

## **A LAW STUDENT'S PERSPECTIVE: ISSUES AFFECTING BLACK, ASIAN AND MINORITY ETHNIC UNDERGRADUATES**

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### **Introduction**

It was a privilege to be elected by my peers to become the chairman of the Black, Asian and Minority Ethnic (BAME) forum within the University of Plymouth's Students' Union (UPSU). This appointment provided me with the opportunity to represent Plymouth Law School as a student on UPSU's executive committee and to champion the voices of BAME individuals on campus.

From my time working as the Chairman of the (BAME) forum, I had the pleasure of chairing meetings with fellow BAME students on a bi-weekly basis, alongside the forum's newly formed committee. Throughout the academic year, these meetings were spent discussing and debating ideas for ways to enrich the student experience of BAME students at our university and promote further integration between BAME and non-BAME students. In addition to this, a large portion of our time was also spent debating key issues that were affecting BAME students, both at a local and national level, issues such as: institutional discrimination, cultural appropriation, self-hate, ethnic profiling, affirmative action and employer mentorship. While discussing these issues I began to notice that concepts I had learned over the course of my law degree had effected the way I perceived many of these issues.



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<sup>1</sup> Emmanuel (third from right in picture) is a final year undergraduate reading law and plans to pursue postgraduate studies in order to further develop through enhancing his skill and knowledge in his chosen field.

## 1 Stop and Search

It has long been recognised that discretion is vital to good police work around the world. However, in Britain (and many other countries), practices of discretion in the stop and search context have come under much scrutiny as it has widely been linked to racist practices, e.g. a disproportionate amount of BAME individuals are stopped and searched compared with White people<sup>2</sup>. When discussing discrimination, the topic of Stop and Search was one which seemed to resonate greatly within the forum, significantly with members who ordinarily resided around the London area. Growing up in Dublin, I had fallen victim to arbitrary stop and searches at various times while walking home late at night, but this did not appear to be an issue that was exclusive to black people in my area, as many of the white people I knew and was close to had faced similar experiences. In contrast, when speaking with British BAME students there was a general consensus that these Stop and Searches were not conducted arbitrarily, rather they were based on factors such as the clothes that they or their friends wore, and the colour of their skin.

As a law student, I was familiar with the broad range of legislation available to police officers to conduct stop and searches such as: s.60 of the Criminal Justice and Public Order Act 1994 and s.44 of the Terrorism Act 2000; but in particular s.1 of the Police and Criminal Evidence Act 1984 (PACE) which requires officers to have 'reasonable grounds for suspicion' before conducting stop and searches. Arguably stop and search is effective in detecting and preventing crime – alongside making communities safer; and increasing public confidence and trust in their local police service. But it is the failure to regulate the discretionary practices of police officers and the lack of clarity regarding the criteria for reasonable suspicion which ultimately leads to contention between the BAME community and the police.<sup>3</sup> As noted by *Ellis*, the legal concept of 'reasonable suspicion' and its application requires further clarification in order to specify whether current practices are acceptable.<sup>4</sup>

In the year ending March 2015, there were 541,000 stops and searches conducted by the police in England and Wales.<sup>5</sup> An analysis of all stop and searches by StopWatch, indicated that people from BAME communities are two times as likely than white people to be stopped

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<sup>2</sup> Ellis, D., 'Stop and search: disproportionality, discretion and generalisations', 2010, 83(3) *Police Journal* 199.

<sup>3</sup> *Ibid* p.201

<sup>4</sup> *Ibid* p.203

<sup>5</sup> Home Office, National Statistics, *Police powers and procedures England and Wales year ending 31 March 2015*, (November 2015), para. 2.2 <https://www.gov.uk/government/publications/police-powers-and-procedures-england-and-wales-year-ending-31-march-2015/police-powers-and-procedures-england-and-wales-year-ending-31-march-2015> (Accessed on 24 August 2016)

and searched. In particular, those who were Black (or Black British) were more than four-times more likely to be stopped than those who were white. In London alone, between 2014 and 2015, the police conducted 171,504 stop and searches under section 1 across the area covered by the Metropolitan Police and black people were stopped and searched at just over 3 times the rate of white people.<sup>6</sup>

Although there was a 40% fall when compared with the previous year, more needs to be done to reduce the highly disproportionate ratios between BAME individuals being stopped and searched and white individuals. In addition to addressing the social issues, proposals were made within the forum to increase the proportion of BAME officers used in areas highly populated by BAME communities, as well as calls for a more precise definition of 'reasonable suspicion'.

## **2 Discrimination and Hate Crime**

Discrimination towards minority groups has been a factor in people's lives for decades and although in modern times these negative attitudes have generally declined, many barriers and disadvantages still exist for individuals from minority groups. However, with global unrest and the divisive, anti-immigrant rhetoric often associated with the EU referendum<sup>7</sup> there was a general consensus within the forum that a significant increase in hate crimes could occur within the South West and the UK as a whole. An increase so significant that it was feared that these incidents could ultimately effect the wellbeing of BAME students on our campus.

There are no legal definitions for hate crimes or incidents. However, the police and the Crown Prosecution Service (CPS) have defined incidents as: 'any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender' and those incidents which amount to a criminal offence are regarded as hate crime.<sup>8</sup>

As can be seen from the reports of a five-fold increase in hate crime and incidents since the Brexit vote, our predicted rise in hate crime has occurred.<sup>9</sup> Between 16 -30 June 2016, 3,076 hate crimes and incidents were reported to police forces across England, Wales and Northern

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<sup>6</sup> StopWatch, *Metropolitan Police*, <http://www.stop-watch.org/your-area/area/metropolitan>, (Accessed on 24 August 2016)

<sup>7</sup> 'EU Referendum: Hate Crime', HC Deb Vol. 613 col. 956 21 July 2016.

<sup>8</sup> The Crown Prosecution Service, 'Hate Crime What is it?' [http://www.cps.gov.uk/northeast/victims\\_and\\_witnesses/hate\\_crime/](http://www.cps.gov.uk/northeast/victims_and_witnesses/hate_crime/), (Accessed on 24 August 2016).

<sup>9</sup> Parveen, N., and Sherwood, H., 'Police log fivefold rise in race-hate complaints since Brexit result,' *The Guardian*, 30 June 2016.

Ireland.<sup>10</sup> This was an increase of 915 reports in comparison to the same period last year, and ultimately shows a 42 per cent increase in the reporting of hate crime nationally.<sup>11</sup> The very peak of these hate crime incidents occurred on June 25 2016 - just two days after the referendum date, when 289 offences across the UK were recorded.<sup>12</sup>

Overall, despite the issues nationally, discrimination and hate crime on campus did not appear to be a particularly prominent issue within the group. While attending Union Executive meetings or chairing BAME meetings I recall no ongoing issues reported regarding discrimination or hate crime. In addition, from my own personal experience studying at Plymouth University has been extremely pleasant and there has always been a particularly warm and collegiate atmosphere on campus. Further, if one was experiencing discrimination or hate crime while studying at Plymouth, these issues could be easily addressed through the overwhelming number of services provided by the University to address and improve student wellbeing.

### **3 Diversity in Employment**

Another core issue that was discussed during our meetings was heavily related to employability and diversity in recruitment. There was a consensus within the group that BAME students, in particular black students, often lacked adequate confidence, insight and mentorship within their chosen fields to succeed in such a competitive job market.

In 2015, the Solicitors Regulatory Authority reported that overall, BAME individuals make up 18% of all lawyers, which is higher than the census data for economically active people (13%).<sup>13</sup> In the legal sector, Asian people are over represented among all lawyers (12% compared to 7%) and Black people are underrepresented (2% compared to 3%).<sup>14</sup> Although, these figures are relatively positive – particularly in respect of Asian descent - there are still further improvements that could be made to eliminate the significant underrepresentation of black people in the legal sector.

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<sup>10</sup> National Police Chiefs' Council, 'Hate crime undermines the diversity and tolerance we should instead be celebrating', 8 July 2016, <http://news.npcc.police.uk/releases/hate-crime-undermines-the-diversity-and-tolerance-we-should-instead-be-celebrating-1>, (Accessed on 24 August 2016)

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> Solicitors Regulatory Authority, 'How diverse are law firms?' <https://www.sra.org.uk/solicitors/diversity-toolkit/diverse-law-firms.page> (Accessed on 24 August 2016).

<sup>14</sup> Ibid.

From my own experience as a black student and aspiring commercial solicitor, I often feared that my lack of industry insight would jeopardise my prospects of potentially securing summer placements and graduate positions when the time for applications arrived. As an individual with no relatives or family friends in the profession it was difficult to find a contact that I could leverage in order to gain the valuable career insights that I was lacking. As a consequence, I chose to take the initiative and research opportunities available within my university that could connect me with legal professionals. Fortunately, there were multiple opportunities available and especially those organised by the student Law Society such as the Employer Mentor Program and the Cheese and Wine event and ultimately, these played a significant role in sophisticating my knowledge of the legal sector. However, although I am privileged to have had access to these opportunities they may not be so readily available to other BAME students in various other sectors and universities throughout the country.

For this reason, the forum chose to invite a member of the Careers and Employability Team within our University to run a seminar aimed at discussing the barriers facing BAME individuals with regards to securing graduate positions and to assist us identifying and leveraging the skills that we developed throughout our time at University. This event proved to be immensely useful as it provided members with a platform to address their concerns and the opportunity to start forging a plan to prepare for securing graduate positions.

## **Conclusion**

In conclusion, my experience as the chairman of the BAME forum was extremely positive and eye-opening. It provided me with the opportunity to improve my leadership skills through managing and chairing crucial meetings and debates. It offered an invaluable opportunity to meet likeminded people and discuss and debate ideas for ways to enrich the student experience of BAME students at Plymouth University. But most importantly, the position gave me the opportunity to promote further integration between BAME and non-BAME students on campus and attempt to debate and tackle key issues that were affecting BAME students both within our university and nationally.