casey Review – published December 5, 2016, focusing on ethnic and religious integration and opportunity, led by Dame Louise Casey.
- The McGregor-Smith Review – February 28, 2017, exploring the 'glass ceiling' effect in business and the professions, led by Baroness Ruby McGregor-Smith.

- The Lammy Review – September 8, 2017, into disproportionality in the criminal justice system, led by David Lammy MP.
- The Race Disparity Audit – October 10, 2017, an official statement of disparities between groups across an array of domains – education, work, crime, health and so on, that culminated in the Race Disparity Unit and the publication of the website *Ethnicity Facts and Figures*.
- The Parker Review – October 12, 2017, into ethnic minority presence on company boards, led by Sir John Parker.
- The Angiolini Review – October 30, 2017, into disparity in incidents in police custody, led by Dame Elish Angiolini.
- The Wessely Review – December 6, 2018, into disparity in detention under the Mental Health Act, led by Sir Simon Wessely.
- The Timpson Review – May 7, 2019, investigating disparity in school exclusions by ethnicity, led by Edward Timpson MP.
- The Williams Review – March 19, 2020, into the circumstances surrounding the Windrush scandal, led by Wendy Williams.
- PHE Covid-19 – June 2, 2020/June 16, 2020, exploring disparity of outcomes and experiences of the Covid-19 virus, among ethnic groups, led by Professor Kevin Fenton of Public Health England (PHE).

These reviews all have as a central concern differences in outcomes between groups, as well as differences in treatment. They are commissioned because the government is either concerned that there is discrimination against particular

groups, or that life is somehow unfair to them. The reviews cover integration, work, criminal justice, health, education, and citizenship.

Below is presented an essay on the ideas, assumptions, and errors that permeate conventional thinking on the matter of disparity between ethnic groups.

1.2 Intention

The various reviews into ethnic disparity aim to find out why there are differences between ethnic groups on a given measure or set of measures. The intention is to come up with an empirically grounded explanation and then propose adequate remedies to bring about equality of outcomes. The review is set up to assuage public concern, either generally or within a particular ethnic group. Often, the politician commissioning the review hopes to gain political credence within that group as a result.

Generally, disparity between ethnic groups is deemed a matter of moral as well as political concern out of the suspicion it is caused by one group discriminating against another, or that society or its institutions are somehow unfair to a particular group. The alternative explanation is that groups have different outcomes because groups are different in their composition. That is to say, they are made up of individuals with differing preferences or social circumstances.

Ethnic groups as we think of them in academic or policy literature, are not really ethnic groups, but rather statistical categories designed by government statisticians into which people fall. There are 18 official ethnic groups according to the Office for National Statistics' (ONS) census classification.⁵

There is no real consistency in what defines an ethnic group. Some are defined with reference to race and nation or location (e.g. white British, black Caribbean), some to nation

alone (e.g. Indian, Pakistani). Ethnicity itself is not easily defined but it often has a cultural component.⁶ Accordingly, many people who classified as an ethnic minority will be perfectly integrated into the culture of the ethnic majority that sets the general tone of British society, where they are at ease. While they will have affection for the ethnic cultures of their ancestral lands, their cultural references and social mores are British. That they feel this way but are not always esteemed by the ethnic majority as fully belonging, will be the source of much frustration.

Moreover, these ethnic categories are broad and obscure much of the ethnic complexity that there is. We have one 'Chinese' ethnic group but the Chinese government recognises 56 ethnic groups within China.⁷ For many British Jews, their group identity is an ethnic one, not religious, but this is not included in the ONS classification. Were Jews to fall within the ONS classification of ethnicity, it would surely alter the way we think about ethnic disparity since this is a group that has endured much persecution and marginalisation while also having disparately positive outcomes, despite all this.

Crucially, the ONS classification is defensible on grounds that it is useful, statistically speaking. It allows us to learn things and will produce statistical results. The problem is that the people who enter into these statistical classifications are different on many other variables, most notably age. For example, the median age for white people is 41 and for Asian, 29. Older people tend to be richer, while positions of authority tend to go to people who are older.⁸

Moreover, there are cultural values that vary across groups. For instance, 34.6 per cent of Muslim women agree that husbands should work while wives stay at home, compared to a national average of 13.8 per cent.⁹ With

such facts in mind, disparate outcomes are inevitable. Matters are further complicated in that the composition of some categories – ‘black African’, ‘white other’ – will shift, reflective of changes in migration flows. The ‘Windrush generation’ of black African migrants will often have been from educated elites. More recent generations have included poorer cohorts, as travel has become cheaper and living standards in Africa have risen.

The challenge for official reviews is to say to what extent outcomes are accounted for by ‘innocent’ reasons, such as cultural preferences or demographic differences, and what is manifestly unfair.

But all too often, reviewers tend to focus solely on discrimination as the ‘queen of explanations’, since this is morally wrong, at the expense of the more innocent explanations. But as Thomas Sowell has said, an explanation which morally offends us has no special claim to being true over other competing explanations. That disparate outcomes may stem from discrimination or difference is an empirical question. As I argue, it is not one with an easy empirical answer since: (a) disparity is an outcome, while (b) discrimination is a treatment and you cannot necessarily infer the presence of B from A where all things are not equal between the groups you are looking at.

Those put in charge of reviews are always drawn from the ranks of the professions where they are accomplished. For instance, Dame Elish Angiolini is a Queen’s Counsel and has held many senior positions in the Scottish legal system. Reviewers often have some familiarity with the topic in question but are not necessarily specialists in the fields they are examining. This leaves them with a knowledge shortfall and so they seek to solicit expert opinion to make up for this, as well as in the interests of being open to all shades

of opinion. The idea is that with enough knowledge, from as wide an array of sources as possible, they will be able to propose the right interventions or political reforms to bring about positive improvements in order to bring about parity of outcomes. As we have seen, this is an unrealistic goal in its entirety. Accordingly, how much closure of 'gaps' we might regard as fair will be a matter of opinion since there is no way to put a parameter on it.

Moreover, while their intentions may be good, as Sowell points out, those at the height of the governing class seldom pay any cost should their recommendations prove counterproductive, certainly relative to those people in whose names they seek to exert power as well as bring about positive improvements.

1.3 'Explain or change'

The major policy innovation in the government's assault on disparity was the creation of the Race Disparity Unit, created by Theresa May, that sits in the Cabinet Office. This collects and publishes data on ethnic disparity, as well as considering policy and interventions to address it.

Central to its working is the idea of 'explain or change'. This idea first appeared publicly in the Lammy Review as 'explain or reform' and has subsequently become the guiding principle behind government policy on racial disparity.

The idea is that where an ethnic disparity cannot be accounted for by other variables, it is the duty of the government to propose policies and interventions to close it.

The statistical method used for trying to account for differences between groups using other variables would be regression analysis or modelling. What this does is to estimate differences in means between groups on a given measure. Then additional 'control' variables can be added to the model.

It is possible for differences between groups to be ‘explained away’ if they are accounted for by another variable. While we might see white men earning more than ethnic minority men in our data, if this is because white men tend to be older and older people earn more, the model that ‘controls for’ age will show no differences between ethnic groups.

The thinking behind ‘explain or change’ is if we run regression models, using a reasonable batch of controls, but still have an ‘unexplained’ residual difference then this is something that is morally wrong as well as responsive to government-directed correctives. The government is compelled to act in response.

The objection though is – what is the unexplained residual exactly? The answer is – we cannot say. Therefore, government attempts to correct it are, in effect, attempts to control what we know nothing about; in essence fumbling in the dark on the assumption, presumably, that we believe it must be discrimination.

Moreover, in real life, data seldom behave themselves, as any experienced analyst will tell you. The best example comes from the Timpson Review. A regression analysis of school expulsions found that Gypsy/Roma/Traveller children were 5.2 times more likely to be expelled than white British children, but once controlling for, among other things, poverty, the ratio drops to 0.8:1, meaning they are 20 per cent *less likely* to be expelled.¹⁰

The same analysis found that the disparity for black Caribbean children is only partially accounted for by the same model – 3:1 falling to 1.7:1. For those children of a mixed white and black Caribbean ethnicity, the raw ratio is 2.5, falling to 1.6 under the controlled model.

So, under the principle of ‘explain or change’, the responsibility is now for the government to bring down the

rate of expulsions for the white British to match those of Gypsy/Roma/Traveller children, while also bringing those down of black Caribbean children to match those of the white British. How this might be articulated to parents is not obvious.

Another real-life example is home ownership. The government's audit found that white British people were the most likely to own their homes. However, an original analysis of census microdata showed that once you control for other variables (being an immigrant, age, occupational class, region, English proficiency), the disparity flips. For example, the odds of a Bangladeshi owning his own home are 36 per cent of those of a white Briton, but under the controlled mode, 171 per cent!¹¹

Crucial is that Britain's Bangladeshi population is clustered around Tower Hamlets in London, and property in London is much more expensive.

'Controlling for' is not the same thing as 'explaining why'. We do not know why Bangladeshis are more likely to own their home once other factors are taken into account, we can only state the obvious that they have the money and have chosen to spend it on a house. Regression analysis will only tell you about patterns of correlation between statistical variables and nothing about why real human beings engage in any given social or economic behaviour.

A third example comes from an ONS study of 'ethnic pay gaps'. Among those born in this country, Chinese, Indian and Irish people earn more than the white British. Controlling for, among other things, educational attainment, the difference disappears. However, other groups, such as Bangladeshi or black African people, earn less on average per hour, but the same batch of controls either does not dent the disparity, or causes it to become even greater.¹²

It rapidly becomes very confusing and it is not clear what the government should do. It can strive to improve outcomes – but how it best does that is a matter of intense political debate. But surely it would make more sense to try and change what you have explained, what you actually know something about than what you do not. If disparity is accounted for, even just partially, by poverty, it makes more sense to target all poor children, rather than specific groups. A sounder principle would be: explain then change, assuming both are possible and not better accomplished by individuals themselves.

Reading the government documents published after the Lammy Review, detailing the civil service's work on the matter, it is clear just how much effort has been dedicated to reducing disparity in the name of 'explain or change'. A document published this year details the many projects underway – more data has been published, pilot studies are in operation, more committees are appointed. The Ministry of Justice (MoJ) has appointed a 'Race and Ethnicity board', only who sits on it is not made forthcoming, other than that it is chaired by a senior civil servant and that it has been expanded to include 'external representatives'. This board has the power to say which disparities are explained and which are scheduled for changing, only, once more, details are not forthcoming.

Reported on is a study of disparity in the sentencing of three supply-related drug offences in crown courts but 'was not able to provide clear evidence as to the reasons for these disparities or any aspect of the guidelines that may have contributed to them'. Moreover, the 2020 follow-up document claimed:

'The systemic nature of disproportionality means that progress in tackling it is incremental and positive outcomes will take time to be reflected in official statistics.'¹³

The impression left is that the MoJ is throwing its full weight at this while, at the same time, lowering expectations for measurable success. Recall, that the original purpose of the Lammy Review is to close statistical gaps.

1.4 Data

Every review looks to statistical data to provide evidence of a problem. Here are some examples of the kinds of statistics they produce:

- For young black men, unemployment is at 35 per cent, compared to 15 per cent of young white men (Casey Review).¹⁴
- One in eight (12 per cent) of the working age population are of a non-white ethnic minority, compared to 10 per cent of the workforce, and 6 per cent of senior management positions (McGregor-Smith Review).¹⁵
- One in four school children are of a non-white ethnic minority, compared to 9 per cent of teachers, and 3 per cent of headteachers (Timpson Review).¹⁶

Sometimes reviews will delve into controversial territory, such as providing statistics on race and mental illness or crime. Other times, they will produce statistics that seem to go against prevalent notions. The Black Lives Matter movement rests on the assumption of the marginalisation and *de facto* disenfranchisement of black people. However, according to the government's Race Disparity Audit, black people are more likely to feel able to influence local decision making than white people – 44 per cent compared to 25 per cent.¹⁷ All too often we forget that black people will likely be drawing comparison with governance in countries like Nigeria – where corruption is notorious.

But there is a vast difference between empirical description and the successful diagnosis of the cause of a problem. It cannot be inferred that there is somehow some adverse treatment of any given group when all things are not equal between groups. Other factors, such as differences in age, region, qualification, social capital, cultural capital, and so on may explain disparity between groups better, or in combination with, discrimination.

Essentially, we are back to the problem of separating out causation from correlation, as identified by David Hume. While causation requires correlation, correlation does not necessarily require the causation you have in mind. But sometimes we seem to struggle with what is a very simple notion. For instance, it is written in the McGregor-Smith Review:

‘While correlation does not equal causation (greater gender and ethnic diversity in corporate leadership does not automatically translate into more profit), the correlation does indicate that when companies commit themselves to diverse leadership, they tend to be more successful.’¹⁸

What we have here is the correct statement of principle, but then qualification that an act tends to be followed by certain results. In truth, the correlation tells you only that two metrics rise concomitantly and nothing more.

It could be that the correlation between diverse leadership and success is spurious or that, if indeed causal, the direction is the other way round – more successful companies attract more diverse leadership. Moreover, what McGregor-Smith has done is to conflate the difference between correlation and causation with the difference between deterministic causation and what is known as a probabilistic correlation, as identified by her use of the word ‘tend’. She is not saying

diverse leadership will bring about success in every case, just that it makes it more likely. That is still a causal relationship, and one inferred from correlation alone.

In addition to statistics being a successful diagnostic, we also have the belief that they are curative. The idea is that the act of publishing data that we find makes us uncomfortable will shame people into action to make things better. This idea is at the heart of the Race Disparity Unit, as well as the Casey Review and the Lammy Review.

In response to the Casey Review, the Home Office has published an 'Indicators of Integration Framework' – which is an exhaustive list of all possible measures of ethnic community integration.¹⁹ The trouble is, such data are ambiguous. For instance, in Brent local authority, ethnic school segregation has increased by 24 per cent between 2011 and 2019, according to my own analysis. That local government might be pressured into doing something off the back of negative press, when the statistics could be either indicative of extant communities pulling apart or simply unpredictable flows of migration into the local authority area, would risk them doing the wrong thing.

Indeed, the premise of the Casey Review itself deserves some scrutiny, that the government can reduce segregation through policy interventions based on the successful commanding of data. Many of the ethnic groups that demonstrate the lowest levels of integration in this country are often segregated in their countries of origin. Studies have shown Indian Muslims often live in segregated communities within India, while Roma children have tended to go to segregated schools in Hungary, for instance.²⁰

It might also be added that for data to have the desired power to bring about change, they have to be read. An article published by the Race Disparity Unit showed that roughly

half of all 'search clicks to the website' – people arriving at the website through a search engine – were merely looking for 'information on the ethnic breakdown of the UK' or a 'list of ethnic groups'. Many people use the site to find out basic information while most pages are seldom read.²¹

1.5 Inference

The Lammy Review into ethnic disproportionality in the criminal justice system was commissioned by David Cameron and delivered under Theresa May. Lammy has been vocal in his pronouncements of the persistence of unfairness and bias against people of an ethnic minority. As he has written:

'It is hard not to conclude that minority youngsters face bias in our criminal justice system.'²²

The problem though, is that Lammy's review deals almost solely in differences in *ex post* outcomes between groups or subsets of groups (the young, female etc.), whereas discriminatory tastes, or bias, are *ex ante* factors that may have causal effect. While discrimination will cause disparity in outcomes, some outcomes will have causes other than discrimination. Put simply, you cannot infer the presence of discrimination from disparate outcomes, where all things are not equal between groups.

Underplayed in the reporting of the Lammy Review is that it actually found much by way of *parity* between groups. For instance, it was concluded that the Crown Prosecution Service (CPS), the courts and juries were broadly proportionate in their decision making.²³

Reading the report, you find a carefully non-committal presentation of evidence whereby disproportionality is presented as a moral concern necessitating government

correction. In the accompanying media coverage that ensued, all nuance was lost, with the report taking on the status of holy writ. But the problem at heart is that while Lammy is able to point to disproportionate outcomes to the detriment of people of an ethnic minority, it is also possible to point out either proportionate outcomes or those disproportionate but to the detriment of white people. When this becomes apparent, it is difficult to sustain the inference that there is bias against ethnic minority people displayed on the part of judges or prison workers.

While CPS charging decisions were on the whole proportionate, Lammy found the exception was for the black and 'Chinese and other' groups which have higher prosecution rates for rape and domestic abuse offense. He also found 'worrying disparities for BAME women' in their outcomes in magistrates' courts, despite parity for minority boys and girls. For every 100 women found guilty at magistrates' courts, there were 124 minority women.

Another example provided by Lammy is that the odds of receiving a custodial sentence for drug-related offences were 240 per cent higher for non-white offenders. However, they were no more likely to do so, compared to white criminals, in acquisitive violence or sexual offences.

For Lammy, instances of disparity are a matter for government investigation and correction, only we are not told why they should be objectionable. It is clear they cannot stand for evidence of discrimination since it cannot be the case that the same people, be they judges, magistrates, or whoever, will discriminate but only in specific instances. We are told this is an injustice, somehow.

Lammy cites a survey of male prisoners on their experiences of prison life. The results are 'deeply worrying and unsatisfactory'. Minority male prisoners reported having

less opportunities, for example 46 per cent reported having a prison job compared to 56 per cent of white male prisoners. However, Lammy neglected to report on the corresponding survey of females which found no such differences on the same sorts of measures. Moreover, bad behaviour does seem more prevalent among minority prisoners, with 299 fighting incidents involving black prisoners per thousand compared to 123 for whites in 2017.²⁴

It is all too easy to look at differences between groups and conclude something unfair has happened. But if minority men break the rules more often, it should be expected that they will have unequal outcomes in receiving earned privileges in prison.

The other problem of inference for Lammy is that of a trust deficit among minority individuals. Lammy's argument is that minority individuals get longer custodial sentences because they are more likely to enter 'not guilty' pleas. The reason they do this is because they are insufficiently trusting of the criminal justice system. While some anecdotal evidence is presented, chiefly the claimed lack of trust rests on evidence from the Crime Survey of England and Wales (CSEW) – which showed that 51 per cent of British-born minority respondents believed the criminal justice system discriminated against ethnic minority individuals, compared to 35 per cent of white respondents.

However, when you disaggregate, you see that much of that is accounted for by black people. 68.3 per cent of black CSEW respondents agreed the criminal justice system discriminates. Contrast this with 42.7 per cent of Asians, for example, much more in line with whites.²⁵ Moreover, separate figures on confidence in the police show most minority groups have comparable levels to the white British. A lack of confidence is only really felt among black

Caribbean and young black individuals. For instance, 56 per cent of black Caribbean people have confidence in the police compared to 75 per cent of white British, 78 per cent of Asian, and 76 per cent of black African.²⁶

The problem for Lammy is he has to explain why Asian people plead not guilty as much, if not more than, blacks, when they have levels of trust more in line with those of whites. He found black men were 58 per cent more likely to plead not guilty than white men in crown courts; while Asian men were 51 per cent more likely. Black women are 35 per cent more likely to plead not guilty than white women; Asian women, 51 per cent.²⁷

Moreover, Lammy's graph on page 26 of his review shows scant differences in plea decisions in court cases dealing with falsification, drug-related, or property offences, but large differences in sexual or homicide cases. Does the supposed trust deficit only manifest itself in some cases but not others?

It is clear that a lack of trust cannot be inferred as the cause of disparate plea decisions. Why minority people are more likely to plead not guilty is both interesting and unknown. The problem is that the MoJ and the Race Disparity Unit has engaged in work looking to build trust.²⁸ This may be of some benefit but it will not tackle the problem of people not facing up to their responsibilities sooner rather than later, since lack of trust cannot be inferred as causal, on the evidence we have.

Problems to do with inference are also apparent in the government's flagship Race Disparity Unit policy. The promise of this policy initiative was that the government would publish data on outcomes by ethnicity and the citizen would be able to see how his treatment was contingent on ethnicity. As was explained at the time, the audit was

to ‘shine a light on how public services treat people from different backgrounds’. The responsibility of government was to analyse the data, identify where disparity existed that had no ‘innocent’ explanation, and propose policy interventions to correct such incidences.

The data are published on a user-friendly website called *Ethnicity Facts and Figures*.²⁹

The first problem is that you cannot infer treatment from outcomes when there are so many other factors that are not held constant. For instance, we cannot say one group has been *treated* worse in hospitals because they have a higher mortality rate, when they might also be more likely to smoke or drink.

The second problem is that the data do not lend themselves easily to explanation.

The political left has in recent times sought to attribute ethnic group difference to either the oppression of one group by another or via institutions that favour one group at the expense of the other. The political right has instead focused on cultural explanations, focusing on social norms that lead to positive outcomes, as well as ‘self-inflicted wounds’.

Ethnicity Facts and Figures data will provide contradictions that go against the idea that disparity might be explained by racism. For instance, black Caribbean children do worse than white British ones in school, in terms of attainment. But black Africans do as well, if not marginally better. In 2017/18, 26.9 per cent of black Caribbean pupils achieved a ‘strong pass’ in GCSE maths and English, compared to 42.7 per cent of white British and 44.3 per cent of black African pupils.³⁰

Moreover, the idea that disparity is explained by the curriculum being culturally inappropriate due to its Eurocentrism, or is somehow ‘colonial’, does not bear up

since many ethnic minority groups out-perform the white British.

The chief problem with the more right-wing explanations is one of tautology, as applied to the sorts of data on *Ethnicity Facts and Figures*. While you can clearly see some groups do better than others in the data, you cannot infer the presence of a positive cultural disposition without falling into circularity.

Why are there gaps between groups? Because some groups have a better set of cultural values. How do we know they have a better set of cultural values?

Because there are gaps.

Arguments about 'structural' or 'institutional' racism that rest on the existence of statistical gaps also stumble on this obstacle.

The *Ethnicity Facts and Figures* data are purely descriptive; at best one can rule out causation by pointing to inconsistency between data and theory, but not rule it in. They are good for arguing against left-wing explanations but bad for arguing in favour of right-wing ones.

Across all the reviews I read, seldom did I find any robust evidence for discrimination. Ample evidence for disparity is supplied, only ample evidence for disparity is only to be expected, given the many ways in which groups are different, alluded to earlier. Seldom do you read a reviewer so naïve as to say disparity and discrimination are the same thing. But nor do you read why the former ought to be a moral concern. Instead, we are gently nudged into thinking that the natural moral opprobrium that applies to discrimination and stems from the liberal imperative to judge people on their individual accomplishments and qualities, flows over onto disparity.

Often you will find reviewers committing a logical fallacy, identified by Thomas Sowell, namely to assume the cause of

any given disparity is to be found in the institution in which the statistics are collected. An example would be assuming because children from a given ethnic minority group are more likely to be expelled from school, it must be something to do with the teachers or the schools.

This assumption is implicit in the Timpson Review's recommendations to diversify teaching staff and to make the school environment more inclusive.³¹ Since we know among children from other minority groups for whom the school is no more diverse or inclusive and the curriculum and the standards of behaviour are the same, expulsions are comparatively rare, then it is safe to infer the cause of the disparity occurs 'upstream', in the turbulent family lives of the children in question.

1.6 Benchmarks

The Parker Review is led by businessman Sir John Parker and is tasked with increasing the number of ethnic minority individuals sitting on British company boards. Influential on this review was Trevor Phillips. This report was published by the Department for Business, Energy and Industrial Strategy, but received some degree of support from EY and Linklaters.³²

Published in 2017, the principle aim was to ensure all FTSE100 companies were to have at least one non-white director by 2021.

As the review put it, '1 by 21'.

While this seems like little to ask for, it is important to examine why this is the desired target.

The review states its purpose is to make non-white board presence match the overall adult working population put at 15 per cent, to 'better reflect their employee base and the communities they serve'. This would require each FTSE100

company to appoint one minority director between 2017 and 2021, with this being the fastest that the target could be reached by.

In 2017, the FTSE100 boards were 8 per cent non-white. But the key fact is that just 2 per cent were both not white and British citizens. This implies that FTSE100 directors are drawn from across the globe, in line with the transnational standing of these companies. So, why should a global company's leadership match the national workforce composition it is registered in, in terms of ethnicity?

Let us assume it is a fair benchmark, it would still be too high since around half of the United Kingdom's ethnic minority population is born abroad. Such individuals will be liable to have deficiencies in their English, suitability of qualifications, live in segregated communities where opportunities are restricted, or lack the cultural capital needed to get ahead. More succinctly, people do not migrate from rural Pakistani straight into the heart of the British establishment. Their children are another matter.

There is no perfect benchmark, but David Goodhart has proposed 9-10 per cent since this is the share of non-white minority individuals graduating from Russell Group universities around the mid-1990s. This is the cohort you would expect to reach positions of power and leadership.³³

Having too high a target is a problem in that it causes a new source of labour market distortion, with companies going beyond the ethnic diversity of the talent pool by appointing unsuitable candidates. It is rarely appreciated that diversity, *qua diversity*, at the top is more in the interests of the meritocratic minority elite. They want to get on in life and to be rewarded commensurate with their effort. That is fair.

However, for those at the bottom, the greater interest is in affordable commodities, such as food and accommodation,

as well as jobs. Pushing the matter too far, appointing the wrong candidates in response to an unreasonably high target would imperil these at the expense of the poorest.

The second problem is that meaningful change is deemed not enough change. A follow-up to the Parker Review was published in 2020 – whereby it was found 11.3 per cent of FTSE100 directors were not white and that 11 FTSE100 companies had made appointments of non-white directors since 2017. Parker upbraided companies for ‘not actively encouraging talented minority executives’.³⁴

However, his expectations may be too high. Pushing further, when the level may actually be reasonable against a benchmark of 9 per cent, would be to risk inappropriate appointments.

Assuming that the individuals in any given sphere of social life should mirror that of the population as a whole in terms of ethnicity is both a common belief and error. For instance, here is a quote from the McGregor-Smith Review:

‘There is no reason why every organisation in the UK should not have a workforce that proportionately reflects the diversity of the communities in which they operate, at every level.’³⁵

Seldom will you find any appreciation of how complicated life is. People have migrated to this country, across cultures as well as continents. Often, they were met with rejection from those already here. (Such reactions are common where there are large movements of people from one country to another, and not just restricted to white people rejecting those who are not white. Recently, for example, the Nigerian government-chartered flights in order to rescue Nigerian immigrants to South Africa where they were liable to be attacked).³⁶

The largest minority groups came to work in industry or in transport and healthcare. They were clustered both

occupationally and residentially. Deindustrialisation was very difficult for such people, as it was for many working-class white people. Some groups, such as Indians, found niches within commerce, then the professions and medicine in particular. Others did not.

It should be pointed out that the most successful British Indians are often Gujarati in origin, albeit via East Africa. Gujarat is the centre of Indian capitalism with historically the most driven being selected to administer the British empire in places like Uganda and Kenya. West Indian immigrants to this country were largely poor and coming from a different culture whereby social mobility had been restricted through slavery. It can be noted that West Indian immigrants to the United States have tended to thrive in a similar fashion as East African Asians in this country. While this would suggest selection effects in the types of people who have come to this country, the lesson would be clear that there is simply no reason as to why a groups' outcomes should match its population share.

Sometimes it is possible to conclude a group is falling behind, but when we shift our perspective, a more positive story emerges. Popular narratives surrounding the Black Lives Matter movement portray the black British experience as one of endeavour thwarted by a 'racist country'. However, in the 1970s the share of black men with middle-class jobs was 7.6 per cent, whereas today it is 35.7 per cent, in line with that of white people.³⁷ This is testament to success on the part of those concerned, as well as a great deal of British openness, although closure will still persist.

Allowing for variation in preferences must also take into account those of a religious and political nature. Islam places greater ethical restrictions on business practice while ethnic minority voters have historically leaned left.

Greater prescription on the handling of money will not encourage success in the business mainstream, nor have socialists tended historically to seek out careers as high-flying capitalists. Whatever majority resistance to minority advance there has been or continues to be, it does not follow that were this to not exist, all minority groups would spread out in an equal and even manner, relative to either the white British or their share of the population.

1.7 Diagnosis

The Windrush Lessons Learned Review was conducted by Wendy Williams – who is Her Majesty’s Inspector of Constabulary and Fire and Rescue Services. It was charged with investigating the circumstances behind, and the government response to, what became known as the Windrush scandal.³⁸

This entailed people, often of a West Indian background, being subject to immigration controls or denied opportunities that they were entitled to. At root was an irregular citizenship status of those who had come to this country between 1948 and 1973 as Commonwealth citizens but who did not have the documentation to prove it.

They were given the right of abode under the 1971 Immigration Act. Successive governments had passed new legislation since their arrival restricting immigration, while landing cards, known as ‘registry slips’, that might have offered some documentation of entitlement, had been destroyed in 2010.³⁹ Matters were made worse by the ‘hostile environment’ policy of Tory-led governments that in effect amounted to moving the border inland – in that checks on entitlement in matters such as housing, employment and healthcare were introduced in order to discourage those here illegally.

For Williams, the scandal is to be understood as a story of neglect and insensitivity to human need, specifically those needs of people of West Indian origin. As she puts it, 'those in power forgot about them and their circumstances'.

Many sought to portray racism, or more specifically, 'institutional racism' as having casual effect. Williams however was more circumspect. Using the standard set by the Macpherson inquiry, she concluded:

'While I am unable to make a definitive finding of institutional racism within the department, I have serious concerns that these failings demonstrate an institutional ignorance and thoughtlessness towards the issue of race and the history of the Windrush generation within the department, which are consistent with some elements of the definition of institutional racism.'

She found no evidence of racist language used but that there was a 'racial aspect' present; 'indicators' of indirect discrimination were found, although she stopped short of making such a finding to the fullest.

She concluded there was a lack of awareness about race, with senior government figures demonstrating 'little awareness of indirect discrimination nor the way in which race, immigration and nationality intersect'. Matters were compounded by high levels of ethnic diversity towards the bottom of the Home Office, but low at the top, while take up of diversity and unconscious bias training was low.

In Williams' review, there is seemingly a tension between a desire to damn the Home Office as racist, and a sense of hesitation that causes her to hold back. Whatever the components of such concepts as 'indirect' or 'institutional' racism, we are shown only some are present, but never all.

In order for her to maintain her conclusion of a 'racial aspect', Williams needs a racial group. Throughout her

review, she refers to the Windrush generation as such. She writes:

‘... [the Windrush generation] can be defined as a racial group by reference to nationality and national origin, deriving from the Caribbean and having entered the UK, or their ascendant relatives having entered the UK, in the window between 1948 and 1973, and who almost all are black...’

This is logically incorrect in that there are people of the same race or ethnicity who do not have the same history of immigration. Are those of West Indian origin, arriving before or after the period in question, of a different racial group?

The problem is one of conflating a cohort with a group. Moreover, limiting the Windrush generation to just those of West Indian origin is unconventional. For instance, the Home Affairs Select Committee defined it as those *Commonwealth* citizens arriving in the post-war era, up to 1973.⁴⁰ And as Diane Abbott MP, who is the daughter of Windrush generation parents, told the House of Commons, ‘I stress that ‘the Windrush generation’ refers not only to the 1,000 people who came off the Windrush but to all the people from the Commonwealth who entered this country between 1948 and 1973.’⁴¹

According to census data, the surviving members of the cohort arriving between 1948 and 1973 from Commonwealth countries, as of 2011, stood at 658,000. Those from the Caribbean numbered 126,000, or 19 per cent. 79 per cent of the cohort were from just ten countries – (in descending order of size) India, Jamaica, Pakistan, Kenya, Uganda, Singapore, Bangladesh, Malta, South Africa, and Australia. It is clear the Windrush generation, as it is conventionally understood, is multi-racial in its composition.⁴²

Moreover, most of these people held British passports

and would have had some proof of eligibility. As the census shows, just 9 per cent had either a foreign passport or none. Of the West Indian subset, the share is also 9 per cent, amounting to around 11,000 individuals. In fact, British passports are more common among West Indian Windrush generation migrants than among all those born in the United Kingdom – 91 per cent versus 80.4 per cent.⁴³

Contrast these with the figures of known cases of individuals caught up in the Windrush scandal. Williams uses the figure of 164 cases identified by the Home Office’s Historical Cases Review Team. These cases are of people detained or removed, or both, since 2002. In only 18 has the Home Office admitted fault in ‘not recognising their right to be in the UK’.⁴⁴ 67 have received letters of apology as of June 2019.⁴⁵

In the wake of the scandal, there have been 8,124 people who have received citizenship or had confirmation of their settled status through the Windrush Taskforce. 55 people were found to have been ‘wrongly subjected to proactive compliant environment sanctions’.⁴⁶

Meanwhile, claims for compensation brought under the Windrush Compensation Scheme number about 1,000, and are declining from 529 in the second quarter of 2019 to 167 in the first of 2020. 60 have received financial compensation, amounting to £362,997.⁴⁷ Of those whose status was regularised by the Windrush Taskforce between April and August 2018, 1,662 were from Caribbean countries while 558 were from other Commonwealth countries.⁴⁸

Not only is the Windrush generation multi-racial, most have managed to avoid the scandal entirely, including those of West Indian origin. It should further be pointed out that hostile environment checks are not always demanding with a UK passport sufficient for gaining access to rental accommodation, or in lieu of this, both a ‘letter of attestation

from an employer' and a 'letter of attestation from a UK passport holder working in an acceptable profession'.⁴⁹

It would be better to think of the Windrush scandal as to do not with race but information. Some people were entitled to the benefits that go with citizenship but lacked the information to prove it. While these people tended to not be white, more often of West Indian origin, there were also many more comparable people who could.

This does raise the question as to why those caught up were predominately of West Indian origin. Goodhart has speculated:

'The answer seems to be partly numbers: people coming from the Caribbean were the second largest group, behind Indians, arriving in the 1950s and 1960s who were then granted permanent residence (but without papers). They also felt the most British of those arriving... and therefore the least in need of regularisation... There were also a disproportionately high number who were too poor for foreign holidays and therefore never needed a British passport.'⁵⁰

Public revulsion to the Windrush scandal stems both from people being treated unfairly and the exhausting efforts they had to go through in order to prove their entitlement. These were long-standing members of our communities and the public felt for them. As Williams points out, the standard of proof was onerous and unfair.

However, the key fact she unearths is that the Home Office was aware of the specific issue of the Windrush generation's unusual citizenship status. According to Williams, a Home Office 'group instruction' was issued in 2006 and reissued in 2010 in relation to applications for residency. It said:

'Some of these applicants may have lived in the UK since World War 2 or longer. They may have difficulty in providing documentary evidence of their status on or before

1 January 1973 or continuous residence since then. Please be sensitive in dealing with this aspect. If there is no conclusive documentary evidence of settlement on 1 January 1973, they may be deemed to have been settled on that date if other evidence is reasonably persuasive (e.g. that they married here and raised a family before that date).'

This contradicts Williams' conclusion that 'those in power forgot'. It is fairer to say this information was not successfully or evenly transmitted down the Home Office hierarchy. While Williams correctly says we cannot know for sure how many people were adversely affected, it is also true to say that we do not know how many people either avoided the scandal through their own actions, or received appropriate, decent treatment from the Home Office, in light of the group instruction quoted above. Without this knowledge, Williams' claims of a 'racial aspect' must be treated with some caution.

Government reaction to Williams' review has been, at least publicly, one of uncritical acceptance. The Home Secretary, Priti Patel, told the House of Commons:

'Together the Permanent Secretary and I are reviewing every aspect of how the department operates – its leadership, the culture, policies, practices and the way it views and treats all parts of the community it serves.

'We are embracing the need to change our culture across the board, and in many cases going further than the recommendations that Wendy has made.'⁵¹

Sweeping reforms are promised but this is missing the point. We had a specific failing in that information was not adequately disseminated within a government bureaucracy. If you diagnose that the Windrush scandal was to do with ignorance about race, you take steps to educate on race, as Williams does. She recommends that all Home Office

employees take a course on ‘the history of the UK and its relationship with the rest of the world, including Britain’s colonial history, the history of inward and outward migration and the history of black Britons’.

If, however, you diagnose it was to do with the flow of information, of knowledge, you recognise that it is the channels of communication in the Home Office that are the problem – that the message is not getting across fully with devastating consequences for vulnerable individuals. The group instruction shows the knowledge of the circumstances of the Windrush generation was there but its transmission was inadequate in some instances. The fear is in rushing to embrace cultural reform to do with race, the Home Office continues to inadequately communicate with itself.

In essence it is looking to pay penance for the last scandal, rather than watch out for the next that may have nothing to do with race, but stems from the inadequate flow of information.

1.8 Omission

The Wessely Review examined the Mental Health Act 1983 out of a concern over rising rates of detention as well as ethnic disproportionality. It was conducted by Sir Simon Wessely – who is a professor of psychological medicine at King’s College, London. The sections of the review dealing with ethnic disproportionality were largely delegated to Steve Gilbert and Jacqui Dyer, who are both consultants and campaigners on mental health issues, as well as having been service users.⁵²

The review found black people to be eight times more likely to receive a community treatment order than white people, and four times more likely to be detained under the Mental Health Act. Wessely writes:

‘So we have to accept the painful reality of the impact of that combination of unconscious bias, structural and institutional racism, which is visible across society, also applies in mental health care.’

But missing is any appraisal of disparity in the prevalence of mental health disorders. The most recent available data show that 1.4 per cent of black adults have screened for a psychotic disorder in the past year, rising to 3.2 per cent for men alone, compared to 0.3 per cent of white and 1.3 per cent of Asian adults. With this in mind, disparity in detention rates is only to be expected.⁵³

In 2010, Swaran Singh, a consultant psychiatrist at Warwick medical school, wrote:

‘Race is everywhere in British psychiatry. Responding to charges of institutional racism, politicians promise to make services more culturally sensitive. Black mental health groups argue for ethnically matched clinicians and special services for minorities. Yet, despite millions spent on equality initiatives, the number of black patients on psychiatric wards remains stubbornly high...

‘Using data from a survey of community mental health teams, the King’s Fund reported in 2007 that black and white patients’ experiences of mental health care did not differ. In fact, black patients reported more positive experiences than their white counterparts. That same year, I co-published a systematic review pooling data from all British studies of detention under the Mental Health Act of ethnic minorities. We found no evidence that higher rates of detention were due to racism...’⁵⁴

Singh claimed ungrounded allegations of bias create mistrust – leading to a self-fulfilling prophecy whereby those in most in need of care only seek help in a crisis or disconnect themselves from mental health care altogether.

Disproportionate detention rates may occur in this light since prior treatment had already been rejected, with serious incidents requiring doctors to use more drastic measures.

He further noted that the hypothesis that mental illness was being misdiagnosed due to cultural misunderstandings could not hold since studies using culturally neutral assessment scales and blind assessments have shown diagnoses to be robust to the effect of race. Perhaps most importantly, diagnoses are upheld when checked by psychiatrists from the Caribbean.

This is a serious critique of the prevailing thought on race in mental health. It should have been contended with in any open review, only this is not undertaken in this one.

Inconvenient facts are quietly overlooked by other reviews. The political discourse on disparity rests on the assumption that when a disparity goes against an ethnic minority, this is wrong and likely reflective of discrimination and/or a failure of the 'system'. However, sometimes disparity goes in the other direction. For instance, the most recent data show there are 0.96 white suicides per thousand prisoners compared to 0.09 black suicides.⁵⁵ There are 621 self-harm incidents involving white prisoners per thousand compared to 100 for black prisoners.⁵⁶

But how precisely are we to deal with disparity that goes against white people? The statistics listed above, that fell squarely within Lammy's remit, are simply omitted in his review.

1.9 Recommendations

In a recent interview, David Lammy said:

'I made 35 specific recommendations in the Lammy review. Implement them. There are 110 recommendations in the Angiolini review into deaths in police custody. Implement

them. There are 30 recommendations in the Home Office review into the Windrush scandal. Implement them. Twenty-six in Baroness McGregor-Smith's review into workplace discrimination. Implement them. That's what Boris has to do. And then the Black Lives Matter protests can stop and we can get on with dealing with the coronavirus.⁵⁷

Since there are many reviews, there are even more recommendations, numbering in the hundreds. Critics of the government, like Lammy, argue that we have enough idea of what to do to bring about the changes they want. But it is disingenuous to imply that the government has sat upon the many recommendations made, or done nothing in response.

Regarding the Lammy Review itself, the MoJ has committed much resources, only the extent to which it has implemented the recommendations is contested. According to a statement from Alex Chalk, parliamentary under-secretary of state for justice, out of 35 recommendations, 16 had been 'completed', 17 were 'in progress', with 2 rejected.⁵⁸

On June 24, Boris Johnson told the House:

'Sixteen of the Lammy recommendations have been implemented. A further 17 are in progress; two of them we are not progressing.'⁵⁹

He was then accused by David Lammy of 'a catalogue of falsehoods' in an open letter circulated on social media.⁶⁰ This allegation hinges in some subtle distinctions between the words 'completed' and 'implemented'. The former was used to describe the work committed to by the MoJ in response to the Lammy Review. The Prime Minister's use of the word 'implemented' implied the recommendations made had been acted upon to the letter. While this is not accurate, it seems unfair to usher the fury of Twitter towards

the Prime Minister over what was an easy mistake to make for a man with many pressing responsibilities.

Reading the government's documentation in response to the Lammy Review, it is apparent that where a recommendation was not suitable, the government would try and implement something in the spirit of it.

But it is hard to actually gauge to what extent the recommendations are being implemented since the actions promised do not always match the recommendations. By my own count, of the 16 recommendations that have been 'completed', 12 were direct implementations, 2 were partial implementations, and 2 were different from the action proposed by Lammy. Of the 17 in progress, just 3 were partial matches with the rest direct matches.

Overall, 26 were (or are being) directly implemented, with 5 partially so, 2 rejected and a further 2 were compensated for by something else in the spirit of the initial recommendation. It is not easy to figure this out, to keep track of it all, so others may dispute my reckoning.⁶¹

But the critics are missing a few key points. Firstly, no government is obliged to implement any given recommendation from a review. It may be bad manners not to, but reviews are purely advisory and do not carry the same moral status as either parliamentary votes, referendums, or manifesto commitments. Moreover, reviewers are appointed and have no democratic mandate.

The second point is that not all recommendations are sensible or feasible. For instance, Recommendation 13 of the Lammy Review was that 'all sentencing remarks in the Crown Court should be published in audio and/or written form.' The hope was that this would build trust. However, this was rejected as too expensive and the mind boggles at how much IT infrastructure would have been needed to

make this happen, in every case in every court, throughout the land.

Another example would be Public Health England's recommendation that the government support 'community participatory research' in response to disparity in contracting Covid-19.⁶² Why this might help is not clear, but the idea that members of the public should have a role in directing scientific enquiry into what is a nasty and potentially deadly virus, would imperil scientific objectivity. Scientists have to remain detached from those they study; they must be impartial and any biases are to be corrected through evidenced debate.

Thirdly, to say we are in possession of all this knowledge of what to do in order to correct disparity between groups, contained in the many reviews, is disingenuous. Rather, what we have are hundreds of recommendations made by figures of authority that they *believe* will help. Whether they will *actually* be efficacious is another matter.

Every review makes recommendations in the expectation that the government will simply enact them. While the burden of proof for their efficacy should naturally fall upon the one making the recommendation, it is transferred over to the public with the proof lying in the pudding. The government is expected to enact a recommendation and then see if it bears fruit. The costs of any failure are to be met by the taxpayer or the general public.

Consider the recommendations of the Williams Review and the McGregor-Smith Review to introduce mandatory unconscious bias training. An evaluation of the existing evidence on this concluded there is no standardised practice and that the evidence of its ability to change behaviour was 'limited', while also having the capacity to backfire.⁶³ Another study published in Harvard Business Review by Frank

Dobbin and Alexandra Kalev concluded that mandatory ‘diversity training’ tended to be associated with reductions in minority leadership, not increases. It concluded such measures tended to stoke resentments among the white ethnic majority.⁶⁴

McGregor-Smith calls for the creation of a free online resource to provide unconscious bias training, but in truth there is no such thing as a free lunch. Who would create this resource? How much would it cost to administer? What are the opportunity costs?⁶⁵

One supplier of unconscious bias training offers a service priced at £25 plus VAT.⁶⁶ McGregor-Smith calls for ‘all employers’ to ensure that ‘staff at all levels of the organisation undertake unconscious bias training’.

Prior to the lockdown there were around 30.5 million employees in the United Kingdom.⁶⁷ For each one to receive training that would entail a cost of £915 million, and that is before you consider the need for repeat training as people move jobs and require potentially fresh certification. Consider again the lack of evidence to support this measure and that the vast sums of money this would require would be directed at the instigation of those who thought it might be beneficial but are insulated from the costs of getting it wrong.

Throughout the orthodox discourse on ‘inequality’, seldom do we come across a body of knowledge as to what has worked before or what has failed. Who is good at closing gaps? Which gaps have been successfully closed? What policies are efficacious? Which ones make things worse? The recent follow-up to the Marmot Review on ‘health inequalities’ praised Norway to the rafters for the policies it has pursued in the name of reducing gaps in health and yet had this to say:

‘The persistence of health inequalities [in Norway] despite these integrated approaches has led some to suggest a more proportionate universalist approach might more effectively address the needs of those with fewer years of education.’⁶⁸

Throughout all the reviews I have read, just one had some sort of evidence base behind it. Recommendation 10 of the Lammy Review is:

‘The ‘deferred prosecution’ model pioneered in Operation Turning Point should be rolled out for both adult and youth offenders across England and Wales. The key aspect of the model is that it provides interventions before pleas are entered rather than after.’

This is the idea that low-level offenders who successfully complete interventions, such as drug or alcohol treatment, or make reparations to their victims, have their prosecutions dropped while those who do not are prosecuted as usual.

‘Operation Turning Point’ (OTP) was a trial study conducted in Birmingham. Lammy claims ‘the evidence suggests that OTP reduces the risk of reoffending to the public’, citing a 35 per cent reduction in reoffending in cases of violent crime. However, the summary of the evaluation that he cites actually shows a 34 per cent difference in re-arrest, not reoffending between test and control groups.

The effect is described as ‘marginally significant’ since statistical significance is only achieved at the 10 per cent level – the lowest conventional threshold – and based on a 1-tailed test ($p=0.08$). Such a test is more lenient and both inferior and less-frequently applied than a 2-tailed test. Had this more conventional test been applied, the conclusion of no difference in re-arrest rates would have been reached.⁶⁹

This intervention can also be criticised as unlikely to reduce disparity since it would be open to all ethnic groups and that it may lower the disincentives for crime.

In the government's immediate response to the Lammy Review, it was noted that deferred prosecution was never intended to reduce racial disparity, contra Lammy:

'Tackling race disparity was not the original aim of the deferred prosecution models we have reviewed and we are not aware of any evidence to show that removing the requirement of a guilty plea improves outcomes for BAME defendants.'⁷⁰

Subsequently, the first MoJ progress report (2018) on Lammy stated that deferred prosecution has '... the potential to reduce disproportionality since Lammy notes that BAME defendants are consistently more likely to plead not guilty and so face more punitive outcomes'.

Four pilot schemes were announced in London, Surrey, Cumbria, and West Yorkshire.⁷¹

By the second progress report (2020), deferred prosecution had now been renamed 'Chance to Change' and that '[t]his is intended to address racial inequalities stemming from a lack of trust in the justice system amongst ethnic minority defendants, who we know are consistently more likely to plead not guilty and so face more punitive outcomes.'

This is contrary to the initial government response. Two pilot schemes are currently in operation in North West London and West Yorkshire.⁷²

Perhaps the enthusiasm for this intervention stems from the cost-cutting it affords. According to the evaluation of Operation Turning Point, participation in the scheme in lieu of a trial saved about £1,000 per head.⁷³

As a final point on efficacy, perhaps the most alarming point is that we may be unable to find out if recommendations work. Institutions sprawl across the country. As made clear in the next chapter, statistics are ambiguous and flawed while

determining causation when, for the best part, all you have is correlation, is impossible. One of the McGregor-Smith Review recommendations was for a follow-up review to be carried out one year after to assess its impact. Change takes time, particularly in large-scale institutions. Measuring the impact of a review after one year is utterly pointless and it is unsurprising that the follow-up, conducted by the charity Business in the Community, concluded there had been little change.⁷⁴

1.10 Diversity

The various reviews look to ethnic diversity as either something that needs to be brought about as matter of fairness, or something that is a social good, that is to say something that benefits society. Some reviews even propose it as a solution to the problem of disparity between groups in a given area.

The McGregor-Smith review, for example, sets out to increase the prevalence of ethnic minorities in both work and in positions of leadership. Not only is this a matter of fairness, it is also something that will have positive benefits to society as whole. For instance, she claims that ending discrimination and disparity would benefit the economy by £24 billion a year, or 1.3 per cent of GDP.⁷⁵ To this day, this figure is still repeated but unfortunately it is of little value since its calculation is based on the assumption that the ethnic minority population can be made to spread out across the economy in precisely the same manner as the ethnic majority. This is impossible.

She also claims that diversity has positive impacts in its own right. It is not just a case of getting people into jobs, but that when people of different ethnicities work together, they are more creative. This is known as the 'business

case for diversity'. However, her evidence for this rests on one study conducted by McKinsey and Company which presents just *correlations* between ethnic diversity and company performance. Overlooked is Thomas Kochan's American study which found 'few direct effects of diversity on performance – either positive or negative'.⁷⁶

The Timpson Review into school exclusions (expulsions) was conducted by Edward Timpson MP, commissioned by Theresa May in 2018. It was tasked with understanding and proposing solutions to remedy ethnic disparity in exclusion rates. For instance, black Caribbean children are 3 times more likely to be expelled than white British children, while for Gypsy/Roma/Traveller children the corresponding ratio is 5.2:1.⁷⁷

The review makes just two recommendations in order to tackle ethnic disparity. The first is to increase the ethnic diversity of school leadership. The second is to create 'inclusive environments' for children coming from groups for which exclusion is a particular problem. The argument is greater diversity and inclusion will cause these children to behave themselves better. The flaw is that most children from these groups do not get expelled and for whom the school environment is no more diverse or inclusive. Also, there are groups – black African, Pakistani, Bangladeshi, Indian – for whom schools are no more diverse or inclusive and for whom expulsion is extremely rare. It is clear that a lack of 'diversity and inclusion' does not cause bad behaviour, so there is no reason to believe that more of it will cause good behaviour.

Similar notions of diversity as a remedy to disparity are presented in the Williams review into the Windrush scandal. Williams calls for more diversity at the top of the Home Office:

‘There is a lack of ethnic diversity at senior levels in the department, reflecting a pronounced disparity with the public it serves. Black, Asian and Minority Ethnic (BAME) staff are predominantly concentrated in lower grades, and in 2018 made up 26.14% and 26.33% of the lowest two grades respectively. It’s a different story at the more senior levels, with only 7.18% of the Senior Civil Service in the department being BAME. Given the department has the highest representation of BAME staff across Whitehall, this is a stark disparity.’⁷⁸

Firstly, in no instance does she identify a lack of diversity as causal in the Windrush scandal, so why it might have prevented it is unclear. The ideas that because you or your family are of West Indian origin, you are automatically having knowledge of immigration and citizenship law germane to your group, or rather the circumstances of older generations within it, or that we should select positions of leadership to reflect the proportions of the census *in case* there might be another scandal involving a given group, are naïve.

Moreover, concerning the statistics presented, the fact that the Home Office is so diverse at the bottom of its organisation will be reflective of the position of its offices in places like Croydon. This is not a realistic benchmark for judging the ethnic diversity at the top, since the skill sets for top and bottom, as well as the routes into such jobs, are different. Moreover, a figure of 7.18 per cent is in line with the share of the average intake of the Fast Stream between 1998 and 2003 – 7 per cent. That is the Civil Service’s elite recruitment programme.⁷⁹

In response, the Home Secretary, Priti Patel, said:

‘And while it is reassuring that the Home Office is on track to meet its aim of 12% Black, Asian and minority ethnic representation in senior roles by 2025, my ambition is to

go further. Because a department cannot truly reflect the communities it serves unless it represents the very people from within the community they serve.’⁸⁰

The apparent assumption is that more and more diversity is better, despite the fact she is ambitious to take it above and beyond what the Home Office had deemed reasonable.

The same ideas of diversity as corrective to disparity is also present in the second PHE Covid-19 Review, the Lammy Review and the Wessely Review. That forcing diversity may have detrimental effects is not considered.

1.11 Illiberalism

While the proponents of elite-directed equality of outcomes, or social justice, or whatever you call it, are called ‘liberals’, it is often apparent just how illiberal they are prepared to be.

The McGregor-Smith review, for instance, called for mandatory reporting of data on ethnicity for companies with more than 50 employees, in terms of company workforce broken down by pay band. More recently, momentum has fallen behind a slightly different idea to compel employers to publish their ‘ethnicity pay gaps’, with Baroness McGregor-Smith herself to the forefront.⁸¹

This is a measure that the government is currently consulting on, off the back of a Tory manifesto commitment made in 2017.

But, as argued by Julian Jessop, data are ambiguous and disparity may reflect discrimination or simply differences in grade. There are 18 official ethnic groups in the government’s statistical classification. How we might make sense of this is hard to see. Presenting statistics as white vs. ‘BME’ would obscure as much as it would reveal, since important distinctions would be lost in aggregation.

Nor is there any appreciation that such measures violate the liberal assumption of innocence before proven guilt. The implicit assumption is that a crime (discrimination in pay is illegal) is being committed and employers must prove they are innocent. That they are doing so with data on outcomes, from which discrimination cannot be successfully inferred, further compounds the injury. That employers would be doing so at the expense of other meaningful economic activities from which all peoples, including ethnic minorities, might stand to benefit, further adds to the frustration.

Moreover, thanks to the Cameron government’s diktat that companies must publish data on their ‘gender pay gaps’, we have some understanding of such a policy’s efficacy.

The evidence on gender pay gap reporting shows that since its introduction for companies with a staff greater than 250, the gender pay gap has gone *up* and not *down* – as was desired (see Table 1.1).

5,025 companies submitted data for both 2017/18 and 2019/20. Of these, 2,135 saw the median pay gap decline in favour of women. 2,669 saw the median pay gap grow in favour of men, with the remainder showing no change. Note that the overall gender pay gap was declining on its own steam, prior to government intervention, rendering the necessity highly questionable.⁸²

	2017/18	2018/19	2019/20 ⁸⁴
Number of companies reporting	10,563	10,828	5,643
Average pay gap across all companies	11.8	11.9	12.9

Similarly, the most recent data on the ethnicity pay gap, published by the ONS and defined as the difference in average hourly pay between non-white and white, expressed

as a percentage of the latter, shows it to be declining and at its lowest level to date. It is 2.3 per cent across England and Wales in 2019, down from 8.2 per cent in 2015 and 5.1 per cent in 2012.

If something is declining in a direction you approve of, why intervene when you have no guarantee your intervention will have (a) a desirable impact, and (b) no undesirable unintended consequences? What if mandatory reporting *caused* the gender pay gap to go up?

The ONS found substantial *negative* pay gaps for some groups of minority women, meaning they get paid more than white British women. That for black Caribbean women stands at -7.9 per cent, while that for Indian women is -10.5 per cent. How do you make the case for closing these gaps?⁸⁵

It is worthwhile thinking about what the idea behind mandatory pay gap divulgence is. The ‘nudge’ is that those in a group who are paid less learn how much those in the group who get paid more actually get and so push for higher pay themselves. That the most bullish in the group that gets paid more might also push for even more in response to the new information, or that the data are more reflective of differences in employment patterns, and thus might engender unfair and damaging publicity, leading to wasteful and rushed countermeasures, does not seem to register. Moreover, that this might risk stoking racial avarice should surely give us pause to reflect on the wisdom of the measure proposed.

Recently, Labour MP Stella Creasy has introduced a private member’s bill proposing women should have the right to know how much their male colleagues earn.⁸⁶ This bill has received some support, including from Conservatives and Liberal Democrats. Her argument is that because of the rise in the gender pay gap in companies, more invasive

legislation is required.⁸⁷ The last legislation, which she voted for, was supposed to bring about a reduction, which, by her own admission, has not materialised. Why would anyone expect her latest idea to bear fruit in this light?

It should be further pointed out that pay is a personal matter and that the right to privacy automatically entails the right for someone else not to know.

We have pursued the state confiscation of private information, to little avail, in the name of providing solutions to problems that may not even be problems, that may have deleterious unintended consequences and definitely do have opportunity costs. All the time, such 'problems' were taking care of themselves anyway. Advocates for policies who have not delivered the changes they promised want more legislation along the same lines, as though there is no record on which the efficacy of their interventions might be judged.

1.12 Expert opinion

Whenever a review commences its work, it seeks out the opinions of a wide array of voices, and rightly so. The trouble is the call for aid tends to go answered by the same types of campaigning organisation.

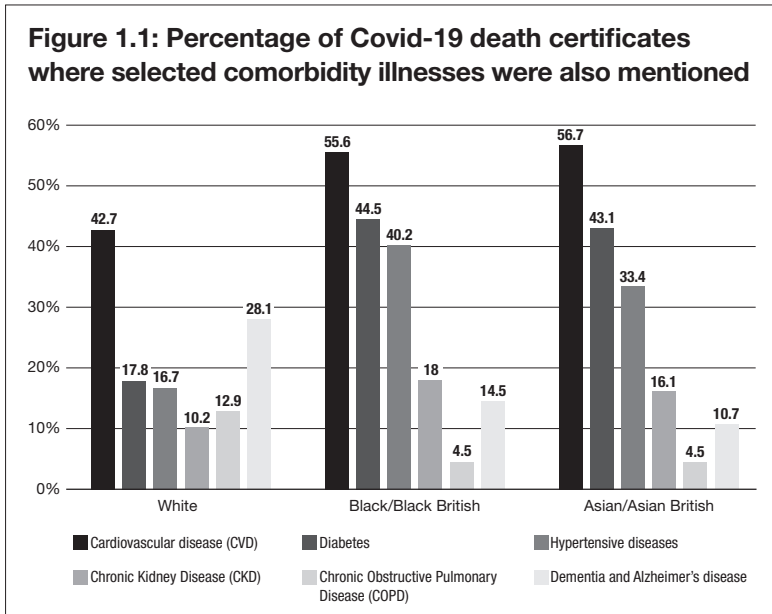
When it became apparent that people of an ethnic minority were more likely to succumb to Covid-19, the government commissioned a review to be conducted by Public Health England. In the end, two documents were published. The first was a review of the available data, including a statistical analysis of the changes of survival once having contracted the virus.⁸⁸

Some crucial and overlooked points from the report were that while black and Asian people had worse mortality rates during the pandemic, in normal times white people have

worse mortality. Claims that the pandemic has exacerbated existing ‘inequalities’ are wrong, in this instance.

Secondly, the disparity between ethnic groups persists even after controlling for deprivation – a proxy for what leftists call ‘structure’, meaning these differences are something to do with ethnicity. What precisely, is moot.

Thirdly, the modelling did not control for comorbidity, but data published in tandem by PHE shows strong correlations, particularly between ethnicity, Covid-19, and diabetes (see Figure 1.1).



Source: Public Health England

Perhaps most importantly, the PHE report said:

‘... an analysis of over 10,000 patients with Covid-19 admitted to intensive care in UK hospitals suggests that, once age, sex, obesity and comorbidities are taken into account, there is no difference in the likelihood of being admitted to intensive care or of dying between ethnic groups.’⁸⁹

The second PHE report is tasked with ‘understanding’ why there are statistical disparities between ethnic groups in their experiences of contracting Covid-19. It has two components; the first is a literature review of the scientific literature on the matter – which was broadly inconclusive.⁹⁰

The second was a summary of a series of focus groups conducted online, out of necessity, with ‘stakeholders’. Precisely who these people are is not told other than to say they are:

‘... from a wide and diverse range of constituencies’ encompassing ‘participants from national, regional and local bodies including the Royal Colleges; the devolved nations; cross-government departments; local government leaders, chief executives of local government, directors of public health, faith groups, migrant health leaders, community and voluntary sector leaders and representatives, researchers and academics, pharmacist organisations, business leaders, political leaders and health and wellbeing board chairs’.⁹¹

It is standard for reviews to list which organisations or individuals took part. Alarming with PHE, we are not permitted to know precisely who did for reasons of ‘data protection’. Without knowing, it is impossible to say whether the opinions raised are based on expertise or not.

Looking at the report’s recommendations, it is inferable that the so-called community representatives have been overly influential in since their interests are so reflected in its recommendations. Many of the proposals call for their greater involvement, either through greater consultation, more research, or the production of ‘culturally competent’ materials. Anxiety about funding of the ‘equalities’ sector is fully vented during a time of economic turmoil, while ‘fully funded, sustained and meaningful approaches to tackling ethnic inequalities must be prioritised’.

It should be pointed out that community representatives are largely not speaking on behalf of those they claim to do so for, nor have they received their authorisation to do so. For example, one poll found that the Muslim Council of Britain enjoyed the support of between 2 and 4 per cent of British Muslims, with most of that London-based.⁹²

Matters are made worse in that whoever the 'stakeholders' were, they were not especially helpful. As well as saying it was to do with racism without any evidence, they called for sweeping change without detail, beset by such jargon as 'systems level approach', 'cross government infrastructure' and 'long standing inequalities'. That now might not be the best time for the radical reforms they called for, given democratic accountability is low due to restrictions on peoples' movements, did not register. Note that the very same types of people who call for government to rectify disparity also tend to be the ones who claim its actions disproportionately penalise people of an ethnic minority.

Community organisations, group advocates and so on, love reviews. It gives them the opportunity to influence and shape government on matters that they undoubtedly care about. The trouble is, as others have pointed out, once they win on such issues, they seldom disband but tend to press for more and more legislation or government funding for themselves. Moreover, the incentive for saying things are actually quite good – could be better, but could be a lot worse – is much smaller than that for saying we have problems. A campaigning organisation that says everything is rosey will not last long.

Note how advocacy groups want to speak in terms that are hard to pin down, such as 'structure' or 'systemic', but in some sense convey upon the speaker some gravitas, or are increasingly interested in the racism that so readily escapes

measurement, such as ‘unconscious bias’. It can be pointed out that the Race Disparity Unit benefits such groups, in that we are encouraged to both believe disparity between groups is a social evil, and with ample evidence of it, from which they can ground their complaints.

One of Theresa May’s few policy initiatives off the back of the audit was the announcement of a £90 million pot of money to improve employment outcomes for ethnic minorities, largely going to civil society organisations.⁹³ This money was not sourced from taxation but rather seized from dormant bank accounts, meaning it was the unclaimed property of other people.

The other interesting development is the extent to which large corporations are keen to get involved in closing disparity between groups—the so-called ‘woke capital’ phenomenon—all the while missing the point that they have no real competence in such matters. Such companies seldom have their own houses in order. For example, one major company had a representative take part in drawing up government policy on disparity, while in the company itself, black employees were less likely to be promoted, net of performance.

The reputation of experts in general has never been lower. The problem is that experts know a great deal, but not everything, about the general case, but nothing about specific cases. Here is an extract from a recent article by Lord Woolley, who served as the chair of the Race Equality Unit Advisory Board under the May government:

‘And the last big idea we had was to recruit a modest 30,000 black teachers over a 10-year period. The ideal number needed would be 50,000.’⁹⁴

In truth, while there is an *ideal* number of black teaching recruits, namely the number qualified or desirous of a career

in teaching, it is not something anyone in Whitehall can put a number on. Liberal economists have long cautioned against such thinking, arguing that an imposed number from on high, a target or quota, will be either too much or too little to meet the real needs of real people. Adam Smith excoriated the 'man of system' who sees society as though it were a chessboard where the player can simply place someone like a chess piece where they will carry out a given function:

'... in the great chess-board of human society, every single piece has a principle of motion of its own, altogether different from that which the legislature might choose to impress upon it.

'If those two principles coincide and act in the same direction, the game of human society will go on easily and harmoniously, and is very likely to be happy and successful. If they are opposite or different, the game will go on miserably, and the society must be at all times in the highest degree of disorder.'⁹⁵

The fundamental problem with orthodox thought on disparity is that we do not really understand it but nevertheless feel we ought to do something about it. That we might make things worse in doing so, by misallocating resources that foster resentment or avarice between groups, is surely something to give us pause for concern. What if Lord Woolley's recruitment of men and women who have, as of yet, not shown any inclination to go into teaching but are incentivised into it by government, is to lead them away from where their talents and interests might be better served? How are they to feel if teaching proves the wrong career choice for them, while the experts who proposed and administered the target pay no penalty for being wrong?

I will leave the last word on the matter to another Scotsman:

'But Mousie, thou art no thy-lane,
In proving foresight may be vain:
The best laid schemes o' Mice an' Men
Gang aft agley,
An' lea'e us nought but grief an' pain,
For promis'd joy!'⁹⁶

1.13 Conclusion

This has been a brief foray into prevailing thought on disparity between ethnic groups, as found in the various official reviews into the matter. While ample evidence was found for disparity between groups in terms of outcomes, little has been presented in terms of disparity in treatment, namely discrimination. While much moral concern is directed towards disparity and the related concept of disproportionality, there is no theory as to what they entail and why they are wrong. Moreover, for the all the talk of 'explain or change', it was rare to come across the rigorous statistical analysis that that would entail. In the next chapter, I attempt to address these shortfalls in order to better gauge what is possible.

2.

Exploring disparity and discrimination

2.1 Introduction

For all the talk of disparity in official thinking, there is seldom if ever any definition of it, nor is it told why it should be of moral concern to the point that government intervention was necessary. Moreover, little evidence is presented for discrimination, only the natural moral disapproval for this was seemingly allowed to flow over onto disparity.

This chapter tries to provide a corrective, providing conceptual explorations of the ideas of disparity, disproportionality, and discrimination. It looks at some topical examples of disparity, as well as providing an overview of the evidence on discrimination in the labour market and how that relates to disparity between groups. Since the race disparity audit did not undertake anything by way of in-depth empirical analysis, I report on a few short empirical studies to demonstrate what is possible.

2.2 Defining disparity

Disparity and disproportionality are terms used freely in political discourse without conceptual definition. As we shall see, they have their clear dictionary meanings but also have acquired a normative appendage; what are words that in essence put a name to statistical differences between

groups, have taken on the connotation that they are morally wrong.

Disparity is the antonym of parity. It comes from the Latin *paritas*; *par* means 'equal'. It is defined as the 'quality or state of being equal or equivalent'.⁹⁷ Accordingly, disparity means being unequal.

Delving into the conceptual literature on 'disparity' shows both an effort to take the term beyond its simple dictionary definition, and disagreement about how precisely that is to be done. One article by Olivia Carter-Pokras and Claudia Baquet defines disparity as differences that are unjust, similar to 'inequality' but more synonymous with 'iniquity'. They are also *avoidable* differences. (While the word carries these connotations, you will often find it used in practice to refer to difference alone.)⁹⁸

Such terms are often used in the plural – disparities, inequalities, iniquities – rather than being simply abstract nouns that refer to ideas, qualities or states, and not concrete objects. Implied is a collection of variables, each one a 'disparity', on which differences between groups exist and have been deemed unfair and avoidable.

Carter-Pokras and Baquet say that 'inequalities revealed depend to a great extent upon the measure chosen' – with policy and evidence of improvement dependent on such choices. Moreover, they point out that the Ministry of Health in New Zealand has recommended that there be a limit of 25 disparity indicators or else the weight of the evidence will 'fail to tell a story'.

Matters are further complicated by the fact of differences between groups that will impact on disparity in group outcomes. For example, age – the median age for white people in the United Kingdom is 41 while for black and Asian people it is about 30.⁹⁹ With this in mind, differences

between groups in seniority in professions, for example, is inevitable, regardless of whatever discrimination there might be. (The average age of a FTSE 100 CEO is around 55 while the average age of a senior judge is around 60.)¹⁰⁰

An article by Paul Hebert et al. (2008) also notes a lack of precision in the definition of disparity. It further shows how differences between groups can change once you account for more and more statistical variables. It asks: to what extent differences should be considered unfair disparities and under what circumstances. 'Where we draw the line between fair and unfair is subjective but is loosely related to how much control a person has over the factor that is causing the disparity', they write.¹⁰¹

Hebert et al. give the example of neonatal mortality, with deaths of new-born babies more than twice as high for black than white new-borns in the United States. Using data from New York City, they show how the greater likelihood for black babies decreases once you start to account for other factors. Most notably, once you take into account parental chosen social behaviours, the difference disappears; once you account for factors, including those pertaining to the immediate health of babies, it reverses to the detriment of white babies. The initial odds ratio drops from 1.19 to 0.95 (statistically insignificant) once controlling for 'choice factors', to 0.62 ($p < 0.001$) in their most detailed model.

Hebert et al.'s article hinges on the questions of what is unavoidable and what is a matter of personal responsibility. Disparity is subjective and what counts is 'deciding when a choice ends and an imposition begins'. That the difference between black and white disappears when accounting for factors that pertain to choices is caveated with mention of social norms and 'truly informed' preferences. That it ultimately reverses is noted with the observation that this

‘distorts the undeniable fact that black neonates are more likely to die than white neonates.’

That is true, but only because they are on average different on a series of indicators. All things being equal (or near enough), white babies die more. For the sake of argument, black babies are more likely to be underweight among other things, and such babies have a greater risk of dying; but of two comparable babies, the white one has the greater risk.

2.3 Defining disproportionality

The related concept of disproportionality has the antonym proportionality. Something is proportional if it is ‘corresponding in size, degree, or intensity’ or having the ‘same or a constant ratio’.¹⁰²

Therefore, a value is disproportionate if it is out of kilter with another value. In popular political discourse on ethnicity, we are usually talking about disproportionality between an ethnic group’s share of those experiencing a particular outcome, for example being imprisoned, and its share of the population. This is the preferred benchmark, but seldom if ever is there a theoretical reason given in justification as to why a particular group’s prevalence in any given social sphere should match its population share, given the myriad number of differences between groups.

Accordingly, disparity and disproportionality are related in that disparity between groups will mean disproportionality between groups and their overall population shares. Disparity on some scores will entail disproportionality relative to population share but potentially proportionality relative to other benchmarks.

For instance, it is widely known that black people in the United Kingdom are more likely to be subject to stop and search by the police. This is both a nuisance to

those who are unnecessarily treated in this manner as well as humiliating and is seen as unfair and damaging to police and community relations. They make up 22 per cent of those stopped and searched but around 3 per cent of the population at the last census.¹⁰³ Note that this disproportionality was one of the key pieces of evidence that underwrote the Macpherson inquiry's verdict that the police was institutionally racist.¹⁰⁴

However, one Home Office study led by Joel Miller (2000) looked at the ethnic population shares of those available on the streets to be stopped and searched. Once this was accounted for, the disproportionality relative to overall population shares disappeared. White people were disproportionately overrepresented, Asian under, black sometimes over, sometimes under.

For instance, in Chapeltown in West Yorkshire, black people made up 6 per cent of the population but roughly 11 per cent of pedestrian stops and 13 per cent of vehicle stops. However, the share of pedestrians available to be stopped was 19 per cent black and for motorists, 11 per cent.¹⁰⁵

Note that the authors of this study did find examples of black overrepresentation and did not preclude the existence of police bias against black people. However, the overall patterns were not consistent with a national systematic targeting of them.

The reason why apparent disproportionality disappears in this light is because of disparity between ethnic groups on other variables. The same study showed that stop and search was not a randomly deployed tactic but rather utilised in places with high levels of reported crime. People of an ethnic minority are more likely to be out in public in such areas and therefore more likely to be stopped and searched, making for proportionality with reference to the population

available to be stopped and searched, although patterns are not always consistent.

Another example comes from a report in the *Guardian* newspaper. The Arts Council England (ACE) warned its member organisations, encompassing galleries, museums, theatres, and orchestras, that they will lose funding unless they meet what are described as ‘stretching’ targets in order to bring about greater ethnic diversity in workforces and audiences.¹⁰⁶

Disproportionality is cited in that 11 per cent of England’s national portfolio organisations are reported as having a non-white workforce. This is contrasted with 16 per cent of the working age population.¹⁰⁷ However, when we look at what the ethnic minority share of cultural workers available to work in ACE organisations such as orchestras, we see how the disproportionality can fall away. According to Understanding Society data, just 6.6 per cent of those who played a musical instrument were non-white.¹⁰⁸

Furthermore, my own analysis of the Labour Force Survey shows that 7.7 per cent of professional musicians are non-white. Contrast these with reported figures by the ACE of 7 per cent for the Philharmonia Orchestra and 4 per cent for the London Symphony Orchestra; much more in line with the available talent pool than a 16 per cent working age population would suggest.¹⁰⁹

2.4 Measuring and identifying avoidable disparity

Measurement of disparity and disproportionality is not as easy as it may seem. Carter-Pokras and Baquet observe that absolute differences between groups can give different impressions from relative differences. Ratio measures ‘depend on the baseline level of the variable whereas

differences do not', while 'simple indicators may be sufficient to highlight inequalities and spur action'.

As Sowell has noted, an alarming picture can be easily painted politically with claims of high levels of disparity which depend on *unequal* but *low* probabilities of an outcome occurring.¹¹⁰ For instance, on *Ethnicity Facts and Figures*, it is claimed that 'black people were over 3 times as likely to be arrested as white people'.¹¹¹

The probability of being arrested for black people is 0.035; for white people 0.01, making a ratio of 3.5 to 1, making the claim true. However, the probability of *not being* arrested for black people is 0.965 and for white, 0.99, meaning a ratio of 0.97 to 1.

So, black people are over 3 times as likely to be arrested but just 3 per cent less likely to not be arrested. In both positive and negative outcomes, however, the absolute difference between black and white is 0.025.

Statistical disparities may be down to all manner of confounding variables. We are for the most part dealing with cross-sectional data. They cannot tell you about causation, only correlation. All that is possible is to rule out certain causes – if there is no correlation, there cannot be causation.

Moreover, data are often of limited quality – either hampered by missing observations, as is the case with much of administrative data (sometimes up to 40 per cent), or small sample sizes in survey data. Small sample sizes are particularly a problem when assessing ethnic disparity since they are near inevitable when dealing with ethnic minorities. This means large margins of error, making incremental changes over time hard to detect, statistically speaking. Also, the official classification of ethnicity is useful but limited. For instance, the 'black African' group will encompass many succinct African ethnic groups, among which there will be

disparity. As Sowell would point out, this is a statistical category into which different *real* individuals may enter at different points in time. To what extent is it meaningful to compare 'black African' people to any other group when its composition maybe changing all the time?

Lammy's call to diversify the prison workforce may have had some impact but, at the same time, the share of 'unknowns' has shot up from 10 to 30 per cent between 2015 and 2019. The bulk of that came after 2017 when Lammy published his review, although, to be fair, it is not possible to say whether this is a direct unintended consequence. But it is true to say this makes judging the efficacy of the prison service's diversity drive more difficult.¹¹²

Matters are further complicated by a series of statistical phenomena identified by the American attorney James Scanlan – what has been termed in the academic literature 'Scanlan's rule'.¹¹³

Scanlan has noted that disparity between groups can be influenced by the prevalence of the phenomenon in question. When the chances of experiencing a negative outcome decline overall, differences between groups tend to *increase* in relative terms, meaning the rate of group X as a ratio of that of group Y. At the same time, differences in the chances of experiencing the corresponding positive opposite outcome tend to *decrease*.

Furthermore, regarding the chances of experiencing the negative outcome between groups, a relative increase is often accompanied by a decrease in absolute terms. That is to say the difference between Rate X and Rate Y (X-Y) declines as the proportional difference increases (X/Y). However, the absolute difference may also be susceptible to changes in prevalence and so must also be treated with scepticism.

In a 2017 article for the Federalist Society titled 'United

States Exports Its Most Profound Ignorance About Racial Disparities to the United Kingdom', Scanlan writes about how an unawareness of these phenomena can lead to the mistaken belief that things are getting worse and more intervention is required:

'Among the many anomalies arising from government's mistaken belief about the effects of policies on measures of racial disparity that it employs are that lenders and public schools that comply with government encouragements to relax lending and school discipline standards tend to increase the chances that the government will sue them for discrimination.'¹¹⁴

He notes the Lammy Review's concern for the share of ethnic minority young people in custody rising from 25 to 41 per cent between 2006 and 2016, and writes '...the Lammy report, which regards racial bias to play a significant role in racial differences in adverse criminal justice outcomes, gives the impression that forces causing racial differences in rates of incarceration have been increasing.'

He claims, in the same article, that Lammy's recommendations, including deferred prosecution, may very well tend to increase disproportionality.¹¹⁵

Reaction to Scanlan has been mixed. Peter J. Lambert and S. Subramanian concluded Scanlan's observations to be a 'rigorous finding',¹¹⁶ while Hoben Thomas and Thomas P. Hettmansperger have concluded it to be possible in some cases while, in general, is 'not a robust condition' but an 'interesting property that deserves much wider attention'.¹¹⁷

Nevertheless, we take from this the idea that disparity is not so readily measured, as is often presumed, and that there are pitfalls that policy makers, as well as statisticians, need to be aware of.

To surmise, deciding what is a 'disparity' and then

measuring it successfully over time is not straightforward. Disproportionality will shift depending on the benchmarks used. The question is: disproportionate *to what?*

But, in addition to the subjectivity and uncertainty identified, perhaps the chief problem is that disparity and disproportionality (in their simple dictionary meanings) are consistent with two *ideal types* of society, one fair, the other foul.

Imagine first, the foul one where disparity between groups exists because one oppresses the other: the oppressed group is both legally disenfranchised and subject to violent attacks by both the police and members of the majority. The oppressed group simply cannot make any economic progress. Whenever they try, they are severely punished.

Now imagine the second, fair society, where both groups are equally free and have comparable historic roots. However, disparity may still occur if there are different cultural norms, an uneven distribution of knowledge and skills, as well as geographic differences. Moreover, innovations will inevitably begin with a few individuals located within a group, and those most immediate to them will benefit first, leading to unequal outcomes at group level.

Whatever differences there are, are either merited or accidental. No imposition has occurred on either group but one still outshines the other.

The problem for those interested in disparity is that *real* countries tend, to varying degrees, to be a mixture of these two ideal types. In the United States, you do see both an historic racial oppression and ongoing ethnic/racial discrimination, as well as differences between cultures and the freedom to innovate and compete, along with legal reversals of oppression, such as the emancipation of slaves and civil rights.

While black people have been historically oppressed, Southern black Americans have not prospered to the same extent as those in the North or immigrants. Moreover, there are examples where groups have experienced oppression and evidence disparity in their favour, such as the ethnic Chinese in Malaysia.

How precisely we pinpoint the unfairness that is crucial to transforming a difference into a disparity is question that may be unanswerable.

2.5 Defining discrimination

In contrast to the ambiguity that surrounds the concept of disparity, discrimination is something readily definable as well as being conceptually complex, as we shall see.

Within popular, as well as political and academic discourse on race and ethnicity, the term 'discrimination' is used to convey the idea that someone has been treated unfairly based on markers of race or ethnic identity. It covers a range of behaviours from withholding opportunity to abusive ones, spanning insults to violence.

Its dictionary definition is: 'Prejudiced or prejudicial outlook, action, or treatment; the act, practice, or an instance of discriminating categorically rather than individually.'¹¹⁸

In UK law there are a set number of things which one can be discriminated against on the grounds of. They are known as 'protected characteristics' and, in addition to race and ethnic origin, encompass: age, gender reassignment, marital status, pregnancy, disability, colour, nationality, national origin, religion, belief, sex, and sexuality. One is legally protected against discrimination at work, in education, as a consumer, when using public services, in housing, or in private associations, under the Equality Act 2010.¹¹⁹

In addition, there are also different ways in which one

can be discriminated against. Direct discrimination means treating someone less favourably based on a protected characteristic. Indirect discrimination means the application of general rules that may disadvantage individuals because of their protected characteristics (e.g. a rule specifying no beards at work may exclude many Sikhs).¹²⁰

Harassment means unwanted behaviour based on protected characteristics that 'violates someone's dignity or creates an offensive environment for them'. Victimisation means treating those who have complained about discrimination unfairly.¹²¹

Social scientists distinguish between two types of discrimination. The first is 'taste-based' discrimination, a concept associated with the economist Gary Becker. The second is known as 'statistical' discrimination. The distinction is summarised as:

'Whereas taste-based discrimination theory argues that interethnic bias is the main determinant of discrimination..., statistical discrimination theory opposes that interethnic attitudes shape economic transactions and suggests instead that discrimination results from a rational behavioural response to uncertainty. Specifically, in the absence of perfect individual information regarding job applicants' labour performance, group information (e.g. ethnicity, gender, age) is considered to be a cheap source of information to infer individual productivity of applicants and consequently to base selection decisions upon.'¹²²

Both have, in essence, the same effect; however, taste-based discrimination explains the outcome in terms of 'I give the job to this person because I don't like the ethnic group from which they come'. Statistical discrimination offers 'I don't know enough about this person in order to know whether to give them the job or not, so I fall back on what I know

(or think I know) on average about the ethnic group they come from’.

The implication of the latter is, were the necessary information about the individual candidate to come to light, it would be used instead of the group-level substitute.

Matters are further complicated in that the word ‘discrimination’ has shifted its meaning over time. The dictionary definition includes two alternatives, ‘The quality or power of finely distinguishing; [or] the act of making or perceiving a difference...’¹²³

Essentially, we are dealing with the ability to tell the difference between the qualities of people or things. This is the original meaning of the word with its first known usage as such in 1621. Its Latin roots have little to do with the ideas that it is mostly used to convey today.¹²⁴

The first clause in the immediately above definition indicates an element of social desirability. It used to be a compliment to say someone had ‘discriminating tastes’; that it to say they could tell the difference between good and fine wine; Mozart and Salieri etc.¹²⁵ It might also be added that the modern use of the term contradicts the meaning of the original. If you are judging someone by their race, you are failing to distinguish their individual qualities.

All these ideas are set out and collated in Sowell’s handling of the concept of discrimination. He writes:

‘The broader meaning – an ability to discern differences in the qualities of people and things, and choosing accordingly – can be called Discrimination I. The narrower, but more commonly used, meaning treating people negatively, based on arbitrary aversions or animosities to individuals of a particular race or sex, for example – can be called Discrimination II.’

He also distinguishes a third type: 'In other cases, where [information about the individual] is too costly to be worth it, individuals may be judged by empirical evidence on the group they are part of. This can be called Discrimination 1b'.¹²⁶

Sowell's Discrimination 1b is analogous to the concept of statistical discrimination discussed earlier. While this is not as good morally as Discrimination 1, it is not born from the same source of hostility or aversion behind Discrimination 2, and thus is conceptually distinct.

Moreover, should the necessary individual information come to light, Discrimination 1 will be used instead. One example given by Sowell is that companies that check applicants' criminal records hire more black people than those that do not, since they have acquired, at cost, individual-level information about individual applicants.

Another related but distinct concept is that of homophily – meaning the attraction to, or preference for, people like you.¹²⁷ While this term does not carry the negative connotations of discrimination in its modern usage, the effect of preference for the familiar may at times be at the expense of the unfamiliar and would arguably fall under the umbrella of discrimination.

One can easily point to the unfairness of discrimination since the practice violates the liberal norm of judging an individual by his or her character or accomplishments and not immutable characteristics, over which they have no choice. However, the sense of opprobrium generated by this violation is often carried over into our judgement of disparity. In effect, we are allowed to consider them both as part of the same immoral social phenomenon.

But moral matters are complicated by two things. First, homophily – why should we not prefer people like

ourselves? At what point does this become discrimination? Secondly, while we agree judging people on immutable characteristics is wrong, does it necessarily follow that anti-discrimination law should empower the state to over-ride the rights to freedom of association, as well as to dispose of one's own property as one sees fit? While discrimination of types 1b and 2 identified by Sowell go against liberal norms, legislative correctives are also illiberal. Do two wrongs make a right?

Now we turn our attention to discussion of key areas where disparity has been identified. Throughout the rest of this chapter, the term discrimination is used in its modern sense.

2.6 Disparity in educational attainment

The premise behind the Race Disparity Unit is that difference or disparity between ethnic groups can be analysed to see to what extent they are accounted for by other variables. If an unexplained residual remains then it is the duty of government to change this.

One example that is particularly instructive in this light is a paper by Steve Strand titled 'The limits of social class in explaining ethnic gaps in educational attainment' (2011). Its value lies in that the variables it includes encompass social structure, context, and educational ethics, both of pupils and parents, so much so that it takes into account both the explanations of left and right.¹²⁸

Strand has written elsewhere:

'Most explanations for why ethnic groups differ in their educational attainment fall into three general categories. The first is about social class and how the structural position of ethnic groups in society affects pupil's home, peer and school environments. The second concerns how the

cultural orientations of certain ethnic groups promote or discourage academic achievement. The third is about teacher expectations and institutional racism.¹²⁹

Strand's analysis uses regression modelling to first estimate the difference in mean attainment at Key Stage 3 (KS3) between minority groups and the white British ethnic majority. Then different batches of variables are added to the model. This works by separating out whatever confounding effects there might be that are contributing to the difference between minority groups and the ethnic majority.

The four batches of variables encompass:

1. Structural features of family background (social class, poverty, family composition etc.);
2. Family background (encompassing parental involvement, educational values, and support);
3. Pupil characteristics (in terms of positive and negative attitudes and behaviours e.g. doing home-work, truancy);
4. School context (encompassing school type as well as factors about the neighbourhood in which it is situated e.g. prevalence of poverty).

These can be said to be empirical tests of the main strands of explanation in that they encompass structure, agency, deprivation, and cultural norms. Explanations of institutional racism will be in part accounted for by student motivation and self-belief since such theories rely on ideas of demoralisation of ethnic minority pupils rather than a direct effect of the institution *per se*.

Table 2.1 (on page 77) reproduces the results of Strand's modelling, showing just the difference in mean attainment score at KS3 between ethnic minority groups and the

white British majority, under increasingly stringent sets of controls.¹³⁰

The key points are:

- Controlling for family background characteristics pertaining to socio-economic status reduces disparity or, in the cases of Indian and Bangladeshi pupils, causes it to reverse in their favour (Model II).
- Controlling for parental attitudes and behaviours increases disparity or, in the case of Indian and Bangladeshi pupils, explains it away (Model III).
- Controlling for the motivation and behaviour of pupils themselves further increases disparity, with even Indian pupils now fairing worse than white British ones (Model IV).
- Controlling for the context in which the school is situated causes disparity to decrease – all groups still do worse than white British, except Bangladeshis and ‘mixed’. Note its variation with black groups having a greater disparity than others.

Firstly, a word on causation. While regression analysis on a cross-sectional data set cannot establish causation, since ultimately it is based solely on patterns of correlation between inter-related variables, it can be used to rule out causation. Correlation is a necessary but not sufficient condition for causation – you cannot have causation without correlation.

Secondly, explanations due to social structure and cultural difference in motivation both have some explanatory value when dealing with ethnic disparity in educational attainment. Put simply, minority children tend to have worse circumstances but better motivation.

Table 2.1: Difference in mean attainment at KS3 between minority and white British pupils
 – adapted from Stand (2011)

	(i)		(ii)		(iii)		(iv)		(v)	
	Base		Family background		+ Parental attitudes and behaviours		+ Pupil attitudes, motivation & risk		+ School & neighbourhood context	
	β	SE	β	SE	β	SE	β	SE	β	SE
Mixed	-0.45	0.24	0.22	0.21	-0.27	0.21	-0.41*	0.18	-0.16	0.17
Indian	0.53*	0.26	1.37***	0.22	0.17	0.21	-0.92***	0.18	-0.49**	0.16
Pakistani	-3.09***	0.24	-0.67**	0.22	-1.51***	0.23	-2.57***	0.19	-1.64***	0.19
Bangladeshi	-2.90***	0.29	1.22***	0.28	0.17	0.29	-0.97***	0.21	0.10	0.21
Black Caribbean	-3.30***	0.27	-2.45***	0.24	-3.17***	0.25	-3.35***	0.21	-2.53***	0.21
Black African	-2.99***	0.30	-1.05***	0.26	-2.40***	0.25	-3.77***	0.22	-2.78***	0.20
Other	-0.30	0.31	1.49***	0.27	0.57*	0.25	-0.36	0.21	-0.02	0.19
R^2	0.013		0.249		0.334		0.531		0.575	

*** p < 0.01, ** p < 0.05, * p < 0.10

However, they are insufficient to explain the differences in their entirety. We are left with an unexplained residual. Whether or not institutional racism is an indirect cause cannot be established, although it should be added that those variables through which its impact would be made manifest are controlled for, namely pupil motivation and confidence.

Moreover, they tend to show minority pupils having a higher academic self-confidence, inconsistent with the image of the demoralised minority pupil. Strand's measure of 'academic self-concept' classes 14 per cent of white British as 'very low' compared to 8.7 per cent of black Caribbean pupils, for instance.¹³¹

With the 'explain or change' principle in mind, we have an unexplained disparity, meaning difference persists once a reasonable batch of controls have been applied. While the standard explanations have some use, controlling for variables reflective of them does not cause the difference to vanish, especially in the case of black Caribbean pupils.

Many would settle on the discrimination argument to explain the residual difference. However, it would need to account for why some groups are discriminated against more than others, as well as account for the apparent lack of discrimination shown towards Bangladeshis. Note that we would not be dealing with institutional racism made manifest in demoralised minority students, but the actual marking-down of ethnic minority pupils, purposely or otherwise.

Other research by Strand does show that black Caribbean pupils are less likely to be put forward for higher tier examinations in mathematics and science net of other characteristics,¹³² which is a teacher's decision, while research has suggested discrimination in marking.¹³³ However, Strand's research at Key Stage 4-level shows gaps

persisting under the same extensive battery of controls, and GCSEs examinations are anonymised or 'name-blind'.¹³⁴

The second remaining explanation would be that we *are* actually just observing differences in ability that are successfully picked up in KS3 assessments and are inexplicable. This is a conclusion that Strand himself does not entertain. However, Ockham's razor would propel us to take this as the way forward. The burden of proof falls on those who prefer the explanation of discrimination.

Two possible courses of action present themselves to address the disparity: either top minority individual grades up or investigate properly to see if discrimination is going on and then get teachers to stop it. Without real proof of discrimination, the former would risk being seen as unfair.

The latter would be possible through experimental research (i.e. taking a random sample of assessments and have them double-blind assessed by independent teachers). This would surely be the best way forward as it would allow an open investigation of fairness in education, which would either establish a sound case for government intervention, or provide reassurance that schools were fair.

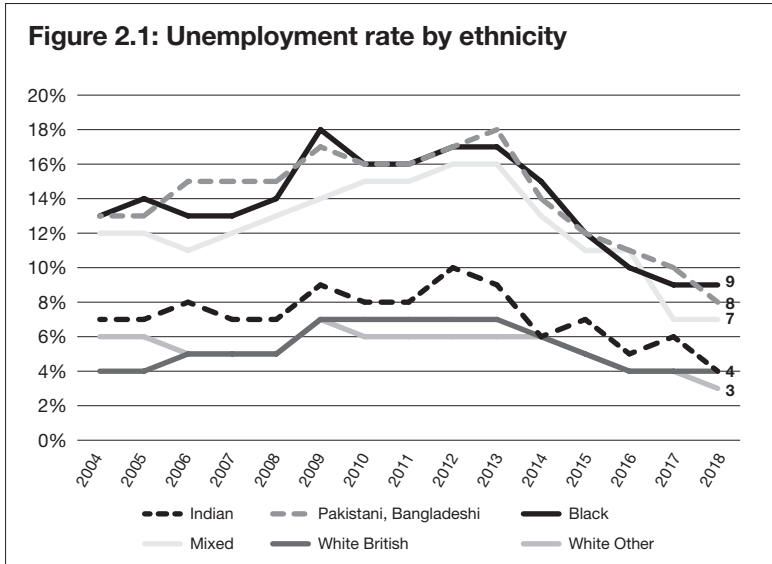
It should be added that much of the raw disparity (Model I) can be addressed through 'race-neutral' measures, such as the pupil premium which targets additional funding at children eligible for free school meals. Disproportionate problems have disproportionate solutions.

2.7 'Ethnic penalties' – disparity in the labour market

Ethnic disparity is evidenced by the *Ethnicity Facts and Figures* in labour market outcomes. This is of particular importance since employment is crucial for integration, as well as being of substantive interest in that disparity exists *and* discrimination can be directly evidenced therein.

The unemployment rate¹³⁵ as of 2018 was 4 per cent. Variation between ethnic groups ranged from 3 per cent for white minorities ('white Other') to 8 per cent of Bangladeshi/Pakistanis and 9 per cent of black people. Note that the standard categories are amalgamated into much broader ones due to sample size issues.¹³⁶

Recent trends are presented in the graph below.



Source: Ethnicity facts and figures

One exploration of this disparity comes via a Department for Work and Pensions paper written by Anthony Heath and Sin Yi Cheung (2006).¹³⁷ They utilise the concept of 'ethnic penalties', first coined by Heath himself back in the 1970s:

'[1] Sociologists have used the term 'ethnic penalties' to refer to any remaining disparity that persists in ethnic minorities' chances of securing employment or higher-level jobs, or income, after taking account of their measured personal characteristics such as their age, qualifications, and the like. [2] We use the term 'ethnic penalty' to refer to all the

sources of disadvantage that might lead an ethnic group to fare less well in the labour market than do similarly qualified whites. In other words it is a broader concept than that of discrimination, although discrimination is likely to be a major component of the ethnic penalty.'

There are though, two separate things being referred to in the above extract. Clause [1] describes a residual disparity between groups in terms of *ex post* results, evident in observational statistics and obtained through regression analysis. Clause [2] refers to *ex ante* conditions that are, in effect, causal. In Heath and Cheung's paper, the second is inferred from the presence of the first – because there are differences in outcomes, there must be differences in treatment or material conditions between groups, which is not a sound inference.

Moreover, speaking of 'ethnic penalties' implies that something has been paid by individuals, because of their ethnicity, to someone else. While opportunities may have been withheld, fairly or not, no one has paid a penalty in the sense that something has been handed over. Certainly, this does not amount to an additional tax as one commentator put it.¹³⁸

'Ethnic penalties' in securing employment are measured by Heath and Cheung using regression coefficients showing the difference between minority groups and white people, derived from logistic regression modelling of avoiding unemployment.¹³⁹

The control variables used by Heath and Cheung were: age, education, marital status, generation, and region.¹⁴⁰ Their results are presented in the table below and show substantial, as well as statistically significant, differences between most groups and the white majority. For example, a black African man, comparable on a selection of variables,

is 64 per cent less likely to avoid unemployment than a white man (or the odds of doing so are 36 per cent of those of the white comparator).¹⁴¹

Ethnicity	Men	Women
Black African	0.36	0.38
Black Caribbean	0.40	0.42
Black mixed	0.44	0.48
Indian	0.80	0.61
Pakistani	0.43	0.32
Bangladeshi	0.78	0.49
Chinese	0.90	0.74
British, other whites	1.00	1.00

Since Heath and Cheung’s analysis is now somewhat dated, I have replicated it using recent data, with the minor difference in how ethnicity is classified. Instead of ‘white’ as the reference category, I have used ‘white British’ – allowing for comparisons with specific white ethnic minorities.¹⁴² The results are presented in the table below, including both raw differences between groups and those under the same statistical controls as Heath and Cheung’s ‘ethnic penalties’ model.

Model I shows the difference between ethnic groups for men. All groups are less likely to avoid unemployment, with the exception of the ‘white other’ group (more) and Indian, Irish, and Chinese (no difference). Black African men, for example, are 51 per cent less likely, and ‘white other’ men 53 per cent more likely.

Adding the same batch of controls as Heath and Cheung – Model II reveals Indian men to be now significantly less

likely to avoid unemployment, while for Chinese men the odds ratio is now negative but still insignificant. No other substantial differences are observed.

For women, all groups are less likely to avoid unemployment, except Irish and Chinese (no difference), as evidenced by Model III prior to statistical controls being added. Model IV, which includes the same batch of controls as before, shows all minority women avoid unemployment less, with the exception of 'white other' and Chinese women. Irish women are now significantly less likely, however. Differences range from Bangladeshi women being 74 per cent less likely to 42 per cent for black Caribbean women.

Table 2.3: Odds ratios relative to white British for avoiding unemployment – Quarterly Labour Force Survey 2017-20 pooled, unweighted, statistically significant difference in bold font ($p < 0.05$)¹⁴³

	Men		Women	
	Raw (I)	Controlled (II)	Raw (III)	Controlled (IV)
White Irish	1.44	1.17	0.67	0.62
White Other	1.53	1.50	0.66	0.90
Mixed	0.48	0.65	0.40	0.53
Indian	1.11	0.71	0.54	0.51
Pakistani	0.69	0.58	0.23	0.30
Bangladeshi	0.60	0.55	0.18	0.26
Chinese	1.06	0.77	0.72	0.70
Black African	0.49	0.42	0.28	0.37
Black Caribbean	0.60	0.70	0.49	0.58
Other	0.62	0.52	0.43	0.53

The first thing to say is that the controlled model is insufficient to explain the ethnic disparity for both men and women. Differences are attenuated or even opened up, as in the case of Indian men. Only in the case of 'white other'

women is the disparity 'explained away' by this model. Richer models might cause it to reopen.

Secondly, disaggregating the white group shows a positive disparity in favour of 'white other' men over the white British majority. In real terms, this group will be composed of North Americans as well as both Eastern and Western Europeans. The implication of such a disparity, under Heath and Cheung's logic, is that white British men are paying an 'ethnic penalty' relative to this group. Moreover, Chinese men and women pay no 'ethnic penalty' whatsoever.¹⁴⁴

Thirdly, while the model only in part accounts for some, if any, of the differences between groups, the selection of variables is limited, especially compared to those used by Strand, as described earlier. Missing in particular are measures pertaining to culturally-specific preferences for work which would influence labour market outcomes.

While Heath and Cheung's model is purposefully simple, this is inevitable in that the Labour Force Survey, unlike the data used by Strand, does not include measures that reflect attitudes or positive or harmful social behaviours, or contextual factors either. Nevertheless, given what we know from Strand's analysis, it would be likely that, were such measures available, differences between groups would still be evidenced.¹⁴⁵

As a final point on this matter, it is worthwhile noting that for men there was practically no disparity in unemployment rates between white and non-white ethnic minority groups in the 1970s.¹⁴⁶ It would be very hard to argue that this was not a time when racial hostility was both greater and more openly displayed; that a lack of disparity was evidence for a lack of discrimination in the labour market.

2.8 Measuring discrimination in the labour market – the CV test

While the available data on unemployment lack the descriptive detail of those available for educational outcomes, in order to build models as comprehensive as Strand's, there is the advantage that there is an existing complementary literature that goes so far as to prove the existence of discrimination in hiring.

According to a study led by Lincoln Quillian, the most common method for assessing discrimination is the 'residual method', which is the same as the 'ethnic penalties' regression modelling outlined above, and suffers from not being able to account for unobserved, potentially confounding influences. Other methods include self-reports of discrimination and the number of formal complaints and lawsuits, which suffer from other potential sources of bias.¹⁴⁷

Field experiments, however, offer the best source of measurement, according to Quillian et al., since 'the problem of measuring discrimination is fundamentally a problem of causal inference'. Such experiments rely on comparing outcomes between fictional applicants to advertised jobs, for whom all other things except their race or ethnicity are the same, and, therefore, causation can be successfully inferred. Race or ethnicity are signified in the job application through the choice of 'ethnic' names – John Smith vs. Ravinder Singh, for example.

Typically, 'call-back' ratios are calculated as the share of successful majority applicants to successful minority applicants; a ratio of 1 means equality of treatment while greater than 1 means discriminatory treatment in favour of the majority.

Such tests are known as *correspondence studies*.

Experiments have been carried out in this country since the late 1960s. The most recent by Di Stasio and Heath found a call-back ratio of 1.6:1. This shows minority groups are discriminated against in hiring.¹⁴⁸

Such a figure will lead to claims that ethnic minority individuals have to send 60 per cent more applications in order to get an invitation to interview. However, there is a problem with this.

Any research design can be evaluated in terms of its internal and external validity. The former relates to the extent to which the design is a fair test and free from any biases. The latter refers to the extent to which the findings can be said to be generalisable to the wider population.¹⁴⁹

But can the experimental finding of a call-back ratio of 1.6:1 be said to be an accurate measurement of what goes on in the *real* British labour market?

Correspondence tests have a high internal validity, since all things are equal between the fictitious applicants, other than ethnicity. External validity is low, however, since it is impossible to randomly sample the job market.

Di Stasio and Heath sampled job adverts from a website while another experiment in 1969 relied on local and national newspapers. Different sample frames will entail selectin effects and so it will be both hard to compare from study to study while the researchers will have little idea of the extent to which the sample is biased towards certain sections of the labour market where those who discriminate may be more concentrated. Moreover, around one third of recent job entrants in 2009 found their job through an advertised application procedure.¹⁵⁰

It is clear that such tests prove the existence of discrimination, but they fail to measure its extent.

However, an interesting counter-argument can be made.

Quillian et al. argue that while the internal validity is high, it is the reliability of correspondence studies that is the issue.¹⁵¹ This is largely because the typical study will have a small sample size – leading to fluctuations in call back ratios over time denoting inaccuracy of measurement. In order to address this, averages across correspondence studies within countries, were computed (Belgium, United States, Canada, France, Germany, United Kingdom, Netherlands, Norway and Sweden).

Their most interesting finding is that the average results of correspondence studies correlate substantially with the countries' 'ethnic penalties' as computed by Heath and Cheung (2007).

A correlation coefficient of 0.5 is reported, which while not strong, is substantial by social science standards. This would imply a degree of external validity since one of the ways of establishing it is through correlation between statistical variables that are reasonably termed to be conceptually related, at least in theory – known as criterion validity.¹⁵²

The fact of a correlation between the 'ethnic penalty' and experimental results would further imply these are both measuring the same thing, and that a component of the former is caused by the latter; a fairly safe inference since we know discrimination in hiring exists and will manifest itself in less chance of employment.

While it can be argued that correspondence studies measure discrimination, it can be equally argued that they measure *something else*; the patterns evidenced by Quillian et al. are noisy, while a correlation of 0.5 would mean just one quarter of the variance in 'ethnic penalties' is accounted for by discrimination – (r-squared = 0.25). Moreover, while the average of experimental results can hone in on the true result given enough attempts, such a method does not allow

us much to measure the extent of discrimination in the real world, year after year.

Nevertheless, Quillian et al. found, among a select group of countries, that discrimination in the United Kingdom was relatively low. It was found it to be highest in France and Sweden, and lowest in Germany, Norway and the United States.

Experiments such as these do prove the existence of discrimination but they suffer from the flaws I have identified. However, they might be more successfully applied in fields such as education, where an appropriate sample frame can be identified and randomly sampled.

For instance, we could identify a random sample of student assessments and have them blind-marked by independent teachers and then compare them to the actual teachers'. With sampling of this kind and sufficiently large numbers, it would be both possible to prove the existence and measure the extent of discrimination over time.

A review of correspondence studies conducted since 2005 found ethnic or racial discrimination in countries such as the United States, the United Kingdom, France, and Germany, as well as the non-western countries China, Peru, Mexico and Malaysia. Furthermore, religious and caste discrimination have been evidenced in India using this method.¹⁵³

Chinese people in China discriminate against minorities, including the Uighurs, but in Malaysia, it is the ethnic Chinese who are discriminated against. Indian people have discriminatory instincts in terms of religion and caste, evidenced in India, but in the United Kingdom, they experience discrimination on ethnic or racial grounds.

The crucial point is that it would be a wonder if discrimination did not exist in the United Kingdom; such behaviour is common across the world along a variety of

dynamics. Indeed, experiments have shown that school children randomly divided into groups and given an arbitrary marker of identity come to discriminate against each other.¹⁵⁴

That such basic instinctive preferences can be suppressed is an open question, to date we have obviously not managed it; moreover, there is little debate on the competence of those who make it their business.

The weight of the evidence does show that disparity between groups in employment is accounted for in part by discrimination, but by how much, we do not know.

2.9 Disproportionality in youth custody

As we have seen, statistical evidence on ethnicity and social outcomes is multifaceted. Take the example of young people in custody (aged 10-17). This is of particular interest since David Lammy has cited this as evidence that societal unfairness has increased since he published his review. He wrote:

‘A year and a half on from my review into disproportionality in the justice system, the situation is getting worse. Today 51 per cent of the youth prison population is from a BAME background. We need urgent action to fix this.’¹⁵⁵

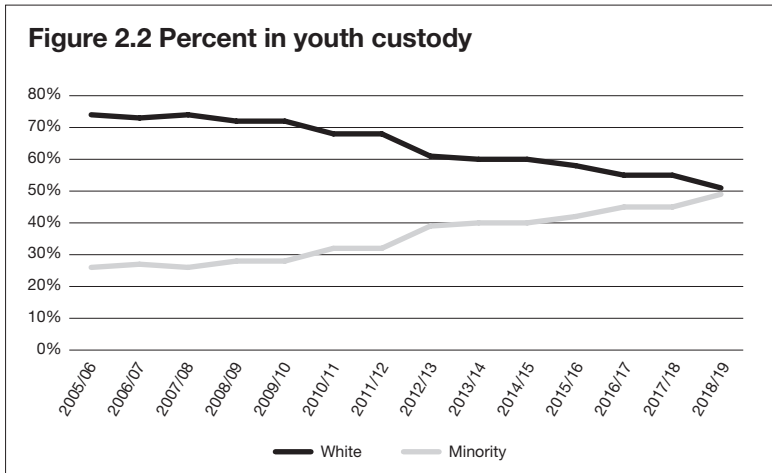
In his evidence to the Justice Select Committee, he said:

‘My view is that you cannot be in the criminal justice business – you cannot be a prison officer or a prison governor; you cannot be a judge; you cannot be a probation officer; you cannot be in the CPS – if you are not in the business of racial difference and disproportionality. You have to be engaged in that subject.’

For the Youth Justice Board, their ‘real challenge’ is disproportionality, he said.¹⁵⁶ That things are getting better,

as we shall see, only at different, group-specific rates is not a primary concern.

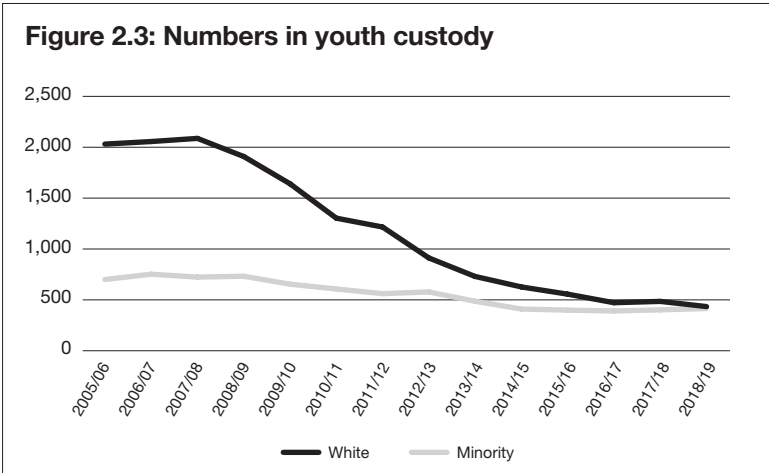
The most recent figures show half of those young people in custody are of a non-white ethnic minority, up from just over a quarter in 2005/6. This rise is a longstanding trend that predates the Lammy Review – as seen in Figure 2.2 below.¹⁵⁷



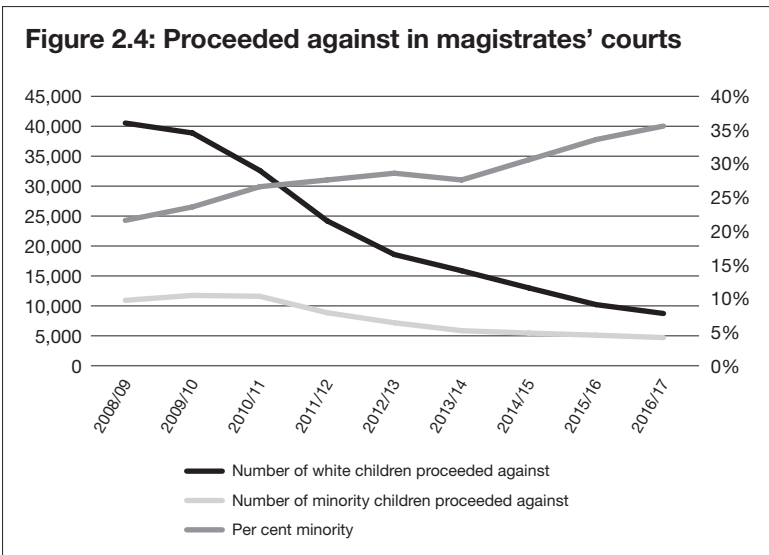
Source: Ethnicity facts and figures

While the minority share is rising, numbers are falling overall for both white and non-white. The number of non-white children in custody has dropped from 700 to 415 between 2005/6 and 2018/19; at the same time there has been a more rapid fall of white children from 2,031 to 434.

This mirrors the numbers and share of ethnic minority children being proceeded against in magistrates’ courts. While numbers have fallen sharply for all groups, the decline has been greatest for white children. Note that the declines in the numbers of minority children proceeded against and in youth custody are at comparable rates.

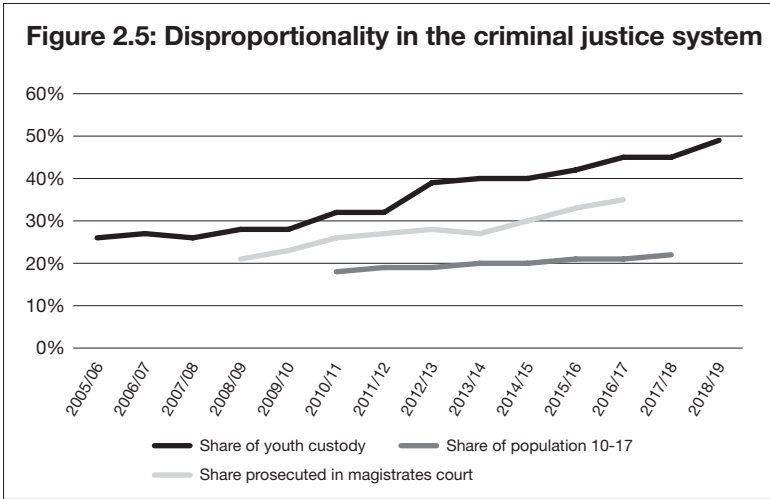


Source: Ethnicity facts and figures



Source: Ethnicity facts and figures

Disproportionality in youth custody is increasing relative to population share, as seen in the graph below, but tracking steadily the share of minority youngsters showing up in court.



Source: Ethnicity Facts and Figures/ONS

Minority juveniles have a higher custody rate, with a slight increase relative to white, but no more than by one percentage point, as well as longer average sentences by about 2 to 4 months depending on the year, although no clear trend is observed. However, minorities instead have lower conviction rates at around 0.7, compared to 0.76 for whites.¹⁵⁸

Longer sentences may be down to racial bias among judges, but it is also true that the circumstances surrounding any crime vary from group to group – which may impact upon sentencing. For instance, ‘gang concerns’ show up in 34 per cent of pre-sentence reports on young black men, compared to 11 per cent of Asian and 5 per cent of white young men.¹⁵⁹

We also know from the ONS that crime overall is falling but that knife crime is rising,¹⁶⁰ and that those convicted of offences involving knives are disproportionately of an ethnic minority.¹⁶¹ While it is difficult to explain the patterns identified by Lammy using the available data, it is arguable

that they are consistent with an overall decline in crime but with a rise in more serious violent crime carried out more often by minority youth, hence the slower rate of reduction in numbers detained. Certainly, the evidence points more towards the point of entry into the criminal justice system than the courts themselves.

If fewer whites go into court and spend less time on average in custody, you will see a growing minority share. It is impossible to say for sure whether or not those going into court reflect the true demographic shares of those committing crime.

Some will contend that a minority disproportionality is down to a selection effect due to 'over-policing' of minority communities. Such reasoning must contend with Ockham's razor – the simplest explanation is that minority children show up disproportionately in court because they commit more crime.

This is not to say that police have not behaved badly in the past, nor that they get a clean bill of health today. Moreover, if we look at those crimes that are most difficult to evade detection of, specifically murder, we see a strong minority disproportionality relative to population share. Of those proceeded against and also those convicted of murder aged 10-17 between the years 2009/18, 60 per cent were not white.¹⁶²

2.10 In search of the ailing white working-class male

Identity politics is the idea that individuals build their political activity on shared group-level characteristics and 'shared experiences of injustice', rather than beliefs, ideas and parties.¹⁶³ Intersectionality is a related idea that there exists a hierarchy of injustice or oppression based on group-level characteristics that 'intersect' with each other. For instance, a black man is oppressed but not as much as a black

woman, who, if she is heterosexual, is not as oppressed as a homosexual black woman and so on.

Much of identity politics, especially its more radical left-wing stream, assumes that people from ethnic minorities are oppressed by those from the ethnic majority and therefore do badly. Critics of this line of thinking will often point to the lack of success of white working-class boys as refutation, particularly in education since their performance is relatively poor.

Indeed, the evidence does point towards underachievement by children who are white and from a low socio-economic class background, particularly boys.

In terms of progress made in school, judging by the government's 'Progress 8' scores, we do see white males eligible for free school meals falling behind, although it is worst for those from Gypsy/Roma or Irish Traveller backgrounds. The table below shows the top 10 worst performing groups in terms of ethnicity, gender, and eligibility for free school meals.¹⁶⁴

Rank	Group	Progress 8
1	Irish Traveller Boys: free school meals	-1.72
2	Gypsy/Roma Boys: free school meals	-1.31
3	White Irish Boys: free school meals	-1.15
4	Irish Traveller Boys: no free school meals	-1.09
5	Irish Traveller Girls: free school meals	-1.05
6	White British Boys: free school meals	-1.02
7	Mixed White/Black Caribbean Boys: free school meals	-0.97
8	Black Caribbean Boys: free school meals	-0.91
9	Gypsy/Roma Boys: no free school meals	-0.88
10	Gypsy/Roma Girls: free school meals	-0.79

Source: Ethnicity facts and figures

As seen, white British boys on free school meals rank 6th with an average Progress 8 score of -1.02, meaning, in effect, they fall behind as they pass through school (compared to a national average of -0.02). However, they fall behind other white minority groups, including some sets of girls, while black Caribbean boys eligible for free school meals perform similarly.

In terms of attainment, both white British boys and girls from low socio-economic backgrounds are among the lowest achievers.¹⁶⁵

According to an Institute for Financial Studies paper, 12.8 per cent of white British children from the lowest socio-economic quintile go to university, as do 20.5 per cent of the second lowest quintile. These figures can be contrasted with 29.9 per cent and 36.5 per cent respectively for black Caribbean children, and 65.5 and 72.6 per cent respectively for Chinese children.¹⁶⁶

Note that the share of Chinese children from the lowest socio-economic quintile going to university is greater than that of the white British from the highest socio-economic quintile – 60.7 per cent.

Political advocacy for white working-class boys needs careful consideration. Former Conservative electoral candidate and government advisor Simon Marcus has written:

'From 2006 until 2011, I was director of the Boxing Academy, a charity for excluded students in Tottenham. You couldn't get grants or funding unless you explained how you were going to help disadvantaged minority groups. This was okay for us. Our students were mostly black and they deserved extra support. But white working-class boys eligible for FSM, with the same needs and the same broken homes, got nothing.'

He further noted the similarity between struggling white and black pupils: 'It is everything I saw at the Boxing Academy. Broken families, father-absence, low aspiration, a macho, physical culture, the need for an identity, purpose, acceptance and love. These problems need answering.'

This goes to the crux of the adequacy of allocation of resources by group. Why should comparable white students not get the same additional resources as black ones? Targeting based on group is unfair in that it is liable to include individuals within poorly performing groups who require no additional help and exclude those within well-performing groups that struggle.

In the wake of Brexit and Trump's election in 2016, some have sought to locate their explanation within the 'left-behind', demoralised and declining white ethnic majority, particularly men.

However, it is not true to say that the white British working-class male is on the whole struggling, at least relative to other ethnic groups. One variable in the Labour Force Survey provides a description of the main breadwinner's occupation of the respondent at the age of 14, which can be used as a proxy for social class background or class origin.¹⁶⁷ Again, regression models are estimated using the same set of controls as Heath and Cheung's 'ethnic penalties' model, only individuals were grouped according to their class background, ethnicity, and gender.¹⁶⁸

As seen in the table below, white British working-class males enjoy the same odds of avoiding unemployment as their female and middle-class male counterparts. However, white British middle-class females have higher odds by 18 per cent; nevertheless, the odds of white British working-class males are greater than nearly all other demographic groupings.

Table 2.5: Odds ratios of avoiding unemployment relative to white British working-class males – Labour Force survey pooled 2014/17 Q3; significant in bold font $p < 0.05$ ¹⁶⁹

Group	Odds ratio
White British Male working class (reference category)	1.00
White British male middle class	1.06
White British female working class	1.06
White British female middle class	1.18
Black ¹⁷⁰ male working class	0.40
Black male middle class	0.41
Black female working class	0.42
Black female middle class	0.46
Indian male working class	0.60
Indian male middle class	0.72
Indian female working class	0.51
Indian female middle class	0.49
Pakistan/Bangladeshi male working class	0.45
Pakistan/Bangladeshi male middle class	0.75
Pakistan/Bangladeshi female working class	0.32
Pakistan/Bangladeshi female middle class	0.27

Such analysis only looks at those in the labour market – those economically active, either in work or unemployed but looking for work.

What about those long-term unemployed or inactive through illness or disability? Further regression models were estimated in order to analyse differences between white working-class men and other comparable groups.¹⁷¹

In general, there is no ‘ethnic penalty’ for white British working-class men. For example, they are as likely to be economically inactive through sickness or disability as most groupings, as seen in the table below, with some exceptions. They are as likely as women of the same ethnicity and class, but more likely than those white British men and women

in the middle-class. Indian working-class women are 34 per cent more likely, while Pakistani/Bangladeshi working-class men are 56 per cent more likely. The difference is greatest for middle-class Pakistani/Bangladeshi women, who are 65 per cent more likely.

Table 2.6: Odds ratios of being economically inactive through sickness or disability – Labour Force survey pooled 2014/17 Q3; significant in bold font p<0.05	
Group (ref = white British working-class male)	Odds ratio
White British male middle class	0.85
White British female working class	1.00
White British female middle class	0.87
Black male working class	1.15
Black male middle class	0.90
Black female working class	1.04
Black female middle class	0.75
Indian male working class	1.15
Indian male middle class	0.72
Indian female working class	1.34
Indian female middle class	0.71
Pakistan/Bangladeshi male working class	1.56
Pakistan/Bangladeshi male middle class	1.25
Pakistan/Bangladeshi female working class	1.15
Pakistan/Bangladeshi female middle class	1.65
Region (ref = London)	
North East	1.34
North West	1.26
East Midlands	0.99
West Midlands	0.98
East of England	0.81
Yorkshire and Humber	1.07
South East	0.81
South West	0.91
Wales	1.34

However, what is noticeable is that some regions, marked by their relative lack of ethnic diversity, have higher levels of long-term unemployment and economic inactivity. For instance, the odds of being economically inactive through sickness or disability for someone in the North East are 34 per cent greater than someone in London.

Further analysis showed that while there was little variation between all non-white British ethnic minorities as a whole across class and region, there are some significant differences within the white British.¹⁷²

A single white British man, aged 35 with no education and born in the United Kingdom, from a middle-class background and living in London in 2017 has a 13 per cent chance of being economically inactive through sickness or disability. Contrast this with a similar man only from a working-class background and living in the North East, who has a 28 per cent chance. Note that for both individuals, were they to be married and degree holders, while the disparity would persist, the respective probabilities would be less than 1 per cent (see Table A5, Appendix).

To surmise, educational performance among white working-class boys is relatively poor, but for the white British working-class males this does not translate into a general 'ethnic penalty' in terms of unemployment or economic inactivity through sickness or disability. There are though significant variations across class and region within the white British, particularly between London and the North East.

Why does this poor educational performance not translate into poor employment prospects? The answer might be that the white working-class is, on the whole, more likely to go into jobs that do not require as much by way of academic education *and* they do not face ethnic discrimination in these jobs.

Breen and Goldthorpe have argued that class differentials in education might be explained by an idea called 'Bayesian learning' – meaning children and their families look to the limited historical economic gains brought by education to people like them, and adjust their effort accordingly.¹⁷³

Given there is little 'penalty' in the labour market for white working-class males, certainly relative to their middle-class male counterparts, it is easy to ask – why would you push as hard if you were assured of a job? It is also noteworthy that the ethnic groups that tend to do the worst in education have little tradition of social mobility – slavery in the Caribbean prohibited it, as did the class system in Britain, while gypsies have been marginalised, and therefore a cultural norm that dispenses with education is probable since education has not historically provided social mobility for these groups.

Explanations like this are certainly more promising in explaining white male working-class educational failure than such simplistic evocations of class warfare: '... because our metropolitan elite doesn't like them'.¹⁷⁴

While there are white working-class boys that have terrible problems, they are not alone; these should neither be passed over nor presented as definitive of the group as a whole. The truth is, most working-class males of whatever ethnicity are doing well enough, if not fine.

The correct refutation of identity politics is not to substitute one victim group for another, but to focus on individual need that avoids pitting politics as a *zero-sum* game between groups, as that implies conflict.

Some supposed critics of identity politics seem unaware of how much they resemble the intersectionalists: *oppression = race + class + gender* they say, only it is not the race and gender you automatically think. The position is tantamount to: it is not that identity politics is misguided,

but rather that we need to find the *right kind* of identity politics.

Notably, those on the left seem reluctant to permit the 'white working-class' the status of victim group, as if they perceive it as a threat to that of their preferred victim groups, in whose name they seek political power. They will often formulate arguments along the lines of 'the working-class' is not uniformly white to try and neuter those claims advanced that the white working-class are deserving of special concern.

The reason is because it challenges the simplistic idea that whites dominate groups that are not white since, clearly, so many poor whites do struggle in life. While it is true, as I have shown that no particular ethnic section of the working-class has a monopoly on hardship, of those who seek to deny there is something distinct about the white working-class, it is tempting to ask in response, where is your intersectionality now?

Regarding our discussion of disparity, this analysis of the outcomes of white working-class males shows that there are differences within groups as well as between them. In this regard, the intersectionalists are correct, although such differences are hardly surprising. The error would be to conclude that disparity within groups was *necessarily* evidence of oppression or discrimination, any more than disparity between groups.

2.11 Conclusion

Disparity and disproportionality refer to statistical differences between groups. They have also acquired connotations of being *immoral* as well as *avoidable*. Discrimination, in its modern sense, means treating people badly or unfairly on the basis of group characteristics, such as race.

We know disparity and discrimination exist, but the extent to which the former is accounted for by the latter is an open question. Regression analysis will tell you to what extent disparity is accounted for by other confounding variables, but even a set of near-exhaustive controls leaves you with an unexplained residual difference.

If disparity is *avoidable* then it is *controllable*. That control of society through ambiguous statistics is possible and becomes a more and more dubious assertion when you consider the limitations of how much we know about disparity between groups. Discrimination has been evidenced in the labour market, proven even, but not measured over time. However, the methodology behind this might be extended to other areas fruitfully where proper random sampling is possible.

While the government is committed to changing unexplained disparity – ‘explain or change’ – perhaps it would make more sense to focus on what we do know. Going back to the example of infant mortality raised earlier, campaigns to reduce smoking in pregnancy which are race-blind would have a substantial impact on disparity since such a measure would also fall disproportionately.

3.

A choice between two worlds

I hope that what is clear to the reader is that disparity and disproportionality are not things we fully understand or can understand completely. In depth regression analyses will allow some exploration of why there are differences between groups, to the extent to which the data are rich and detailed. For instance, educational differences are in part to do with worse circumstances for ethnic minorities, in part to do with their better educational ethics. But such accounts are not exhaustive and we are left with something unknown. While social scientists have proven the existence of what we now call discrimination in the labour market, they have not measured successfully its extent over time.

Moreover, there is no definitive appraisal of the extent to which disparity between groups is accounted for by discrimination, although the two are inevitably linked. Nor is there any succinct explanation of why disparity is morally wrong, distinct from the opprobrium that is reserved for discrimination.

As argued in Chapter 1, our pantheon of reviewers cannot tell us why group outcomes ought to be equal, given the manifold ways in which groups are different. Accordingly, the solutions they propose have been dogmatic and do not address the issue, with little consideration of unintended consequences. The root cause of this will be the uncertainty

that is inevitable in observational statistics pertaining to social outcomes, stemming from spurious correlation, omitted variables, measurement error, small samples, and the problem of identifying causation.

Throughout my review of the reviews, I did not find **one example** of someone who had figured out how to close a gap and had successfully accomplished this. The burden of proof is always on the citizenry through trying and testing the recommendations made, not the reviewer.

Surely it is the other way round.

Nor was there ever any appraisal of what had already been done. It is something akin to an open secret that the government/third sector nexus has been throwing its weight at closing gaps for a long time now, in this country as well as others. So often you hear calls to find out 'what works', but why is that knowledge not already amassed and readily to hand? What did not work?

There is something illiberal about the world that the reviewers seek to create, regardless of their deficiencies in knowledge and competence. The world of 'explain or change' is one of constant vigilance and monitoring of individual decision making. It is a world without trust in which the liberal assumption of innocence before proven guilt is reversed.

Mandatory measures, such as gender and ethnic 'pay gap' reporting, is a case in point. They are nothing more than the state confiscation of private information on the assumption that something wrong is being done. That the data show nothing of the kind, and are incapable of doing so, given the problems listed above, is not considered. And while we might legitimately be concerned with judges being unfair in their verdicts, government is in danger of breaking the principle of judicial independence in its insistence on group equality of outcomes in the courts.

It would be a world of constant reviewing and telling other people what to do in order to make the statistics for all ethnic groups the same. A world in which people are encouraged into jobs in order to match baseless targets, ethnic minority individuals tacitly favoured in the workplace, decisions constantly monitored and reviewed by diversity and inclusion officers, where unconscious bias training is the law. Of the latter, what began as a palatable reminder to understand and except people's differences is increasingly beginning to look like something sinister.

The same sorts of things are proposed again and again, despite the growing scepticism surrounding their efficacy.¹⁷⁵

That such measures may engender resentment or backfire; or simply not work, is not considered. This is evidence of an ideologically-sealed discourse, rather than an open inquiry that embraces evidence and is prepared to change in light of new information.

Much of this world is already in place with diversity and inclusion advocates ever increasing their influence. At an event not so long ago at a major professional services company, I heard one senior diversity manager declare how they had tried everything to bring about 'gender diversity' but it had not worked. Most employees who have not accomplished what they said they were going to do tend to keep that sort of thing to themselves. In any other line of business, such an admission would be accompanied by the sounds of budgets being trimmed and redundancies made.

What if we were to imagine a second, more optimistic world that accepted disparity as inevitable but that there were certain things that could and should be done that would reduce it. Groups differ in all manner of ways and so there is no reason why they should have the same outcomes. However, the causes of disparity can be remedied; where a

problem is felt disproportionately, so too will be its solution. While some groups may be overrepresented among those doing badly at school, fostering improvements in education among the worst performers should disproportionately benefit those very same groups.

Such measures would not be born from an objection to disparity, but rather an objection to the damaging social behaviour in which the disparity is evidenced. While white British children are disproportionately likely to self-harm, it does not follow that we want them to proportionately self-harm. We do not want any child to do this. Any measures to help children in need should be directed precisely towards that need. A struggling child from a well-performing group has as much moral claim to help as a struggling child from a group that is doing badly.

Since there is no reason to expect equality of outcomes, given the myriad ways in which groups differ, perhaps comparing a group to another group makes less sense than comparing a group to itself over time.

Discrimination, in terms of ethnic or racial preference, in hiring is near-inevitable, as well as illegal since the 1960s. People all over the world have discriminatory tendencies towards favouring their group.

Decisions taken as to who to hire are not made publicly, but out of sight; and as in the parable of the ring of Gyges, those who are invisible are liable to behave badly. For this reason, it is also very hard to combat through law. Attempts to stamp out racial or ethnic preferences in hiring range from affirmative action programmes, such as quotas, to more subtle 'nudges', such as 'name-blind' recruiting and the 'Rooney rule'.

As Sowell has found, affirmative action programmes have been deployed in many places, not just the United

States. He concluded they tend to (a) misallocate people to jobs, (b) help the most advantaged within the group that is favoured at the expense of the vulnerable in the unfavoured group, (c) encourage more groups to seek job guarantees under the quota, (d) foster resentments between groups, and (e) encourage other groups to seek quota protections.¹⁷⁶

'Name-blind' recruitment – the practice of removing all signifiers of group identity from an application – will nullify the effect of discrimination at the point of application. This will work up to a point, but employers will have to see the candidate eventually. The 'Rooney rule', taken from American Football, is the stipulation that one minority person be given an interview for a position. The idea is to guarantee them the opportunity to speak for themselves; it lacks the bluntness of the quota or target but does lean against any biases on the behalf of employers in hiring.

Such a measure has been used in the English Football League. The programme is in its infancy but statistics from its second year (2017/18) show that the chances of a minority candidate getting an interview were 27 per cent compared to 16 per cent overall, rising to 52 per cent for suitably qualified minority coaches. This resulted in 16 minority candidates being appointed to coaching positions – 13 per cent of all appointees. According to the EFL, this is greater than the 8 per cent of its coaches from a minority background and 4 per cent for senior coaching positions. The figure of 13 per cent of appointments is also greater than the share of minority applicants – 9 per cent.¹⁷⁷

Such 'nudge' approaches must surely be the way forward. However, we can expect that discrimination will continue. The idea that we can 'stamp out' a given undesirable social behaviour in its entirety is naïve.

Prior to the lockdown, there were around 5.5 million people of a non-white ethnic minority who were employed.¹⁷⁸ How did they manage it? Perhaps they just sent 60 per cent more applications? We should never underestimate people's capacity to solve problems for themselves without the need of elite instigation, of which there is no surety of success nor guarantee of no unintended consequences.

While this may not be fair, its chances of success may be greater.

Nor should we be downbeat. While the top jobs in the civil service, law, and medicine are all disproportionately white, relative to population shares, they are proportionate with the cohorts that entered these professions around the turn of the century. For instance, in 2015 the share of partners in law firms that were not white was around 10 per cent, compared to 10 per cent of associates in 2005. While there is some majority resistance to minority economic advancement through discrimination, it only slows down what is a wider demographic change, reflected gradually within institutions.¹⁷⁹

A recent report by the executive recruiters Green Park concluded that the Britain's elite leadership positions had failed to improve between 2017 and 2020. It found 52 out of 1099 of the 'most powerful jobs' were held by persons of an ethnic minority, or 4.7 per cent – disproportionate relative to the overall population put at 13 per cent. In this light, the organisation called for public and private sector organisations to 'instigate a commitment to no major strategic decisions... being taken by a leadership team which is all male or all-white.'¹⁸⁰

But the report actually shows a 1.2 percentage point gain in the share of non-whites over the 3 years analysed. This is actually a meaningful change once the pace at which

the labour market changes is taken into account. In 2017, according to the Labour Force Survey, the higher managerial and professional class was 12.3 per cent non-white, rising to 12.9 per cent in 2020. That is a 0.5 percentage point gain – a lower rate of change than the 1.2 percentage point registered at elite leadership level by Green Park.

Change may be slow; it is a result of some combination of demographic shifts and consensual agreements between people of different ethnicities, as well as prompting and direction by the diversity and inclusion industry. While disproportionality in elite employment exists, it is not true that this will not lessen with the existing institutional arrangements we have, if given enough time.

To quote Burns, 'it's coming yet for a' that'.

Where change has been instigated from on high, such interventions are not easily evaluated in terms of their efficacy in matching individuals to jobs. It is much easier to find someone of a specific ethnicity to fill a job than it is to find someone with the right skills, fit, and experience. Those who seek to shape society to match the make-up of the census may have good intentions, but they lack knowledge as to what is the available number of people of a given ethnicity available and willing to work in a given job, in a given place, at a specific time. Who is to say how many black, Asian or white people DC Thomson in Dundee should employ or have on its board? While employers may discriminate, they are also much more knowledgeable, in terms of who is available and willing to work for them, than third-party experts.

Where we cannot tolerate discrimination is before the law or, more succinctly, by the state. Were courts to be making judgements based on skin colour and not the evidence and the weight of proportionality to the offence committed, then

that would be in violation of all we hold dear. The same principle holds in education and healthcare. We cannot have the state favouring one group.

However, none of our reviewers found much by way of evidence for discrimination since it is impossible to evidence through correlational statistics alone. We were presented with plenty in terms of disparity, but patterns are not always consistent. Lammy's pointing to disparity in certain offences cannot be taken as evidence of discrimination when there is also parity in other offences. Why would a racist magistrate only discriminate in cases of certain types of crime?

As I showed in the last chapter, social scientists have evidenced the existence of discrimination in hiring, but not measured its extent in the real world over time. This is because of the low external validity of correspondence studies. This stems from non-random sampling leading to an inability to make generalisations.

But in education, health and the law, it is possible to have random sampling since, unlike the labour market, individuals or cases can be sampled consistently as well as randomly. Were researchers to take such a sample of pupil assessments, for example, they could have them re-marked by an independent panel of teachers, with all ethnicity-signifying indicators removed. Their grades could then be compared with the original teacher's grades, and any major discrepancies would be proof of discrimination, as well as a measure of its extent at that point in time. Repeat measurement would allow for appraisal of change over time.

As Singh noted, studies of a similar design showed no ethnic bias in diagnosis of severe mental illness. Were such results better known, they would allay fears, encouraging people in need to seek treatment. It would build trust.

Had such experiments found an effect of bias, it would have provided an impetus for change much stronger than statistical disparity. The difference would be concrete evidence of causation, not just correlation.

How discrimination can be stopped is a wider question to which I do not know the answer, other than to say it would be a question of pinpointing it, reminding people of their responsibilities, and penalties where necessary. Moving from a general finding of discrimination to identifying specific individual discriminators would be a challenge. But I think moving away from measuring disparity to measuring discrimination is a more promising way forward.

The hopeful world is one where we accept our problems as well as differences and acknowledge the extent to which they are insurmountable while struggling to bring about incremental improvements that do not foster problems elsewhere. It is one that hopes for change while seeking to foster individual freedom – which so many have come to this country in search of. It is to that that I hope Dr Sewell will orientate his new commission towards, and I wish him every success.

Appendix

Table A1: Logistic regression of avoiding unemployment – dependent variable 1 = employed, 0 = unemployed; pooled LFS Q1 2017–2020

	Model I = men		Model II = men		Model III = women		Model IV = women	
	odds ratio	s.e.	odds ratio	s.e.	odds ratio	s.e.	odds ratio	s.e.
Ethnicity								
(ref = white British)								
white Irish	1.44	0.31	1.17	0.31	0.67*	0.23	0.62	0.24
white Other	1.53***	0.09	1.50***	0.13	0.65***	0.07	0.90**	0.10
Mixed	0.48***	0.14	0.65***	0.14	0.40***	0.13	0.53	0.13
Indian	1.11	0.12	0.71**	0.14	0.53***	0.10	0.51***	0.12
Pakistani	0.69***	0.12	0.57***	0.13	0.23***	0.11	0.30***	0.12
Bangladeshi	0.60***	0.18	0.55***	0.19	0.18***	0.16	0.26***	0.17
Chinese	1.06	0.32	0.77	0.34	0.72	0.25	0.70	0.26
black African	0.49***	0.11	0.42***	0.14	0.28***	0.09	0.37***	0.12
black Caribbean	0.60***	0.16	0.70**	0.17	0.49***	0.15	0.58***	0.16
Other	0.62***	0.09	0.52	0.12	0.43***	0.09	0.53***	0.11
Age			1.15***	0.01			1.11***	0.01
Age squared			1.00***	0.00			1.00***	0.00
Education								
(ref = no qualifications)								
Degree or equiv			2.95***	0.08			3.15***	0.09
Higher education			2.26***	0.10			2.36***	0.11
A-level or equiv			2.52***	0.07			2.24***	0.09
GCSE A*-C or equiv			1.63***	0.07			1.39***	0.09
Other			1.32***	0.08			1.15	0.10

APPENDIX

	Model I = men		Model II = men		Model III = women		Model IV = women	
	odds ratio	s.e.	odds ratio	s.e.	odds ratio	s.e.	odds ratio	s.e.
Generation								
(ref = born here)								
born abroad			1.04	0.09			0.74***	0.08
Marital status								
(ref = single)								
married/cohabitating			3.50***	0.06			1.53***	0.06
divorced/separated			1.58***	0.08			1.02	0.08
other			1.65***	0.19			0.95	0.15
Region								
(ref = London)								
North East			0.53**	0.16			0.92	0.20
North West			1.08	0.08			1.18**	0.08
East Midlands			1.24**	0.09			1.05	0.09
West Midlands			1.01	0.08			0.88*	0.08
East of England			1.34***	0.08			1.16*	0.08
Yorkshire and the Humber			1.02	0.08			0.97	0.08
South East			1.40***	0.08			1.13*	0.08
South West			1.40***	0.09			1.18*	0.09
Wales			1.03	0.10			0.97	0.10
Year								
(ref = 2017)								
2018			1.18***	0.05			1.00	0.05
2019			1.23***	0.05			1.13**	0.06
2020			1.14**	0.06			1.14**	0.06
Constant			25.19***	0.02	0.32***	0.16	31.31***	0.02
N			72,601.00		72,601.00		70,395.00	
Log likelihood			-12,006.87		-10,841.48		-11,103.05	
AIC			24,035.74		21,750.95		22,228.10	
							21,049.02	

*** p < 0.01, ** p < 0.05, * p <

HOW WE THINK ABOUT DISPARITY

Table A2: Logistic regression of avoiding unemployment – dependent variable 1 = employed, 0 = unemployed; pooled LFS Q3 2014-2017			
		odds ratio	s.e.
Ethnicity, class, gender	(ref = white British working-class male)		
	White British male middle-class	1.06	0.05
	White British female working-class	1.07	0.04
	White British female middle-class	1.18***	0.05
	Black male working-class (including black mixed)	0.40***	0.10
	Black male middle-class	0.41***	0.14
	Black female working-class	0.42***	0.13
	Black female middle-class	0.46***	0.13
	Indian male working-class	0.60***	0.16
	Indian male middle-class	0.72*	0.17
	Indian female working-class	0.51***	0.16
	Indian female middle-class	0.49***	0.17
	Pakistani/Bangladeshi male working-class	0.45***	0.13
	Pakistani/Bangladeshi male middle-class	0.75	0.23
	Pakistani/Bangladeshi female working-class	0.32***	0.13
	Pakistani/Bangladeshi female middle-class	0.27***	0.20
	Other male working-class	1.23*	0.11
	Other male middle-class	0.86	0.11
	Other female working-class	0.77***	0.10
	Other female middle-class	0.73***	0.10
Age		1.16***	0.01
Age squared		1.00***	0.00
Education	(ref = no qualifications)		
	Degree or equiv	3.52***	0.05
	Higher education	2.98***	0.07
	A-level or equiv	3.12***	0.05
	GCSE A*-C or equiv	1.85***	0.05
	Other	1.56***	0.05
Generation	(ref = born here)		
	born abroad	0.93	0.06

APPENDIX

		odds ratio	s.e.
Marital status	(ref = single)		
	married/cohabitating	2.20***	0.04
	divorced/separated	0.98	0.06
	Other	1.32**	0.12
Region	(ref = London)		
	North East	0.68***	0.07
	North West	1.03	0.06
	East Midlands	1.13*	0.07
	West Midlands	1.03	0.05
	East of England	1.15**	0.06
	Yorkshire and the Humber	0.95	0.06
	South East	1.26***	0.06
	South West	1.21***	0.07
	Wales	0.89	0.07
Year	(ref = 2014)		
	2015	1.17***	0.04
	2016	1.22***	0.04
	2017	1.32***	0.04
Constant		0.20***	0.11
N		119,192	
Log likelihood		-19,605.43	
AIC		39,296.86	

*** p < 0.01, ** p < 0.05, * p < 0.10

HOW WE THINK ABOUT DISPARITY

Table A3: Logistic regression of long-term unemployment – dependent variable 1 = long-term unemployed, 0 = other; pooled LFS Q3 2014-2017			
		odds ratio	s.e.
Ethnicity, class, gender	(ref = white British working-class male)		
	White British male middle-class	0.68***	0.11
	White British female working-class	0.64***	0.08
	White British female middle-class	0.48***	0.12
	Black male working-class (including black mixed)	2.78***	0.22
	Black male middle-class	2.24**	0.31
	Black female working-class	0.97	0.25
	Black female middle-class	2.16***	0.25
	Indian male working-class	1.29	0.39
	Indian male middle-class	0.50	0.72
	Indian female working-class	1.13	0.39
	Indian female middle-class	1.79	0.40
	Pakistani/Bangladeshi male working-class	2.52***	0.27
	Pakistani/Bangladeshi male middle-class	2.55**	0.40
	Pakistani/Bangladeshi female working-class	1.76*	0.30
	Pakistani/Bangladeshi female middle-class	1.57	0.46
	Other male working-class	1.15	0.22
	Other male middle-class	1.50*	0.24
	Other female working-class	0.80	0.24
	Other female middle-class	1.25	0.24
Age		1.27***	0.02
Age squared		1.00***	0.00
Education	(ref = no qualifications)		
	Degree or equiv	0.27***	0.12
	Higher education	0.38***	0.15
	A-level or equiv	0.46***	0.11
	GCSE A*-C or equiv	0.71***	0.10
	Other	0.89	0.11

APPENDIX

		odds ratio	s.e.
Generation	(ref = born here)		
	born abroad	0.81	0.13
Marital status	(ref = single)		
	married/cohabitating	0.25***	0.08
	divorced/separated	0.82**	0.09
	other	0.47***	0.21
Region	(ref = London)		
	North East	1.72***	0.14
	North West	0.95	0.12
	East Midlands	0.90	0.14
	West Midlands	1.00	0.13
	East of England	0.76**	0.14
	Yorkshire and the Humber	1.15	0.13
	South East	0.68***	0.13
	South West	0.81	0.15
	Wales	1.05	0.16
Year	(ref = 2014)		
	2015	0.76***	0.08
	2016	0.65***	0.08
	2017	0.60***	0.08
Constant		0.00***	0.36
N		164,002	
Log likelihood		-5,921.7	
AIC		11,929.4	

*** p < 0.01, ** p < 0.05, * p < 0.10

HOW WE THINK ABOUT DISPARITY

Table A4: Logistic regression of being economically inactive through sickness or disability – dependent variable 1 = economically inactive, 0 = other; pooled LFS Q3 2014-2017

		odds ratio	s.e.
Ethnicity, class, gender	(ref = white British working-class male)		
	White British male middle-class	0.85***	0.04
	White British female working-class	1.00	0.03
	White British female middle-class	0.87***	0.04
	Black male working-class (including black mixed)	1.15	0.14
	Black male middle-class	0.90	0.21
	Black female working-class	1.03	0.12
	Black female middle-class	0.75	0.18
	Indian male working-class	1.15	0.16
	Indian male middle-class	0.72	0.25
	Indian female working-class	1.34**	0.14
	Indian female middle-class	0.71	0.25
	Pakistani/Bangladeshi male working-class	1.56***	0.14
	Pakistani/Bangladeshi male middle-class	1.25	0.23
	Pakistani/Bangladeshi female working-class	1.15	0.14
	Pakistani/Bangladeshi female middle-class	1.65***	0.19
	Other male working-class	0.76*	0.11
	Other male middle-class	0.63***	0.15
	Other female working-class	0.72***	0.10
	Other female middle-class	0.81*	0.12
Age		1.23***	0.01
Age squared		1.00***	0.00
Education	(ref = no qualifications)		
	Degree or equiv	0.08***	0.04
	Higher education	0.16***	0.05
	A-level or equiv	0.22***	0.04
	GCSE A*-C or equiv	0.28***	0.03
	Other	0.43***	0.04

APPENDIX

		odds ratio	s.e.
Generation	(ref = born here)		
	born abroad	0.90*	0.06
Marital status	(ref = single)		
	married/cohabitating	0.33***	0.03
	divorced/separated	0.86***	0.04
	Other	0.62***	0.06
Region	(ref = London)		
	North East	1.34***	0.06
	North West	1.26***	0.05
	East Midlands	0.99	0.06
	West Midlands	0.98	0.05
	East of England	0.81***	0.06
	Yorkshire and the Humber	1.07	0.05
	South East	0.81***	0.05
	South West	0.91	0.06
	Wales	1.34***	0.06
Year	(ref = 2014)		
	2015	1.01	0.03
	2016	0.97	0.03
	2017	1.00	0.03
Constant		0.00***	0.13
N		164,002	
Log likelihood		-28,290.4	
AIC		56,666.9	

*** p < 0.01, ** p < 0.05, * p < 0.10

HOW WE THINK ABOUT DISPARITY

Table A5: Logistic regression of being economically inactive through sickness or disability – dependent variable 1 = economically inactive, 0 = other; pooled LFS Q3 2014-2017, restricted sample = men

		Non-white British		White British	
		odds ratio	s.e.	odds ratio	s.e.
Class origin	(ref = middle-class)				
	Working-class	1.17***	0.18	1.65**	0.18
Region	(ref = London)				
	North East	1.09	0.73	2.15***	0.22
	North West	0.93	0.34	2.23***	0.18
	East Midlands	0.78	0.42	1.71***	0.19
	West Midlands	1.16	0.32	1.46*	0.20
	East of England	0.91	0.35	1.39*	0.19
	Yorkshire and the Humber	0.62	0.53	1.95***	0.19
	South East	0.80	0.31	1.25	0.18
	South West	0.57	0.53	1.67***	0.18
	Wales	1.07	0.74	2.12***	0.20
Age		1.15***	0.02	1.18***	0.01
Age squared		1.00***	0.00	1.00***	0.00
Education	(ref = no quals.)				
	Degree or equiv	0.09***	0.15	0.07***	0.08
	Higher education	0.14***	0.22	0.12***	0.09
	A-level or equiv	0.19***	0.15	0.22***	0.05
	GCSE A*-C or equiv	0.28***	0.15	0.26***	0.05
	Other	0.30***	0.12	0.42***	0.06
Generation	(ref = born here)				
	born abroad	0.58***	0.13	1.52***	0.12
Marital status	(ref = single)				
	married/cohabitating	0.31***	0.14	0.29***	0.05
	divorced/separated	1.05	0.17	0.80***	0.05
	Other	0.97	0.34	0.60***	0.11

APPENDIX

		Non-white British		White British	
		odds ratio	s.e.	odds ratio	s.e.
Year	(ref = 2014)				
	2015	1.05	0.15	0.92	0.05
	2016	0.80**	0.16	0.92	0.05
	2017	1.20	0.15	0.91	0.05
Interaction terms					
	Working-class * North East	0.63	0.97	0.76	0.25
	Working-class * North West	1.47	0.40	0.67*	0.21
	Working-class * East Midlands	0.92	0.49	0.63**	0.23
	Working-class * West Midlands	0.96	0.37	0.73	0.23
	Working-class * East of England	0.92	0.42	0.60**	0.23
	Working-class * Yorkshire and the Humber	2.49	0.57	0.69*	0.22
	Working-class * South East	0.80	0.40	0.76	0.22
	Working-class * South West	0.88	0.67	0.60**	0.22
	Working-class * Wales	0.89	0.86	0.70	0.24
Constant		0.00***	0.56	0.00***	0.25
N		12,403		65,638	
Log likelihood		-1,503.5		-11,469.3	
AIC		3,074.9		23,006.6	

*** p < 0.01, ** p < 0.05, * p < 0.10

Notes

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- 139 A logistic regression model is applied to a dependent variable that is binary, in this case being employed as opposed to unemployed. The same principles are described earlier hold. Heath and Cheung's data are restricted to those economically active and are taken from four years' worth of data from the Labour Force Survey.
- 140 In addition to year of survey and a quadratic term fitted for age.
- 141 The original coefficients were presented in their raw form. For ease of interpretation I have converted them into odds ratios by exponentiating them.
- 142 Four waves of the quarterly labour force survey, 1st quarter, Jan-March, 2017-2020 – crucially predating the Covid-19 lockdown. www.beta.ukdataservice.ac.uk/datacatalogue/series/series?id=2000026
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- 144 Possibly down to small sample sizes?
- 145 One possible method to account for this would be to use panel data – repeat measurements of the same individuals over time. Such data allow for panel regression techniques which separate out all differences between groups, regardless of whether or not they are measured within the dataset – so called unobserved heterogeneity. This would include the experience of being discriminated against and would leave us in theory with just the effect of ethnicity, whatever that might mean. Moreover, the statistical technique used to do this – fixed effects models – does not work with variables that are time invariant, such as ethnicity. So-called hybrid models would be needed, while there would also be issues with sample size, necessitating broad ethnic statistical groupings which obscure as much as they reveal (i.e. white vs 'BME').
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- 167 The variable 'SMSOC101' is present in waves 2014 Q3, 2015 Q3, 2016 Q3, and 2017 Q3. Class was operationalised as: Managers, Directors and Senior Officials, Professional Occupations Associate Professional and Technical Occupations, Administrative and Secretarial Occupations = middle-class; Skilled Trades Occupations, Caring, Leisure and Other Service Occupations, Sales and Customer Service Occupations, Process, Plant and Machine Operatives, Elementary Occupations = working-class.
- 168 In effect a three-way interaction only for ease of interpretation, dummy variables were created for each subset – the reference group is 'white British working-class men'.
- 169 Controlling for age, educational attainment, generation, year, marital status, region.
- 170 Includes all black groups as well as black mixed.
- 171 See Tables A3 and A5 in the appendix for details.
- 172 The dataset was restricted to exclude all females, and was split between white British and all non-white British minorities. Two logistic models were estimated for each, with an interaction between class-origin and region, controlling for marital status, educational attainment, year of survey. See Table A5 in the appendix.
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A government-appointed Commission on Race and Ethnic Disparities has been set up to address disparity between ethnic or racial groups in outcomes relating to health, education, employment and other areas. This follows numerous reviews conducted by various governments since 2010.

Drawing on the full array of existing reviews, this report by the Director of the Statistics and Policy Research Programme at Civitas, Richard Norrie, examines the intent behind them, the empirical base, the inferences that are drawn and the thinking behind the recommendations made.

It is argued that while we are adept at identifying disparity in statistics, we struggle to say why it exists or to provide a moral theory as to why it might be wrong. It is easy to say why discrimination based on ethnicity or race is wrong, since it violates liberal principles of equality before the state and of judging people on individual merit, not immutable characteristics over which they have no control. Disparity is more difficult: there can be innocent reasons why groups may have different outcomes, such as differences in age, or geographic region.

The author finds that a decade of various reviews never go so far as to say disparity and discrimination are the same thing, only that they tacitly allow the moral critique reserved for the latter to flow over onto the former. This begins to provide a moral basis for government intervention, as well as a sense of purpose and virtue for politicians. All of this has hinged upon statistics – but those very statistics are flawed in terms of missing data, confounding variables, and the problem of inferring causation from correlation.

Richard Norrie argues that the Government's existing Race Disparity Unit might better serve the country by looking to evidence and measure discrimination rather than disparity over time. While disparity is ambiguous, discrimination can be evidenced. Doing so would provide a better rationale for government intervention and engender greater trust. While disparity is inevitable since groups differ in many ways, it is concluded that does not mean we cannot strive for better. Better solutions and improvements can be found – but targeting groups rather than individuals might be inefficient as well as foster a culture of resentment.



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