



## RACE DISPARITY NEWSLETTER

DECEMBER 2018

### Introduction

Welcome to the first edition of this informal newsletter. Our aim is to share more routinely the work we are doing to tackle race disparity in the criminal justice system (CJS). We intend to update partners on a quarterly basis – both sharing standing updates from our Race and Ethnicity Board and Ministerial roundtables, and ad hoc news and opportunities to engage.

### Lammy One Year On

On 11 October we [published](#) a comprehensive update on progress in tackling racial disparity in the criminal justice system. This report shows how we have driven that work forward so far in 2018 – both across the 35 recommendations in David Lammy MP's review and in areas where we have sought to go above and beyond those recommendations.

This report covers a very wide range of work, but key updates included:

- o increased diversity of our new prison officer intake (11% hired from black, asian and minority ethnic (BAME) backgrounds between January 2017 and June 2018)
- o funding an education programme to prepare lawyers from a range of backgrounds to apply for judicial office
- o extending the range of data we publish that includes an ethnicity break down
- o creating a new dedicated youth disproportionality team

### Ministerial roundtable on trust in the CJS

On 24 October 2018, Minister Edward Argar held a roundtable with BAME-led and focused organisations to have an open discussion about trust and confidence in the criminal justice system – a particular challenge for BAME individuals, as identified by David Lammy MP and others.

The aim of the roundtable was to understand the lived experiences of BAME individuals dealing with the criminal justice system and identify examples of best practice around (re)building trust. This roundtable was the first of a two-part series. The next will focus further on practical solutions and best approaches to building trust, to inform and build on efforts already underway.

The summary below identifies key themes arising from participants in discussion.

#### *Earning and demonstrating trust*

BAME individuals within the criminal justice system often feel as if their voices are not being heard effectively. This stems both from individual experiences, and a sense that historically commitments



## Ministry of Justice

to tackle racial disparity at a system level (including from previous reports and reviews) have not been followed through.

It was suggested that we needed a shift in mindset for CJS organisations to demonstrate their trustworthiness and for individuals to be considered more in terms of their need rather than in terms of a (possibly biased) assessment of their risk.

We heard stories of individuals who had experienced racial profiling or labelling, and a lack of empathy or willingness to understand their circumstances, which can lead to individuals failing to engage with even the potential positive opportunities or services offered to those within the justice system.

It was recognised that trust is difficult to build: it requires long-term efforts and for people with a genuine interest and care to be involved in this.

### *Role models and positive stories*

Positive and consistent role models are needed to support individuals who offend, or are at risk of offending. This was important both at a community level and in terms of media representation of BAME stories.

Participants suggested that the justice system could provide a platform for individuals and organisations who can really relate to the experience of (particularly young) people caught up in crime to work with them – for example, by working with small and specialist community organisations (who hold lived experience) and employing more diverse staff. We should not underestimate the importance of role models who individuals can look to for positive guidance, support and simply a listening ear. Participants identified a particular lack of male role models.

The media reporting of some issues (e.g. a focus on Asian grooming gangs, leading to a false perception of the ethnicity breakdown of sexual offenders) skewed public perceptions and were very hard to rebalance.

### *Effort to understand the offender experience*

Participants commented that both formal structures (impersonal systems) and staff behaviours (lack of time or effort to engage) often do not consider the journey/story of a young BAME individual who has found themselves in the justice system. If a young person feels they cannot open up or be heard they are less likely to trust in systems that are supposedly there to assist them (be that in engaging with court, or for support in their transition out of prison). Better training for staff across the justice system was identified as one important step to improve this.

### *Religion*

Particularly in the prison setting, examples were shared of a lack of understanding of religious practices, cultural insensitivity by staff, a tendency to perceive Islam as 'threatening', and failure to recognise the potentially stabilising influence of religion on individuals. This was felt to be detrimental to building trust and confidence.

### *Youth*

Many participants recognised that individuals' behaviour in general, and their perceptions of the CJS were formed often at a very early age, and were most open to positive influence at this



point. As such there was strong advocacy for a particular effort on building trust with young people.

### Race and Ethnicity Board

The Race and Ethnicity Board is the group which oversees progress from the Ministry of Justice (MoJ) and partners in tackling racial disparity. The most recent Board took place on 7 November, chaired by Justin Russell, Director General of the Justice Analysis and Offender Policy Group in MoJ.

The board heard updates on recent progress from teams, including:

- Minister Argar has approved a piece of work to be led by the Youth Justice team around improving confidence in legal advice in police stations.
- HMPPS are recruiting four senior BAME Staff Development Leads, to focus on Probation, Prisons, Youth Custody, Wales and HQ, to lead initiatives to increase BAME senior leaders.
- The Cabinet Office Race Disparity Unit are exploring ways to improve user experience on the Ethnicity Facts and Figures website

The main discussion of the Board was a stocktake around where to focus efforts in the next year of work – both ensuring there was continued priority and oversight around implementation of the 35 Lammy recommendations, but also exploring if there was the potential to build further on this with new areas of cross-cutting work.

The race disproportionality team are now undertaking initial scoping work on possible areas of interest, which include BAME victims, Muslim offenders and potential for further work around building trust in the CJS. It was recognised there may not be capacity to take all of these new areas forward immediately, and that these projects would be in addition to existing commitments on cross-cutting work, including on youth disproportionality and Gypsy Roma Travellers. The analytical team are working on a data scorecard, and the board agreed that there should be stakeholder engagement on this piece of work.

### Recent data publications

- Highlights of data published in the last quarter, including breakdowns by ethnicity: [HMPPS Offender Equalities Annual Report 2017/18](#)
- [HMPPS staff equalities report: 2017 to 2018](#)
- [MOJ proven reoffending statistics](#) - proven reoffending rates by ethnicity for indeterminate sentenced offenders released by the Parole Board.
- Further regional and police force breakdowns by ethnicity, for [criminal history](#) and [proven reoffending](#) data publications

### Spotlight: Youth Justice Policy

David Lammy stated that youth disproportionately in the youth system was his biggest concern. In response to this a small Youth Justice disproportionality team has been created to better understand and address key issues in relation to children and young people.

We have engaged with stakeholders to help identify what our priority areas of focus should be and are working closely with the Youth Justice Board, who have mapped the journey of the child through the youth justice system, to identify key points of disproportionality.



## Ministry of Justice

As well as working to influence ongoing policy development both within MoJ and other departments, we are focussing on the following areas to seek to explain or change disproportionate outcomes:

- BAME children and young people's understanding of legal advice and options at police stations, including the drivers for no comment interviews and factors that influence cooperation.
- Reviewing the use of sentences and their impact on BAME children.
- The provision of resources and training to help practitioners understand the experiences of BAME children.
- Seeking to better understand and address the specific needs of different BAME cohorts - specifically Black children, Muslim children, and Gypsy, Roma, and Traveller (GRT) children.
- Opportunities to improve parental understanding and engagement.
- The custodial estate remains a priority area and the Youth Custody Service are taking forward work to better understand the impact of disproportionality, along with a range of actions to address existing issues.

We want to learn from those with lived experience of the system as we develop and test our priorities and policies. Earlier this month we heard from Peer Facilitators from Youth-Link about their experiences and we are planning further engagement with groups of children and young people focused on legal advice provided in police stations.

Our priorities are aligned with three strategic objectives developed by the Youth Justice Board (YJB):

- to improve trustworthiness through the work being completed by the YJB,
- to improve equality and to develop diversions to prevent BAME young people entering the Criminal Justice System
- to improve positive outcomes for BAME young people.

### Spotlight: HM Prison and Probation Service

#### *External Advice and Scrutiny Panel (EASP)*

Building on the principles of transparency and scrutiny of decision making highlighted by the Lammy Review, HMPPS has established an External Advice and Scrutiny Panel. Members of the Panel represent a range of organisations, to ensure stakeholder expertise and advice both informs and constructively challenges HMPPS in their response and delivery against each of the recommendations. Jeremy Crook, OBE has been seconded to HMPPS as Race – External Liaison and Learning Lead, from the Black Training and Enterprise Group (BTEG) to lead this work.

The remit of the Panel is to act as a 'critical friend' to HMPPS by providing expert opinion and constructive comment on all aspects of the Lammy Review project delivery, including planning, progress against recommendations, draft policies, Instructions, reports and research findings, as they relate to race.

The EASP have met six times in 2018 and have focused on the activity against recommendations relating to Incentives and Earned Privileges (IEP), use of force, prisoner complaints and discrimination incident reporting, diverse workforce and performance measures. To further support their understanding and awareness of how prisons are implementing the recommendations, the Panel have conducted two prison visits, to meet with prisoners and staff to discuss disparity particularly in relation to IEP.



## Ministry of Justice

In addition, the Panel have been looking at broader areas, including:

- Interventions and reducing BAME reoffending - through liaison with Interventions Services to ensure interventions are responsive and effective for BAME offenders;
- 'Risk' and the treatment of BAME prisoners – by looking at work that can be done to build trust among BAME prisoners. To build understanding of this issue, a discussion paper entitled 'Risk and Disproportionate Outcomes' has been developed;
- The specific needs and response to the recommendations for people from the Gypsy Roma Traveller (GRT) community and supporting the cross-CJS GRT working group;
- What ethnicity data HMPPS will be using and sharing to benchmark annual progress on Lammy implementation.

### *Diversity in Prison Officer Recruitment*

A number of changes have been made to improve the recruitment process:

- **A new application process** tailored to prison officers
- **A new online assessment**, simplified for the candidate and more robust for the prison service
- **A fair online test**, proven to remove adverse impact on minority groups
- **More friendly, frequent and informative candidate information**, meaning candidates will have a better idea of where they are in the assessment, how to prepare, and why this is a job to be proud of
- **A new assessment centre**, now including an interview process to assess candidate's motivations for joining the prison service
- **Faster results for candidates**: now candidates will be vetted immediately

HMPPS has also been actively promoting diversity in its communications, such as this blog on [Why we need more diverse prison officers](#) and the video [There is no such thing as a typical prison officer](#).

Coming up soon HMPPS are developing:

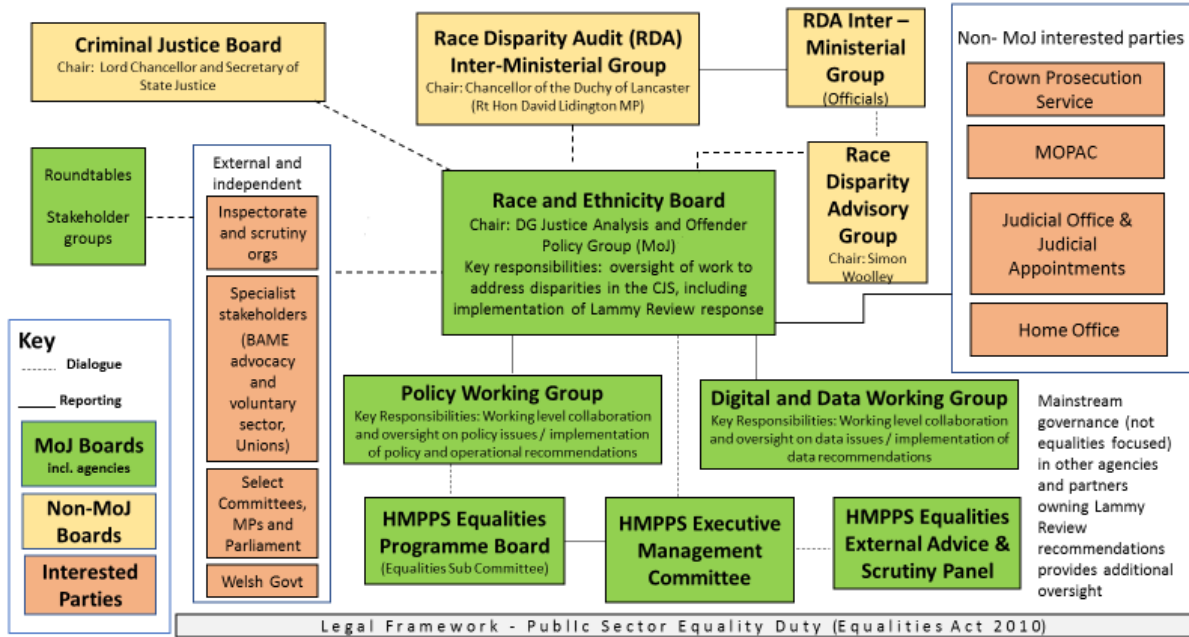
- **An innovative and immersive video tool for candidates** to understand if they are suitable for the prison officer role
- **A mobile assessment centre** to provide assessments around the country on demand where the need is greatest
- **Digital assessments** meaning quicker results at the assessment centres



Spotlight: Governance

There has been interest to understand the governance structures which support and oversee progress of MoJ and our partners in tackling racial disparity – many of which were newly created as part of government's response to David Lammy MP's review. We set this out below.

Race and Ethnicity – Criminal Justice System – Governance structure



Note: The Race & Ethnicity Board is the central point of our governance around tackling racial disproportionality in the CJS and was established following the Lammy Review. The Board provides internal drive, scrutiny and support to policy areas in implementing work to address disparities within the CJS, including Government's response to the recommendations of the Lammy Review. The Board meets quarterly and also serves to help align CJS work with the broader cross-government agenda of the Cabinet Office Race Disparity Unit.

The membership of the Board includes director level representation from MoJ policy and analytical services, agencies including HMPPS, HM Courts and Tribunal Service (HMCTS), Legal Aid Agency, Youth Justice Board, and wider partners including the Crown Prosecution Service (CPS). The Board is a space for candid scrutiny and support of work and so the principle membership is internal and discussions are in confidence. However, we recognise the value of transparency, external feedback and challenge. As such we have included two external representatives on the Board and are now providing high-level readout as part of this newsletter. We recognise there are many wider external perspectives and seek to engage pro-actively through roundtables, stakeholder forum and other appropriate channels, and we ensure key messages from these feed into the Race and Ethnicity Board.

To be added or removed from the the distribution list, or if you would like to share any work or suggestions with the MoJ race disproportionality team, please email:  
***Race\_and\_Ethnicity@justice.gov.uk***  
Look out for the next newsletter in February/March 2019