

Equality and Human Rights Commission
Briefing paper 8

An Experimental Analysis of Examinations and Detentions under Schedule 7 of the Terrorism Act 2000

Karen Hurrell

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Research briefing paper 8

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Contents	Page
Tables	4
Acknowledgements	5
Summary	6
1. Introduction	9
2. Schedule 7 examinations and detentions by ethnic group	10
3. Sources of population data for comparison	15
4. Experimental analysis of race disproportionality	20
5. Conclusion	27
Appendix	29
References and Bibliography	31

Tables

	Page
1 Total examinations under Schedule 7 at all ports, 2010/11 - 2012/13	10
2 Total Schedule 7 examinations by self-defined ethnicity at all ports, 2010/11 - 2012/13	11
3 Schedule 7 under the hour examinations by self-defined ethnicity at all ports, 2010/11 - 2012/13	12
4 Schedule 7 over the hour examinations by self-defined ethnicity at all ports, 2010/11 - 2012/13	13
5 Schedule 7 detentions by self-defined ethnicity at all ports, 2010/11 - 2012/13	13
6 Schedule 7 examinations and detentions at airports, 2010/11	15
7 Number of trips abroad by plane in last 12 months, 2010-12	17
8 Estimated trips abroad by plane compared with population data	17
9 Ethnic profiles of international air passengers and residents	19
10 Race disproportionality ratios for total examinations at all ports, for three ethnic groups compared with the white group, 2010/11-2012/13	23
11 Race disproportionality ratios for over the hour examinations at all ports, for three ethnic groups compared with the white group, 2010/11-2012/13	23
12 Race disproportionality ratios for detentions at all ports, for three ethnic groups compared with the white group, 2010/11-2012/13	24
13 Race disproportionality ratios for examinations at airports: all examinations, over the hour examinations and detentions, for nine ethnic groups each compared with the white group, 2010/11	25
14 'Excess' examinations or detentions at airports for nine ethnic groups compared with rates for the white group, 2010/11	26
A1 Schedule 7 examinations and detentions at all ports, 2010/11 to 2012/13	29
A2 Schedule 7 examinations and detentions at airports, 2010/11	30

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Summary

This briefing presents an experimental analysis of data relating to Schedule 7 of the Terrorism Act 2000. This legislation provides powers in relation to port and border controls and permits passengers entering or leaving Great Britain or Northern Ireland to be stopped, questioned and detained in order to determine their possible involvement in terrorism.

Schedule 7 powers can only be lawfully used to determine if the particular individual being examined is '*concerned in the commission, preparation or instigation of acts of terrorism*'. The Code of Practice for Schedule 7 does not allow for ethnicity to be used as the sole reason for stopping someone. However, people can be stopped, detained and subject to potentially highly intrusive questions about their political and religious beliefs and activities, as well as those of others in their community and family, *without any prior suspicion*. The relatively high numbers of those stopped from certain ethnic backgrounds raises concerns that, without a requirement for reasonable suspicion, there are insufficient limitations in place to prevent a reliance on an individuals' ethnicity or country of origin as a reason for conducting the stop.

The data in this briefing provide information on the number of examinations carried out in Great Britain under Schedule 7 in each of the years 2010/11 to 2012/13 broken down by ethnic group, plus additional data on the use of Schedule 7 in airports in 2010/11. An experimental analysis of race disproportionality is then based on data on Schedule 7 examinations combined with ethnic group data from two sources: international air passengers from the Civil Aviation Authority's (CAA) Passenger Survey and residents of England and Wales from the 2011 Census. This is experimental due to uncertainty over the ethnic profile of passengers passing through ports.

Both these sources have both strengths and weaknesses. While the CAA Passenger Survey provides ethnicity data on air passengers, it does not cover other ports and so is less appropriate for comparison with the all ports data. It also has a high proportion of missing data for the ethnic group question. Similarly, although Census data on the resident population have higher precision, they cannot take account of the different frequency with which people travel abroad and do not include visitors. The following key results quote figures for disproportionality from the analysis using Census data, since these estimates are always lower than those based on the CAA survey data. This is because the ratio of the number of white people to the number of people in each ethnic minority group was lower for the Census, which makes the race disproportionality ratio lower too.

For the purpose of this analysis, four main ethnic group categories form the basis of comparisons throughout: White, Black (Black or Black British), Mixed race and Asian or other. The last of those combining Asian or Asian British with Chinese or other.

Where possible further breakdowns are presented, for example ten categories are used for the final analysis of race disproportionality in Schedule 7 usage at airports.

Key results

- The total number of examinations declined from 65,684 in 2010/11 to 56,257 in 2012/13. In 2010/11, 28,099 or 42.8 per cent of examinations took place at airports.
- Examinations may include: basic questioning, a search of property and/or a period of detention of up to nine hours. The great majority of examinations were under the hour. Only one in twenty-five took over the hour and around one in a hundred resulted in detention, although the latter rose to around one detention in forty examinations at airports.
- Although in 2012/13 the percentages of examinations of white people (37.2 per cent) and of Asian/Asian British people (23.5 per cent) were lower than in previous years, the main increase was in the percentage of people who did not define their ethnicity at the time of search. The percentage of people with ethnicity 'not stated' was four times larger in 2012/13 than in 2011/12 (8.5 per cent compared with 1.9 per cent). The lower percentages may therefore be due to under-reporting rather than genuine decreases.
- In 2010/11, 46.6 per cent of total examinations were of people of Asian or other ethnicity, as were 65.2 per cent of over the hour examinations and detentions. At airports, 63.9 per cent of total examinations were of people of Asian or other ethnicity.
- In 2010 and excluding missing responses, 90.5 per cent of international air passengers gave white as their ethnic group, as did 86.0 per cent of the resident population of England and Wales. An estimated 6.8 per cent of international air passengers and 8.5 per cent of residents are from the Asian or other ethnic group.
- The experimental analysis of race disproportionality suggests that both black and Asian or other ethnic groups experienced high race disproportionality in 2010/11, which was higher for examinations at airports than for those at all ports. Overall, race disproportionality was high for total examinations, higher for over the hour examinations and highest for detentions.
- The following estimates were calculated using 2011 Census data.
- Race disproportionality ratios for total examinations at all ports in 2012/13 were estimated as: 11.3 for the Asian or other group, 6.3 for the black group and 3.6 for the mixed race group.

- For airports in 2010/11, race disproportionality ratios for total examinations were: 35.2 for the Asian or other group, 18.0 for the black group and 6.8 for the mixed race group. For all ports in the same year the equivalent race disproportionality ratios were: 11.7 for the Asian or other group, 5.8 for the black group and 2.9 for the mixed race group.
- Further analysis of airport data for 2010/11 considers race disproportionality for nine minority ethnic groups compared with the white group. In this analysis, Pakistani, African and 'any other' ethnic groups had the highest numbers of over the hour examinations and detentions and high race disproportionality as a result. The lowest of these was still very high, with race disproportionality for African people of 88.7 for over the hour examinations and 127.8 for detentions.
- Pakistani people stand out as having experienced high levels of race disproportionality in Schedule 7 examinations at airports in 2010/11. This applies to total examinations, as well as to over the hour examinations and detentions. The estimated race disproportionality ratios were: 52.6 for total examinations, 135.9 for over the hour examinations and 154.5 for detentions.
- The highest excesses for total examinations at airports in 2010/11 were seen for: the 'any other' group with 9,426, the Pakistani ethnic group with 6,198 and the African ethnic group with 2,693.
- The same three ethnic groups also had the highest excess examinations at airports in 2010/11 for over the hour examinations and detentions. For example, there were 244 excess detentions of people of 'any other' ethnicity, 190 of Pakistani people and 138 of African people.

Further analysis of data for more recent use of Schedule 7 at airports would provide a check of these apparently high levels of race disproportionality at airports, since only 2010/11 airport data were available for this analysis.

1. Introduction

Since 2007, the Equality and Human Rights Commission (the Commission) has monitored legislation which allows people to be stopped and searched and its impact on ethnic minority people. It has published reports on race disproportionality of stops and searches under Section 1 of the Police and Criminal Justice Act 1984 and under Section 60 of the Criminal Justice and Public Order Act 1994 (see Bibliography). In addition, the Commission influenced parliamentary debates about the stop and search powers in Section 44 of the Terrorism Act 2000, which has now been repealed in the Protection of Freedoms Act 2012.

Schedule 7 provides similar powers to stop and search, but in relation to port and border controls. Briefly these are:

- to stop, question and detain a person entering or leaving Great Britain or Northern Ireland in order to determine whether they are a terrorist, i.e. a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism;
- to carry out a search of a person and any property which they have with them or which belong to them and which is on a ship, aircraft or vehicle or which has been or is about to be on a ship, aircraft or vehicle for the purpose of determining whether that property has been used in the commission, preparation or instigation of acts of terrorism;
- to detain property: for examination; for use as evidence in criminal proceedings; or needed in connection with a deportation decision.

For further details, please see the full text of the Terrorism Act 2000 on legislation.gov.uk.

Schedule 7 powers can only be lawfully used to determine if the particular individual being examined is '*concerned in the commission, preparation or instigation of acts of terrorism*'. The Code of Practice for Schedule 7 (Home Office, 2009) does not allow for ethnicity to be used as the sole reason for stopping someone. However, people can be stopped, detained and subject to potentially highly intrusive questions about their political and religious beliefs and activities, as well as those of others in their community and family, *without any prior suspicion*. The relatively high numbers of those stopped from certain ethnic backgrounds raises concerns that, without a requirement for reasonable suspicion, there are insufficient limitations in place to prevent a reliance on an individuals' ethnicity or country of origin as a reason for conducting the stop.

This briefing presents an experimental analysis of data on examinations carried out in Great Britain under Schedule 7 of the Terrorism Act 2000 between 2010/11 and 2012/13. Data for 'all ports' were published in Home Office (2013), while data on

Schedule 7 usage at airports in 2010/11 were provided by ACPO (TAM) National Coordinators Office Protect and Prepare in response to a request from the Commission under the Freedom of Information Act.

Chapter 2 looks at Schedule 7 data broken down by ethnic group and compares the ethnic profiles of examinations, under the hour and over the hour, and of detention for those people stopped under the legislation. Chapter 3 then considers the issue of appropriate data for comparison with the ethnic profiles in the Schedule 7 data and discusses available data sources.

Following on from this, Chapter 4 presents an experimental analysis of race disproportionality and Chapter 5 concludes with key results.

2. Schedule 7 examinations and detentions by ethnic group

The latest data on the use of Schedule 7 were published by the Home Office in September 2013 (see table A1 in the Appendix). In 2012/13, 56,257 people were stopped under Schedule 7 at ports in Great Britain. This figure includes airports, seaports and international railway stations.

Examinations may include: basic questioning, a search of property and/or a period of detention of up to nine hours¹. Table 1 shows the percentages of total Schedule 7 examinations for the latest three years which were under or over the hour, or resulted in a detention. Please note that detentions are also included in the figures for examinations, so these percentages do not add up to 100 per cent.

Table 1 Total examinations under Schedule 7 at all ports, 2010/11 - 2012/13

	Row percentages			
	% under the hour	% over the hour	% detained	<i>Total examinations</i>
2010/11	96.5	3.5	1.4	<i>65,684</i>
2011/12	96.5	3.5	1.1	<i>63,902</i>
2012/13	96.0	4.0	1.2	<i>56,257</i>

Source: Derived from Home Office (2013)

¹ See Home Office (2009), p13: 'Examination and detention under Schedule 7 are not the same. A person being examined will not necessarily need to be detained and it is envisaged that most examinations will be conducted without the need to detain the person. Detention will be required usually where a person refuses to co-operate and insists on leaving. In such circumstances, it may not always be necessary to take the person to a police station: detention may be short lived, for example to complete an examination.'

Data are not available on the number of arrests made under this power broken down by ethnicity, although information from ACPO showed that there were 31 terrorism-related arrests at ports in 2010/11 and 24 terrorism-related arrests at ports in 2011/12 as a result of Schedule 7 examinations (Anderson, 2013).

The total number of Schedule 7 examinations declined over this period by 14 per cent, from 65,684 in 2010/11 to 56,257 in 2012/13. The large majority of examinations in each year, at least 96 per cent, were under the hour. Although representing only a small percentage of passengers, an estimated 0.03 per cent of people passing through UK ports (Home Office, 2013), on average there were over 150 examinations per day in 2012/13.

While the total number of examinations decreased over the past three years, the percentage of over the hour examinations increased from 3.5 per cent in the two earlier years to 4.0 per cent in 2012/13. Detentions remained in the range 1.0-1.5 per cent of total examinations over the same period.

Breaking these figures down by ethnic group, table 2 first shows the ethnic profiles for total examinations. Please note that ethnicity data are collected at the time of the examination and may differ from data collected in other circumstances.

Table 2 Total Schedule 7 examinations by self-defined ethnicity at all ports, 2010/11 - 2012/13

	Column percentages		
	2010/11	2011/12	2012/13
White	40.3	41.9	37.2
Black or Black British	9.1	8.4	9.0
Asian or Asian British	29.5	27.0	23.5
Mixed	3.0	3.2	3.4
Chinese or Other	17.1	17.5	18.3
Not stated	1.0	1.9	8.5
<i>Total examinations</i>	<i>65,684</i>	<i>63,902</i>	<i>56,257</i>

Source: Derived from Home Office (2013)

In particular, a growing percentage of people examined over this period did not define their ethnicity at the time of search. The percentage of people with ethnicity 'not stated' was four times larger in 2012/13 than in 2011/12 (8.5 per cent compared with 1.9 per cent, while the percentages of examinations of white people (37.2 per

cent) and of Asian/Asian British people (23.5 per cent) were lower in 2012/13 than in previous years. These lower percentages may therefore be due to under-reporting rather than genuine decreases.

Table 3 shows the equivalent figures for under the hour examinations. Unsurprisingly, since the vast majority of examinations were under the hour, this table shows similar results to table 2.

Table 3 Schedule 7 under the hour examinations by self-defined ethnicity at all ports, 2010/11 - 2012/13

	Column percentages		
	2010/11	2011/12	2012/13
White	41.2	43.0	38.2
Black or Black British	8.9	8.2	8.8
Asian or Asian British	28.9	26.7	23.2
Mixed	3.0	3.2	3.4
Chinese or Other	17.0	17.3	18.0
Not stated	1.0	1.6	8.4
<i>Total under the hour examinations</i>	<i>63,396</i>	<i>61,662</i>	<i>53,992</i>

Source: Derived from Home Office (2013)

Table 4 now breaks down over the hour examinations by ethnicity. Compared with tables 2 and 3 above, the ethnic profile of over the hour examinations includes proportionately more examinations of Asian or Asian British, Chinese or other and Black or Black British people in each of the three years.

For example, in 2012/13 32.7 per cent of over the hour examinations were of Asian or Asian British people, compared with 23.2 per cent of under the hour examinations, and 25.1 per cent of over the hour examinations were of Chinese or other people, compared with 18.0 per cent of under the hour examinations.

Far fewer over the hour than under the hour examinations were of white people in 2012/13: 13.9 per cent compared with 38.2 per cent respectively.

Table 4 Schedule 7 over the hour examinations by self-defined ethnicity at all ports, 2010/11 - 2012/13

	Column percentages		
	2010/11	2011/12	2012/13
White	14.2	11.9	13.9
Black or Black British	14.8	14.3	13.6
Asian or Asian British	45.1	36.2	32.7
Mixed	4.2	3.1	3.6
Chinese or Other	20.1	23.5	25.1
Not stated	1.6	11.0	11.1
<i>Total over the hour examinations</i>	<i>2,288</i>	<i>2,240</i>	<i>2,265</i>

Source: Derived from Home Office (2013)

Table 5 Schedule 7 detentions by self-defined ethnicity at all ports, 2010/11 - 2012/13

	Column percentages		
	2010/11	2011/12	2012/13
White	8.2	8.1	8.7
Black or Black British	21.2	23.1	22.3
Asian or Asian British	44.6	34.9	31.6
Mixed	2.3	3.4	3.0
Chinese or Other	20.6	22.8	21.7
Not stated	3.1	7.8	12.6
<i>Total detentions</i>	<i>913</i>	<i>680</i>	<i>667</i>

Source: Derived from Home Office (2013)

Finally, table 5 shows those examinations which resulted in detentions. The largest percentages were again of Asian or Asian British people, which were similar to the percentages of over the hour examinations. In 2012/13, 31.6 per cent of detentions

were of Asian or Asian British people, as well as 32.7 per cent of over the hour examinations.

Slightly fewer detentions than over the hour examinations were of people in the Chinese or other ethnic group: 21.7 per cent of detentions and 25.1 per cent of over the hour examinations in 2012/13. In contrast, a higher percentage of detentions than over the hour examinations were of Black or Black British people: 22.3 per cent of detentions and 13.6 per cent of over the hour examinations. Once again, proportionately fewer detentions were of white people: 8.7 per cent in 2012/13.

In order to look specifically at race disproportionality in the use of Schedule 7 at airports, the Commission requested a breakdown by self-defined ethnicity for examinations at all airports under the Freedom of Information Act. The data provided by ACPO (TAM) National Coordinators Office Protect and Prepare in response to this request are shown in table A2 in the Appendix. Table 6 below summarises these data using the same ethnic groups as in tables 2-5 above.

For examinations at airports in 2010/11, 95.9 per cent of examinations were under the hour and 4.1 per cent were over the hour. Around one in forty (2.7 per cent) examinations resulted in a detention. This compares with all ports data for 2010/11 (see table 1) which showed: 3.5 per cent of examinations over the hour and 1.4 per cent resulting in a detention. In 2010/11, 42.8 per cent of total examinations took place at airports, but this increased to 50.7 per cent of over the hour examinations and 81.9 per cent of detentions.

Comparing table 6 with the figures for all ports in 2010/11 shown in table 2 above, a higher percentage of total examinations at airports were of Asian or Asian British people (40.2 per cent compared with 29.5 per cent at all ports), Chinese or other people (23.7 per cent compared with 17.1 per cent) or Black or Black British people (12.8 per cent compared with 9.1 per cent). Only 18.3 per cent of examinations at airports were of white people compared with 40.3 per cent of examinations at all ports. Similar differences are seen in the under the hour examinations (see tables 3 and 6).

Smaller differences were seen between over the hour examinations and detentions in airports compared with all ports in 2010/11 (tables 4-6). The largest percentages were of Asian or Asian British people, with 46.3 per cent of over the hour examinations and 44.5 per cent of detentions in airports, and people of Chinese or other ethnicity, with 20.2 per cent of over the hour examinations and 18.7 per cent of detentions in airports. More over the hour examinations in airports than in all ports were of Black or Black British people (19.6 per cent compared with 14.8 per cent) and fewer were of white people (8.6 per cent compared with 14.2 per cent).

Table 6 Schedule 7 examinations and detentions at airports, 2010/11

	Column percentages			
	Under the hour examinations	Over the hour examinations	Total examinations	Detentions
White	18.7	8.6	18.3	7.1
Black or Black British	12.5	19.6	12.8	23.8
Asian or Asian British	39.9	46.3	40.2	44.5
Mixed	3.2	2.5	3.2	2.4
Chinese or other	23.8	20.2	23.7	18.7
Not stated	1.8	2.8	1.8	3.5
<i>Total airports</i>	<i>26,938</i>	<i>1,161</i>	<i>28,099</i>	<i>748</i>

Source: Derived from data provided by ACPO (TAM) National Coordinators Office Protect & Prepare.

These data thus show a clear disparity between examinations at airports and all ports in 2010/11. Further analysis of data for more recent use of Schedule 7 at airports would provide information on whether these patterns continue.

3. Sources of population data for comparison

The experimental analysis of race disproportionality in Chapter 4 will be based on a comparison between the data on Schedule 7 examinations and data on the ethnic profile of those 'at risk' of examination. This will attempt to provide a measure of the overall impact of the use of these powers on people of different ethnicities.

Further details of those calculations are given in Chapter 4, but before progressing it is necessary to consider the appropriate group for comparison with Schedule 7 data and which sources can provide suitable data broken down by ethnicity. The approach taken here differs from the latest report by the independent reviewer of the Terrorism Acts (Anderson, 2013), which instead contrasts Schedule 7 data with stops and searches under S.43 of the Terrorism Act 2000 and people charged with terrorism offences.

Two types of data set have been discussed in Chapter 2: all ports data and airports data. The people at risk of being examined or detained in the first case would be all international passengers entering or leaving Britain via any port and in the second

case would be all international air passengers entering or leaving Britain via any airport.

Four data sources were considered as potential candidates for this analysis:

a) 2011 Census data

With respect to stop and search data analysed in previous Commission reports (see Bibliography), the resident population has been taken as the group at risk of being stopped and searched and is included here to provide a common basis for comparison with previous analyses. Its use has not been without question (for example, see discussion in *Stop and Think*) as different age and ethnic groups may spend more or less time in places where stops and searches are carried out, however it is the standard approach used by the Ministry of Justice and police forces as well as by the Commission.

The main advantages of using population data are that 2011 Census data² are available for England and Wales, which are based on returns from the majority of the population and provide much more precise estimates of the population by ethnicity than any survey can. Disadvantages are that not all residents³ will travel abroad the same each year, or the same number of times, and foreign visitors are not included, so the ethnic profile may differ from that of passengers.

b) National Travel Survey

An alternative to population data is the National Travel Survey (NTS).⁴ This is a household survey of the British population which collects data using face-to-face interviews plus a seven-day travel diary. One question in the survey asks respondents for number of trips abroad by plane. Since the survey also collects data on ethnicity, it is possible to obtain an ethnic breakdown of numbers of trips. Combining these with population data (see tables 7 and 8) allows an ethnic profile for trips abroad to be obtained.

Table 7 shows data on numbers of trips abroad by plane based on combined 2010/11 and 2011/12 data from the NTS. The averages were calculated from these data assuming an average close to four for the 'four or more' category. The 'other' group had the highest plane use, with around one trip per person per year.

² See the ONS website for details. <http://www.ons.gov.uk/ons/guide-method/census/2011/index.html>

³ The resident population includes all people who have lived in a country for at least a year, or plan to do so.

⁴ See the National Travel Survey statistics page on the gov.uk website.

<https://www.gov.uk/government/organisations/department-for-transport/series/national-travel-survey-statistics>

Table 7 Number of trips abroad by plane in last 12 months, 2010-12

	Row percentages					Average trips
	None	One	Two	Three	Four or more	
White	57	23	11	4	5	0.79
Mixed / Multiple	62	22	7	4	5	0.68
Asian / Asian British	57	29	8	3	3	0.66
Black / African / Caribbean / Black British	59	24	11	3	2	0.65
Other	47	26	14	6	7	0.99
All ethnic groups	57	23	10	4	5	0.78

Note: In this table, Asian / Asian British includes: Indian, Pakistani, Bangladeshi, Chinese and other Asian; 'Other' includes: Arab and any other ethnic group not included in the previous four major groups.

Source: National Travel Survey 2010/11 and 2011/12. Dept. for Transport (2013).

Table 8 Estimated trips abroad by plane compared with population data

	Average trips abroad 2010-12	Population England and Wales 2011	Ethnic profile for population (col. %)	Estimated trips abroad per year	Ethnic profile for trips abroad (col. %)
White	0.79	48,209,395	86.0	38,142,285	87.6
Mixed / Multiple	0.68	1,224,400	2.2	833,486	1.9
Asian / Asian British	0.66	4213531	7.5	2,796,522	6.4
Black / African / Caribbean / Black British	0.65	1,864,890	3.3	1,217,167	2.8
Other	0.99	563696	1.0	556,798	1.3
All ethnic groups	0.78	56,075,912	100.0	43,546,258	100.0

Note: In this table, Asian / Asian British includes: Indian, Pakistani, Bangladeshi, Chinese and other Asian; 'Other' includes: Arab and any other ethnic group not included in the previous four major groups.

Source: Calculated from Dept. of Transport (2013) and ONS (2012).

Combining these averages for trips abroad with 2011 Census data, table 8 compares the ethnic profile for the population of England and Wales with the estimated ethnic profile for trips abroad. Estimated trips abroad have been calculated by multiplying the average trips abroad by the population of England and Wales, each broken down by major ethnic group. Residents of Asian, black or mixed ethnicities are under-represented in trips abroad compared with their share of the population.

Advantages of NTS data are that the survey is based on a random sample of the population and is designed to collect data on travel. Estimates will not however be as precise as Census estimates and the coverage of the survey is limited, it does not cover visitors to Britain nor trips abroad by modes of transport other than air.

c) International Passenger Survey

The next data source considered is the International Passenger Survey. This survey collects information about passengers (both UK residents and visitors) entering and leaving the UK and interviews are carried out at all major airports and sea routes, at Eurostar terminals and on Eurotunnel shuttle trains.

The annual Travel Trends release (ONS, 2013) reports numbers of visits to the UK, 31.1 million in 2012, and visits abroad by UK residents, 56.5 million in 2012, and provides a range of information on the people either visiting the UK or travelling abroad. It does not however collect data on ethnicity, and so cannot provide the breakdown required for this analysis.

d) Civil Aviation Authority's Passenger Survey

The final source is the Civil Aviation Authority's Passenger Survey.⁵ This survey is carried out annually at selected airports across the UK and again samples both UK residents and visitors. It includes questions on journey purpose, origins and destinations, means of transport to and from airports, route flown, country of residence and income of passengers. A question on ethnicity is included.

Advantages for this source are that a large sample of passengers is surveyed and that ethnicity data are collected. Disadvantages include the varying coverage from year to year, with some airports surveyed each year and others on an irregular basis, and the high level of missing values for the ethnicity question.

Following comparison of the sources above, two were selected for the following analysis: the CAA's 2010 Passenger Survey and data on the resident population from the 2011 Census. The latter covering England and Wales since ethnicity data from Scotland's Census were not available at the time.

⁵ See the CAA's website for further details.

<http://www.caa.co.uk/default.aspx?catid=81&pagetype=90&pageid=7640>

Table 9 Ethnic profiles of international air passengers and residents

	Column percentages		
	International air passengers (CAA 2010 survey)		Residents (2011 Census for England and Wales)
	Including missing responses	Excluding missing responses	
White*	53.5	90.5	86.0
Mixed	0.5	0.9	2.2
Mixed White and Black Caribbean	0.1	0.1	0.8
Mixed White and Black African	0.1	0.1	0.3
Mixed White and Asian	0.2	0.3	0.6
Other mixed	0.2	0.3	0.5
Black	1.1	1.8	3.3
Black Caribbean	0.4	0.7	1.1
Black African	0.6	1.1	1.8
Other Black	0.1	0.1	0.5
Asian or other	4.0	6.8	8.5
Indian	1.6	2.6	2.5
Pakistani	0.5	0.9	2.0
Bangladeshi	0.1	0.1	0.8
Chinese	0.5	0.8	0.7
Any other*	1.4	2.3	2.5
Missing*	40.9	n/a	n/a
<i>Total</i>	<i>148,581,186</i>	<i>87,785,106</i>	<i>56,075,912</i>

* 'White' includes white British, white English/Welsh/Scottish/Northern Irish/British, white Irish, Gypsy or Irish Traveller (Census only) and other white.

'Any other' includes other Asian, Arab (Census only) and any other.

'Missing' (CAA survey only) includes don't know, no answer, refuse and 'blank'.

Sources: Derived from CAA (2012) and ONS (2012).

Table 9 compares detailed ethnic profiles from each of these data sources. Note that a large minority of international air passengers (40.9 per cent) did not answer the

ethnic group question. In part this low response is due to a very high percentage (85 per cent) of missing values for connecting passengers, although a third of other passengers had also not answered the ethnic group question. Hence differences in the following comparison, between the second and third columns in the table, may in part reflect under-reporting by some ethnic groups.

Overall a higher percentage of international air passengers than residents of England and Wales were white (90.5 per cent and 85.9 per cent respectively) and this was also the case for Indian people (2.6 per cent of international air passengers) and Chinese people (0.8 per cent of international air passengers). All other minority ethnic groups formed a higher percentage of residents than international air passengers. This was particularly the case for Pakistani people, who were 2.0 per cent of residents but only 0.9 per cent of international air passengers. Other groups under-represented in the CAA data include Black African, Bangladeshi and Mixed white and Black Caribbean, all with a gap of 0.7 percentage points between the proportions of international air passengers and residents.

4. Experimental analysis of race disproportionality

Two measures of disproportionality have been used by the Commission in previous publications (see Bibliography), the race disproportionality ratio (RDR) and excess stops and searches (excess), in each case for each minority ethnic group compared with the equivalent white group. A similar approach is used here to explore the relative impact on people with different ethnicity of examinations and detentions under Schedule 7.

In this case, the RDR is defined as follows:

- The examinations or detentions incidence rates for the black and white ethnic groups are calculated from the ratio of the number of examinations or detentions divided by the estimated number of people 'at risk' in each ethnic group.
- To calculate the RDR, the incidence rate for the black group is then divided by the incidence rate for the white group.

A value of 1.0 indicates no disproportionality and, for fixed numbers of examinations or detentions, any increase in the ratio of the number of white people to black people 'at risk' will increase the RDR.

The number of excess black examinations or detentions is defined as the difference between the number of black examinations or detentions and the number there would have been if the incidence rate for the black group had been the same as for the white group. The latter figure is calculated from the ratio of white examinations or detentions to the number of white people, which is then multiplied by the number of black people. The excess is then obtained by subtracting the result from the number

of black examinations or detentions. An excess of 0 indicates no disproportionality and, as with the RDR, an increase in the ratio of the number of white people to black people 'at risk' will also increase the excess.

The following chapter presents an experimental analysis of disproportionality using these measures. Both the published 'all ports' Schedule 7 data for the last three years and the ad hoc data for 'airports only' from 2010/11 have been analysed, in conjunction with estimates of ethnic profiles for the 'at risk' population based first on international air passengers in 2010 (CAA data, excluding missing values⁶) and second on residents of England and Wales in 2011 (Census data). This analysis is experimental due to uncertainty over the ethnic profile of passengers passing through ports, with both these sources having strengths and weaknesses (see Chapter 3). The results should therefore only be considered indicative of the impact of Schedule 7 on people of different ethnicity.

Since the all ports data are only available for the five major ethnic groups and also due to changes in the ethnic group question from the 2011 Census onwards, table 10 shows estimated RDRs in total examinations for three ethnic groups: black, mixed and Asian or other, each compared with the white group. The last group is created by combining the Asian and Chinese or other groups, since the 2011 Census question on ethnicity moved the Chinese into the Asian group and this has produced inconsistencies in both groups.

Differences in the estimates of people 'at risk' can have a major impact on measures of disproportionality. As noted above (see table 9 and related text), CAA estimates suggest that a higher percentage of international air passengers than residents of England and Wales are white and smaller percentages are in each of the three ethnic minority groups: black, mixed race and Asian and other.

Both the RDR measure and the excess measure will be larger if the ratio of the number of white people to the number of people in each of the ethnic minority groups is larger and this is the case for the CAA survey compared with the 2011 Census. For example, the CAA estimates that there were 49 white people for each black person amongst international air passengers and the 2011 Census estimates 26 white people for each black person in the resident population, and this is also true for the mixed race and Asian or other groups. As a result the measures of disproportionality based on CAA data will be higher than those based on the 2011 Census. Hence, the commentary below will concentrate on the Census-based estimates.

⁶ Since the measures depend on ratios of population numbers, and those ratios are the same for both the CAA percentages including and excluding missing responses, this choice does not affect the analysis. In arriving at the percentages excluding missing values the missing values were distributed in proportion to valid responses.

Returning to the RDRs in table 10, in each column the Asian or other ethnic group has the highest RDR, followed by the black ethnic group and finally the mixed race group. The highest RDRs for each ethnic group are for the airports data, which show much higher disproportionality than the all ports data in any year.

Nonetheless, the lowest all ports estimates for 2012/13, based on Census data, are still high: 11.3 for the Asian or other group, 6.3 for the black group and 3.6 for the mixed race group, and it is possible that airports data for this year would show even higher disproportionality. Further analysis and discussion of the 2010/11 airports data can be found below.

Since under the hour examinations form the vast majority of examinations, RDRs based on those data are similar to the all examinations ratios discussed above, but this is not true for over the hour examinations. As previously shown in Chapter 2, while around two fifths of total or under the hours examinations were of white people, less than one fifth of over the hour examinations were of white people.

Table 11 shows the impact this has on RDRs for over the hour examinations which is to make them much higher than for total examinations. The overall ranking is similar, with the highest RDRs for the black and Asian or other ethnic groups. At best, the lowest ratios (for 2012/13 and based on Census data) are still high: 42.1 for the Asian or other group, 25.4 for the black ethnic group and 10.3 for the mixed race ethnic group.

Finally RDRs for detentions, shown in table 12, indicate even higher disproportionality than for over the hour examinations which reflects the fact that fewer than a tenth of people detained are white. Note however that since numbers of detentions are relatively low, RDRs for the mixed race group are calculated from small numbers and will not be discussed. For both the black and Asian or other ethnic groups, all estimates of disproportionality are extremely high. The lowest RDRs for the all ports data are for 2012/13 based on Census data, but are still over sixty: 61.9 for the Asian or other ethnic group and 66.4 for the black ethnic group.

Estimated disproportionality for detentions in the airports data for 2010/11 is even higher. For the black ethnic group, the RDR based on Census data is 86.8 and for the Asian or other ethnic group it is estimated at 90.1.

Table 10 Race disproportionality ratios for total examinations at all ports, for three ethnic groups compared with the white group, 2010/11-2012/13

	2010/11				2011/12		2012/13	
	All ports		Airports		All ports		All ports	
	CAA	Census	CAA	Census	CAA	Census	CAA	Census
Black	11.1	5.8	34.1	18.0	9.9	5.2	11.9	6.3
Mixed	7.9	2.9	18.3	6.8	8.2	3.1	9.8	3.6
Asian or other	15.4	11.7	46.4	35.2	14.2	10.7	15.0	11.3

Table 11 Race disproportionality ratios for over the hour examinations at all ports, for three ethnic groups compared with the white group, 2010/11-2012/13

	2010/11				2011/12		2012/13	
	All ports		Airports		All ports		All ports	
	CAA	Census	CAA	Census	CAA	Census	CAA	Census
Black	50.9	26.9	111.6	58.9	59.1	31.2	48.0	25.4
Mixed	30.9	11.5	30.7	11.4	27.8	10.4	27.6	10.3
Asian or other	61.2	46.4	102.8	77.9	66.9	50.7	55.6	42.1

Table 12 Race disproportionality ratios for detentions at all ports, for three ethnic groups compared with the white group, 2010/11-2012/13

	2010/11				2011/12		2012/13	
	All ports		Airports		All ports		All ports	
	CAA	Census	CAA	Census	CAA	Census	CAA	Census
Black	126.6	66.9	164.4	86.8	139.8	73.8	125.8	66.4
Mixed	[29.6]	[11.0]	[35.9]	[13.4]	[44.2]	[16.5]	[36.5]	[13.6]
Asian or other	105.6	80.1	118.8	90.1	94.9	71.9	81.7	61.9

[] Fewer than 50 detentions for this ethnic group.

Since a more detailed breakdown by ethnic group was provided for the airports data, it is possible to investigate further the high disproportionality indicated by those data and to look in more detail at which communities were affected the most by the use of Schedule 7.

RDRs for nine ethnic groups are shown in Table 13, with the black ethnic group broken down into Caribbean, African and other black, and the Asian or other group broken down into Indian, Pakistani, Bangladeshi, Chinese and 'any other'.

For total examinations, the RDRs ranged widely, from single figures for the Caribbean and Indian ethnic groups for example, to much higher values. Compared with Census data, the African, Pakistani and 'any other' ethnic groups had the highest RDRs, including 64.0 for people of 'any other' ethnicity and 52.6 for Pakistani people.

These three ethnic groups were also those with the highest numbers of over the hour examinations and detentions and, as a result, RDRs for these groups were generally extremely high.

Table 13 Race disproportionality ratios for examinations at airports: all examinations, over the hour examinations and detentions, for nine ethnic groups each compared with the white group, 2010/11

	Total examinations		Over the hour		Detentions	
	CAA	Census	CAA	Census	CAA	Census
Caribbean	3.7	2.2	[16.4]	[9.7]	~	~
African	46.1	26.5	154.5	88.7	222.7	127.8
Other black	94.4	21.6	255.0	58.4	424.5	97.3
Mixed	18.3	6.8	[30.7]	[11.4]	[35.9]	[13.4]
Indian	6.4	6.3	[11.7]	[11.6]	[9.7]	[9.7]
Pakistani	125.3	52.6	323.8	135.9	368.1	154.5
Bangladeshi	49.7	8.4	[250.4]	[42.0]	[242.3]	[40.7]
Chinese	14.9	16.7	~	~	~	~
Any other	73.1	64.0	148.2	129.9	182.5	159.9

[] based on fewer than 50, or ~ fewer than ten, examinations or detentions

In terms of excess examinations or detentions (see table 14), the estimates based on the CAA and Census data varied much less, however the following figures are still taken from the Census-based analysis. Three ethnic groups stand out with excesses in the thousands for total examinations: the 'any other' group with 9,426,

the Pakistani ethnic group with 6,198 and the African ethnic group with 2,693. The same three ethnic groups also had the highest numbers of excess over the hour examinations: 374, 315 and 180 respectively; and excess detentions: 244, 190 and 138 respectively.

Though based on an experimental analysis, these results strongly suggest that Schedule 7 powers are not being used proportionately against people with a minority ethnicity. Further analysis, for example of airport data since 2010/11, would be needed to provide a check of whether these high levels of race disproportionality continue. Note, however that statistical analysis alone cannot show whether or not that disproportionality is justified nor whether the powers are being used appropriately.

Table 14 'Excess' examinations or detentions at airports for nine ethnic groups compared with rates for the white group, 2010/11

	Total examinations		Over the hour		Detentions	
	CAA	Census	CAA	Census	CAA	Census
Caribbean	103	77	[11]	[11]	~	~
African	2,738	2,693	181	180	138	138
Other black	641	618	34	33	30	30
Mixed	842	760	[28]	[26]	[17]	[17]
Indian	807	806	[31]	[31]	[13]	[13]
Pakistani	6,268	6,198	316	315	190	190
Bangladeshi	391	351	[39]	[38]	[20]	[20]
Chinese	655	660	~	~	~	~
Any other	9,444	9,426	374	374	245	244

[] based on fewer than 50, or ~ fewer than ten, examinations or detentions

5. Conclusion

This experimental analysis has shown that:

- The total number of examinations declined from 65,684 in 2010/11 to 56,257 in 2012/13. In 2010/11, 28,099 or 42.8 per cent of examinations took place at airports.
- Examinations may include: basic questioning, a search of property and/or a period of detention of up to nine hours. The great majority of examinations were under the hour. Only one in twenty-five took over the hour and around one in a hundred resulted in detention, although the latter rose to around one detention in forty examinations at airports.
- Although in 2012/13 the percentages of examinations of white people (37.2 per cent) and of Asian/Asian British people (23.5 per cent) were lower than in previous years, the main increase was in the percentage of people who did not define their ethnicity at the time of search. The percentage of people with ethnicity 'not stated' was four times larger in 2012/13 than in 2011/12 (8.5 per cent compared with 1.9 per cent). The lower percentages may therefore be due to under-reporting rather than genuine decreases.
- In 2010/11, 46.6 per cent of total examinations were of people of Asian or other ethnicity, as were 65.2 per cent of over the hour examinations and detentions. At airports, 63.9 per cent of total examinations were of people of Asian or other ethnicity.
- In 2010 and excluding missing responses, 90.5 per cent of international air passengers gave white as their ethnic group, as did 86.0 per cent of the resident population of England and Wales. An estimated 6.8 per cent of international air passengers and 8.5 per cent of residents are from the Asian or other ethnic group.
- The experimental analysis of race disproportionality suggests that both black and Asian or other ethnic groups experienced high race disproportionality in 2010/11, which was higher for examinations at airports than for those at all ports. Overall, race disproportionality was high for total examinations, higher for over the hour examinations and highest for detentions.
- The following estimates were calculated using 2011 Census data.
- Race disproportionality ratios for total examinations at all ports in 2012/13 were estimated as: 11.3 for the Asian or other group, 6.3 for the black group and 3.6 for the mixed race group.

- For airports in 2010/11, race disproportionality ratios for total examinations were: 35.2 for the Asian or other group, 18.0 for the black group and 6.8 for the mixed race group. For all ports in the same year the equivalent race disproportionality ratios were: 11.7 for the Asian or other group, 5.8 for the black group and 2.9 for the mixed race group.
- Further analysis of airport data for 2010/11 considers race disproportionality for nine minority ethnic groups compared with the white group. In this analysis, Pakistani, African and 'any other' ethnic groups had the highest numbers of over the hour examinations and detentions and high race disproportionality as a result. The lowest of these was still very high, with race disproportionality for African people of 88.7 for over the hour examinations and 127.8 for detentions.
- Pakistani people stand out as having experienced high levels of race disproportionality in Schedule 7 examinations at airports in 2010/11. This applies to total examinations, as well as to over the hour examinations and detentions. The estimated race disproportionality ratios were: 52.6 for total examinations, 135.9 for over the hour examinations and 154.5 for detentions.
- The highest excesses for total examinations at airports in 2010/11 were seen for: the 'any other' group with 9,426, the Pakistani ethnic group with 6,198 and the African ethnic group with 2,693.
- The same three ethnic groups also had the highest excess examinations at airports in 2010/11 for over the hour examinations and detentions. For example, there were 244 excess detentions of people of 'any other' ethnicity, 190 of Pakistani people and 138 of African people.

Appendix

Table A1 Schedule 7 examinations and detentions at all ports, 2010/11 - 2012/13

Year and self-defined ethnicity	Under the hour examinations	Over the hour examinations	Total examinations	Detentions
2010/11	63,396	2,288	65,684	913
White	26,121	325	26,446	75
Black/Black British	5,636	338	5,974	194
Asian/Asian British	18,342	1,032	19,374	407
Mixed	1,874	95	1,969	21
Chinese / Other	10,772	461	11,233	188
Not stated	651	37	688	28
2011/12	61,662	2,240	63,902	680
White	26,491	266	26,757	55
Black/Black British	5,068	321	5,389	157
Asian/Asian British	16,444	810	17,254	237
Mixed	2,004	70	2,074	23
Chinese/Other	10,663	527	11,190	155
Not stated	992	246	1,238	53
2012/13	53,992	2,265	56,257	667
White	20,618	314	20,932	58
Black/Black British	4,773	308	5,081	149
Asian/Asian British	12,500	741	13,241	211
Mixed	1,854	82	1,936	20
Chinese/Other	9,701	569	10,270	145
Not stated	4,546	251	4,797	84

Note: Totals do not include examinations of unaccompanied freight.

Source: Home Office (2013)

Table A2 Schedule 7 examinations and detentions at airports, 2010/11

	Under the hour examinations	Over the hour examinations	Total examinations	Detentions
White British	2,440	41	2,481	13
White Irish	588	14	602	8
Any other White ethnic background	2,022	45	2,067	32
Mixed White and Black Caribbean	23	1	24	1
Mixed White and Black African	110	8	118	5
Mixed White and Asian	108	7	115	4
Any other Mixed ethnic background	621	13	634	8
Indian	923	34	957	15
Pakistani	6,001	317	6,318	191
Bangladeshi	360	39	399	20
Any other Asian ethnic background	3,477	147	3,624	107
Caribbean	129	12	141	9
African	2,617	182	2,799	139
Any other Black ethnic background	614	34	648	30
Chinese	697	5	702	1
Any other ethnic background	5,721	230	5,951	139
Not stated	487	32	519	26
Total	26,938	1,161	28,099	748

Source: ACPO (TAM) National Coordinator's Office Protect & Prepare

References

Anderson, D. (2013) *The Terrorism Acts 2012: report of the independent reviewer on the operation of the Terrorism Act 2000 and part 1 of the Terrorism Act 2006.*

Department for Transport (2013) Ad hoc table of number of plane trips abroad by ethnic group 2010-2012.

Home Office (2009) *Code of Practice for Examining Officers under the Terrorism Act 2000.*

Home Office (2013) *Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes and stop and searches, Great Britain, 2012 to 2013.*

Office for National Statistics (2012) *2011 Census: KS201EW Ethnic group, local authorities in England and Wales.*

Office for National Statistics (2013) *Travel Trends 2012.*

Bibliography

Equality and Human Rights Commission (2010) *Stop and Think: A critical review of the use of stop and search powers in England and Wales.*

Equality and Human Rights Commission (2012) *Race disproportionality in stops and searches under Section 60 of the Criminal Justice and Public Order Act 1994.* EHRC Research Briefing Paper 5.

Equality and Human Rights Commission (2013) *Stop and Think Again: Towards race equality in police PACE stop and search.*

Hurrell, K. (2013) *Race disproportionality in stops and searches, 2011-12.* EHRC Research Briefing Paper 7.

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