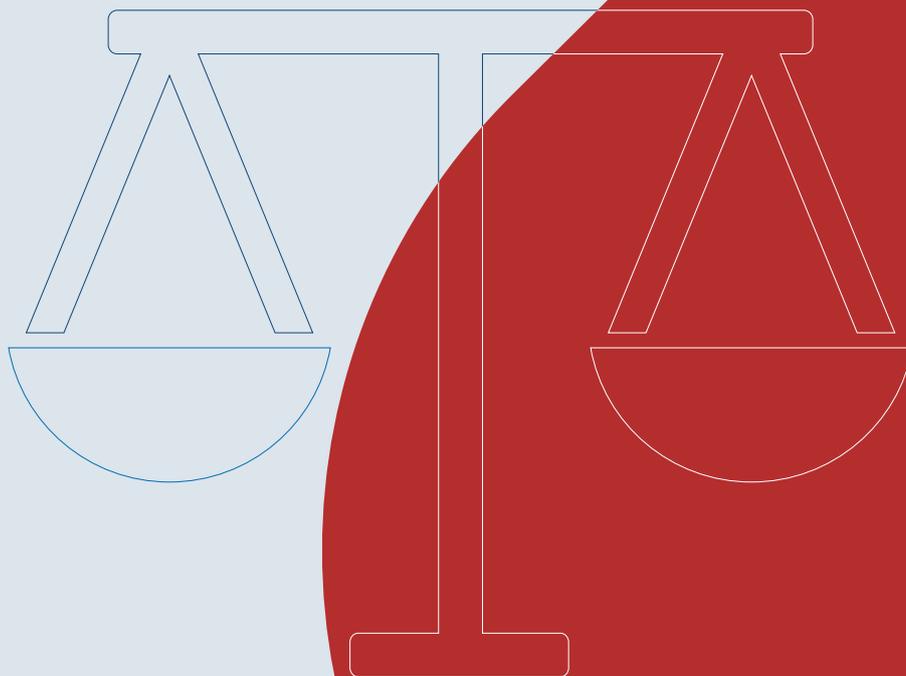


# Towards Race Equality

EXECUTIVE SUMMARY



April 2022

# Foreword

Anne Owers, National Chair of  
Independent Monitoring Boards (IMBs)

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This project, drawing attention to the continuing issues facing women from Black, Asian and minority ethnic communities in prison, comes at a time when a strategy white paper for prisons has just been published. In spite of a long line of reports drawing attention to race and ethnic disadvantage and disproportionality in criminal justice, and the specific intersection of race and gender in women's prisons, this is surprisingly not one of the key points in the '10-year vision for women's prisons'.

This project shows how important a priority this should be. It points to the need to reinvigorate equalities work within prisons; train and support all staff to understand the specific issues for different cohorts of women; ensure that data is collected, analysed and acted on; and respond effectively to allegations of discrimination, with the assistance of specialist organisations.

IMBs can play a key role in monitoring and reporting on outcomes for women from diverse backgrounds. Here too the report points to the need for training and information on how to monitor equalities, interpret data to detect disproportionality, and examine the way that allegations of discrimination are dealt with. Our hoped-for new national statutory framework will strengthen our independence and support us in doing this.

Boards, like prisons, can also benefit from links with and advice from specialist NGOs, both at local and national level.



I very much hope that these reports and recommendations will stimulate action, at every level, to improve the lived experience of the wide range of women from minority communities who responded to the survey, in terms not just of cultural understanding but procedural justice and fairness.



Nina Champion, Director of the Criminal Justice Alliance (CJA)

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This ground-breaking project centres on the lived experiences of Black, Asian and minority ethnic women in prison, and comes at a time when there is increased attention on race and gender inequality in the criminal justice system, but the combination of these issues rarely receives any government attention.

We received over 300 survey responses from women in prison, prison staff and IMBs, improving our understanding of the double disadvantage that women from minority ethnic backgrounds face. We are very grateful to the women with lived experience who co-designed the survey and all those in custody for their honesty and openness when completing it. Their accounts of direct and indirect racism and poor treatment are shocking and distressing. Even more upsetting is their sense of fatalism - they see it as part of their everyday lives. The women lack confidence in the complaints system, do not trust that they will be treated fairly and are often unaware of how the IMB can help. The impact of the pandemic has made this worse. There is an urgent need to address these issues nationally and locally.

IMBs play an important role given their day-to-day presence in prisons. Community scrutiny is a vital tool to hold criminal justice agencies to account. The CJA has focused on improving community scrutiny for several years looking at police powers, police custody and now prison custody. We consistently see the same themes: the need for better and more consistent data collection and analysis, more effective equalities training and support, and for community volunteers to be more representative of the populations in the criminal justice system. The recommendations in these reports map out sensible steps Her Majesty's Prison and Probation Service (HMPPS), the Ministry of Justice (MoJ) and IMBs can take to make positive change and I hope to see them being implemented with haste.

# Overview

The CJA and IMBs have collaborated on a three-part project, Towards Race Equality, to improve outcomes for Black, Asian and minority ethnic individuals<sup>1</sup> held across the women's prison estate in England.<sup>2</sup> This Executive Summary sets out the three parts of the project, their main findings and our overarching recommendations.

The project aimed to:

- Gain a better understanding of the experiences of Black, Asian and minority ethnic individuals, including Gypsy, Roma and Traveller people, as well as foreign nationals<sup>3</sup> held in women's prisons.
- Improve IMBs' understanding and monitoring of race equality issues across the women's prison estate by making recommendations to IMBs and the IMB Management Board.
- Make recommendations for the MoJ, HMPPS and other agencies in order to address areas for improvement.
- Highlight good practice.

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1 It should be noted that this term groups together different minority communities that does not fully reflect their distinct characteristics and needs.

2 As some respondents of the prisoner survey self-identified as transgender without specifying their gender identity, this project has sought to be inclusive and accurate in its use of language by referring to 'individuals' and 'respondents' in the women's prison estate throughout the reports.

3 Foreign national prisoners, including white foreign national prisoners, are considered minoritised individuals in prison, so have been included in the project's scope.

# Purpose of project

There are ongoing concerns around the disproportionate representation of Black, Asian and minority ethnic people in the criminal justice system in England and Wales, as illustrated by numerous reports, including the Young Review<sup>4</sup> (2014) and the Lammy Review<sup>5</sup> (2017). However, within these reports, there has been a lack of focus on the distinct experiences of Black, Asian and minority ethnic women in the criminal justice system.

While there has been some ongoing work to address this, such as the publication of the Female Offender Strategy and the establishment of the Female Offender Minority Ethnic Working Group (FOME) in early 2021, recent analysis by the National Audit Office and Prison Reform Trust<sup>6</sup> has shown that implementation of the Female Offender Strategy has been inadequate.

This project seeks to fill this gap by exploring and amplifying the experiences of Black, Asian and minority ethnic women held in prisons across England.

This project recognises the importance of intersectionality: that individuals have multiple identities and, as a result, may experience different forms of discrimination at the same time. For example, Black, Asian and minority ethnic women in prison may experience a 'double disadvantage' due to both gendered and racial discrimination. They could simultaneously face additional prejudices due to other protected characteristics, such as disability, religion and age, as well as their other demographics, including citizenship status and social class.

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4 Chaired by Baroness Young of Hornsey, this was an independent review of the specific experiences and needs of Black and Muslim young men aged 18-24 in the criminal justice system. Available at: [clinks\\_young-review\\_report\\_final-web\\_0.pdf](#)

5 Chaired by David Lammy MP, this was an independent review of the treatment of, and outcomes for Black, Asian and minority ethnic individuals in the criminal justice system. Available at: [The Lammy Review \(publishing.service.gov.uk\)](#)

6 National Audit Office, Improving outcomes for women in the criminal justice system (2022). Available at: <https://www.nao.org.uk/wp-content/uploads/2022/01/Improving-outcomes-for-women-in-the-criminal-justice-system.pdf>. Prison Reform Trust, Female Offender Strategy Matrix (2021). Available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/Female%20Offender%20Strategy%20PRT%20Matrix%20140421.pdf>

# Project outputs

This project comprised three distinct strands of research:

1. A survey of Black, Asian and minority ethnic individuals, including Gypsy, Roma and Traveller people and foreign nationals, held across the women's prison estate in England about their experiences in prison.
2. A survey of HMPPS equalities leads to identify challenges and solutions in their respective prisons.
3. A survey of IMB Chairs and members with a special interest in or responsibility for monitoring equalities issues in the women's prison estate, exploring the effectiveness of IMB monitoring of outcomes for Black, Asian and minority ethnic individuals held in women's prisons.

Our findings signal an urgent need to improve outcomes for, and treatment of Black, Asian and minority ethnic individuals in women's prisons. We have made 26 overarching recommendations addressed to HMPPS, the MoJ and the IMB in order to take forward this change.

The main findings from each strand are summarised below.

# Experiences of Black, Asian and minority ethnic individuals in the women's prison estate (Report 1)

Surveys were co-produced with Black, Asian and minority ethnic women with lived experience of prison. Survey questions focused on prisoners' perceptions or experiences of fair treatment, cultural needs, incidents of discrimination in prison, language barriers and examples of positive practice. There were 266 survey responses, including 52 Easy Read responses and eight foreign language responses, from the 12 establishments.

## The main findings were:

- Respondents detailed distressing incidents of racism and direct discrimination, which in some cases involved prison staff. This included the use of racist language, name calling, racial tropes and stereotyping.

'One member of staff said "you look like the 3 wise monkeys" when sitting with 2 black friends.' - mixed: White and Black Caribbean respondent

'When on remand - she [member of staff] told me I was talking gangster on the wing.' - mixed: White and Black Caribbean respondent

- Respondents highlighted key areas where they felt they had experienced indirect discrimination and unfair treatment, including adjudications, and access to employment within the prison, and Release on Temporary Licence (ROTL).

'There is a lot of discrimination, favouritism and racial bias. (Not direct poor treatment.)' - Mixed: White and Black Caribbean respondent

- The experiences of Black individuals were particularly bad, especially regarding discriminatory incidents, distrust in the prison system, access to employment within the prison, and access to appropriate skin and hair care products.

- Most responses indicate that staff equality and diversity training is inadequate and delivered inconsistently across the estate.

'They dont understand or even try to understand and accept our culture' - Black Caribbean respondent

- Many respondents were either unaware of the discrimination incident reporting form (DIRF) process or fearful to submit DIRFs due to possible reprisals, which points to a lack of trust in the prison system.

'There is never no punishment when someone says racial things, it is then dismissed ...so its a waste of time.' - Black Caribbean respondent

- There was variable language accessibility for foreign national prisoners whose first language is not English across the women's estate, often having to use hand gestures and rely on other prisoners to provide ad hoc translation and interpretation support.

'I have used sign language. alot of the time the people who dont understand me. People whose language is not English first They can get support from another prisoner who speaks their language.' - Pakistani respondent

- There were some examples of positive initiatives, such as themed cuisine to mark special events and religious celebrations.



THE FULL REPORT  
IS AVAILABLE HERE

# Effectiveness of HMPPS equalities leads (Report 2)

A survey was sent to the equality lead managers in all twelve women's establishments. The survey explored the local management of the equality function, challenges of delivering equalities work, identifying and addressing disproportionality and the effectiveness of equality staff's liaison with IMBs at a local level. There were 11 responses from staff at 10 women's prisons in England.

## The main findings were:

- For many respondents, equality work was not their sole responsibility and they did not have ring-fenced time to effectively undertake equalities work. Respondents were also of mixed staff grade.
- There was a lack of consistency across the women's estate regarding the prison data available and shared with IMBs. There was also inconsistency in the production of equality impact assessments and prisoner involvement in their development.
- Independent scrutiny of the DIRF process and outcomes was not in place across all establishments, despite its importance in improving prisoner confidence in fair treatment.
- There was insufficient representation of Black, Asian and minority ethnic communities among staff. National recruitment campaigns were cited as a barrier.
- There was also an issue with staff understanding of and sensitivity to different cultures, as well as a concerning lack of understanding about why diversity matters. There was variable access to, and use of, specialist external organisations to support equalities work.
- Although efforts had been made to embed a culture of equality, diversity and inclusion in prisons, there was still work to be done to ensure it was central to prison culture.



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# Effectiveness of IMBs at monitoring outcomes for Black, Asian and minority ethnic individuals held in women's prisons (Report 3)

Surveys were sent to the Chairs of each IMB operating in a women's prison, as well as to the Board member with a special interest in or responsibility for monitoring equality outcomes. Respondents were asked to detail the Board's equality and diversity monitoring at their respective prison, type of relevant data analysed, communication with prison staff and prisoners, knowledge of specialist external organisations, and the gender and ethnic composition of each Board. There were 29 responses across 11 Boards in the women's estate.

## The main findings were:

- Board members have assisted in improving some conditions for and treatment of Black, Asian and minority ethnic individuals held in women's prisons. However, there are still key challenges and barriers for Board members to effectively monitor outcomes for these groups in prison. These include cultural and language barriers, the limited resource and capacity of Board members and inconsistent equality data collection across the prison estate.
- IMBs remain overwhelmingly white (87% of those who recorded their ethnicity), despite local Boards' efforts to recruit more widely.
- Boards lack specific support and training to build their expertise in monitoring outcomes for minority ethnic women and to strengthen their skills and confidence in interpreting equalities data, and challenging any potential discrimination based on the data.
- While IMBs responded quickly to continue to fulfil their monitoring obligations in prisons during the Covid-19 pandemic, many respondents pointed to the negative implications that restrictions had on their monitoring of outcomes for minoritised women. This was due to less on-site monitoring visits and IMBs' limited ability to triangulate prison data with women's experiences.
- Some Board members worried that being less visible and accessible to women during the pandemic had impacted on women's trust, confidence, and satisfaction in the IMB applications process.



THE FULL REPORT  
IS AVAILABLE HERE

# Our recommendations

The 26 recommendations below are aimed at the Ministry of Justice, HMPPS Director of Women, Governors/Directors of women's prisons, as well the IMB National Chair, IMB Management Board and IMB Chairs.

The recommendations focus on improving leadership, recruitment processes and staffing on equality issues in prisons; equalities data; language accessibility for prisoners whose first language is not English; training and support for Board members on equality issues; and the representativeness of Board members.

## THE MINISTRY OF JUSTICE SHOULD:

1. Provide sufficient funding to IMBs that enables Boards to seek the expertise and advice of specialist organisations working with Black, Asian and minority ethnic women to aid them in their monitoring. (To Ministry of Justice)
2. Provide further support to HMPPS to identify racist and sexist attitudes and behaviours in prison staff applicants during the recruitment process. This should include recommended interview questions that may help unmask any discriminatory views and/or bias. (To Ministry of Justice)
3. Work towards the ethnic profile of prison staff in each prison reflecting the ethnicities of women imprisoned in that establishment. (To Ministry of Justice, HMPPS Director of Women and Governors/Directors)

## HMPPS DIRECTOR OF WOMEN, AND GOVERNORS AND DIRECTORS OF WOMEN'S PRISONS SHOULD:

4. Establish and embed an inclusive culture within their establishments, which is in line with national best practice and the requirements of the Public Sector Equality Duty:
  - eliminates all forms of discrimination.
  - advances equality of opportunity.
  - fosters good relationships. (To HMPPS Director of Women and Governors/ Directors)
5. Implement a local overarching equality and diversity strategy and action plan, which is based on population data and a needs assessment. The strategy contains mandatory requirements and the action plan contains a monitoring and evaluation framework to track progress. The action plan is discussed at regular equality meetings with clear follow-up actions. Updated versions of the action plan, that clearly show the prison's progress, are regularly published. (To Governors/Directors)

6. Introduce a national minimum standard for language accessibility, which is outcome-focused, replicates established good practice and addresses inconsistency across the estate. Governors and Directors should establish a local strategy which meets the national minimum standard. This could cover written information being available in the most common languages and access to translators/interpreters. (To HMPPS Director of Women and Governors/Directors)
7. Implement sufficient, dedicated non-operational resource, and profiled staff time, to be able to carry out effective work on equality and diversity in each prison. The dedicated staffing profile for equality and diversity is protected. (To HMPPS Director of Women and Governors/Directors)
8. Make sure all staff working across the women's estate receive interactive, regular, outcome-focused training, which is delivered by specialist organisations, in order to:
  - ensure they have confidence and determination to recognise and challenge discriminatory and racist incidents.
  - feel confident in their understanding of and sensitivity to different cultures.
  - understand intersectionality and be able to identify the impact of multiple forms of discrimination and mitigate against this.

This training should be consistent across the estate. All learning is supported and embedded by line managers. (To HMPPS Director of Women and Governors/Directors)

9. Collect detailed ethnicity data (where prisoners choose to self-identify) in each prison. This data is disaggregated by protected characteristics and ethnic groups to enable stakeholders to view the data to identify any differential outcomes between groups (e.g. Black women who are Muslim and are aged 18-24). Prison staff regularly scrutinise this data to identify any potential disproportionality and action required. (To HMPPS Director of Women and Governors/Directors)
10. Make sure DIRFs are independently scrutinised by an external specialist organisation and action is taken on any themes emerging from them. (To Governors/Directors)
11. Evaluate women's experiences of whether they are treated fairly and appropriately in prison regularly. The results are disaggregated by protected characteristics and ethnic groups. Any issues are addressed and fed back into the equality and diversity strategy and action plan. (To Governors/Directors)
12. Make sure equality issues are discussed in all relevant meetings and forums that happen in the prison. Discussions on equality issues are informed by people in prison and their lived experiences. (To Governors/Directors)
13. Make sure specialist independent advice is available for people in prison or staff who have been victims of racial discrimination. (To HMPPS Director of Women)

## THE IMB MANAGEMENT BOARD SHOULD:

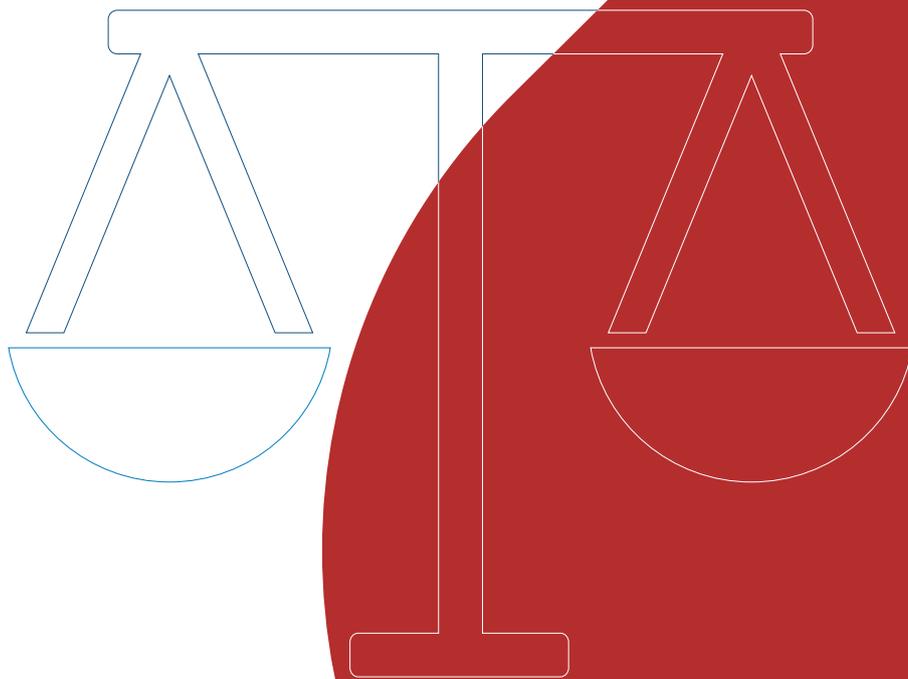
14. Consult with stakeholders (including Board members, race equality organisations and people in prison) as to whether IMB application forms ('apps') should record ethnicity and gender. If the data is collected, it is published in the National Annual Report. (To IMB Management Board)
15. Evaluate the use and impact of IMB resources which are aimed at improving the monitoring of equality and diversity issues and the quality of reporting, such as:
  - the New Members and Board Leaders course;
  - the Equality and Diversity e-learning course;
  - the Equality and Diversity toolkit; and
  - any guidance on how to make recommendations, particularly on equality issues.

These tools are reviewed and updated in line with the evaluation findings.  
(To IMB Management Board)

16. Provide help and support (including training) to Board members so that they are confident in interpreting and scrutinising equalities data and providing effective challenge based on the data. (To IMB Management Board)
17. Provide additional training which is specific to monitoring outcomes for Black, Asian and minority ethnic women (including GRT women and foreign national women). Any training is co-produced with specialist organisations promoting both race and gender equality in prisons. (To IMB Management Board)
18. Devise a list of national specialist organisations working with Black, Asian and minority ethnic women, that can advise Board members in their monitoring. (To IMB Management Board)
19. Support Boards to recruit more diverse local members in collaboration with specialist organisations and local community groups. (To IMB Management Board)

## THE IMB NATIONAL CHAIR AND BOARD CHAIRS SHOULD:

20. Regularly review wide-ranging, consistent data (broken down by protected characteristic and ethnic group) provided by prisons. Any disparities found should be reported to the Governor/Director for immediate investigation and action. The outcome is recorded in the Board's annual report. (To IMB Board Chairs)
21. Ensure that Board members should regularly monitor the DIRF process and outcomes from a sample of DIRFs and the prisons' responses. Board members include the findings in their annual report. (To IMB Board Chairs)
22. Ensure that Board members rebuild their visibility after the pandemic to show women in prison who they are, what they do, and that they are independent and accessible. (To IMB Board Chairs)
23. Review women's trust, confidence and satisfaction in the IMB applications ('apps') process. Action is taken to address any issues. There is a particular focus on building trust for minoritised women. (To IMB Board Chairs)
24. Ensure that Boards are supported and encouraged to seek advice from specialist organisations working with Black, Asian and minority ethnic women to support with their monitoring role. (To IMB Board Chairs)
25. Raise equality and diversity as a standing item at every IMB Board meeting. (To IMB Board Chairs)
26. Collect and publish diversity information regarding each Board in each Board's Annual Report. Collated diversity data is published in the National Annual Report. (To IMB Board Chairs and IMB National Chair)



Criminal Justice Alliance

V.111 Vox Studios

Durham Street

London, SE11 5JH

@cjalliance

[criminaljusticealliance.org.uk](http://criminaljusticealliance.org.uk)

Registered Charity

No 1143038 (England & Wales)

Company Registration

No 6331413

[imb.org.uk](http://imb.org.uk)