

Prisons Strategy White Paper

Overarching Equalities Statement

1. This Equalities Statement (ES) relates to the measures that will be included in the Prisons Strategy White Paper (PSWP).
2. The document is an overarching statement of how the Ministry of Justice (MoJ) has demonstrated due regard to the Public Sector Equality Duty (PSED) in the design, development and proposed delivery of the ambitions relating to prison regimes and behaviour management, prison safety, reducing reoffending, digital and technology, the prison estate, accountability and workforce in the PSWP. The document assesses the potential equalities benefits and risks that have been identified from the key measures proposed in the White Paper. It considers any necessary mitigating actions which have either been proposed or introduced to reduce the likelihood of the risks; and includes an assessment of any equalities benefits that are likely to accrue.
3. In line with the ongoing nature of the PSED, we will continue to assess the equalities impacts of the PSWP proposals. We have asked consultation questions in the PSWP and will be further considering stakeholder responses to these to help ensure we assess the equalities impacts in the light of any new evidence.

Summary of the Prisons Strategy White Paper Objectives

4. The PSWP is focused on tackling three key long-term challenges for the prison system: building the next generation of prisons; ensuring our prison and probation services cut crime and protect the public; and establishing a prison estate that is safe and secure for staff and prisoners. The White Paper outlines what will be delivered over this Parliament, as well as a longer-term 10-year vision for prisons, including plans for:
 - delivery of the biggest prison building programme in more than 100 years, with almost £4bn to create up to 20,000 additional prison places to help meet demand as tougher sentencing rules come in and the courts clear backlogs;
 - a zero tolerance approach to drugs, weapons, and contraband in prisons, disrupting criminal activity from within the prison walls and ensuring good order and discipline in our estate so that staff and prisoners are safe and can focus on the purposeful activity which reduces reoffending;
 - using the prison system to get more prisoners off drugs, by improving drug testing and delivering access to a full range of drug and mental health treatment, including abstinence-based drug treatment options, with stronger continuity of drug treatment on release;
 - an improved Prisoner Education Service, which ensures prisoners have access to a range of services to improve skills, such as literacy and numeracy, acquire qualifications, and is focused on opening up employment opportunities for prisoners on release;
 - transforming the opportunities for work in prisons and on Release on Temporary License (ROTL) to increase job prospects for prison leavers, by holding Governors to account for the job opportunities and outcomes they achieve for prisoners;

- providing the basics that offenders need to live crime-free lives (such as a CV, setting out the qualifications, skills and work experience gained in custody, ID and conditions of release) through a new Resettlement Passport to better aid resettlement, and investing £200 million a year by 2024-25 to transform our approach to rehabilitation;
 - setting clear expectations of Governors through public and transparent prison performance statistics with published Key Performance Indicators (KPIs) for prisons and league tables to compare performance and spread best practice, and giving Governors autonomy and improving accountability to better align and target rehabilitative interventions around each individual prisoner;
 - recruitment of an extra 5,000 prison officers and upskilling our existing staff by enhancing training, supervision, and qualifications; as well as making sure we hire the next generation of Governors through an HMPPS fast-track scheme;
 - modernising our prisons with digital infrastructure so that prisoners have greater autonomy over their in-prison affairs, and staff have a reduced bureaucratic burden, enabling them to work more efficiently.
5. As described above, we have sought to ensure that our approach eliminates the potential for unlawful discrimination, harassment and victimisation. Where potential areas of concern have been identified, we have assessed the possible implications of our approach and applied appropriate and proportionate mitigations to reduce or remove risk of unlawful discrimination. We have also indicated how some of the measures will advance equality of opportunity and considered fostering good relations.
6. In developing the PSWP, we undertook detailed equality analysis for the key proposals, which is summarised in this document; and in line with the ongoing nature of the PSED, we will be updating the analysis in light of any new evidence of equalities considerations, including stakeholder engagement and responses to the PSWP's consultation questions.

Public Sector Equality Duty

7. Under Section 149 of the Equality Act 2010,¹ when exercising its functions, the MoJ has an ongoing legal duty (known as the Public Sector Equality Duty – PSED) to pay due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the Equality Act 2010;
 - advance equality of opportunity between different groups of persons who share a protected characteristic and those who do not;
 - foster good relations between different groups of persons who share a relevant protected characteristic and those who do not.
8. Paying 'due regard' needs to be considered against the nine 'protected characteristics' under the 2010 Act – namely:
- Age
 - Disability

¹ [untitled \(legislation.gov.uk\)](#)

- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation.

Ministry of Justice Equality Objectives

9. The MoJ is committed to ensuring that equality remains at the heart of everything that it does. This includes how it designs and delivers its policies and achieves its obligations to the public, how it procures and commissions from others and how the MoJ acts as an employer.
10. As part of its work to ensure that the principles of the PSED are embedded within every aspect of its work, the MoJ published its Equality Objectives for 2021-2022,² setting out three overall objectives:
 - Objective 1 – Ensure that the benefits of the justice system (protecting the public from the most serious offenders; safety and security in prisons; support to desist and abstain from crime and increase the employment opportunities for ex-offending; accessible and easy to navigate courts and tribunals) are felt by both businesses and citizens across the whole of the UK.
 - Objective 2 – Promote equality in our core operational and policy work, such as:
 - Deliver the National Strategy for Disabled Persons, including flagship work to improve support for service users with neurodiverse conditions.
 - Deliver the HMCTS Vulnerability Action Plan to co-ordinate our work to support vulnerable users during COVID-19, which includes putting in place help or alternative solutions where possible for our users to access our services.
 - Deliver improved, evidence-based interventions to achieve better outcomes for minority groups.
 - Objective 3 – Through our Belonging approach we will embed equality and inclusion into our policies, service and culture. We will ensure this through leadership, person-centred line management, good governance and meaningful metrics, and empower everyone to belong and thrive at work through employee engagement, opportunities and enhanced staff networks and champions:
 - Embed: To transform people and pay policies through simplification, standardisation, measures to enhance equality and utilising digital improvements to enhance staff user experience and engagement with policy products.
 - Ensure: To ensure People Business Committee (as a sub-committee of the Executive Committee's People Group, a pan-MoJ collaborative committee) gives

² [Ministry of Justice Outcome Delivery Plan: 2021-22 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/ministry-of-justice-outcome-delivery-plan-2021-22)

full consideration on a monthly basis to equality and inclusion impacts of people-related policies and change. The review mechanism during 2021/22 should be through the Government Internal Audit Agency audit of equality and diversity.

- Empower: Design and delivery of a portfolio of leadership events that enable current and future leaders to train, perform and stretch, fully appreciating the diverse needs of our customer base across MoJ – Measure 15-20% of leadership development programme places will be provided to under-represented groups.

Our Equality Strategy in Prisons

11. Her Majesty's Prison and Probation Service (HMPPS) is committed to ensuring that prisons, young offenders' institutions (YOIs), and other custodial establishments serve to safeguard the public and to prepare those sent to us by the courts so that they are able to move forward with their lives. Our vision is to work together to protect the public and help people live law abiding and positive lives. To achieve this, it is vital that custodial institutions are decent and safe, offering a positive rehabilitative environment respectful of human rights. We enable people to do their best, so they can demonstrate our care for the wellbeing of our people and have an open, learning culture to learn from our successes and what has not worked well, and share that learning across HMPPS and our partners.
12. Our commitment to promoting fairness and decency incorporates the expectation that equality and inclusion are considered routinely in everything we do, in order to help change the lives of a diverse cohort of offenders. This stems not just from the requirements of equalities legislation and the application of the organisation's values, but also the knowledge that offenders are more likely to engage with efforts to turn around their lives if they do not feel alienated, isolated or unfairly treated because of their background or circumstances.
13. Reforms to the prison estate are being developed to reflect the composition of the prisoner population, which includes: a significant number of prisoners who may have conditions such as learning disabilities, autism and ADHD or an acquired brain injury; prisoners with a learning and/or mental health disability; a disproportionate number of prisoners from an ethnic minority background; and an increased number of older prisoners. Reforms also include the need for a distinct approach to women and the need to do more to support young adults in custody.
14. The HMPPS Race Action Programme is a three-year people and culture change programme designed to enable HMPPS to address race discrimination and disproportionality for staff and those in our care. The high-level scope of the programme incorporates Prisons, Probation and Youth Custody Service (YCS) staff and offenders. It includes a range of people-focused interventions designed to support culture change in the organisation, across recruitment, retention, talent management, HMPPS and MoJ policies, Diversity and Inclusion Structures, support for staff and offenders and an increased role for specialist voluntary and social enterprise organisations. Together, these are intended to work together to enable an inclusive organisation for staff and improved outcomes for offenders. The Programme will also absorb residual activity from the Equalities Strategy and Lammy Programme (ESLP) which closed in March 2021. It will also embed within its deliverables any relevant actions deriving from HMIP Thematic Reviews

15. Furthermore, the prison service seeks to manage the requirements of Welsh speaking prisoners and staff, in prisons in England and Wales and on community orders and licenses in Wales, based on the principle of equality for English and Welsh. This applies to the functions that our prisons deliver directly as well as functions and services provided by others on our behalf.

Equalities Assessment

16. From the initial inception of the Prisons Strategy White Paper, the MoJ has ensured that work to develop and implement the proposals has been carried out in accordance with the PSED set out in the Equality Act 2010, considering due regard against the nine protected characteristics. Careful consideration of potential equalities issues has then been undertaken at each stage of the policy development and decision-making process. Timely advice on potential equalities implications has been provided to Ministers to support key decision points in the White Paper. The PSED is an ongoing duty and the equalities implications of decisions for reform continue to be kept under review and updated in the light of any new relevant equalities evidence.
17. Where relevant, our equalities considerations have included the recommendations from the Lammy Review³ to ‘explain or reform’ any disparity in outcomes for ethnic minority prisoners.
18. The overarching summary is as follows:
- **Direct discrimination:** We hold the view that none of the prison reform measures in the White Paper are likely to be directly discriminatory within the meaning of the Equality Act 2010 since they will not result in any prisoners or staff being treated less favourably because of any protected characteristic.
 - **Indirect discrimination:** Indirect discrimination occurs when a policy applies in the same way to all individuals but would put those sharing a protected characteristic at a particular disadvantage compared to those who do not. Our initial assessment recognises that some prisoners with the protected characteristics of age (30-39 years old), disability, sex (men), race (ethnic minority groups), and religion (Muslim people) are likely to continue to be over-represented in the offender population and impacted disproportionately by the proposals by virtue of this. We also recognise that our prison staff are underrepresented in relation to disability, race (ethnic minority staff) and sex (women). Overall, however, we do not consider that the proposals are likely to result in any offenders or staff with these protected characteristics suffering a particular disadvantage when compared to someone who does not share the protected characteristic. We will continue to keep this under review, including in these areas (by way of illustration):
 - There is a risk that some digital proposals may indirectly discriminate against people with protected characteristics as a result of the ‘digital divide’ affecting people with learning disabilities and those on low incomes. To mitigate this risk, we will explore adaptations to digital devices to ensure all groups can have equal access.

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

- Introducing ‘fast track adjudications’ has the potential to be indirectly discriminatory within the meaning of the Equality Act 2010; however, this proposal will be implemented with careful consideration of protected characteristics and equality given the evidence that disproportionate outcomes can sometimes result for ethnic minority prisoners in the adjudication process.
- **Harassment and victimisation:** We do not consider there to be a risk of harassment or victimisation as a result of these proposals. Whilst we recognise that harassment and victimisation can sometimes occur, we have existing policies and processes in place to take prompt and appropriate action whenever we discover them. We aim to ensure all our staff and offenders within our care are treated fairly and equally. The proposals will help prevent instances of harassment and victimisation through the provision of training for staff including the introduction training to meet the needs of offenders with the protected characteristics of age and disability; and developing a retention framework for staff with the advancement of equality of opportunity at its centre.
- **Discrimination arising from disability and the duty to make reasonable adjustments:** We do not consider that the proposals are likely to result in any discrimination against people with disabilities. All our proposals recognise that it remains important to continue to make reasonable adjustments for disabled offenders to make sure appropriate support is given to enable offenders to access treatment and rehabilitation programmes and feel safe and secure.
- **Advancing equality of opportunity:** We have taken steps to advance equality of opportunity for different groups of people with protected characteristics within our proposals. This has been done in response to the existing evidence of the differing needs and experiences of offenders and staff with shared protected characteristics within prisons compared to those who do not share the protected characteristic. Although the measures contained in the PSWP are designed to improve the treatment and outcomes for all offenders, there are some specific areas that are likely to advance equality of opportunity for offenders with protected characteristics:
 - Safe, well-maintained prisons will help improve the environment for all prisoners and staff in a way that is likely to contribute to the advancement of equality of opportunity;
 - Many of the reducing reoffending measures are aimed at advancing equality of opportunity through improved consideration of educational and healthcare needs and outcomes particularly for older offenders and those with mental health needs;
 - Enhanced personalisation of measures in prisons (such as those related to the prison regime) will contribute to advancing equality of opportunity for prisoners with physical and learning disabilities and conditions such as autism, ADHD or an acquired brain injury;
 - Our approach to women’s prisons will continue to advance equality of opportunity for our female offenders, particularly in relation to the availability of Approved Premises;
 - Developing and implementing mandatory training for all staff in the women’s estate to address the diverse needs of women prisoners; this will equip our staff

with an increased knowledge of the effects of culture and faith and help advance equality of opportunity by meeting the needs of women, particularly those with an ethnic minority background, where these are different;

- For staff, our recruitment campaign for up to 5,000 additional prison officers will provide the opportunity to advance equality of opportunity by improving the diversity of our future workforce.
- **Fostering good relations:** Where possible and relevant we have sought opportunities to introduce system changes that will assist in fostering good relations between different groups. Although the proposals will apply to all prisoners in the adult male estate (and where relevant, in the female estate) in the same way, the promotion of understanding offenders with mental health needs or conditions such as learning disabilities, autism and ADHD or an acquired brain injury is considered likely to contribute to the fostering of good relations for disabled people.

Equalities Data and Evidence

Prison Population

19. The Prisons Strategy White Paper proposals cover the whole adult prison estate, which includes young adults (18 to 25-year olds) and both the male and female estate. We have looked at the distribution of protected characteristics among offenders in the prison population and compared these to the distribution in the general population.
20. Offenders with certain protected characteristics are over-represented in the prison population when compared to the general population and therefore more likely than other groups to be affected by the reform measures.⁴ These are:
 - Those who are male;
 - Those aged between 18 and 39;
 - Those with a disability;⁵
 - Those from an ethnic minority background;
 - Those who are Muslim.
21. The Lammy review highlights overrepresentation of the Gypsy, Roma and Traveller community in prisons, stating “though Gypsies, Roma and Irish Travellers represent just 0.1% of the wider population, they are estimated to account for 5% of male prisoners”.
22. The prison population is diverse, and our approach has been to continue to take this into account when considering changes to the delivery of our prison services. Improving the way the prison system caters for different cohorts of prisoners to better meet their individual rehabilitative needs is one of the most significant strategic drivers of the Prisons Strategy White Paper.

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028793/Population_30Sep2021.ods

⁵ <https://www.gov.uk/government/publications/estimating-the-prevalence-of-disability-amongst-prisoners> (2012)

Women's Estate

23. In the PSWP, we have set out a specific approach to the women's estate necessitated by the unique characteristics of the women's prison population. This is supported by evidence that sex shapes experiences of custody and justice, such as the particularly high (73%) reoffending rates of women who receive shorter custodial sentences, which has been linked to higher levels of self-harm and suicide within the estate.⁶ 71% of women in prison report having a mental health problem⁷ according to the Prison Reform Trust.

Prisoner Cohorts

24. The White Paper also includes proposals to better meet the needs of other cohorts with distinct needs often linked directly to offenders with protected characteristics. For example, the PSWP focuses on older offenders, those with disabilities including mental health needs, conditions such as learning disabilities, autism and ADHD or an acquired brain injury, as well as those with substance misuse needs. The vast majority of these will be men (96% of the prison population). We know that older prisoners are the fastest growing group in the prison population and that the number of prisoners aged 60 or over has increased by 82% in the last decade and by 243% since 2002.⁸ Evidence also shows that many older prisoners who have conditions such as learning disabilities, autism and ADHD or an acquired brain injury, or even when aging at an expected rate, have health and social care needs that make it challenging to engage with rehabilitation or to live with dignity in prison.⁹

25. Many people in prison struggle with addiction or have a mental health problem: 47% of male prisoners and 71% of female prisoners reported having a mental health problem in 2019/20;¹⁰ and according to HM Inspectorate of Prisons 2018¹¹ as many as 45% of prisoners were reported to have a drug misuse need, and 17% an alcohol misuse need.¹² For women, the figures are higher, with 50% and 22% respectively.

26. We have reflected on the management of offenders in these specific cohorts and are committing to providing a greater focus on their safety, their experience of activities that support their preparation for life after prison and their access to support from providers such as health and social care. In part, we will achieve this by:

⁶ Prison Reform Trust (2021). Bromley Briefings Prison Factfile: Winter 2021. London: PRT. <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Winter%202021%20Factfile%20final.pdf>

⁷ *ibid*

⁸ <https://committees.parliament.uk/publications/2149/documents/19996/default/>

⁹ <https://committees.parliament.uk/publications/2149/documents/19996/default/>

¹⁰ See HMIP (2020), 'HM Chief Inspector of Prisons for England and Wales, Annual Report 2019–20', Appendix 6, Q11.3

¹¹ A survey conducted in 2017 found that 44% of male inmates and 63% of female inmates had been in contact with mental health services either before entering prison or while in prison. Just over a third of inmates (both male and female) were assessed as having a drug dependence. (Tyler et al (2019), 'An updated picture of the mental health needs of male and female prisoners in the uk: prevalence, comorbidity and gender differences.'

¹² Of those in custody in June 2018 who had a full assessment, as many as 45% of people reported a drug misuse need, and 17% have an alcohol misuse need. See MoJ (2018), 'Identified needs of offenders in custody and the community from OASys', Table 1a

- Rolling out Resettlement Passports to better support offenders on release from prison;
 - Improving our training offer to give staff the skills, knowledge and confidence to better support prisoners with disabilities, mental health and conditions such as learning disabilities, autism and ADHD or an acquired brain injury, as well as providing trauma-informed training for staff supporting women prisoners who have experienced of domestic violence and sexual abuse;
 - Tackling substance misuse in custody by improving drug testing and providing stronger continuity of drug treatment in the community;
 - Launching new roles, including Health and Justice Partnership Coordinators, to ensure support is maintained and help prison leavers rebuild their lives; and Support Managers for prisoners with conditions such as learning disabilities, autism, acquired brain injury or ADHD.
27. This will be underpinned by a broader commitment to support a more capable and resilient workforce with the best possible security capability and practices to support a stable prison environment and prisoner rehabilitation, now and over the decades to come. These proposals have evaluation built into their design in order to monitor their impact on equalities, and we will look to consider whether there are other cohorts of prisoners with protected characteristics that could be better supported by the prison workforce in the future.

Race

28. We have also considered the issue of race in prisons. Prisoners who declared their ethnicity as Black, Asian or Minority Ethnic (BAME) represented 21,537 (or 27%) of all prisoners, almost twice the ethnic minority percentage in the general population, with Black people and people in Mixed ethnic groups disproportionately represented.¹³ It was also highlighted in the Lammy report that staff demographics do not match prisoner demographics, and that this can not only adversely impact the offender experience but also undermine the legitimacy of the prison system.
29. We are continuously striving to improve our data capture systems for both offenders and staff with protected characteristics.¹⁴ However, some limitations still exist, such as the use of the overall term 'BAME', the problems around which were set out in a recent government review.¹⁵ HMPPS statistics do include some distinct categories in data collection, and changes implemented following the Commission on Race and Ethnic Disparities report recommendations are currently under discussion. In our underlying equalities analysis for the PSWP, we have taken steps to obtain additional or better-quality evidence and data where possible.

¹³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028793/Population_30Sep2021.ods

¹⁴https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/302776/NOMS_Business_Plan_201415.pdf

¹⁵ [Commission on Race and Ethnic Disparities – Commission on Race and Ethnic Disparities: The Report – March 2021 \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612121/Commission_on_Race_and_Ethnic_Disparities_-_Commission_on_Race_and_Ethnic_Disparities:_The_Report_-_March_2021.pdf)

Prison Workforce

30. The White Paper also covers our staff and others who work in prisons. Following work to improve declaration rates of ethnicity, at 30 September 2021,¹⁶ 85.3% of staff had declared their ethnicity. Of these, 8.8% (2,745) were in a BAME group.
31. Following the external scrutiny of the Lammy review (2017),¹⁷ HMPPS made a public commitment that 14% of all new recruits will come from ethnic minority backgrounds by December 2020. Significant efforts, including the BAME Staff Development Leads and a newly appointed Senior BAME Staff Recruitment and Progression Lead to support the organisation to increase the external BAME recruitment into non-operational and operational roles, have led to improvements. For the period 1 July 2019 to 30 June 2021, Prison Officer BAME candidates made up 19.8% of all Prison Officer applicants, and 12.6% of formal offers accepted.¹⁸
32. Using the latest quarterly HMPPS workforce statistics publication and HM Prison and Probation Service annual staff equalities report,¹⁹ we have looked at the distribution of protected characteristics among staff in public sector prisons.
33. Proposals in the PSWP concerning staff have taken the need for staff in prison to reflect the wider general population into account in their design to ensure there is no discrimination against staff who are underrepresented, and that mechanisms are in place to promote equality of opportunity.

Overarching Evidence - Prisoners

34. We have used the following table as a central repository for assessing the potential equalities benefits and risks that have been identified from the key measures proposed in the White Paper.

Protected Characteristic (Prisoners)	Data
Age	As at 30 September 2021, 32.5% of prisoners were in the 30-39 age group, the highest proportion of any age group. Prisoners under age 30 made up 31.8% and prisoners 40 and over made up 35.6%. For all age groups, there was little change in proportion compared to the previous year. ²⁰
Disability	An estimate of 36% of the 2012 Surveying Prisoner Crime Reduction survey prisoner sample was considered to have a disability when survey answers about disability and health,

¹⁶ <https://www.gov.uk/government/statistics/her-majestys-prison-and-probation-service-workforce-quarterly-september-2021/her-majestys-prison-and-probation-service-workforce-quarterly-september-2021--2>

¹⁷ <https://www.gov.uk/government/publications/lammy-review-final-report>

¹⁸ <https://www.gov.uk/government/statistics/her-majestys-prison-and-probation-service-workforce-quarterly-june-2021/recruitment-diversity-statistics-june-21>

¹⁹ [HM Prison and Probation Service annual staff equalities report: 2019 to 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/hm-prison-and-probation-service-annual-staff-equalities-report-2019-to-2020)

²⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028793/Population_30Sep2021.ods

Protected Characteristic (Prisoners)	Data
	<p>including mental health, were screened.²¹ This figure was made up of 18% with anxiety and depression, 11% with some form of physical disability, and 8% with both (figures do not add up to 36% because of rounding). This compares with approximately 34% of the same sample when asked whether they thought they had a disability, and 19% of the general population.</p> <p>We can therefore conclude that disability is overrepresented in the prison population.</p>
Gender Reassignment	<p>In 2019, there were 163 prisoners living in, or presenting in a gender different to the sex assigned to them at birth and who had had a local transgender case board.²² There will also have been some transgender prisoners who had not declared that they were transgender or had a local transgender case board, and some who had a Gender Recognition Certificate. 129 prisoners reported their legal gender as male, 32 as female and 2 did not state their legal gender.²³</p> <p>Although the numbers indicate approximately 0.2% of the prison population identify as transgender, prisoners may choose not to disclose their gender identity to the prison service and therefore the figure is likely to underestimate the total number of transgender prisoners across the estate.</p>
Marriage and Civil Partnership	No data available for prisoners.
Pregnancy and Maternity	On 28 October 2019, there were just under 4,000 women in prison. Of these, 47 were pregnant, accounting for approximately 1% of the female prison population. ²⁴
Race	<p>As at 30 September 2021, prisoners who declared themselves in the White ethnic group made up almost three quarters (56,537 or 72%) of the prison population in England and Wales, and prisoners who declared their ethnicity as BAME made up just over one quarter (21,537 or 27%) of all prisoners.²⁵ These proportions have remained similar since 2013.²⁶</p>

²¹ [Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction \(SPCR\) survey \(publishing.service.gov.uk\)](#)

²² No data available for 2019/20 due to pandemic, so used [HM Prison and Probation Service offender equalities annual report 2018 to 2019 - GOV.UK \(www.gov.uk\)](#)

²³ HMPPS Offender Equalities Annual Report 2018/19

²⁴ [Review of operational policy on pregnancy, Mother and Baby Units and maternal separation \(publishing.service.gov.uk\)](#)

²⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028793/Population_30Sep2021.ods

²⁶ HMPPS Offender Equalities Annual Report 2019/20

Protected Characteristic (Prisoners)	Data
	<p>Ethnic minorities are over-represented in the prison population, and so all aspects of imprisonment affect this characteristic disproportionately.</p> <p>‘Gypsy or Irish Traveller’ was first included as an ethnic group in the Census in 2011 and accounted for 0.1% of the population of England and Wales. A findings paper by HM Inspectorate of Prisons found that 5% of prisoners identified themselves as Gypsy, Romany or Traveller, suggesting that this group is considerably overrepresented in prison.²⁷</p>
Religion or Belief	<p>As at 30 September 2021, Christianity was the most common religion or belief, with 45% of prisoners reporting being Christian, which is 1 percentage point less than last year. The second most prevalent belief is No Religion, with 31% of prisoners reporting this.²⁸ Prisoners of Muslim faith are overrepresented in the prison estate (17%); the remaining prisoners reported a range of other religions in small numbers.</p>
Sex	<p>Males comprise 96% of the prison population and females 4%.²⁹ We know that the vast majority of people in prison are male, and therefore that males are over-represented. These proportions have remained static since the beginning of the series.</p>
Sexual Orientation	<p>In 2019/20, 97.2% of prisoners who declared a sexual orientation reported that they were heterosexual; with 2.8% declaring they were lesbian, gay or bisexual. This is broadly comparable with trends reported over the past ten years and an identical proportion to last year.³⁰ It is likely that the figure of 97.2% is an inaccurate representation of the range and distribution of different sexual orientations, due to the self-reported nature of the data and potential suppression of sexual orientation.³¹</p>

²⁷ <https://www.justiceinspectorates.gov.uk/prisons/wp-content/uploads/sites/4/2014/04/gypsies-romany-travellers-findings.pdf>

²⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028793/Population_30Sep2021.ods

²⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028793/Population_30Sep2021.ods

³⁰ HMPPS Offender Equalities Annual Report 2019/20

³¹ <https://thepsychologist.bps.org.uk/volume-29/may-2016/lgbt-prisoners>

Overarching Evidence – HM Prison Workforce

35. When considering the workforce proposals in the Prisons Strategy White Paper, we looked at the distribution of protected characteristics in the prison workforce. We found that, for public sector prison staff, the following groups are under-represented proportionally when compared to the wider HMPPS workforce:

- Females
- Ethnic minorities
- Disabled

36. The table below summarises the current equalities data for HM Prison workforce in England and Wales as published on 30 September 2021 from the bulletin of HMPPS Workforce Statistics.³² Data on the protected characteristics of race, disability, sexual orientation, and religion or belief are collected from self-declared, non-compulsory fields. Consequently, only figures for which declaration rates have reached a threshold of 60% or above have been reported in the following section.

Protected Characteristic (HM Prison workforce)	Data
Age	As at 30 September 2021, for Public Sector Prison staff, there were 7,863 staff under the age of 30; 8,569 staff between the age of 30 and 39; 6,962 staff between 40 and 49 years; 9,732 staff between 50 and 59 years; 3,442 staff over 60 years.
Disability	As at 30 September 2021, of those who made a declaration, representation rates for staff with a disability in public sector prison staff was 12% and for staff without a disability was 88%. The declaration rate was 74.2%, which is an increase of almost 20 percentage points since March 2019.
Gender Reassignment	Statistics relating to the gender reassignment status of HM Prison workforce are currently not gathered.
Marriage and Civil Partnership	Statistics relating to the marital status of HM Prison workforce are currently not gathered.
Pregnancy and Maternity	There is currently no data available on pregnancy and maternity rates within the prison workforce.
Race	As at 30 September 2021, for Public Sector Prison staff, BAME staff made up 8.8% of the workforce and White staff made up 77.8%; the declaration rate was 85.3%. This was an increase from 8.2% on 30 September 2020 but is still an under-representation when compared to 14% in the

³² <https://www.gov.uk/government/statistics/her-majestys-prison-and-probation-service-workforce-quarterly-september-2021>

Protected Characteristic (HM Prison workforce)	Data
	total population of England and Wales, according to the 2011 Census. ³³
Religion or Belief	As at 30 September 2021, of staff who declared their religion or belief, 46.7% identified as Christian, 46.3% identified as No Religion and 7.0% identified as non-Christian. The declaration rate was 71.4%. The majority of public sector prison staff identified as either Christian or No Religion.
Sex	As at 30 September 2021, Male representation and Female representation in public sector prison staff is 59.6% and 40.4% respectively. Female representation has slightly increased over the past 5 years.
Sexual Orientation	As at 30 September 2021, of those who declared their sexual orientation, 7.0% of staff identified as Lesbian, Gay and Bisexual and 93.0% identified as Heterosexual. The declaration rate was 72.3%.

³³ [Population of England and Wales - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://www.gov.uk/equality-facts-figures/ethnicity-facts-figures)