

The Tutu Foundation (UK) Review into Institutional Racism at the Westway Trust

Annex 1 Governance Framework



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Annex 1

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Terms of Reference

The review will examine concerns of institutional racism¹; the scope of which centres on whether institutional racism has existed, (exists) within Westway Trust, if so, how it has manifested and its impact on the communities served by the Trust.

The review is mindful of sensitivities around longstanding community concerns of alienation, marginalisation and perceived historic failures to acknowledge and respond to issues articulated by local communities. This has been made all the more acute in the aftermath of the Grenfell Tragedy.

The review acknowledges these concerns through its terms of reference and plans for engagement during the review process.

Terms of Reference

The terms of reference for the review are as follows:

- Develop a review framework, which ensures community trust and confidence.
- Undertake a review of evidence relating to perceptions and allegations of institutional racism within the Westway Trust.
- Engage with community stakeholders to understand historical and current concerns in relation to institutional racism, and the use and allocation of land with regard to the Westway Trust.
- Present findings to the Westway Trust CEOs, Chairman and community stakeholders.

The focus of the review is not on individuals, rather it is on organisational policies, procedures and practices and the organisational cultural norms, behaviours and attitudes which underpin them.

Definition of Institutional Racism

The review has adopted the definition of institutional racism as outlined in the Macpherson Inquiry into the death of Stephen Lawrence.

“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people”.
Macpherson 1999:6.34.

“There must be an unequivocal acceptance of the problem of institutional racism and its nature before it can be addressed, as it needs to be, in full partnership with members of minority ethnic communities. There is no doubt that recognition, acknowledgement and acceptance of the problem by [...] and their officers is an important first step for minority ethnic communities in moving forward positively to solve the problem which exists. There is an onus upon the [...] to respond to this. Any Chief Officer who feels unable so to respond will find it difficult to work in harmony and cooperation with the community”. **Macpherson 6.48.**



Review Process

The review into allegations of institutional racism at the Westway Trust will adhere to a strict methodical process. This is as follows,

- Undertake a comprehensive review of documentary evidence pertaining to the Westway Trust and the community it serves.
- Meet with and understand the concerns, perceptions and experiences of community stakeholders by way of interviews.
- Make a series of findings based on the analysis of archival, contemporary and oral testimonies.
- Develop an effective and accessible process to report the review findings to the Westway Trust CEOs, Chairman and community stakeholders.



Background

Since 2015, there has been a perception by some, and public allegations, of institutionally racist practice, leveled against Westway Trust. Allegations were first made at the 2015 Westway Trust AGM (**AGM Minutes 2015**). Whilst the concerns were made, the minutes of the meeting do not record if and how the issues raised would be addressed.

In 2016, the Westway Trust AGM, recorded once again concerns by community members of institutional racism (AGM Minutes 2016). At this meeting, the Chair of the Trust, highlighted that whilst he requested evidence be provided to enable the allegations to be investigated, no evidence was provided and as a result no action was taken.

At the 2017 Westway Trust AGM on 20 December 2017, the minutes highlight further accusations of institutional racism (AGM Minutes 2017). The minutes record that Mark Lockhart, the joint CEO, *'in agreement with the Board, to engage an external equalities expert body to review the accusations of institutional racism and advise on a course of action'*.

Following the 2017 AGM, the Trust, under new leadership, sought advice from equalities experts in the field (Equality and Human Rights Commission) to establish a shortlist of expert organisations who could undertake the work. The Tutu Foundation UK, a social justice charity has been appointed to undertake a review into concerns of institutional racism of the Westway Trust.

Mr. Bevan Powell, executive coach (Inclusion) to the Westway Trust has worked closely with Dr. Habashi FRSA; Head of the Review and Mrs. Christine Okiya, Secretary to the Review. Discussions, focused on perceptions and experiences of institutional racism at Westway Trust and how they could be understood, examined and addressed in a meaningful manner which would ensure the participation, trust and confidence of the local community.

As part of the initial exploratory discussions, introductory meetings were held with representatives of Westway 23 and One Voice Community Collective on the 18 June and with the Tutu Foundation UK on 23 July 2018. The meetings were aimed at listening to and understanding the concerns of stakeholders, with a view to establishing trust and confidence to gain their support, co- operation, and participation to a review.



Community Advisory Group to the Review

Terms of Reference

To ensure trust and confidence in the review process, a community advisory group to the review has been established prior to commencement of the review. The underlying principles which underpin and govern the work of the of the Advisory Group, are informed by the Independent Commission on Good Governance in Public Services (2004)¹ and the Committee on Standards in Public Life (1995)². The role of the Community Advisory Group to the Review is as follows.

Role

1. Discuss and agree the terms of reference for the review.
2. Advise on how community participation, trust and confidence can be established and sustained before, during and after the review process.
3. Advise the Trust on the development of effective communications, which will support and underpin publicity for the review.
4. Suggest and agree neutral venues in which interviews for the review will take place.
5. Advise and agree on the most effective ways in which members of the public can participate in the review.
6. Advise and agree on how information submitted to the review can be stored and managed during and after the review process.
7. Discuss and agree options on how the review findings will be disseminated.
8. To review the report, make a formal written response and make recommendations to the Trust
9. Advise the Trust on the implementation and embedding of recommendations from the review.

Supporting Principles of the Advisory Group

The Community Advisory group to the review is underpinned by principles of good governance. This will enable Westway Trust to do the right thing in relation to the review, in the right way, for the community, in a timely, open, honest and accountable manner (Home Office 2013:13³).

- Work together to achieve a shared purpose with clearly defined functions and roles;
- Promote and demonstrate values of good governance by upholding high standards of conduct and behaviour;
- Make informed and open decisions, which are checked effectively and where risk is managed;
- Develop the ability of members and officers to be effective.

Membership

- Alan Brown, Chairman, Westway Trust (Joint Chair) *
- Niles Hailstones Westway 23 and One Voice Community Collective (OVCC) (Joint Chair) *
- Malcolm Phillips (Hestia)
- Miss Lee Woolford-Chivers MBE
- Sakinah Touzani, Westway Trust, Equality and Diversity Working Group Representative
- Angela Spence, Westway Trust Board Member Lead for Inclusion



- Alex Russell Joint CEO Westway Trust
- Bevan Powell

Secretariat

- Dr. Habashi FRSA - Head of the Review
- Mrs. Christine Okiya – Secretary to the Review (Minutes)

Independent Observer

The Community Advisory group to the Review has agreed that in the interests of transparency; it would benefit from an independent observer, at its meetings. Members of the public are eligible to apply to be an independent observer. The appointment is made on a first come first serve basis. The role is a rotational one.



Independent Observer to the Community Advisory Group to the Review

Role Description

The Community Advisory group to the Review has agreed that in the interests of transparency; it would benefit from an independent observer, at its meetings. Members of the public are eligible to apply to be an independent observer and the appointment would be made on a first come first serve basis. The role is a rotational one. The role of the independent observer to the community advisory group meetings is as follows.

Role

- Observe the working of the Community Advisory Group meetings.
- Help bolster community confidence in the review process, thereby increasing the numbers of people who want to contribute to the review.
- Provide reassurance to the community about the work of the Community Advisory Group to the Review.
- Provide the group with a short oral or written observational statement, which can help to contribute to the transparency and legitimacy of the process.

The independent observer's role at the Community Advisory Group meetings will be under Chatham House Rules, in that information observed during the meeting may be reported but the source of that information may not be explicitly or implicitly identified, unless otherwise stipulated by the Chair of the Group.

On the occasion that sensitive information regarding the review, will be discussed by the group, the independent observer will be required by the Secretary to the Review to sign a confidentiality agreement of which they must abide. A copy of which will be given to the Independent Observer and a copy retained by the Secretary to the Review.



Review Advisory Board

In order to further enhance the review process, it will benefit from the knowledge and experience of named Tutu Foundation UK (TFUK) TFUK Trustees and Independent Special Advisors who will act as an Advisory Board to the review.

The Advisory Board will provide an additional level of rigour to ensure that the review framework and practice developed is robust, transparent, able to stand up to public scrutiny and can be adopted as a best practice model. The underlying principles which underpin and govern the work of the Advisory Board, are informed by the Independent Commission on Good Governance in Public Services (2004)¹ and the Committee on Standards in Public Life (1995)².

Terms of Reference

- Advise and support the 'reviewer' at key stages of the review process on key issues which include the following; racism, institutional racism, inequality, gentrification, community participation / consultation policy and practice.
- Provide input and oversight on the governance criteria developed as part of the review process; interview questions for review participants; confidentiality agreements; the storage and handling of documentation received as part of the review process.
- Advise on the content of the review findings and reports.
- Act as a 'sounding board' on the strategic handling of the review recommendations and dissemination.
- Provide input, advice and guidance in relation to matters of community and organisational mediation.
- Provide, input, advice and guidance on other issues agreed with the reviewer as crucial to the successful outcome of the review, including where appropriate, being involved in PR and crisis management.

Composition

The composition of the Advisory Board is as follows. The composition is made on the basis of the knowledge and experience of the identified individuals and the positive contribution they will be able to make.

- Clive Conway ARAM
- Fiona Haigh
- Dr Bankole Cole
- Charles Crichlow QPM
- Bevan Powell
- Christine Okiya
- Dr. Habashi FRSA

Supporting Principles of Advisory Board

The Advisory Board to the review is underpinned by principles of good governance. This will enable TFUK to do the right thing in relation to the review, in the right way, for the community and the Trust in a timely, open, honest and accountable manner (Home Office 2013:13³).

- Promote and demonstrate values of good governance by upholding high standards of conduct and behaviour;
- Work together to achieve a shared purpose with clearly defined functions and roles;
- Make informed and open decisions, which are checked effectively and where risk is managed;
- Develop the ability of members and officers to be effective.

¹The Independent Commission on Good Governance in Public Services (2004) The Good Governance Standard for Public Services. ²Nolan, L. (Chairman) (1995) First Report of the Committee on Standards in Public Life (1995) Standards in Public Life Cm2850- 1 HMSO. ³Home Office (2013) Have you got what it takes? Applying and demonstrating strong governance.



Overview

Working with and serving the local community of North Kensington is at the very heart of the Westway Trust. Being able to provide services, funding and opportunities to gain benefit from the land under the Westway, which meet the needs of local diverse communities is essential. One of the strengths of North Kensington is its strong diversity, but this can also present its own challenges, especially when attempting to enable all people living locally to thrive.

The Trust has an aspiration to become a leading partner within the community and recognises that criticisms have been laid at its door, in particular claims of institutional racism, by the local community. The Trust recognises that these claims have inhibited it from being the best community partner it can be.

Better understanding these criticisms, and learning from them, provides the Trust with an opportunity to transform and become the best community partner it can be. A community partner; which provides services, funding and access to opportunities to gain benefit from the land under the Westway, which meets the needs of its local diverse communities.

Central to the Trust's transformation is rebuilding trust and confidence with the community. This requires listening to, understanding, working with and learning from the community. Specifically, it means the following,

- That the relationship with the community is underpinned by principles of mutual respect, transparency, accountability and openness.
- The recognition that a positive relationship with the community is integral to the success and transformation of the Trust and crucial to enabling communities to thrive and prosper.

In realising its ambition of being a leading community partner, the Trust, recognises that its policies, procedures and practices must be inclusive and non discriminatory. Its decision-making must be fair, transparent and accountable. Fundamentally, it must be accessible to all.

The Trust recognises that it is not enough for it to just introduce and implement policies procedures and practices. It must ensure that through its, actions and behaviours it embeds the principles of fairness, transparency and accessibility to all. It is only in doing this, that the Trust can demonstrate that it is inclusive and fair as an employer, provider of services, funding and access to opportunities to gain benefit from the land under the Westway.

Trust Chairman, Alan Brown and Joint Chief Executives, Alex Russell and Mark Lockhart, have instigated a review into these claims. The Board and senior staff take the claims very seriously and have engaged Tutu Foundation UK to conduct a comprehensive and fully-independent review into the practices and policies of the Trust, both past and present.

The Tutu Foundation UK is an organisation, which was set up to disseminate the legacy of Archbishop Desmond Tutu and to use and promote the concept of Ubuntu in the UK. Ubuntu encourages us to recognise our common humanity, our connectedness and inter-dependence as fellow human beings, in order to seek reconciliation.

The review is part of The Trust's new approach to working with local people in a constructive, inclusive and participatory way, echoing the Ubuntu philosophy, which emphasises what we have in common rather than our differences. The Trust has established a Community Advisory Group, co- chaired by Niles Hailstone, the Chair of Westway 23 and One Voice Community Collective and Alan Brown, to provide a forum for local people to be directly involved in the review.



Ensuring integrity, trust and confidence in a review process is critical when a review takes place within an environment where an organisation's legitimacy is being challenged. This is the current situation, which the Westway Trust finds itself in. Some in the local community have little confidence and have negative perceptions about the Trust, its work and decisions it has made.

The success of the review is dependent on the Westway Trust creating the conditions to engender greater trust and confidence by ensuring the review process is independent, transparent, and able to stand up to public scrutiny. To do otherwise could potentially result in community criticism of the project and further mistrust. A failure to adopt and follow best practice could result in the Trust inadvertently sabotaging its own very important project, which aims to restore public trust and confidence.

Creating the conditions for a transparent and independent review will put the Westway Trust in a strong leadership position. In going forward, this will ensure that there is a reduction in public challenges on its legitimacy and decision-making, so enabling the Westway Trust to,

1. Re-establish its agenda in an inclusive manner;
2. Fully discharge its legal obligations, and
3. Restore the trust and confidence of the diverse community it serves.

To ensure trust, confidence and integrity in the review process, it is essential that there is transparency and openness in the way in which members of the community are enabled to participate.

As part of its inclusive approach the Trust and the Community Advisory Group to the Review have adopted the spirit and principles of the following Human Rights Charters and proclamations;

- United Nations Declaration of the Rights of Man;
- Proclamation of the International Decade for People of African Descent; resolution of the United Nations General Assembly 23 December 2013;
- United Nations International Convention on the Elimination of All form of Racial Discrimination (UNCERD);
- United Nations Sustainable Development Goals, specifically Goals, 1,2,3,4,5,8,10,11 and 16.

In recognizing that 2018 marks the 70th anniversary of the Universal Declaration of Human Rights. The Trust, Community Advisory Group to the Review and the Tutu Foundation UK support the United Nations campaign pledge,

1. I will respect your rights regardless of who you are. I will uphold your rights even when I disagree with you.
2. When anyone's human rights are denied, everyone's rights are undermined, so I will **stand up**.
3. I will raise my voice. I will take action. I will use my rights to stand up for your rights.

#Standup4humanrights.

The Trust, Community Advisory Group to the Review and the Tutu Foundation UK will celebrate the United Nations Day for the Elimination of Racial Discrimination 21 March. On that day in 1960, police opened fire and killed 69 people at a peaceful demonstration in Sharpeville, South Africa, against the apartheid Pass Laws.



Process for public participation in the Review

There are three phases of the review, which are as follows,

1. Gathering and Analysis of documentary evidence
2. Public Call for Evidence – Written Submissions
3. Interviews

Stage 1 – Gathering and Analysis of documentary evidence

The first phase of the review involves the gathering and analysis of information relating to Westway Trust, Westway Development Trust and the North Kensington Amenities Trust. This commenced on the **31 July 2018** and will establish factual information about the Trust, its work, policies, procedures and practices relating to employment, service delivery and community engagement related to race and inclusion.

Stage 2 – Public Call for Evidence – Written Submissions

The Second phase of the review is a public call for evidence. During this phase of the review, members of the public will be invited to send in written submissions to the Secretary of the Review about whether institutional racism has existed, (exists) within Westway Trust, if so, how it has manifested and its impact on the communities served by the Trust. The written submissions must respond to a framework of questions, which are underpinned by the review Terms of Reference. This will be released on the **7th November 2018**.

The public call for written submissions to the review will last a period of six weeks, during the period **7 November 2018 – 19 December 2018**. No evidence will be accepted after this time has elapsed, unless agreed in writing by the Secretary to the Review. Evidence submitted to the review, will be acknowledged by the Secretary to the Review.

How to submit your evidence

You can submit your evidence to the review in the following ways.

Secure Portal

To send a submission (and documentary evidence) to the review, you will need to upload your submission (and documentary evidence) by logging into a Google affiliated account (this provides additional security) and then go to the secure portal at, www.tutufoundationuk.org/the-review. If you do not have a Google affiliated account, you can use the account creation link provided on the portal.

Alternatively you can upload your submission by contacting Niles Hailstones, Joint Chair, Community Advisory Group to the Review, Chair, Westway 23 and One Voice Community Collective. Westway 23 have been designated by the Community Advisory Group to the Review to support and guide members through the review process.

Niles Hailstones, Westway 23
Email: nhailstones@yahoo.co.uk
Mbl: 07949 890 245

Freepost

Alternatively, you can send your submission (and documentary evidence) by post to the following Freepost address (for which senders do not pay postage):



Freepost TUTU FOUNDATION UK

Items can be posted into a pillar-box or over a Post Office counter. If an item is refused by the Post Office, you should contact your local Royal Mail Customer Service.

You must ensure that your submission (and documentary evidence) is properly, packaged to travel safely through the postal system and that the address is written on one line in upper case as shown above. The name “Freepost” is part of the address.

We are able to receive submissions in envelopes, packets and boxes up to a 12Kgs and measuring 61x46x46cms. All items will be delivered two working days after posting.

We will acknowledge receipt of your submission (and documentary evidence). Please **do** not send through original documents. Please provide us with photocopies. If you would like us to return your documents to you, please state this clearly. All written submissions (and documentary evidence) will be placed on the secure portal. The only people to have access to the secure portal are the head of the review, the secretary to the review Dr. Bankole Cole and Charles Critchlow (Independent Special Advisors, Review Advisory Board (read only access)).

Stage 3 – Interviews

As part of the Review process, members of the public can request a one-to- one interview. The interviews will be aimed at listening to and understanding people’s perceptions of the Trust in relation to institutional racism, in the areas of employment, service delivery and community engagement. The interviews will take place during the period **21st January – 25th February**. Interviews will be up to a maximum duration of 2 hours and will be conducted by the Head of the Review, Dr. Habashi FRSA.

All interviews will be recorded and transcribed. Individuals interviewed as part of the review, will be provided with an interview consent form to agree and sign. A copy of the interview consent form will be provided. All interviews will conform to ethical standards (Social Research Association 2003). They will be stored on the specially developed Tutu Foundation UK secure portal. Interviewees will be provided with a hard and or electronic copy of their interview up to two months after the date of interview.

It has been agreed that the interviews **will not** be used for the purposes of academic papers, research, without the express permission of the Westway Trust, Interview participants and members of the Community Advisory Group to the Review. Extracts of interviews conducted, as part of the review will not be published without prior consent of the interviewee. If you do not wish extracts of your interview to be published as part of the review, please indicate this when confirming your interview with the Secretary to the Review.

The only people to have access to the interview transcripts will be the Head of the Review, the Secretary to the Review and the following members of the Review Advisory Board, Dr Bankole Cole and Charles Critchlow (read only access). **Members of staff of Westway Trust will not have access to the interview transcripts.** The transcripts of the interview will be stored securely on the Secure Portal.

The interviews will explore a series of semi-structured questions relating to the following issues.

- Community
- Services and funding opportunities to gain benefit from the land under the Westway.
- Employment
- Way Forward



Interview - Dates, Times and Venues

Monday – Friday the following interview slots will be available.

10.00am
13.00
16.00
19.00

Monday – Friday the following venues for interview are available.

- The Tabernacle
- Bay 56 Acklam Village
- Kensington and Chelsea Social Council
- Westway Trust,
- Venture Centre

Saturday – Sunday the following interview slots will be available.

10.00am
13.00
16.00

Saturday – Sunday the following venues for interview are available.

- The Tabernacle
- Bay 56 Acklam Village

How to book an interview

You can book an interview in one of two ways.

Secure Portal

Log into the secure portal at www.tutufoundationuk.org/the-review. Where you can book your interview on the electronic calendar.

Email and Telephone

You can contact the Secretary to the Review, Mrs Christine Okiya and book your interview.

Secretary to the Review

Mrs Christine Okiya

Email: secretarytothereview@tutufoundationuk.org.

Mbl: 07950 417344

Help and Support

If you would like help and support with uploading your submission to the portal, sending your submission through Freepost, or any general queries about the review process, please contact the Secretary to the Review.



**Third
Sector
Awards** Winner
2016

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