



Race to be heard

Racism Reporting Body for UK Broadcasting Sector



A report for Bectu by Marcus Ryder



bectu

Executive summary



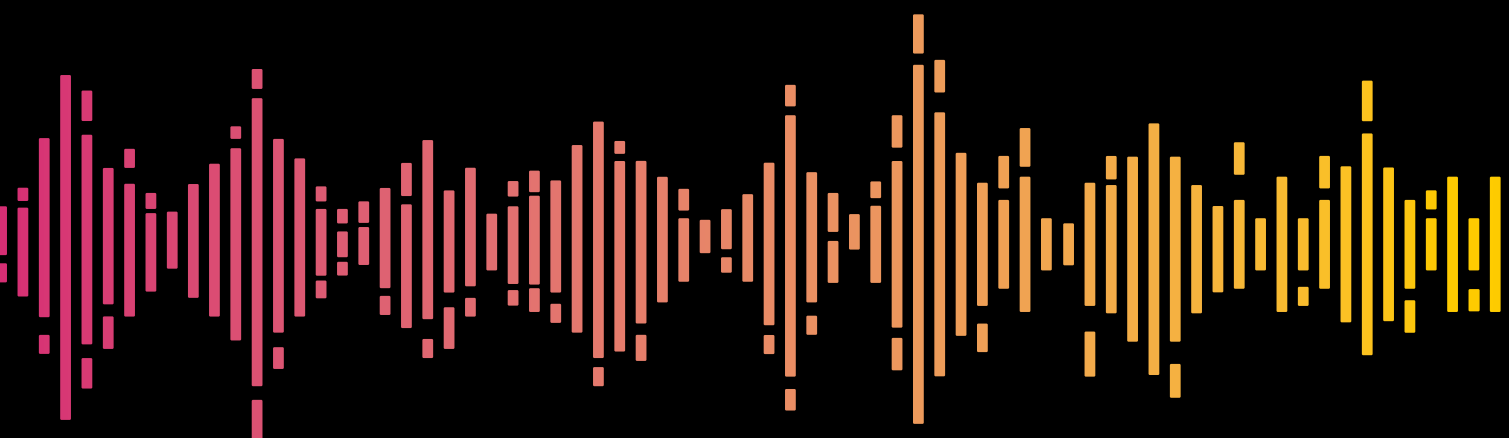
There is currently a belief throughout the UK media industry that there is widespread underreporting of racism throughout the broadcast sector. When racism is reported it is either not dealt with effectively through informal measures or the formal mechanisms can lead to the complainant suffering reputational damage and being labelled a “trouble maker”, which can hinder their career. Both the informal and formal processes are viewed as too difficult and costly – financially and/or psychologically – for many “victims” of racism to raise a complaint.

Much of the industry defines racism as one-on-one interactions and most organisations effectively frame it as a subset of their bullying HR procedures. This fails to capture the complexity of racism beyond obvious name calling or direct interpersonal interactions. These definitions fail to capture systemic racist practices which can include, but are not limited to: over-scrutiny of non-White employees' work in comparison to their White counterparts, over-disciplining of non-White people's mistakes in comparison to their White counterparts and unequal terms of trade experienced by “BAME-led” indies compared to their White counterparts.

Even when individuals do complain, complaints are often not systematically collected by the organisations involved, anonymous complaints are often not recorded at all, and there is no industry-wide mechanism or process to collect reports of racism to obtain an understanding of the problem let alone come up with industry-wide policies and initiatives of how to address issues of racism.

Based on extensive desk-based research and interviews with 16 key stakeholders representing a range of organisations and expertise, the report makes four recommendations:

1. Establish an industry-wide body that can both gather reports of racism from all the major industry bodies as well as be a body that people in the industry can go to, to report incidents of racism including anonymous reporting.
2. The body should be able to initiate investigations into issues of systemic racism that would be unlikely to be raised by individual complaints.



3. The body should be able to offer advice and assistance to people who believe they are the victims of racism, and/or feel they have experienced unequal treatment due to their race, on how to process a complaint and the resources available to them to pursue a complaint.
4. The body should publish an annual report on the state of racism in the industry, to measure progress, build on best practice and learn from mistakes. The annual report should be complete with policy suggestions for industry stakeholders on how to tackle racism.

The report proposes that the best way for the new body to achieve maximum impact is to have “buy-in” from all the major industry stakeholders including broadcasters, trade bodies, trade unions and independent production companies. This “buy-in” must go beyond declarations of support but must be accompanied by financial support and active participation in the new body, including but not limited to: assistance in data collection, publicising the body to all employees (direct staff and employees of third party providers), and active participation in discussion around policy recommendations on how to tackle racism.

The report does not suggest at this stage that the new body should play the role of “policing” the industry against racism as this would require broadcasters (and other stakeholders) to either voluntarily sign up to a mandatory code of practice and be willing for a third party to enact sanctions against them if they transgressed, or for the body to be given statutory powers akin to Ofcom or the Equality and Human Rights Commission.

The former course of action we believe will hinder broadcasters from signing up and supporting a new body. The latter option (a body supported by statutory powers) may be desirable in the future depending on the success of the new body, and there should then be discussions as to whether such a body sits within Ofcom or another existing regulator.

The creation of the new body will be a bold step in acknowledging and monitoring racism across the industry. It would show that broadcasters and industry stakeholders are serious and committed to tackling racism, and an independent body would give people working in the industry the confidence to be able to report their experiences of racism or any racism they had witnessed.

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Bectu is the union for creative ambition. We represent over 40,000 staff, contract and freelance workers in the media and entertainment industries. Our members work in non-performance roles in live events, broadcasting, film and cinema, digital media, independent production, leisure, IT and telecoms, theatre and the arts.

Find out more at
bectu.org.uk/about

Published by Prospect
New Prospect House,
8 Leake Street, London SE1 7NN
T 0300 600 1878

© Prospect, August 2022
22-0005/Aug22/PDF

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Introduction

Recent reports suggest there is a divergence between the racism non-White people believe they experience in the UK broadcasting industry versus the number of incidents of racism that are reported to employers or other recognised reporting channels, including trade unions.

Bectu is the largest trade union representing employees in the UK broadcasting industry and is concerned that victims of racism are not reporting incidents of racism, the level of racism is not being effectively monitored, and subsequently racism in the industry is not being effectively addressed.

Bectu has decided to look at the possibility of establishing a pan-industry independent racism reporting body for film, television and radio as a possible solution to these issues, exploring various options for the structure and responsibility of a new independent complaints body for racism in the UK broadcasting industry.

The creation of any body would be based on discussions with people working in the industry, industry experts, stakeholder institutions, and people who have left the industry due to perceived racism, as well as a review of academic research and experiences of other reporting bodies in and outside of the media sector.

Objective

This report will assess whether there is underreporting of racism in British broadcasting. It will assess if current bodies and industry processes are capable of recording, monitoring and addressing racism in the industry, set out how a new complaints body might be able to address any gaps in tackling racism, and put forward three options for models of what a new complaints body would look like including its structure and responsibilities.

Methodology

This report is based on mixed methods research.

First, it uses extensive desk research – a literature review primarily focused on reports, Freedom of Information (FOI) requests and formal complaints to capture the scale of racism in the industry and the form it takes. The report also reviewed current public policies published by a number of industry bodies on how they currently frame and address the issue of racism in the industry. Interviews were also conducted with the authors of some of the reports to ascertain their methodology and gain access to some of their unpublished findings.

Second, it uses the results of 16 interviews with industry stakeholders, covering broadcasters, trade unions, commissioning bodies, BAME-led indies, and charitable bodies. Interviews were also conducted with industry experts and importantly with people who have left the industry who perceive themselves to be victims of racism.

The interviews were all conducted confidentially in order for people working in the industry to speak freely, and some requested not to be identified as part of different organisations. There is still considerable fear around the subject of racism, both by the victims of racism and by industry bodies, that they are not doing enough.

Interviews included, and were not limited to, representatives from the following organisations and industry experts:

- Bectu
- Equity
- Writers' Guild
- BBC
- ITV
- STV
- Channel 4
- PACT
- Film & TV Charity
- BFI
- *Eastern Eye* journalist
- *Huffington Post* journalist Karon Monaghan QC
- Various BAME-led indies



Part 1

Is there racism
in the UK
broadcasting
industry?



To answer whether there is racism in the UK broadcasting industry the report conducted a literature review looking at prominent academic work exploring the issue dating back 15 years. It also looked at recent newspaper reports, speeches by industry thought leaders and interviews with industry stakeholders.

In 2005 “Look Who’s Talking - Cultural diversity, public service broadcasting and the national conversation” by Mukti Jain Campion was published by Nuffield College, Oxford University.¹ In the study Campion looked at racism experienced by non-White people working in broadcasting. In the comprehensive interviews conducted for the study Campion found that overt “name-calling” and “violence” which “most people associate racism with” is extremely rare and “does not appear to be an issue for ethnic minority people working in the broadcasting industry”. At the same time “virtually all” of the people interviewed for the study “described experiences where they felt they had been treated unequally, made to feel invisible or out of place”.

In 2008 Lord Ahmed of Rotherham formally wrote to the then Director General of the BBC, Mark Thompson, representing a number of staff at the BBC Asian Network to complain of racism experienced by Asian staff.²

In 2013 the study “The promised land? Why social inequalities are systemic in the creative industries” by Doris Ruth Eikhof and Chris Warhurst, published in the journal of Employee Relations³, concluded that discrimination based on “sex, race and class” in the creative industries is “systemic, not transitory”.

In the last 10 years discussion around “racism” seems to have been replaced by discussions around “diversity”. Sarita Malik in her report ““Creative Diversity’: UK Public Service Broadcasting After Multiculturalism” (Brunel University 2013)⁴ points to several academic studies around race in the creative industry, concluding that “diversity talk decontextualises race and racial inequality, consciously negates a critical multicultural politics grounded

1 Mukti Jain Campion “Look Who’s Talking - Cultural diversity, public service broadcasting and the national conversation” Nuffield College, Oxford University, 2005

2 Lord Ahmed of Rotherham “Letter to BBC Director General Mark Thompson on Racism”, 2008

3 Doris Ruth Eikhof & Chris Warhurst “The promised land? Why social inequalities are systemic in the creative industries”, Journal of Employee Relations, 2013

4 Sarita Malik ““Creative Diversity’: UK Public Service Broadcasting After Multiculturalism”, Brunel University, 2013

in anti-racism” and that the “crisis of multiculturalism has become the contemporary articulation of racism mediated and managed by the strategizing and neoliberalizing of ‘good diversity’ and citizenship”.

The lack of talk about racism however does not mean the problem has been solved. More recently overt references to, and discussions about, problems of racism in the broadcasting industry have reemerged.

On June 21 2020 an open letter signed by several of the CEOs of the largest corporations in the UK, including ITV, Sky, and Viacom CBS acknowledged the challenges every organisation faces around “discrimination and systemic racism”.

At the 2020 Edinburgh Television Festival flagship MacTaggart Lecture, Dr. David Olusoga, the first Black man to deliver the lecture in its 44-year history, detailed incidents of structural, institutional, and personal racism in the UK broadcasting history that contributed to him experiencing mental health issues and almost leaving the industry.⁵

Two days after the lecture Lakviar Singh, who joined the BBC in 1986 on a graduate training scheme, wrote a letter to the *Guardian* where he detailed his own personal experience of racism in which he concluded:

“I joined the BBC a happy, highly motivated person full of life, I left it a broken person, unable to live without being medicated, with no sense of purpose and fearful of the future.”⁶

On August 28 2020 *HuffPost* published an article looking at allegations of racism at the BBC titled “Exclusive: BBC Staff Accuse Corporation Of Being ‘Institutionally Racist’” with the subheading “Dozens of current and former Black employees – including those in BBC Africa – have spoken out about alleged bullying and a “glass ceiling” at the corporation.”⁷ The piece detailed conversations with the reporter, Nadine White, in which “Dozens of current and former Black employees from departments across the corporation gave

5 David Olusoga “MacTaggart Lecture”, Edinburgh Television Festival, 2020

6 Lakviar Singh, “Racism at BBC led to me having a breakdown”, the *Guardian*, 2020

7 Nadine White “Exclusive: BBC Staff Accuse Corporation Of Being ‘Institutionally Racist’”, *HuffPost*, 2020

worrying accounts ranging from being denied career development opportunities to being bullied and then silenced by an ineffective complaints procedure.”

While the HuffPost piece focused on anti-Black racism, a few days later *Eastern Eye* published an article on September 2 detailing anti-Asian racism at the BBC in which “Senior South Asian staff, with more than 200 years of combined experience working for the BBC, have accused the corporation of decades of ‘systemic, structural and institutional racism’.”⁸

Both the *HuffPost* and *Eastern Eye* journalists, interviewed for this report, stressed that they felt that their pieces only revealed the tip of a far larger number of incidents of racism. Bernie Choudhury, the *Eastern Eye* reporter, said that his initial investigation started with only three complaints but through word of mouth that he was exploring the issue he had been contacted by 17 other people complaining of racism in less than three days. Following the publication he said he was also “inundated” with more cases.

Similarly White described the ease of getting examples of racism like “falling off a log” and similar to Choudhury also received numerous new case studies following the publication of her piece.

They also both stressed that despite their pieces focusing on the BBC this should not be seen solely as a “BBC problem” but an industry-wide issue.

The review of the literature, and discussions with journalists who have investigated the subject, would appear to suggest that racism within the broadcasting industry is a widespread and common experience for many non-White people working in the industry.

8 Bernie Choudhury, “Exclusive Investigation: We lay bare the toxic life for Asians working in a culture of fear in a “racist” BBC”, *Eastern Eye*, 2020

Official industry data on racism

Official data at first seems to contradict the conclusion that racism is a widespread and common experience for many non-White people working in the broadcasting industry.

According to a historic FOI request the BBC received just 16 complaints of racism between 2005 and 2010 of which five were settled without an admission of liability. The BBC won seven, one withdrew and three were ongoing at the time of the response. This would imply approximately an average of one incidence of racism a year in an organisation of over 22,000 employees.

In response to a more recent FOI request the BBC said racism complaints were not separated out from more general bullying and harassment figures. Bullying and harassment figures showed the BBC received 86 complaints in which the proportion that pertained to racism were “so small” that they could not reveal the number due to the risk of breaking data protection laws and inadvertently identifying the complainants.

Speaking to other broadcasters and trade unions the official numbers of racism complaints seem to be similarly low or are not collected.

ITV does not seem to collect figures for racism complaints from their wholly or partially owned production companies. And anecdotally a representative from STV, speaking to this report, could only think of a “handful” of cases over the years.

The members of the Federation of Entertainment Unions, who were interviewed for this report, also seemed to report similarly small numbers of racism related complaints.

These low numbers stand in stark contrast to literature review, investigative reports and interviews conducted for this report.

It should also be noted that the official figures reside within separate organisations and are often only available through an FOI request, if they are available at all.





Part 2

Analysis of
the problem

Widespread underreporting of racism – why and how

Every person spoken to for this report, both officially and anonymously, seemed to believe that there is currently underreporting of racism in the industry. In this section we review the possible reasons for under-reporting of racism, using desk research of literature from a wide range of academic practice as well as the results of a number of interviews conducted with stakeholders from across the UK industry.

There appear to be eleven specific reasons for possible underreporting, which can be broadly separated into four categories, as shown below.



Individual reasons



Broadcasters' reasons



Trade unions' and bodies' reasons



Structural reasons

- **Individual reasons:** Why might individuals in organisations underreport racism?
- **Broadcasters' reasons:** Why might organisations unintentionally underreport racism?
- **Trade unions' and bodies' reasons:** Why might bodies ostensibly in charge of supporting victims of racism underreport racism?
- **Structural reasons:** Why might current industry structures and processes create financial and other barriers to bringing complaints?

Exploring these reasons will enable us to later analyse whether an independent body could overcome these challenges and fill the gap between official statistics pointing to low rates of racism and the literature review and interviews conducted by this report, which point to systemic and widespread racism.

Individual reasons



1. Labelled a “trouble-maker” for life

According to Mukti Jain Campion, when studying the subject for her report “Look Who’s Talking”, “most of my interviewees” described the “risk of being marked out as troublemakers.” Other interviewees described the “fear of damaging career prospects”.

In interviews with both Bernie Choudhury and Nadine White they both said that nearly all of the interviewees they quoted in their *Eastern Eye* and *HuffPost* pieces respectively only agreed to talk if they could talk anonymously for fear of repercussions of being labelled as difficult to work with. This is compounded by the fact that the broadcasting industry is still viewed as an effective oligopsony (a few buyers versus a large number of suppliers), meaning suppliers worry that they will be victimised afterwards by current and future employers, or even lose their jobs.



2. Lack of confidence in HR

According to several interviewees complainants did not feel confident in taking their issues to HR. One non-White interviewee for this report said they “did not trust HR” and that they did not know any non-White person who had confidence that HR would not “side with management” and avoiding reputational damage for the organisation was more important than helping the “victim of racism”.

The same interviewee, who has worked in HR, described HR as being overwhelmingly White and “lacking the knowledge and skills to adequately understand racism” and subsequently how to deal with it. Another interviewee described HR departments as working for the interests of the employer and often wanting to “smooth over” complaints or reframing them as “misunderstandings”.

Concerns were also raised as to whether employers in general, and HR departments specifically, have the necessary training and legal knowledge around issues of racism to deal with them properly.

Irrespective of the reality of these perceptions the perceptions alone would lead to underreporting of racism to HR.

Broadcasters' reasons



3. Informal 'quiet chats' are not recorded

Several interviewees to this report described the process of raising complaints with line managers. Nadine White confirmed that nearly all her interviewees had informally raised their complaints with management, which resulted in "quiet chats", which as far as the complainants were aware were never formally recorded and did not result in any concrete action.

The "quiet chats" were also often not seen as an attractive option due to the power dynamics between the line manager and the complainant.

Where a third party occasionally mediated such "chats" these third parties were nearly always fellow employees of the organisation and seen as being "on the side" of the line manager.



4. Self regulation presents difficulties in assessing complaints

A 2018 study in the *Journal of Social Psychology*⁹ looking at personal perceptions of racist actions may offer a hint into why structures within organisations may find it particularly difficult to assess racism complaints when looking at their own organisation. In the study "Across three experiments, participants were provided with a list of racist behaviours that purportedly were enacted from a fellow student but in fact were based on the participants' own behaviours." When the behaviour was projected onto a third person it was perceived as racism but when judging their own behaviour, from which the actions were based upon, they described their behaviour as not being racist.

The paper concludes, "this work sheds insight into why people deny they are racist when they act racist."

Extrapolating the findings to the organisational level it would also explain why companies may find it very difficult to assess their own policies and actions as being racist, and would support the argument for independent assessment and an independent body.

⁹ Angela C. Bell, Melissa Burkley & Jarrod Bock, "Examining the asymmetry in judgments of racism in self and others", *The Journal of Social Psychology*, 2018





5. Confusing lines of accountability

A large part of the current discussion surrounding racism in the broadcasting industry has centred on the role of the broadcasters. However, the role of traditional broadcasters and in-house productions continues to wane as programmes and films are increasingly produced by independent production companies.

Many broadcasters seem “unclear” of their duty of care to employees of independent production companies producing content for them. There also seemed no mechanism for broadcasters to collect data on racial incidents that may occur on productions being made for them. Pact felt that the heavily younger and non-unionised nature of the freelance workforce that makes up much of the independent sector and the employees not knowing their rights or correct processes to progress a racism complaint contributed to a lack of reporting.



6. Non-disclosure agreements

In several of the interviews formulating this report many contributors raised concerns around non-disclosure agreements (NDAs). It is thought that NDAs between some employers and former employees have stood in the way of former employees giving evidence to parliamentary select committees around racism in the industry.

While this report does not take a position on the use of NDAs in general when it comes to people being able to talk about specific issues around racism, present or historic, they are detrimental for anybody collecting information around racism in the industry.

Trade unions' and trade bodies' reasons



7. Trade unions are “too White”

UK trade unions have traditionally reported low non-White representation within their ranks relative to the work forces they represent. In the examples where this is not the case in the Federation of Entertainment Unions, many of the union bodies spoken to for this report say they have low active participation rates by their non-White members.

There may be numerous cultural and historic (and possibly racist) reasons for this, which is not the remit of this report to explore. However, the result of this low membership rate and/or low active participation rate may mean they are often not seen as the first choice for victims of racism and are only viewed as an option when considering a high level formal complaint such as progressing it to an employment tribunal. This experience was put forward by Simon Albury of the Campaign for Broadcasting Equality who said that he had been contacted by a number of victims of racism who had come to him before going to a trade union, of which they were often not a member.

There were also concerns around the level of legal training and knowledge around racism union reps have, similar to the points previously mentioned around HR officers.

Pact also pointed to the low level of unionisation of all races working outside of large film sets and the BBC, which would contribute to trade unions not being able to accurately record the level of racism in the industry.

Structural reasons



8. Employment tribunals

Employment tribunals were seen as “scary” and the barrier for proving racism too high to warrant embarking on the process. They take a large psychological toll on the complainant and looking at the official figures seem to have a low likelihood of success. For all these reasons they are seen as an unattractive option.

And again their low number would not be an accurate depiction of racism in the industry.



9. Racism being limited to one-to-one bullying

Many of the broadcasters, industry bodies and employers either classed racism as a form of bullying and harassment or viewed it through the same prism in view of reporting mechanisms.

This obviously gives a very narrow and specific definition of racism which many of the victims of racism did not seem to relate to. The *Eastern Eye* report describes “Today’s racism” as being “more subtle”, giving examples where:

“one Asian described how they have reported for the BBC on and off for 36 months without a contract. When they cannot get work, they do so for free, writing and reporting so they can get their name on air in the hope of getting other gigs. They told Eastern Eye how they volunteer ideas for stories from south Asian communities, only to be told someone else would do it.”

Victims also frequently talk about hitting glass ceilings or suffering from ethnicity pay gaps.

All of the examples above would not be captured by seeing racism as a form of bullying, in the conventional sense, which would then obviously lead to underreporting.



10. Racism experienced by organisations, not just individuals

Racism is almost exclusively seen as an issue affecting individual employees but it may also affect how some companies relate to broadcasters and other commissioning bodies.

Several BAME-led indies spoken to for the report spoke about not being treated equally compared to other independent production companies. They often feel their pitches are not given equal treatment, they are only considered for certain types of productions and are unfairly viewed as a risk, amongst other complaints. Again this would not be captured through conventional racism reporting methodology.

It could be argued that these examples of racism could be captured and supported through bodies such as Pact. Pact has doubled its membership numbers since Covid-19 mainly by dropping its membership fee. Many of its new members are smaller production companies. Assuming all other things being equal, as most BAME-led indies have annual turnovers of less than £0.5 million this would imply that they have been disproportionately underrepresented by the leading industry body. With the recent increase in membership Pact may be able to represent their interests better going forward but this is so far untested territory .



11. No consequences for organisations

Pact argued that there seemed to be little consequences for either broadcasters or independent companies who employed racist practices, which in turn leads to a lack of confidence that issues will be effectively addressed – a vicious cycle leading to underreporting.

The 11 above reasons seem to support the general belief by people working in the industry that racism is currently underreported.



Part 3

A potential new
body?



Does the broadcasting industry need a new body?

Due to reasons of underreporting, effective monitoring of the size and type of racism that non-White employees suffer in the broadcasting industry is difficult. However, even the data, where it exists, is not being captured systematically and there is little pan-industry coordination in collecting data.

There is currently no organisation that collects the official statistics pertaining to racism across the industry, and no organisation that conducts regular and systematic surveys about racism in the broadcasting industry. This means that there is very little information for broadcasters, trade unions and other industry bodies to base effective anti-racism policies on. It also means it is very difficult to judge whether progress is being made on this important issue.

Thus, a fundamental question is whether the existing structures simply need to be improved or whether there is a need for a new independent reporting body?

All but one organisation spoken to acknowledged the need for a new independent reporting body, with the one outlier admitting that the existing structures are not serving the needs of non-White people in the industry but thinking this can be addressed through improvement of existing bodies and processes.

The basic argument against the creation of a new body is that if the relevant trade unions, and trade bodies were “doing their jobs properly” employees and BAME-led indies would have an effective mechanism to feel supported when raising complaints. Similarly, if HR departments and line-managers from employers worked better then they would also be able to deal with complaints when they arise and be able to create an environment in which people felt they could bring forward complaints with confidence.

This argument seems to lack historical perspective – reports of racism have dated back several decades, at least, and there is little evidence to see how existing reporting mechanisms and structures have improved or are about to improve after several decades of perceived failings.

The argument also has a basic logical flaw. If all the mechanisms and structures were working perfectly in the first place racism would not exist in the first place. Examples of racism, especially structural and institutional racism, are by definition examples of the structures not working.

Recommendations for a new independent body

Based on the interviews of various stakeholders and non-White people working in the industry any new body should be able to address three key interrelated issues:

1. Effective reporting

The ability for victims to be able to talk about their experiences in a systematic and constructive manner is paramount, especially one in which they can be offered personal support even if they do not want to raise it any further with the perpetrator, the employer, and/or the commissioning body.

2. Effective monitoring

The need for a pan-independent body that can be trusted by the various stakeholders to collect and/or produce accurate data on racism in the industry. Most notably this information needs to be trusted by both employers and employees and not be seen to be representing one specific part of the industry.

3. Effective action

For the body to have legitimacy it should be able to contribute to solutions to help combat personal and/or industry-wide issues of racism.

Three possible models for a new independent body

Model 1

The simplest model for a new independent body would be one that just supports existing bodies and processes, and publicises and signposts these better to victims of racism with limited original work.

For “effective reporting” it could rely heavily on existing reporting mechanisms including trade union hotlines and recently launched hotlines by the Film and TV Charity. Articulating the problem to a sympathetic third body with trained staff also seems to help victims to formulate both personal coping strategies and how to address the situation in the work environment in a constructive and healthy manner.

It could also encourage people to report incidents of racism to their line managers and HR departments, and encourage BAME-led companies to join Pact and report grievances through Pact.

For “effective monitoring” it would need to collect the existing data from broadcasters and other industry bodies where it is publicly available. It could do this systematically and annually.

For “effective action” it would simply signpost and inform. The new body could assist and inform people of their current options in wanting to address incidents of racism. This would include informing people of current legislation and bodies they can access in order to address their concerns. This is particularly important for a relatively young, non-White, heavily freelance workforce who are traditionally non-unionised and not aware of all their employment rights.

Pros

- It would be relatively easy to set up and inexpensive. It would seek to build on existing mechanisms, improving them rather than replacing them.
- A study in the *International Journal of Epidemiology* by Prof Yin Paradies showed a clear “association between self-reported racism and ill health for oppressed racial groups” and “the strongest and most consistent findings are for negative mental health outcomes and health-related behaviours”. Encouraging increased reporting to existing bodies and through processes could help lift the mental and physical burden of being a victim of racism.
- It would also serve the function of collecting pan-industry data on racism for the first time, which most stakeholders would find useful.

Cons

- It would not address any of the structural reasons why people do not report racism to the existing bodies.
- It would rely on other industry bodies’ definitions of diversity, which are currently relatively narrow, and may be hindered by how existing bodies collect and categorise data around racism.
- It would not address people’s concerns of the lack of a range of options between an informal approach of a “quiet chat” and a formal approach ultimately resulting in an “employment tribunal”.



Model 2

This model would still support existing bodies and processes, as well as signposting processes for victims of racism, but would also create new institutions and processes that would address some of the gaps and cultural and structural weaknesses in the current process.

For “effective reporting” the body could create digital and human solutions to compliment existing hotlines such as the ones run by the Film and TV Charity. Some interviewees said that by the time people feel motivated to call a hotline they are often at the end of their tether and it is “too late” for effective constructive actions to take place.

Digital Solution might be able to help overcome the barrier to reporting when it is “too late”. Employees can be given access to racism specific recording apps on their phones that lower the barrier to reporting. Such examples currently in use include Talk to Spot¹⁰ used by the Bar Council of England and Wales and Islamophobia Watch Australia. Any app, while recognising intersectionality, needs to be racism-specific as opposed to a “racism function” being bolted onto an existing reporting mechanism (Talk to Spot is currently more of a bullying and harassment reporting tool for example).

Ideally humans would compliment any digital solutions. While digital solutions are attractive in terms of cost and ease of use there is still a need for active human interaction. Victims of racism were described by one respondent to the report as sharing similarities to victims of sexual harassment of often internalising their own victimhood and blaming themselves for the position they are in.¹¹ In these cases a more active approach might be needed for people to talk about their experiences constructively. BFI currently has people who visit film sets to be available for people that may want to report various forms of harassment and bullying. A variation of this approach will be necessary for freelancers to be able to talk in confidence to someone who understands issues of racism.

10 Journal of Social Psychology, 2018 Bar Council, “Talk to Spot” 2020

11 Canadian Women’s Foundation “Facts About Sexual Assault and Harassment”, 2016

For “effective monitoring”, as in model 1, the body would actively collect existing data from broadcasters and industry bodies.

The body could also conduct independent research and annual industry-wide surveys on feelings of racism in the industry in order to record perceived progress (or regression) and inform industry policies to address the issue.

Independent industry-wide surveys similar to the ones conducted by the now defunct Broadcast and Equality and Training Regulator (BETR) of employers above a certain size working in the broadcasting industry would also address the issue of selection bias in assessing the state of the industry.

For “effective action”, as in model 2, the new body would signpost and inform victims of how to progress complaints.

The new body however would also offer a range of options that victims of racism would be able to take, and offer an “impartial” and “neutral” space for employers and employees to meet. For this reason it could facilitate more formal “quiet chats” that can take place with a member of the new body present, which would restore confidence in these “chats” as well as accountability on the employer to explain their actions following the chats. While this process is traditionally seen as the role of trade union representatives this may lower the barrier to people accessing trade union services if necessary and could even be performed by union as well as non-union members.

As a repository of racism complaints in the industry the new body could also support employers, commissioning bodies and trade unions to address racism. Also due to the anonymous nature of recording racism complaints they may hold important information about an organisation’s racism culture that the organisation itself does not hold, especially with regards to third party suppliers. The body should constructively work with employers and trade unions to suggest and inform policies to address racism.

Pros

- Model 2 would address many of the structural and cultural gaps identified that lead to underreporting of racism in the industry.
- By collecting information independently of the existing broadcasters it would also address the issue of racism being defined too narrowly and would provide new independent data that victims and employers could have trust in.
- It would also provide a range of options for effective actions and have the credibility and impartiality to allow employees and employers to find solutions, hopefully avoiding other costly (emotionally and financially) solutions.

Cons

- Model 2 would be considerably more expensive than the first model, requiring permanent staff who would be able to take on casework and make site visits.



Model 3

The third model for a new independent body would build upon models 1 and 2 but would address the concern raised by several interviewees that a new body “needed teeth”. This would only be possible with new statutory powers similar to Ofcom.

For “effective reporting” it would be the same as model 2. Additionally, depending on specifics of any legislation passed a statutory body might be able to compel broadcasters, and other industry bodies, not to use NDAs to hinder employees reporting racism.

For “effective monitoring”, while it would be similar to model 2 with statutory powers it would be able to stipulate how broadcasters and other bodies define racism, which would affect the type of data that is collected. It would also be able to determine how data is categorised and presented, enabling industry standard uniformity in how racism is tracked across the industry.

For “effective action” the third option would only be able to offer a range of options similar to model 2 but with statutory powers would also be able to compel broadcasters to take action against companies who are found to act in a racist manner as well as taking actions against broadcasters themselves. With statutory powers the new body could also, in theory, enforce outcomes between employees and employers.

Pros

- Model 3 would build upon all positives of model 2 but would also have “teeth” with which to enforce decisions and enforce industry standards. It may also be able to tackle the issue of NDAs hindering racism reporting.

Cons

- Model 3 would be the most expensive model.
- For various different reasons most industry bodies spoken to for the report saw it as counterproductive to create a body to replace existing structures, processes and bodies, such as ACAS or Ofcom.
- They also saw it as impractical to replace bodies that have specific statutory powers with a body that may take years to come into force, needing an Act of Parliament or be inherently weaker than existing legislation.



Recommended model

Model 2 is the report's recommended option.

It would be able to address many of the gaps identified in the report that Model 1 would not be able to address. It would also avoid the need for new statutory legislation which may not be possible.

However, without statutory legislation any new body would need the voluntary buy-in of the broadcasters, commissioning bodies and trade unions and trade bodies.

Assuming the body did achieve necessary buy-in from industry stakeholders, any management board should include representation from the trade unions, broadcasters, TV and film commissioning bodies, and non-White practitioners working in the industry.

The body would sit outside of current industry bodies such as the Creative Diversity Network, Ofcom, trade unions or trade bodies, as they either carry negative cultural baggage for certain sections of the the non-White workforce or are seen as partial in representing the interests of employers or employees.

The body would be financed through subscription basis of member organisations.

The staffing level of the body would be determined by the agreed upon parameters and duties of the organisations. However, it has been suggested that staffing levels should be temporarily "front loaded", for the first six months to a year, when it is launched to meet the level of unmet demand over several years and the level of anticipation for the body.

Several interviewees to the report said the body would need to work hard for the staff to reflect the potential people reporting their incidents of racism. Both *Barnie Choudhury* and *Nadine White*, the reporters for *Eastern Eye* and *HuffPost* respectively, said that they doubted they would have been able to gain the level of trust for people to report if they did not share the same ethnic background of the victims they were reporting on.

Conclusion

Every broadcaster and industry body spoken to in the compiling of this report acknowledged that no one has a clear understanding of the level of racism in the industry, with most believing that it is underreported.

This large level of perceived underreporting is detrimental to the UK broadcasting industry for two primary reasons:

1. It means that broadcasters, and other media stakeholders, do not have an accurate picture of the size of the problem and the necessary information for them to form policies to properly address the issue.
2. Perceptions are in many ways as important as the reality, in terms of the negative psychological effects they have on people working in the industry. This can lead to issues around trust, morale, mental health, and retention (amongst others).

For these two reasons it is imperative that better reporting mechanisms around racism are created.

This report proposes that the best solution to creating better reporting mechanisms is through the formation of a new independent reporting body that is jointly funded by broadcasters and the Federation of Entertainment Unions. Given this overwhelming demand for a new body expressed in this report, the need to launch this new body with pan-industry support is imperative.

The new body would not require new statutory powers (if model 2 is adopted) but only the recognition of the existing trade unions, broadcasters and TV and film commissioning bodies. In so much as individual production companies recognising the new body this can be written into any commissioning contracts with the broadcasters and commissioning bodies for the duration of the production, although with the hope that the production companies will sign up voluntarily to recognise the body.

The shadow of racism is a blight on the whole UK broadcasting industry. A new independent racism reporting body will be able to tackle both the realities and perceptions of racism and help create a broadcasting industry inclusive for everyone that everyone working in the industry can be proud of.



Race to be heard

Racism Reporting Body for UK Broadcasting Sector



A report for Bectu by Marcus Ryder



bectu