

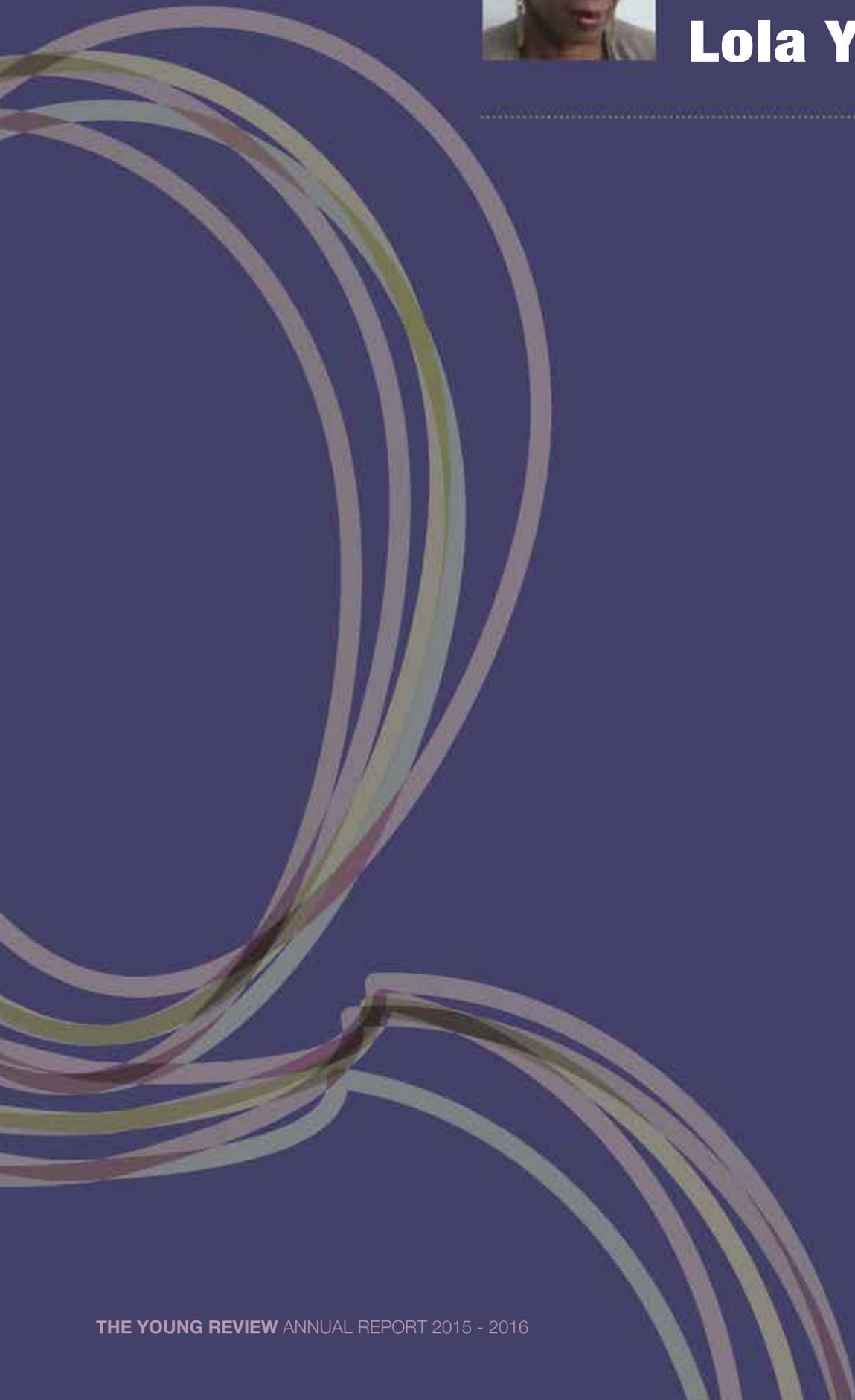


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# Foreword from **Baroness Lola Young**

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**“ Prisoners from black and minority ethnic backgrounds and Muslim prisoners continued to report a worse experience than the prison population as a whole...”**

When we published the findings of The Young Review (December 2014) I asked two questions, firstly, what had we learnt from meeting with young black and/or Muslim men in the Criminal Justice System and those who aim to provide services for them? And secondly, why does this topic matter?

In the years since the publication of the Review's findings, The Young Review has focused on establishing an Independent Advisory Group (IAG) consisting of academics, service providers, former offenders, Ministry of Justice (MOJ) and HM Prison and Probation Service (HMPPS - previously National Offender Management Service) officials. The IAG have helped us to better understand some of the learning from The Young Review and drill down further into the potential causes and possible solutions. We have continued to engage with the MOJ, HMPPS (and other organisations involved in the administration of criminal justice such as Police and Crime Commissioners (PCCs) and Community Rehabilitation Company's (CRC's) and the Magistrates Association.

There has been significant change to the political landscape following the Conservative Party 2015 General Election victory. We've had two Justice Secretaries with reform agendas for prisons and community rehabilitation.

We welcomed the Prime Minister's statement about black people being treated worse in the CJS and the establishment of The Lammy Review and other relevant reviews, including the Taylor Review into the Youth Justice System and Lord Laming's into children in care and the justice system.

Unfortunately, we have seen little change. In his introduction to his annual report, the Chief Inspector of Prisons for England and Wales states: 'Prisoners from black and minority ethnic backgrounds and Muslim prisoners continued to report a worse experience than the prison population as a whole...'<sup>1</sup>

It is important to continue to put pressure on those leaders responsible for the CJS to drive the system toward greater co-production. This in turn, should show real signs of service improvement for young black and/or Muslim males. There has been some movement in the right direction and greater acknowledgement from government of why such a strategy could be productive. However, when it comes to implementing actions that will substantially improve matters, we are still a long way from achieving our vision of a system free from discrimination - one that treats all offenders with equal respect. Of course, we have always recognised that the substantial improvements needed will not take place overnight: there remains an urgent need for action.

<sup>1</sup> <http://bit.ly/1UXoPsY>

# Introduction

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## Background and Context

The Young Review published the report of its findings in December 2014. The report focused on the experiences of black and/or Muslim men (aged 18-24) in English and Welsh prisons, and highlighted the disproportionately negative outcomes for these men whilst in prison and upon their release.

The review made a number of recommendations to government on how to address the areas of disproportionality uncovered. Due, however, to the complexity of the issues and the lack of progress made by consecutive administrations, colleagues in The Young Review team agreed that a driver for change, external to government, was needed.

The Barrow Cadbury Trust, the Esmée Fairbairn Foundation and the Lankelly Chase Foundation all agreed to provide funding for this follow up work, and in April 2015 Phase 2 of The Young Review (YR2) was launched. The Young Review's vision and mission are delivered through its Independent Advisory Group (IAG).

## Our vision and mission

Our vision is a criminal justice system that delivers fair outcomes for black and/or Muslim offenders.

Our purpose is to help those involved in the criminal justice practice and policy create a system that delivers our vision. We believe that action must be taken to address the issues that lead to discriminatory experiences and outcomes for young black and/or Muslim offenders in the criminal justice system.

Given our collective experience and understanding of the criminal justice system and the inequalities within it, The Young Review team will fulfil its potential to be a force for driving change.

## Who are we?

Baroness Lola Young of Hornsey, is the chair of The Young Review Independent Advisory Group comprised of subject experts, academics, service providers and ex-offenders monitor the progress of the HMPPS and the MOJ. The IAG also help to generate innovative approaches to tackling disproportionality in prisons and reducing the cycle of reoffending (A list of the IAG members is at Annex B of this report). The Black Training and Enterprise Group (BTEG) provide the secretariat and policy support and works closely with members of the IAG including national charities such as Clinks and Prison Reform Trust.

The period since the publication of The Young Review has been marked by a series of significant changes including a change of Government, two changes of Justice Secretary, significant austerity cuts to the prison service, large reductions in the number of prison staff and the high turnover of policy leads within the Ministry of Justice and the NPPS. These changes have been in addition to the regular safety and security concerns that are now unfortunately, an all too common feature of British prisons today. Consequently, maintaining a focus on the need to reduce ethnic disproportionality within the criminal justice system has been particularly challenging during this period despite the existence of the *public sector equality duty*.<sup>2</sup>

In recognition of the rapidly changing political landscape and the complexity of the issues and actions required to achieve our vision of a criminal justice system that is representative of society and delivers fair outcomes for black and/or Muslim offenders. YR2 developed a five year strategy in which we set ourselves three primary objectives:

- 1: To set targets for a steady reduction in the numbers of black and/or Muslim young men in the criminal justice system** - work with NPPS to ensure the relevant performance monitoring structures are in place to provide the evidence base that this is happening and to drive delivery.
- 2: To ensure the recommendations of the Young Review are implemented** - by working with officials and Ministers in the MOJ, NPPS and other relevant bodies.
- 3: To create partnerships with established programmes, to address the pathways into the CJS reducing the supply that fuels the disproportionate numbers of black and/or Muslim young men in the system**

This report reviews our progress against our priorities during 2015 and 2016.

- i: To set targets for a steady reduction in the numbers of black and/or Muslim young men in the criminal justice system**

The establishment of robust data on the ethnicity and religion of young men in the criminal justice system is an essential first step towards understanding the points at which the greatest disproportionality occurs and ultimately towards finding solutions to address the problems. **Annex A** to this report lists some of the available data on racial and religious disproportionality within the CJS. We have focused our efforts during the period covered by this report on gaining a better understanding of the existing data and supporting those with responsibility for producing data to fill important gaps.

We established a task and finish data sub-group of the IAG to lead on key strategic plan objectives in this area. Specifically, we submitted a proposal to MOJ and NPPS on establishing an advisory group to work with government on data analysis in the area of ethnic disproportionality and to develop a research proposal on the impact of the Transforming Rehabilitation reforms with regards to outcomes for black, Asian and minority ethnic (BAME) offenders.

<sup>2</sup> <https://bit.ly/2slrvpN>

The YR2 has also provided support/input to a number of reviews into disproportionality in the Criminal Justice System namely:

### ***The Laming Review***

Baroness Young and Jeremy Crook OBE were both members of Lord Laming's independent review into keeping children in care out of trouble which was sponsored by the Prison Reform Trust (PRT).

YR2 facilitated two focus group sessions with young BAME care-leavers in order to help the Laming Review gain a better understanding of their experiences of care and the criminal justice system. The first session was held with a group of young men at HMP Feltham YOI and the second with a group in East London. The outcomes from these sessions helped to significantly inform the chapter in the final report on the experiences of BAME care leavers and the justice system.

### ***The Taylor Review***

Young BAME people constitute over 40% of the young people in the youth justice system. YR2 worked closely with ***the Taylor Review*** to gain a better understanding of the issues leading to such gross disproportionality and to develop solutions. Baroness Young made a presentation at a Taylor Review event with young people and YR2 provided input into workshops and into the development and delivery of their action plan to address ethnic disproportionality. YR2's engagement with the Youth Justice Board (YJB) is ongoing, the YJB now has a permanent representative on the YR2 Independent Advisory Group.

### ***Justice Select Committee***

The Young Review made a written submission to the ***Justice Select Committee's inquiry into young adults and the CJS***. The issue of the treatment of young adults and the need for the justice system to give greater credence to the issue of maturity has risen up the policy agenda. The Transition to Adulthood Alliance's policy and research in this area has made a major contribution to a growing body of evidence that a specific young adults approach would be hugely beneficial and this inquiry by the Justice Select Committee was further evidence of a growing interest in this area. For the YR2, it is clear that one of the groups that would benefit most from a young adults approach would be black and/or Muslim young men.

The committee requested Baroness Young to attend one of their evidence hearings. Baroness Young with Jeremy Crook and Raheel Mohammed (IAG member and CEO of Maslaha) gave evidence to the committee in January 2016.

### ***The Lammy Review***

David Lammy MP is conducting a time limited review into racial bias in the criminal justice system (CJS).

He commenced his review in March 2016 and is scheduled to present his recommendations to the government this summer. The Lammy Review is a very important piece of work which the YR2 both welcomes and supports. The scope of the review gives it the

potential to shine a light on some of the issues within our society that result in disproportionate numbers of black and/or Muslim men entering the CJS. The Lammy Review has a permanent representative on The Young Review IAG and Baroness Young is a member of the Lammy advisory group; therefore, in addition to helping to scrutinise the evidence gathered by the Lammy Review she is also in an excellent position to share the learning gained during the production of The Young Review report. YR2 has supported the Lammy Review by facilitating roundtable events with young black and/or Muslim men who have had experience of the CJS, mental health service providers and London Youth Offending Service Directors and Managers.

YR2 published a **response** to the interim findings of The Lammy Review on our website (<http://bit.ly/29VchmO>). We welcomed the findings as far as they went, however, we highlighted the need for some exploration of the influence of the Parole Board in the criminal justice system.

## **ii: To ensure the recommendations of the Young Review are implemented**

YR2 has maintained a good working relationship with HMPPS (formerly NOMS) and the MOJ in order to monitor their progress and support the implementation of The Young Review's recommendations. Both organisations have permanent representatives on The Young Review IAG and the YR2 has a permanent representative on the HMPPS National Equality and Diversity Group (NEDG). The NEDG is a national forum of Equality and Diversity Officers from across HMPPS and CRC's. The purpose of the group is to facilitate exchange, support implementation and facilitate feedback to HMPPS on equality and diversity policy. The YR2 is also represented on the Reducing Reoffending Voluntary Sector Advisory Group (RR3) which is supported by Clinks and meets quarterly at the MOJ.

The Young Review welcomed the development of the HMPPS Equality Strategy 2015-17 which accepted The Young Review's recommendations and contained appropriate actions to address the review's concerns. YR2 was commissioned by HMPPS to deliver three workshops for its commissioners and contract managers around The Young Review recommendations and addressing ethnic disproportionality through commissioning structures. A number of practical solutions/suggestions came out of the events which were captured in a single report.

Progress in implementing the strategy has been slower than we would have hoped for but we remain optimistic that speedier implementation can be delivered once the new post-2017 Equality Strategy is released. Baroness Young invested a significant amount of effort into engaging with the relevant Minister's and the CEO of HMPPS during this period. Consequently, although progress has been slower than anticipated, ministerial commitment to implementing the review's recommendations has been maintained.

The Young Review's recommendations spread across departmental and organisational boundaries e.g. human resources, equality and diversity, MOJ prison reform policy and HMPPS prison estates policy. The appointment of an advocate consultant (Dale Simon CBE) in February 2016, has enabled YR2 to establish stronger links with the relevant departmental leads across the MOJ and HMPPS in order to ensure that opportunities for progress are not lost.

**iii: To create partnerships with established programmes to address the pathways into the criminal justice system reducing the supply that fuels the disproportionate numbers of black and/or Muslim young men in the system**

Community Rehabilitation Companies (CRCs) and Police and Crime Commissioners (PCCs) have an important role to play in relation to desistance, resettlement and rehabilitation. Therefore, YR2 has engaged with a range of CRCs and PCCs during this period to support them in taking forward our recommendations and reduce disproportionality in the system.

Following a roundtable meeting with CRC representatives at the House of Lords, Nigel Bennett (Group Justice Director of Seetec), was co-opted onto the IAG. We subsequently held two regional events with CRC providers in the South West of England and Manchester to discuss how The Young Review recommendations could be taken forward in their respective regions. Further dialogues with the PCC in Manchester have followed.

The IAG also established a task and finish Charter sub-group led by Nigel Bennet to develop a Charter for CRCs and we plan to pilot this in 2017. YR2 plans to develop a Charter for PCCs following the roll out of the CRC Charter; initial discussions with the PCC for Manchester have been very positive therefore, work on the Charter and with PCCs is ongoing.

The YR2 secretariat also established links with London Councils and agreed to hold a conference with them on disproportionality in the London youth justice system in the summer of 2016. Clinks held a meeting with representatives and community safety partners of the London Borough of Lewisham to discuss taking forward The Young Review in the boroughs community safety plans which Baroness Young chaired in October 2015.



# Annexes

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## Annex A

### Disproportionality data 2014/2015

The table below sets out existing ethnicity data which highlights disproportionality in key areas of the criminal justice system (CJS).

Profile of young black men in prison	13% (2.9% of the population of England and Wales aged 18 and over were black according to the Census 2011). Black people are almost 4 times more likely than white people to be in prison. <sup>3</sup>
Profile of young Muslim men in prison	13.4% (4% of aged over 18 in England and Wales population were Muslim)
Prison Adjudications (the formal discipline system)	Prisoners aged 18-20 are more likely to have an adjudication charge; a proven adjudication. In 2014 mixed ethnicity offenders have the highest rates of adjudication 169 per 100 prisoners. The rate for black men was 126 per 100 prisoners and for white men (105 per 100 prisoners) <sup>4</sup>
High security prison estate and segregation units	Black prisoners are over-represented in the high security estate. Black (4 times) and Asian (6 times) men were more likely to be housed in high security than white men for public order offences. <sup>5</sup> Black prisoners are also more likely to be in segregation units. <sup>6</sup>
Use of force in prison	Black and Muslim prisoners are more likely to have force used against them compared white and non-Muslim prisoners. <sup>7</sup>
Enhanced status in prison	Black prisoners are more likely to be on the basic level of the Incentives and Earned Privileges (IEP). Mixed (6.7%) and black (6%) prisoners are more likely to be on the basic (lowest) level of Incentives and Earned Privileges (IEP) Muslims have the highest proportion of prisoners on basic status (6%) <sup>8</sup>
Complaints in prison	Black and minority ethnic prisoners have more negative perceptions of fairness and effectiveness of complaints systems. 28% who said that they had made a complaint felt they were dealt with fairly compared with 41% of white prisoners. <sup>9</sup>

<sup>3</sup>Source: MOJ, *Black, Asian and Minority Ethnic disproportionality in the CJS in England and Wales*, Noah Uhrig, p.3, 2016.

<sup>4</sup>Source: NOMS Equalities Annual Report, p. 11, 2014/15 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/479966/noms-offender-equalities-annual-report-2014-15.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/479966/noms-offender-equalities-annual-report-2014-15.pdf) (or MOJ *Statistics on race and the Criminal Justice System 2014 A MOJ publication under Section 95 of the Criminal Justice Act 1991*, p.71)

<sup>5</sup>Source: MOJ, *Black, Asian and Minority Ethnic disproportionality in the CJS in England and Wales*, Noah Uhrig, p.23, 2016.

<sup>6</sup>NOMS, *Equality Strategy 2015-2017 Delivering Better Outcomes for Everyone*, p7, 2015.

<sup>7</sup>Ibid, p.7.

<sup>8</sup>MOJ NOMS Equalities Annual Report, p.11 2014/15

<sup>9</sup>PRT, *Bromley Briefings Prison Factfile*, p.37, Autumn 2015

Proportion on Probation Supervision Orders (offenders in the community)	The proportion of offenders in the community from a BME background is 15.8% (black 6.1% and Asian 4.9%). <sup>10</sup>
Accredited programmes in the community:	Black & mixed had the highest rate of accredited programmes starts (14.3 starts per 100) <sup>11</sup>
Reoffending rates	Black males have the highest re-offending rates at 29.8%, followed by White (27%), Asian (21%) and Other offenders. These differences were consistent over time. <sup>12</sup> Black young males were about 15% more likely to be proven to reoffend than white young people. <sup>13</sup>

<sup>10</sup>MOJ NOMS Equalities Annual Report, p.17 2014/15

<sup>11</sup>*Ibid*, p.19

<sup>12</sup>MOJ Statistics on Race and the Criminal Justice System, p.79 2014.

<sup>13</sup>MOJ, Black, Asian and Minority Ethnic disproportionality in the CJS in England and Wales, Noah Uhrig, p.26, 2016.

## Annex B

### List of Young Review Independent Advisory Group members

Baroness Lola Young	Chair
Adam Mooney	Head of Business Area (London), Youth Justice Board
Anne Fox	Chief Executive, Clinks
Dale Simon	Consultant
Diane Curry	CEO, POPS
Eila Davis	Head of Women and Equality NOMS
George Barrow	Policy Lead, Reducing Reoffending, MOJ
Jeremy Crook	Director BTEG
Khatuna Tsintsadze	Project Manager, Zahid Mubarek Trust
Kimmatt Edgar	Head of Research Prison Reform Trust (PRT)
Laurence Hunte	Lammy Review of the Criminal Justice System
Manila Nicholas	Partnership Adviser - BME Project Lead, YJB
Mark Blake	Project Development Officer BTEG
Max Rutherford	Criminal Justice Programme Manager, Barrow Cadbury Trust
Mifta Choudhury	Self employed
Nathan Dick	Head of Policy and Communications, Clinks
Neena Samota	Lecturer/Researcher, Westminster University
Nigel Bennett	Group Justice Director, Seetec
Oliver French	LankellyChase
Patrick Williams	Lecturer/Researcher, Manchester Metropolitan University
Raheel Mohammed	Director, Maslaha
Sammy Odoi	Managing Director, Wipers Youth C.I.C
Sara Llewelin	Chief Executive, Barrow Cadbury Trust
Shafiur Rahman	Director, Osmani Trust
Sharon Shea	Director of Funding, Esmée Fairbairn Foundation
Steve Rawlins	Way4ward
Tunde Olayinka	MOJ
Whitney Iles	CEO, Project 507 Limited

## Annex C

### Extract from HM Chief Inspector of Prisons for England and Wales Annual Report 2014-2015, Appendix Five, p137

Prisoner survey responses across all functional types (adult men): diversity analysis - ethnicity/nationality/religion. Total number of prisoners respondents 7,335 (BME 2,040 White 5,315 Muslim 985). HMIP interpret virtually all the responses below from BME and Muslim prisoners 'significantly worse' compared to White prisoners.

#### When you were searched in reception, was this carried out in a respectful way? (3.2)

BME	White	Muslim
75%	83%	71%

#### Have you ever been prevented from making a complaint when you wanted to? (5.5)

BME	White	Muslim
25%	20%	28%

#### Do you feel you have been treated fairly in your experience of the IEP scheme? (6.1)

BME	White	Muslim
35%	46%	35%

#### Do most staff in the prison, treat you with respect? (7.1)

BME	White	Muslim
71%	78%	63%

#### In this prison, is there a member of staff that you can turn to for help if you have a problem? (7.2)

BME	White	Muslim
65%	71%	63%

#### Are you victimised because of your race or ethnic origin? (8.5)

BME	White	Muslim
9%	2%	9%

#### Are you victimised because of your religion/religious beliefs (8.5)

BME	White	Muslim
7%	3%	11%

#### Have you been victimised by staff here? (8.6)

BME	White	Muslim
36%	29%	43%

#### Do most staff in the prison, treat you with respect? (7.1)

BME	White	Muslim
71%	78%	63%

#### Is it very easy to get into the following activities:

	BME	White	Muslim
A prison job (11.1)	30%	38%	28%
Vocational skills (11.1)	30%	35%	30%
Offending behaviour programme	17%	22%	16%

#### Are you currently involved in any of the following:

A prison job	46%	51%	45%
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(13.11) Note: For Foreign prisoners the response rate was 16% to this question.

The  
Young  
Review

