

The Victims and Prisoners Bill

Equality Statement

The Victims and Prisoners Bill is a three-part Bill:

1. Victims of criminal conduct
2. Victims of Major Incidents
3. Prisoners (encompassing reforms to the parole system and changes to prisoner marriage).

Below sets out the equality statement for the measures in the Bill.

Victims of criminal conduct measures

Introduction

1. In December 2021, the Government launched ‘Delivering Justice for Victims’ – a consultation seeking views on how to improve victims’ experiences of the criminal justice system across England and Wales¹. This was followed by publication of a draft Bill and consultation response in May 2022. This document considers the equalities impact of the victims’ legislative measures in the Victims and Prisoners Bill which has now been formally introduced. This equalities statement updates the statement published with the draft Victims Bill in May 2022.
2. The measures within the Bill which relate to victims of criminal conduct aim to improve end-to-end support for victims of crime whether they choose to engage with the criminal justice process or not. This is so that (a) victims get the support they deserve and need to build resilience to move forward with daily life, and (b) victims feel able to engage and remain engaged in the criminal justice system, and therefore support prosecutions to improve the effectiveness of this system.
3. Through the Bill consultation, the Government specifically asked respondents for their views on how the priorities and ideas set out could impact individuals in relation to their protected characteristics.² The end of the consultation, specifically asked one overarching question, as to how far the consultation had correctly identified the range and extent of the equalities impacts under the consultation.
4. From the 156 direct responses to this question, over half (56%) fully agreed that these impacts had been correctly identified. The remaining responses (44%) felt that there were some impacts which had not been identified, either due to proposals not adequately addressing equalities issues, or because the consultation process itself (the survey) was not considered to be fully inclusive. The Government took steps to respond

¹ ‘Delivering justice for Victims’ – GOV.UK (December 2021)

<https://www.gov.uk/government/consultations/delivering-justice-for-victims-a-consultation-on-improving-victims-experiences-of-the-justice-system>

² [Protected characteristics | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/protected-characteristics)

to concerns that the survey was not fully inclusive including by publishing a British Sign Language version of the consultation, alongside large font and HTML documents.

5. This statement sets out how the victims measures in the Bill will, where possible, directly impact and address equalities issues. Wider equalities issues raised in the consultation response, such as trust in the police and the criminal justice system more broadly, fall outside of the scope of our Bill and this statement. These have been not been addressed directly in this statement, however it is expected that the measures listed below will have some impact in advancing equality of opportunity for all victims and increasing transparency in the system.

Evidence and analysis - context

6. As set out in the original Victims Bill Consultation Equality Statement,³ groups with certain protected characteristics are more likely to be victims of crime (see Annex A).⁴ Victims with particular protected characteristics also face specific challenges when engaging with support services or the criminal justice system, and some of the evidence that demonstrates this is set out below for context.

- a. **Confidence in the Criminal Justice System:** One of the key themes of the Commission on Race and Ethnic Disparities (CRED) report and the Government response to this was the need to build trust and promote fairness, noting that at the moment too many people from ethnic minority backgrounds feel that the 'system' is not on their side.⁵
- b. **Access and awareness:** victims with the characteristics listed below may be less likely to be aware of, or able to access support for a number of reasons. For instance:
 - Victims from black and ethnic minority backgrounds reported facing several barriers to accessing support including a lack of information about what services were available to them, fear of not being believed and not wanting to be judged by their community or to betray it. For some, it took between two to seven years to find the right help.⁶
 - Language barriers were also identified as a cultural issue for some black and ethnic minority victims accessing support services, with professionals highlighting that not all victims speak or understand English well enough to feel confident accessing services without interpreting provision.⁷
 - Mapping of domestic abuse services carried out by Galop and Durham University on behalf of the Domestic Abuse Commissioner's office,

³ https://consult.justice.gov.uk/victim-policy/delivering-justice-for-victims/supporting_documents/victimsbillconsultationequalitystatement.pdf

⁴ [\(Telephone Crime Survey for England and Wales, 2022 \(Characteristics of victims of personal crime, Telephone-operated Crime Survey for England and Wales: April 2021 to March 2022 interviews - Office for National Statistics \(ons.gov.uk\)\)](#)

⁵ <https://www.gov.uk/government/publications/inclusive-britain-action-plan-government-response-to-the-commission-on-race-and-ethnic-disparities>

⁶ Thiara, R., & Roy, S. (2020) Reclaiming Voice: Minoritised Women and Sexual Violence Key Findings, Imkaan

⁷ Love et al. (2017) Improving access to sexual violence support for marginalised individuals: findings from the LGBT and BME communities, Critical and Radical Social Work

identified that there is a lack of service provision for LGBT victims across England and Wales, with most services based in London.⁸

- c. **The importance of tailored support:** a consistent theme through the consultation responses, was the importance of tailored support, which may make support services more accessible to victims with certain protected characteristics, due to these services' ability to meet victims' complex needs. For instance:
- Almost all of the 36 women in a small-scale study by Imkaan spoke about the importance of victims 'seeing themselves' in the services they accessed, offering a sense of relatability and a sense of safety, which was more than physical safety.⁹
 - LGBT victims also highlight a need for the professional supporting them to be close to their own identity, such as being LGBT or LGBT- friendly.¹⁰
 - Victims with learning disabilities who received support from a learning disability specific ISVA reported improved health and wellbeing by receiving emotional support from a service which was adapted to meet their needs in ways other services did not.¹¹
 - Victims with disabilities wanted to be supported by an ISVA or advocate and to have the option of accessing 'by and for' services (amongst other forms of support).¹²

Summary of proposals

7. The Victims and Prisoners Bill comprises of the following victims' measures. Below sets out how these measures could impact victims who may experience particular barriers to accessing justice, or support services as a result of their particular protected characteristics.

Overarching principles of the Victims' Code

8. The overarching principles of the Victims' Code¹³ will be placed into law in the Victims and Prisoners Bill which will send a clear signal to all listed agencies regarding what victims can and should expect from them under the Code. The current Victims' Code already stipulates that victims should be provided with services to assist them to understand and engage with the criminal justice process, without discrimination of any kind. This makes clear that all individuals who have suffered a crime should be treated as a victim first and foremost, regardless of potential barriers, such as having a particular protected characteristic.

Duty on relevant agencies to make victims aware of the Victims' Code

⁸ [Galop-LGBT-Domestic-Abuse-Service-Provision-Mapping-Study-Final.pdf \(domesticabusecommissioner.uk\)](#)

⁹ [2020+|+Reclaiming+Voice+-+Minoritised+Women+and+Sexual+Violence+\[Key+Findings\].pdf \(squarespace.com\)](#)

¹⁰ Delle Donne, M., DeLuca, J., Pleskach, P., Bromson, C., Mosley, M., Perez, E., Matthew, S., Stephenson, R., & Frye, V. (2017) Barriers to and facilitators of help-seeking behaviour among men who experience sexual violence, *American Journal of Men's Health*; Harvey, S., Mitchell, M., Keeble, J., McNaughton, C., & Rahim, N. (2014) Barriers Faced by Lesbian, Gay, Bisexual and Transgender People in Accessing Domestic Abuse, Stalking and Harassment, and Sexual Violence Services. *Cardiff: NatCen Social Research*

¹¹ Safelink (2016) Evaluation of learning disabilities Sexual Abuse Support Services

¹² [Hollomotz, A., Burch, L., & Bashall, R. \(2023\). Formal support needs of disabled adult sexual violence victim-survivors: A qualitative research report. Ministry of Justice](#)

¹³ <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

9. To raise awareness of the Victims' Code, an overarching legislative duty will be placed on specified criminal justice bodies to take reasonable steps to promote awareness of the Victims' Code along users of their services and members of the public. Guidance will consider the differing needs of victims, such as to consider compatibility with screen readers for victims with disabilities.

Duty for Police and Crime Commissioners (PCCs) and criminal justice agencies to jointly review compliance with the Victims' Code

10. The consultation responses highlight how increased local cooperation, coordination, transparency, and strong national oversight, are key to improving support for all victims. It is for this reason that a duty will be introduced on the relevant criminal justice bodies to collect information and keep their own compliance with the Victims' Code under review and for PCCs to monitor the Code compliance of criminal justice bodies in the local police area, such as by chairing regular discussions to jointly monitor and generate useful insights with relevant local agencies. There will be parallel processes for non-territorial police forces (the Ministry of Defence Police and the British Transport Police). The data that criminal justice bodies and non-territorial police forces must collect and share for this duty will be specified in regulations, and it is intended that this information will include: compliance data relating to the delivery of services under the Victims' Code and information regarding the experiences of users of those services. Both of these datasets will help provide a better view of how the system delivers for victims.
11. Current data collection methods provide limited insight into whether victims receive their entitlements under the Victims' Code or whether experiences of the services under the Victims' Code vary depending on different protected characteristics. The Bill measures on information collection will further ensure that the Government understands compliance with the Victims' Code, and whether all victims are getting access to the services they are entitled to. Understanding where there is non-compliance will allow the department to better respond to this, building transparency and trust in the system.

Joint statutory duty on PCCs, local authorities and health bodies to collaborate when commissioning victim support services

12. The Bill will place a statutory duty on PCCs, local authorities and Integrated Care Boards to collaborate when commissioning victim support services, excluding accommodation-based services, for victims of domestic abuse, criminal conduct of a sexual nature, and serious violence. This will facilitate a more strategic local approach to service commissioning, so that services can be targeted where victims need them. It will require the publication, and regular updating, of a local commissioning strategy, to set out the aims and approach for commissioning relevant services from each agency.
13. The strategy will need to be informed by a number of factors, including specific consideration of any relevant local needs assessments they have carried out, which will allow them to give specific consideration to the service needs of children, and those with particular protected characteristics who may experience barriers to using generic support services, such as children, male victims, lesbian, gay, bisexual and transgender (LGBT), minority ethnic, deaf, or disabled victims. This addresses consultation responses which called for improvements to provision of tailored services, and for these to specifically be considered by local commissioners.

Require statutory guidance about the roles of Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs)

14. Advocates,¹⁴ including ISVAs and IDVAs with tailored expertise such as those with the skills to work with victims with learning difficulties, are beneficial for victims. Their tailored services send a clear message to victims that their personal experience matters, and that there is no expectation that victims should ‘fit into’ existing generic services.¹⁵ More broadly, these victim advocate roles can help victims have confidence to engage with the criminal justice system. Research shows that 93% of rape victims receiving support from an ISVA or other support services were more likely to have reported the offence to the police, compared to 54% without receiving this support.¹⁶
15. With this in mind, to raise awareness of ISVAs and IDVAs, the Bill will require statutory guidance to be issued about the roles of these advisors. The guidance will further describe the role and functions of an ISVA and IDVA, alongside including information on how ISVAs and IDVAs support victims with specific needs, such as children or young people, and how other agencies and individuals can work with ISVAs/IDVAs to holistically support victims.
16. The Bill imposes a duty on ISVAs and IDVAs and those who have functions relating to victims, or any other aspect of the criminal justice system, where they are exercising such a function and the guidance is relevant to the exercise of that function to have regard to this guidance (with the exception of the Judiciary to preserve judicial independence, noting separate engagement to explore ways to overcome challenges ISVAs and IDVAs may face in the courtroom while supporting their clients).
17. There was general agreement in consultation responses that providing clarity on the roles and functions of these roles was useful, particularly for those that work with victims with specific needs or protected characteristics, such as children and young people. Therefore, sexual violence and domestic abuse victims with these protected characteristics may benefit more than others from the advocates measures.¹⁷

Changes surrounding the work of the Victims’ Commissioner

18. The Bill will require the Victims’ Commissioner to arrange to have their annual report laid before Parliament. A new duty will also be imposed on specified agencies and departments to formally respond to the recommendations made to them in any report made by the Victims’ Commissioner. Although PCCs will now oversee local Code compliance, the Victims’ Commissioner will maintain their existing duty to review the operation of the Code.

¹⁴ Victim advocates come in many forms, but will all largely provide a crisis intervention role, with the goal of improving safety of and reducing risk to the victim. Advocates also work to ensure that victims can make informed choices and enable access to a range of services and agencies, including the criminal justice system. [Appendix 4: Literature Review - National scoping exercise of advocacy services for victims of violence against women and girls - gov.scot \(www.gov.scot\)](#)

¹⁵ <https://safelinksupport.co.uk/safelink2016/wp-content/uploads/flipbook/4/book.html#p=5>

¹⁶ Rape survivors and the criminal justice system – Victims’ Commissioners Office (October 2020), p.14. This is an association, rather than causal. Victims may be more likely to report because they have an ISVA or those who report are more likely to be referred to an ISVA.

¹⁷ [Hollomotz, A., Burch, L., & Bashall, R. \(2023\). Formal support needs of disabled adult sexual violence victim-survivors: A qualitative research report. Ministry of Justice](#)

19. This is not intended to change the way in which the Victims' Commissioner represents or advocates for the needs of all victims, including for those with different protected characteristics, but rather enhance scrutiny through making clear PCCs' oversight role at the local level. The Victims' Commissioner's reports will be able to draw out issues relating to particular protected characteristics, and the relevant agency or department will be required to respond accordingly.

Joint thematic inspections by criminal justice inspectorates on victims' issues

20. The Bill will introduce a power for the Secretary of State (which in practice will be the Home Secretary and the Justice Secretary), the Lord Chancellor, and the Attorney General to be able to, by joint direction, require the criminal justice inspectorates¹⁸ to include regular joint thematic inspections dedicated to assessing victims' treatment within, and experiences of, the Criminal Justice System within their Criminal Justice Joint Inspection programme. As part of this they will be able to jointly direct inspectorates as to the timing and overall theme (provided it relates to the experiences and treatment of victims) of these inspections. This will enable regular and detailed assessment of the quality of service provided to victims by the criminal justice bodies, including looking at the end-to-end experience rather than looking at different stages of the process individually.
21. This means that issues in the quality of service provided to victims will be more easily identified, and subsequently addressed, including for victims with particular protected characteristics. It also means that more data will be collected on victims, and depending on the issue being inspected, could potentially mean more data is captured on the quality of service provided to specific groups, which speaks to concerns raised in the consultation responses that there is not enough of this type of data captured.

Duty on the criminal justice inspectorates to consult the Victims' Commissioner

22. There will be a requirement for the criminal justice inspectorates to consult the Victims' Commissioner, alongside over mandatory consultees, when developing their work programmes.
23. The role of the Victims' Commissioner involves promoting the interests of victims and acting as a representative for them. The Victims' Commissioner's designated responsibility and understanding of victims' experience of the criminal justice system can also allow for greater understanding of the issues that certain victims with certain protected characteristics face.
24. This advocacy and engagement with victims will allow for greater victim focus during the inspectorates' consultation process, ensuring that the needs of all victims, including those with protected characteristics, are considered.

Remove the need for victims of crime to raise a complaint via an MP

25. The Bill will simplify the complaints process by removing an existing requirement for complaints to the Parliamentary and Health Service Ombudsman (PHSO) — in its Parliamentary Commissioner capacity — to be referred via a Member of Parliament

¹⁸ HM Crown Prosecution Service Inspectorate; HM Inspectorate of Constabulary and Fire & Rescue Services; HM Inspectorate of Prisons; HM Inspectorate of Probation

(MP), before the complaint can be investigated, but only where the complaint relates to the complainant's experiences as a victim of crime. The PHSO made clear in their consultation response that they think that removing this 'MP filter' will simplify the process for those who may find it more difficult to refer a complaint via an MP by reducing the need for them to relay a potentially traumatic experience more than necessary, or to a third party who they may not have a personal relationship with.

Public Sector Equality Duty (PSED) aims

26. We have considered the above Bill provisions in light of our Public Sector Equality Duty obligations. Key considerations are listed below.

Direct discrimination

27. The Ministry of Justice considers that the Bill provisions are not directly discriminatory within the meaning of the Equality Act, as they do not treat people less favourably because of their particular protected characteristics and they apply to in the same way to all individuals who are in scope, regardless of their protected characteristics.

Indirect discrimination

28. It is not believed that the provisions in the Bill will result in indirect discrimination, as they will be applied in the same way to all individuals in scope. Although victims of crime are more likely to share a protected characteristic, and thus benefit from the Bill's measures, the benefits gained from the Bill do not disadvantage other groups who are less likely to be victims of crime. The Government remains mindful to ensure special consideration for victims with protected characteristics, and those working to support them, and will continue to engage with these groups as the Bill progresses.

29. Further, the duty to collaborate when commissioning victim support services relates to victims of domestic abuse, criminal conduct of a sexual nature, and serious violence only. This is to enable targeted focus on these particularly traumatic offences which have a high number of victims each year. These offences typically involve victims accessing services commissioned by a combination of health, local authority and policing bodies, and would therefore benefit from more collaboration and coordination across these three commissioners.

Discrimination arising from disability and duty to make reasonable adjustments

30. Our assessment is that the Bill measures are not likely to result in any discrimination against those with disabilities. However, we recognise it is important that we continue to make reasonable adjustments for victims with disabilities to ensure appropriate support is always given.

31. For instance, while work to remove the MP filter for victims of crime when making complaints to the PHSO will help all victims, we remain conscious of the continued problems victims with particular protected characteristics may face in using this complaints mechanism. For example, complaints will still be required to be 'written' for the PHSO to be able to investigate them, and we acknowledge the disadvantage this gives people who cannot read, write, or for whom English is not their first language. To mitigate this, the PHSO will consider accessibility needs as part of the process to receive complaints directly from the public. Furthermore, to support those victims who are either

unable to make a written complaint by themselves or find this difficult, complaints made directly to the PHSO rather than through an MP will still be able to be made by a person authorised to act on behalf of the complainant.

Harassment and victimisation

32. We do not consider that the Bill measures will give rise to harassment or victimisation within the meaning of the Equality Act.

Advancing equality of opportunity

33. We anticipate the Bill is likely to advance equality of opportunity for all victims in scope, particularly for those with particular protected characteristics identified from the data. We are, however, cognisant of the need to continue to improve the tailoring of support for all victims to ensure access for everyone.

34. Through introducing more powers and duties at the local level to provide oversight of the Victims' Code, we are increasing scrutiny of the delivery of the Code to ensure everyone receives the level of service they can expect. Further to this, we are responding to calls from key stakeholders, including the Victims' Commissioner to ensure better data collection and sharing by introducing a duties on PCCs and criminal justice bodies (and non-territorial police forces) to keep Code compliance under review. This will ensure a transparent and collaborative approach to help different groups access the services they are entitled to whilst providing us with a better understanding of the needs of the demographics of the victim population to drive improvements.

35. The Bill measures on victim support services and advocacy will also enhance equality of opportunity. The guidance will look at promoting best practice when considering the needs of those with certain protected characteristics and the barriers they may face in accessing more 'generic' support.

36. Through the clause relating to ISVAs and IDVAs and the resulting statutory guidance, we will provide for the necessary flexibility for ISVAs and IDVAs to support the individual needs of victims including those who are LGBT, deaf, disabled, alongside black and ethnic minority victims of domestic abuse and criminal conduct of a sexual nature. Statutory guidance provides an opportunity to also acknowledge specialisms provided by 'by and for' services, which may be most appropriate to support victims with certain protected characteristics. These services may also help victims with certain protected characteristics better overcome challenges in accessing support and are therefore vital.

¹⁹

Fostering good relations

37. The victims' proposals in the Victims and Prisoners Bill, particularly those aimed at strengthening compliance with the Victims' Code and collecting information about the experiences of victims, could assist with promoting understanding between people from different backgrounds, or with different, intersecting protected characteristics.

38. The victims' of criminal conduct proposals in the Victims and Prisoners Bill will also work to better ensure local agencies work together to commission services that work for everyone. This directly speaks to consultation responses that highlight how

¹⁹ Silk, K., Larsen, C., & Finnemore, H. (2023). Formal support needs of adult sexual violence victim-survivors: Survey findings report. Ministry of Justice

commissioners should have a greater understanding of the needs of their local populations, and better engagement with the services that can meet those needs.

Data limitations

39. While efforts have been made to source information related to the areas covered by the consultation, there are still gaps in our evidence base. We do not, for example, have a full picture of how well support services reach victims with particular needs, what proportion of current complaints come from victims with protected characteristics, and whether these victims are more or less likely to receive their entitlements under the Victims' Code.
40. In light of our continuing duty to consider the equalities impacts of these proposals, we would welcome any further views, experiences and other new evidence from and about victims with any particular protected characteristics as the Bill progresses through Parliament and as we work towards implementation.

Annex A

Characteristics of adults who were victims of personal crime (excluding fraud and computer misuse) and all adults (aged 18 and over)²⁰

England and Wales, April 2021 to March 2022 interviews

Some shorthand is used in this table. [c] indicates that data from the Telephone-operated Crime Survey for England and Wales have been suppressed because of disclosure constraints.

<u>Personal characteristic [note 1]</u>	<u>Victims of personal crime (excluding fraud and computer misuse) (%) [note 2]</u>	<u>All adults (aged 18 or over) (%) [note 3]</u>
<u>Sex</u>		
<u>Male</u>	<u>52.2</u>	<u>49.0</u>
<u>Female</u>	<u>47.8</u>	<u>51.0</u>
<u>Age</u>		
<u>18-24</u>	<u>12.7</u>	<u>9.9</u>
<u>25-34*</u>	<u>24.7</u>	<u>17.1</u>
<u>35-44</u>	<u>20.4</u>	<u>16.5</u>
<u>45-54</u>	<u>17.2</u>	<u>16.9</u>
<u>55-64</u>	<u>13.7</u>	<u>16.2</u>
<u>65-74</u>	<u>6.6</u>	<u>12.9</u>
<u>75+</u>	<u>4.7</u>	<u>10.7</u>
<u>Ethnic group</u>		
<u>White</u>	<u>82.7</u>	<u>87.7</u>
<u>Mixed/Multiple</u>	<u>2.5</u>	<u>1.6</u>
<u>Asian/Asian British</u>	<u>9.9</u>	<u>7.3</u>
<u>Black/African/Caribbean/Black British</u>	<u>4.2</u>	<u>2.6</u>
<u>Other ethnic group</u>	<u>0.6</u>	<u>0.8</u>
<u>Marital status</u>		
<u>Married/civil partnered</u>	<u>35.4</u>	<u>50.7</u>
<u>Cohabiting</u>	<u>12.1</u>	<u>13.1</u>
<u>Single*</u>	<u>37.3</u>	<u>23.1</u>
<u>Separated</u>	<u>3.7</u>	<u>1.5</u>
<u>Divorced/legally dissolved partnership</u>	<u>7.6</u>	<u>6.0</u>
<u>Widowed</u>	<u>3.9</u>	<u>5.7</u>

²⁰ [Characteristics of victims of personal crime, Telephone-operated Crime Survey for England and Wales: April 2021 to March 2022 interviews - Office for National Statistics \(ons.gov.uk\)](#)

* Statistically significant difference, $p < .05$ (groups more likely to be victims of crime).

<u>Disability [note 4]</u>		
<u>Disabled</u>	<u>25.9</u>	<u>19.9</u>
<u>Not disabled</u>	<u>74.1</u>	<u>80.1</u>
<u>Religion</u>		
<u>No religion</u>	<u>40.9</u>	<u>39.3</u>
<u>Christian</u>	<u>50.6</u>	<u>52.7</u>
<u>Buddhist</u>	<u>[c]</u>	<u>0.3</u>
<u>Hindu</u>	<u>0.0</u>	<u>1.8</u>
<u>Jewish</u>	<u>1.3</u>	<u>0.5</u>
<u>Muslim</u>	<u>6.1</u>	<u>4.0</u>
<u>Sikh</u>	<u>[c]</u>	<u>0.6</u>
<u>Other</u>	<u>0.6</u>	<u>0.7</u>
<u>Unweighted base - number of interviews</u>		
<u>[note 5]</u>	<u>786</u>	<u>31,204</u>
<u>Sexual orientation [note 6]</u>		
<u>Heterosexual/straight</u>	<u>86.8</u>	<u>94.0</u>
<u>Gay/Lesbian</u>	<u>4.4</u>	<u>2.0</u>
<u>Bisexual</u>	<u>5.9</u>	<u>3.2</u>
<u>Other</u>	<u>[c]</u>	<u>0.8</u>
<u>Unweighted base - number of interviews</u>		
<u>[note 7]</u>	<u>669</u>	<u>25,379</u>

<u>Note number</u>	<u>Note text</u>
1	See Section 7.3 of the User Guide for definitions of personal characteristics.
2	Personal crime includes violence, robbery, theft from the person and other theft of personal property.
3	The general population figures are for those aged 18 and over and are based on the TCSEW. As such, they may provide different estimates of the general population to the comparators used in other national statistics.
4	The definition of disability used is consistent with the core definition of disability under the Equality Act 2010. A person is considered to have a disability if they have a long-standing illness, disability or impairment which causes difficulty with day-to-day activities.
5	Unweighted base refers to respondent sex; other bases will be similar.
6	The terminology used to label these data has been changed to 'sexual orientation' from 'sexual identity' to align with terminology used in legislation (Equality Act 2010). Sexual Orientation is an umbrella concept which encompasses sexual identity, attraction and behaviour. This question described within this principle is based on a substantial body of research and is designed to capture self-perceived Sexual Identity. An individual could respond differently to questions on either sexual identity, attraction or behaviour. The measurement of Sexual Identity was identified within the research as the component of Sexual Orientation most closely related to experiences of disadvantage and discrimination. The question was not

designed for specific or detailed studies of sexual behaviour or attraction where a series of more detailed questions and answer categories might be more appropriate.

7

The question on the sexual orientation of respondents is asked in the self-completion module of the questionnaire. Therefore, the unweighted base for sexual orientation is lower.

Victims of Major Incidents – The Independent Public Advocate

1. Equalities Considerations

This analysis considers the impact of the new legislation against the statutory obligations under the Public Sector Equality Duty (PSED). The aim of the PSED is to embed equality considerations into the day-to-day work of public authorities, so that they tackle discrimination and inequality and contribute to making society fairer.

The PSED addresses discrimination, inequality and fairness between people who have protected characteristics and those who do not.

Section 149 of the Equality Act 2010 (the Act) requires Ministers and the department, when exercising their functions, to pay 'due regard' to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the Act;
2. Advance equality of opportunity between those who share protected characteristics and those who do not; and
3. Foster good relations between those who share protected characteristics and those who do not. The protected characteristics are the following:
 - age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race – this includes ethnic or national origins, colour or nationality;
 - religion or belief – this includes lack of belief;
 - sex;
 - sexual orientation;
 - It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

2. Key Purpose

This Equalities Statement will help inform the ministerial decision on whether to support the Bill by indicating any likely equalities impacts of the proposed changes that the Government's Independent Public Advocate (IPA) clauses within the Victims and Prisoners Bill would introduce.

Several options are open to the Minister, based on their assessment of the potential impact on those who share any protected characteristics, compared with those who do not, from this policy change. It can be requested that the clauses are changed or withdrawn and/or that changes are made for the successful passage of the Bill through Parliament.

Following enactment of the Bill, relevant guidance and safeguards identified throughout this assessment will be reviewed and updated to support the

implementation of the legislative changes, with due consideration being given to their equalities implications

3. Relevant Sources of Information & Gaps in Information

1. The Kerslake Report: An independent review into the preparedness for, and emergency response to, the Manchester Arena attack on 22nd May 2017. ²¹
2. Gov.uk website
3. manchesterarenainquiry.org.uk²²
4. Hillsborough Independent Panel²³
5. Bishop James Jones Report: 'The Patronising Disposition of Unaccountable Power'²⁴
6. Following Grenfell: the human rights and equality dimension | Equality and Human Rights Commission ²⁵

Gaps in Knowledge:

While efforts have been made to source information related to areas covered by the IPA, there are still gaps in our evidence base. We do not, for example, have a full picture of how well support services perform for victims of major incidents with specialised need, such as physical disabilities. There is limited data on the aftermath of major incidents, as these events are inherently rare. In particular, there is limited data on the impact of major incidents on protected characteristics groups, as the majority of event reviews focus on the practicalities of what occurred and the response of the emergency services. We are unable to predict the location or frequency of such events in scope of the IPA and cannot say whether an event is more likely to affect those with particular protected characteristics. We will keep this assessment under review and update it in light of more information and experience becoming available.

4. Policy Summary

The IPA will provide support and information to victims of the major incident in the immediate aftermath of a major incident to help navigate any following investigation, inquest, and inquiry. The IPA will cover events in England and Wales.

Important reforms have been made in recent years to support and empower the victims of major incidents, including the implementation of the Coroners and Justice Act 2009. However, the processes that take place following a qualifying event can be hugely complex, involve multiple agencies and deploy rules and procedures unfamiliar to most people. This can be daunting and overwhelming, and it is clear that there remain concerns about how far the voices of victims of major incidents are heard, and how far they are supported in understanding and participating in processes, especially after a major disaster.

²¹ [Kerslake Report into the Manchester Arena Bombing - 22nd May 2017](#)

²² [Manchester Arena Inquiry Website](#)

²³ [Hillsborough Independent Panel \(National Archives\) Website](#)

²⁴ [Bishop James Jones Report ' The Patronising Disposition of Unaccountable Power'](#)

²⁵ [Following Grenfell: the human rights and equality dimension | Equality and Human Rights Commission](#)

An illustrative but non-exhaustive list of support the IPA may provide is:

- Helping victims of major incidents understand the actions of public authorities in relation to the incident and how their views may be taken into account;
- Informing victims of major incidents about other sources of support and advice, and services, that may be available in connection with a major incident;
- Communicating with public authorities and providing feedback on the experience of victims;
- Gaining and maintaining the confidence of the victims of a major incident;
- Ensuring that the interests and concerns of the victims of a major incident are made known to the coroner and/or inquiry chair;

The IPA will not duplicate, replace, or hinder the existing functions of other agencies or persons involved in the investigatory process.

Importantly, the IPA will be a conduit between the Government and public bodies and the victims of a major incident. The IPA will not act as a legal representative.

The IPA will be engaged by Government and, once engaged, the panel will support for the duration of the event until the conclusion of proceedings. Although engaged by the Government, the IPA will be operationally independent of government. Following the conclusion of its support, the IPA shall be asked to produce a report.

The IPA will provide support to victims of major incidents. A victim of major incidents shall be individuals directly harmed by a major incident, a close family member or a close friend of an individual who lost their life as a direct result of a major incident. The IPA will support victims of major incidents over the age of 18; the next of kin of those who have died, or persons injured as a result of being present at a qualifying event. Where someone is harmed, or is a close family member or close friend, but under the age of 18, they shall be represented by such persons as the advocate considers are able to represent those victims.

Entitlement to support is based on whether an individual meets the definition of 'victim' and will therefore not be refused on nationality grounds or immigration status, or on the grounds that the qualifying person is resident outside of the IPA's jurisdiction.

Origins of the legislation:

Maria Eagle MP has introduced her Public Advocate (No.2) Bill multiple times, most recently in 2022. This is the same Bill introduced by Lord Wills in 2014, and more recently in 2022. The Government has consistently opposed these Private Member's Bills.

Proposal to legislate:

Part 2 of the Victims and Prisoners Bill seeks to:

- Establish an Independent Public Advocate in statute and to introduce clauses that govern the appointment of advocates; terms of appointment; functions; reporting; information sharing; territorial extent; powers and relevant guidance.

- To define a victim of a major incident in statute.

5. Summary of Equalities Impacts

Direct Discrimination

Our assessment, as set out in more detail below, is that the proposed creation of an IPA does not directly discriminate against people with particular protected characteristics with the exception of age, as support will be restricted to those who are over the age of 18.

We consider that we can justify this on the basis that it is a proportionate means of achieving a legitimate aim. It is primarily because of the nature of support that the IPA will be providing assistance and support to navigate inquests and inquiries. This policy is consistent with a child's legal position in the UK with regards to other rights. There are existing legal structures whereby a child under the age of 18 is not able to make certain decisions and engage with certain bodies, rather, this is done by a legal guardian (e.g. participating in civil court proceedings is by a litigation friend which is usually a legal guardian). The IPA will support those under 18 who are a victim of a major incident via a representative, and we have built in a mechanism in the policy to extend or transfer this support once they are 18.

Indirect Discrimination

Indirect discrimination occurs when a policy applies equally to all individuals in the impacted pool but would put those sharing a particular protected characteristic at a particular disadvantage compared to those who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Depending on the nature of a particular major incident, the IPA's support may be provided disproportionately to people with particular protected characteristics. However, the nature of the IPA's role is that they are providing a benefit and so this does not result in unfavourable treatment.

Individuals with particular protected characteristics may find it more difficult to engage with the IPA than those who do not share those particular protected characteristics e.g. those who do not speak English; have a disability; or lack mental capacity. However, the IPA will make reasonable adjustments to make the support that is available accessible.

Our assessment, therefore, is that unlawful indirect discrimination is unlikely to arise as a result of the IPA performing its duties in supporting victims of a major incident.

Advancing Equality of Opportunity

Careful consideration has been given to how this proposal may impact on the duty to advance equality of opportunity by meeting the needs of those who will be supported by the IPA who share a particular protected characteristic, where those needs are

different from the needs of those who do not share that particular characteristic. The support of the IPA will apply to all victims of major incidents over the age of 18 (see below section for reasoning on this point). Therefore, given that the age implications have been mitigated, it is the Government's assessment that the IPA proposal will be of general benefit to all victims of major incidents. We therefore consider it likely that the proposals should enhance equality of opportunity for all users of the IPA, by ensuring that users are adequately supported regardless of their possession of a protected characteristic.

Discrimination arising from disability and duty to make reasonable adjustments

We do not consider that the proposals are likely to result in any unlawful discrimination within the meaning of the Equality Act 2010 in relation to disability. Where the risk of indirect discrimination is identified, every effort will be made to make a reasonable adjustment where required.

Fostering good relations

Section 149(1)(c) of the Equality Act 2010 imposes a duty to "have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it".

It is not anticipated that the measures to create an IPA will have a significant positive impact on community relations where particular communities are affected by a major incident. Therefore, it is envisioned that once established the IPA will help foster good relations by acting as a link / conduit between the Government or public bodies and the victims of major incidents and this will apply equally for those who share relevant protected characteristics and those who do not.

There also remains an option under this policy for the Secretary of State to appoint an advocate who has a specific background, and the ability to foster good relations with those affected by a major incident to ensure appropriate representation and voice.

Harassment and Victimisation

We do not consider that the creation of an IPA will result in harassment or victimisation for persons who interact with it.

Monitoring and Evaluation

We will consider any new equalities information or evidence of impacts from this proposal and update this Equality Impact Assessment as necessary. Any final decisions will include due consideration of the evidence of impact from the Equality Impact Assessment. We will continue to pay due regard to the Public-Sector Equality Duty as the proposals are implemented and will consider the most effective ways of monitoring equalities impacts.

Welsh language impact

The IPA will extend to Wales. It is important to ensure that this is communicated in Welsh through the usual government channels. Any websites, forms and services will meet all statutory requirements to provide a service through the Welsh medium.

6. Impacts on those with protected characteristics

Each protected characteristic has been assessed for 'direct' and 'indirect' discrimination as defined under the Equality Act 2010, when considering the impact, the IPA will have.

Our approach to appointing advocates following the incident makes this policy more representative and more diverse than appointing a single advocate prior to an event when it is not known which geographic area or community will be impacted. We want to ensure that, should an event disproportionately affect a certain community we have the flexibility to be able to form a panel of advocates that are most appropriate. We have further strengthened this by including a provision in the policy to directly appoint panel members which may be appropriate should a major incident affect a particular community.

Age

We have considered the impact on Age. Support from the IPA will be provided to victims of major incidents. This includes individuals directly harmed by a major incident or a close family member of an individual who lost their life as a direct result of a major incident. The IPA will only directly support victims over 18. The nature of the support provided is most appropriate for an adult, due to the often sensitive and complex nature of the information that will need to be discussed.

If someone who is harmed by a major incident or a close relative of an individual who has lost their life as a direct result of the major incident is under 18, support will be provided to their representative. As a mitigation, during the lifetime of the investigation and subsequent inquest and/or inquiry, should a victim mature to the age of 18 support can transfer or be extended to include them.

Where the protected characteristic is age, less favourable treatment is defensible if it is shown to be a proportionate means of achieving a legitimate aim. We believe that this is the case here in restricting support to adults and feel that the mitigations put in place sufficiently address the gap.

Disability

The proposed policy applies equally to all people, regardless of whether they have a disability.

We have considered capacity. The Mental Capacity Act 2005 stipulates that all persons must be deemed as having capacity unless it can be demonstrated otherwise. If the support is offered to someone who is harmed and they lack capacity, then the IPA support could be offered to their representative. This will ensure that, despite lacking capacity themselves, the individual is still receiving IPA support, although

indirectly. If, during the lifetime of the event, the individual is assessed as capable, then the IPA support will be either transferred completely to the individual or extended to include them.

We have also considered physical disabilities. If victims of a major incident are physically disabled, then provisions will be made to ensure that IPA support can be properly accessed. We will endeavour to make reasonable adjustments to ensure that they are equally as supported as those who do not share this protected characteristic.

Where the protected characteristic is disability, allowing for IPA representation via another person is not direct discrimination if it is shown to be a proportionate means of achieving a legitimate aim. We believe that this is the case here in restricting support to adults who lack mental capacity.

Gender reassignment

The proposed policy applies equally to all people, regardless of whether they have undergone gender reassignment.

It remains an option under this policy for the Secretary of State to appoint an advocate who has a specific background, and the ability to foster good relations with those affected by a major incident. This could include those who share the same particular protected characteristic.

Pregnancy and maternity

The proposed policy applies equally to all people, regardless of whether they are pregnant or in a maternity period.

It remains an option under this policy for the Secretary of State to appoint an advocate who has a specific background, and the ability to foster good relations with those affected by a major incident. This could include those who share the same particular protected characteristic.

Race

The proposed policy applies equally to all people, regardless of their race or migrant status.

It remains an option under this policy for the Secretary of State to appoint an advocate who has a specific background, and the ability to foster good relations with those affected by a major incident. This could potentially be a community leader. The Secretary of State could provide a translator to help those whose first language is not English to engage with the IPA.

Religion or belief

The proposed policy applies equally to all people regardless of their religion or belief.

It remains an option under this policy for the Secretary of State to appoint an advocate who has a specific background, and the ability to foster good relations with those affected by a major incident. This could potentially be a faith leader.

Sex

The proposed policy applies equally to all people regardless of their sex. We envisage the makeup of the panel will include balanced representation based on sex.

Sexual orientation

The proposed policy applies equally to all people regardless of their sexual orientation.

It remains an option under this policy for the Secretary of State to appoint an advocate who has a specific background, and the ability to foster good relations with those affected by a major incident.

Marriage and Civil Partnership

The proposed policy applies equally to all people regardless of their marital status or civil partnership status.

7. Safeguards and Mitigations

The Ministry of Justice will work to make sure that relevant agencies are aware of the IPA prior to it being launched so that it is as effective as possible. When an IPA is engaged following a major incident, the Ministry of Justice will launch a communications campaign to reach those affected and eligible for support to ensure that they are aware of the support available.

This Equality Statement will be updated as necessary.

THE VICTIMS AND PRISONERS BILL PART 3 – PAROLE MEASURES

Equalities Statement

Purpose of this Document

1. This document has been prepared to assist the Secretary of State for Justice in complying with the Public Sector Equality Duty in relation to the following key measures in the Victims and Prisoners Bill and to assist Parliament in its scrutiny of these measures.
 - Clarifying the meaning and application of the current statutory release test to ensure that minimising risk and public protection are at the core of decision-making when determining whether to release a prisoner.
 - Creating a new “top-tier” cohort of offenders: those convicted of the most serious offences who, if discretionarily referred by the Parole Board to the Secretary of State or recommended by the Parole Board for release, may be subject to a new ministerial power to review their case and, if necessary, refuse release.
 - Disapplying section 3 of the Human Rights Act 1998 from legislation covering the release of prisoners and requiring courts to give the greatest weight to public protection when considering a prisoner’s rights in this context.
 - Requiring the Parole Board to include members with a background in law enforcement to help ensure parole panels make well-informed decisions in assessing risk.
 - Clarifying the role of the Chair of the Parole Board to ensure it is a strategic leadership role and creating a power for the Secretary of State to remove the Chair if necessary for the maintenance of public confidence.
2. This analysis supports the Secretary of State in fulfilling his duty under the Public Sector Equality Duty (PSED) by having due regard to the equality impact of implementing the proposed provisions. This document assesses the potential equalities considerations that have been identified in relation to each policy change.

Ministry of Justice and the Public Sector Equality Duty

3. Under the [Equality Act 2010](#)²⁶, when exercising its functions, the Ministry of Justice 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;
 - to advance equality of opportunity between different groups of persons who share a protected characteristic and those who do not; and
 - to foster good relations between different groups.

²⁶ http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf

4. We also recognise that, as well as having an obligation not to directly or indirectly discriminate against disabled people, the Ministry of Justice, as a service provider, has a duty to make reasonable adjustments for disabled people.
5. The payment of due regard to the PSED needs to be considered in light of the nine protected characteristics:
 - Race
 - Sexual Orientation
 - Marriage/Civil Partnership
 - Gender
 - Religion or Belief
 - Gender Reassignment
 - Disability
 - Age
 - Pregnancy/Maternity

Policy Summary

6. Carrying out a Root and Branch review of the parole system was a manifesto commitment made by the government in 2019. This review was published on 30th March 2022 and set out a range of reforms to the parole system to increase transparency, improve victims' experience and improve public safety. The review proposed several changes that require primary legislation to implement. These include refining the statutory release test applied by the Parole Board to make it more prescriptive and introducing a power for the Secretary of State to review and, if necessary, refuse release decisions for the most serious offenders. These changes, along with changes to the role of the Chair, are the subject of Part 3 of the Bill.

A. Release Test

7. The release test is used by the Parole Board (and, in the case of determinate sentenced recalls, the Secretary of State) when assessing whether it is safe for a prisoner to be released into the community. This test applies to all parole-eligible prisoners and when considering re-release of offenders who have been recalled to prison for breaching their licence. The reforms in the Root and Branch review proposed codifying the test to clarify its meaning and purpose and to ensure the focus of the test remains on the offender's risk of committing an offence that would cause serious harm. The test will include a list of specific statutory criteria that the decision-maker must consider when deciding on whether to release an offender. This approach will remove any ambiguity surrounding the factors to be taken into account and will ensure consistent application of the release test.

B. 'Top-Tier' Cohort & Ministerial Refusal Power

8. The Root and Branch review set out the need for a more precautionary approach to releasing offenders, in particular, those who have committed the most serious offences and who may go on to commit another offence that causes serious harm if released. The review identified a need for greater safeguards whenever the Parole Board determines that any of these prisoners is suitable for release. We are therefore creating a "top-tier" cohort made-up of offenders who have committed murder, rape, certain terrorist offences or who have caused or allowed the death of a child. The Review concluded that any decision to release an offender in the top tier should be subject to greater scrutiny by enabling the Secretary of State to call in the Parole Board's decision, review the case and, if necessary, refuse the prisoner's release.

9. As part of this more precautionary approach, the Bill creates powers to enable the Secretary of State, if he so decides, to review any case in which the Parole Board has decided to release a top tier prisoner. The Board may also refer a case to the Secretary of State to take the decision where it considers it appropriate to do so, including when it is unable to adequately assess the prisoner's risk to the public.

10. On referral, the Board's decision to release the prisoner is quashed. The Secretary of State will apply the same release test as the Parole Board did and make a judgement as to the level of risk the prisoner may pose to public safety if released. In reaching a decision, the Secretary of State may make such findings

of fact as he considers appropriate on the evidence before him. The Secretary of State must not release the prisoner unless satisfied that their imprisonment is no longer necessary for public protection.

11. In cases where the Secretary of State has taken a decision not to release a prisoner, the prisoner will be able to appeal the decision through a new route of appeal to the Upper Tribunal. The grounds for such an appeal are that the Secretary of State's decision is flawed, for example, because it is irrational, or that the prisoner does not pose more than a minimal risk to the public. If the Upper Tribunal finds the Secretary of State's decision is flawed, it must remit the decision to the Secretary of State to retake, otherwise it must confirm the decision not to release the prisoner. When assessing an appeal on the grounds of whether or not the release test has been met, the Upper Tribunal must consider the same public protection test that has been applied in first instance by the Parole Board, and, subsequently, the Secretary of State when reviewing the case. The Upper Tribunal must either confirm the Secretary of State's decision not to release or, otherwise, direct the prisoner's release, if it is satisfied that there is no more than a minimal risk of the prisoner committing a further offence that will amount to serious harm if they are released.

C. Convention Rights

12. The Bill disapplies Section 3 of the Human Rights Act 1998 in relation to legislation concerning the release of prisoners. This has the effect of not requiring the legislation to be read in a way that is compatible with the European Convention on Human Rights. The government believes that the legislation to which the disapplication of section 3 applies is compatible with the Convention, however, it wants to "futureproof" against the risk of a court finding otherwise or jurisprudence developing in a way that challenges compatibility. The Bill also requires courts, when considering Convention rights in connection with release legislation, to give the greatest possible weight to the need to minimise any risks to the public.

D. Law Enforcement

13. The government is taking steps to increase the number of independent Parole Board members with law enforcement experience. Through a new power to prescribe the make-up of Board panels, and subsequent secondary legislation, the government will require parole panels for top-tier offenders to include a law enforcement member. This is intended to bring a different perspective on offending and offenders in the criminal justice system from those with first-hand experience of assessing risk to the public, adding to the collective knowledge and experience of the Board.
14. In order to facilitate this, this Bill will provide that the Parole Board is statutorily required to include among its members those with law enforcement experience, by which we mean those with experience in the prevention, detection and investigation of offences. We will add this requirement to the existing list of experience members the Board must have under section 239 of, and Schedule 19 to, the Criminal Justice Act 2003. The Bill will also give the Secretary of State the power, via the Parole Board Rules, to require specific types of cases to be

dealt with by Parole Board members with specific professional backgrounds. The Rules will be amended following the legislation to require members with a law enforcement background to sit on panels in top-tier cases.

E. Parole Board Chair

15. The Chair of the Parole Board is a public appointment, and, currently, the tenure and functions of the role are not set out in legislation. The Bill will provide that the Secretary of State appoints the Chair for a three-year tenure, which may be renewed for a further three years. We will also legislate so that the Secretary of State should have the additional statutory power to remove the Board Chair on the ground that it is necessary for the maintenance of public confidence in the parole system.
16. The Bill will also clarify the role of the Parole Board Chair, to draw a clear distinction between the role of the Chair and the members of the Parole Board. To do this, the legislation will set out a closed list of responsibilities to make clear that their role is one of strategic leadership.

Sources of Information

17. The information about offenders and the members of the Parole Board has been drawn from data published by the Ministry of Justice, Home Office and the Office for National Statistics. This includes:
 - The Ministry of Justice’s latest Offender Management statistics quarterly for England and Wales²⁷;
 - The Ministry of Justice’s Criminal Justice System statistics quarterly²⁸;
 - The Home Office Data on the Police Workforce²⁹
 - Data from the 2021 census³⁰ and 2011 census³¹.

Unavailable Data

18. Detailed data about sentenced offenders in the affected cohort is available for three of the nine protected characteristics – age, sex, and ethnicity. We have used this data for our equality analysis. Although there are some data available on those serving sentences of imprisonment by other protected characteristics, (see Her Majesty’s Prison and Probation Service (HMPPS) Offender Equalities 2021/22 report³²), this does not allow us to make comparison with top-tier cohort of prisoners who may be most affected by these changes. Similarly, while some published data is available for characteristics of recalled offenders who will be

²⁷ <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-july-to-september-2022>

²⁸ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2021> <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

²⁹ <https://www.gov.uk/government/collections/police-workforce-england-and-wales>

³⁰

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationandhouseholdestimatesenglandandwalescensus2021>

³¹

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/articles/populationestimatesbyethnicgroupandreligionenglandandwales/2019/relateddata>

³² <https://www.gov.uk/government/statistics/hm-prison-and-probation-service-offender-equalities-annual-report-2020-to-2021> <https://www.gov.uk/government/statistics/hm-prison-and-probation-service-offender-equalities-annual-report-2021-to-2022>

affected by this policy, this will include recalled offenders who are not required to be seen by the Parole Board and are therefore omitted from the analysis. We have not presented data where they are not available at sufficient quality and with sufficient coverage to be meaningful. Data is presented where known, therefore, where sex, ethnicity or age are not stated or unknown, they are omitted from analysis. they are omitted from analysis.

19. Data on those prisoners who are currently going before the Parole Board is not published by protected characteristic breakdown. We have, therefore, used the latest sentencing data, looking only at those sentences which will require a Parole Board hearing for initial release (i.e. a parole-eligible sentence) namely: Life sentences, Sentences of Imprisonment for Public Protection, Extended Determinate Sentences, and Offenders of Specific Concern under section 236A of the Criminal Justice Act 2003.
20. Specific offence breakdowns are not available for some of the offences in-scope of the top-tier cohort, so a proxy or wider offence has been used where possible. In particular, we have used 'Causing or allowing the death of a child or vulnerable person' for 'Causing or allowing the death of a child'.
21. A full list of offences included in the equalities analysis is provided.

Affected Groups & Evidence

Sex/Age/Ethnicity

Parole Eligible Sentenced Offenders

22. The proposed changes will have a direct impact on prisoners who are required to go through the parole system. From sentencing statistics³³, in the year ending June 2022, 93% of offenders who were sentenced to immediate custody were male and 7% were female, where characteristics were known. Comparatively, those offenders who received a parole-eligible custodial sentence in the year ending June 2022 were 97% male and 3% female. For all those sentenced to immediate custody, 78% were White compared with 71% of those who were sentenced to a parole-eligible sentence. This difference was primarily due to a higher proportion of Black offenders (16% compared with 11%) in the parole-eligible cohort. The proportion of 18–20 year-olds was 6% in all of those sentenced to immediate custody compared to 9% of those sentenced to a parole-eligible sentence. This difference was largely due to a decrease in the proportion of those aged between 30-39 (29% compared with 35%) in the parole-eligible cohort.
23. The cohort of those sentenced to parole-eligible sentences in the year ending June 2022 therefore has a higher proportion of male, Black, and those aged 18-20 than all offenders who were sentenced to an immediate custodial sentence. This population will be affected by the Bill's reforms at the point that they become

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1135333/outcomes-by-offence-june-2022-revised-2.xlsx

eligible for parole in the future. However, this cohort may not be representative of the population currently eligible for parole.

Top-tier Offenders

24. The reforms will have a greater effect on prisoners who have committed the offences of murder, rape, terrorism or terrorism-related offences, and causing or allowing the death of a child. This is due to these offenders forming the ‘top-tier’ cohort which may be subject to increased ministerial scrutiny if the Parole Board decides they are eligible for release. From sentencing statistics for the year ending June 2022³⁴, the proportion of offenders sentenced who will go through the parole system, 97% male and 3% female, is aligned with those offenders sentenced who will enter the top-tier cohort of offenders, comprising 95% male and 5% female.
25. Of those top-tier offenders, there is a greater proportion of Asian and Black individuals, representing 9% and 21%, respectively, compared with 7% and 16% of those who were given a parole-eligible sentence for all offences.
26. There was a higher proportion of those aged 18-20 in top-tier cases sentenced to a parole-eligible sentence than for those receiving those sentences for all offences, 15% compared with 9%, largely offset by a decrease in those aged 30-49 (23% compared to 29%).
27. There is therefore a higher proportion of Asian, Black, and those aged 18-20 in those sentenced to a top-tier offence in the year to June 2022, compared to all of those sentenced to a parole-eligible sentence in that year. This may be not representative of those who are currently eligible for parole.

Convention Rights

28. The disapplication of section 3 of the Human Rights Act and the requirement for courts to give the greatest weight to public protection apply to all prisoner release legislation. The government’s view is that the relevant legislation is compatible with human rights legislation, but, it has, nevertheless, included these measures in the Bill as an additional safeguard against the possibility that a court or tribunal might find otherwise at some point in the future. As such, it is not feasible to estimate the impact of these provisions.

Parole Board Members with a law enforcement background

29. Recruiting more members from a law enforcement background will change the wider membership constitution of the Parole Board. In practice, a ‘law enforcement background’ is likely to mean those who have been in policing roles

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1135333/outcomes-by-offence-june-2022-revised-2.xlsx

across the UK.³⁵ Data is available from Home Office statistics on Police Workforce³⁶. However, serving officers cannot be members of the Parole Board, therefore, data on the current Police Workforce may not represent the group eligible for membership.

30. As of March 2022, 67% of the Police were male, compared to 49% of the general population.³⁷
31. Police officers are also more likely to be White in comparison to the general population, with 8% of Police Officers coming from an ethnic minority background, compared to 14% of the general population.
32. Police officers are, therefore, more likely to be male and White compared with the general population, and so may be overrepresented in the group eligible to take the new Parole Board membership posts.

Other protected characteristics

33. Data on other protected characteristics by sentence type is unavailable, however, the paragraphs below provide a brief overview of available data on protected characteristics within the criminal justice system. No conclusions should be made about the impact of this policy on them as we are unable to make a reasonable assessment.

Disability

34. We are not able to identify by this protected characteristic those affected by this policy. However, we do not consider that these proposals are likely to result in any discrimination for people with disabilities. Our proposals recognise that it remains important to continue to make reasonable adjustments for disabled offenders, defendants, victims, witnesses and courts and tribunals users to make sure appropriate support is given to enable rehabilitation and fair access to justice, as well as support for our staff.

Religion or Belief

35. At the end of June 2022, 45% of the prison population self-reported to be of a Christian faith, a decrease of 13 percentage points since June 2002³⁸. The proportion of Muslim prisoners increased over the same period by 10 percentage points to 17%. However, we are not able to identify by this protected characteristic those affected by this policy.

Marriage/Civil Partnership

³⁵ Despite the law enforcement definition including those from forces across the UK, the data only includes those from forces in England and Wales, in order to make an accurate comparison with devolution applications of the bill.

³⁶ <https://www.gov.uk/government/collections/police-workforce-england-and-wales>

³⁷

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationandhouseholdestimatesenglandandwalescensus2021>

³⁸ UK Prison Population Statistics, 29 October 2021:

<https://researchbriefings.files.parliament.uk/documents/SN04334/SN04334.pdf><https://researchbriefings.files.parliament.uk/documents/SN04334/SN04334.pdf>

36. We are not able to identify by this protected characteristic the cohorts of offenders affected by this policy.

Sexual Orientation

37. At the end of March 2022, 97% of prisoners in England and Wales who declared a sexual orientation reported that they were heterosexual³⁹, slightly higher than that of the UK general population in which 94% identified as heterosexual in 2020⁴⁰. However, we are not able to identify by this protected characteristic those affected by this policy.

Pregnancy/Maternity

38. We are not able to identify by this protected characteristic those affected by this policy. We will continue to ensure the provision of Mother and Baby Units in prisons, and support within community settings.

Victims

39. The changes will also affect the victims, and their families, of these offenders in particular, and the public in general. It will also increase the confidence of victims and the public in the administration of justice. We are not able to identify by protected characteristics the victims of the specific cohort of offenders affected by this change.

40. The policies being proposed will be rolled out across England and Wales and their development will include working in partnership with the Welsh Government and HMPPS Cymru. Our consideration of equalities includes ensuring that our policies are developed and implemented in line with Ministry of Justice and HMPPS Welsh Language Schemes. Additionally, proposals concerning the publication of information about Parole Board practices on GOV.UK will, under the rules governing the GOV.UK website, take into account disability, numeracy and literacy issues, and communication and learning difficulties.

Equality considerations

Direct Discrimination

41. Direct discrimination occurs when a policy would result in people being treated less favourably because of a protected characteristic. Our assessment is that the provisions in this bill are not directly discriminatory within the meaning of the 2010 Act, as they apply in the same way to all individuals regardless of their protected characteristics. For changes related to the top-tier cohort, it is the nature of the offence and the seriousness of their offending, reflected in the sentence they receive, that determines whether the changes apply. No offender will be treated less favourably in relation to any protected characteristic.

Indirect Discrimination

39

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1119803/HMPPS_Offender_Equalities_2021-22_Report.pdf

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42. Indirect discrimination occurs when a policy applies equally to all individuals but would put those sharing a protected characteristic at a particular disadvantage compared to those who do not.

43. Our assessment is that the changes being described by these policy proposals are a proportionate approach to achieve the legitimate aims detailed above. Broadly, we believe the principles of justice and confidence in the system necessitate the changes and that they are appropriately balanced against consideration of, and protections for, individual privacy, personal risk and rehabilitation.

A. Statutory release test

44. The amended statutory release test will apply to the same group of prisoners to whom the current release test applies, including those already serving a sentence of imprisonment. The legislation aims to clarify the meaning of the release test to avoid misinterpretation. This means there will be no discrimination, harassment or victimisation of parole-eligible prisoners as a result of the changes to the release test.

B. Top-Tier Cohort & Ministerial Oversight

45. The top-tier cohort is likely to comprise offenders of different characteristics, in comparison to all offenders who receive a sentence that will go before the Parole Board. Based on sentenced data for the year to June 2022, this policy (to enable ministers to review release decisions for the top tier cohort) is more likely to apply to those from Black and Asian backgrounds, compared to all others who receive parole-eligible sentences. We do not, however, consider that these overrepresentations will likely result in any particular disadvantage for offenders with protected characteristics. Our assessment is that ministerial oversight of release decisions around this cohort of offenders is justified by the nature and gravity of the offences involved and the need to protect the public.

46. For those in the top-tier, for whom the Secretary of State refuses release, there will be a route of appeal to the Upper Tribunal. Although there is no way to ascertain which prisoners from the cohort will have their releases refused, we do not expect there will be any discrimination, harassment or victimisation resulting from creating this route of appeal.

C. Law Enforcement Members

47. The Parole Board already has people from a law enforcement background amongst their membership. However, this Bill will mandate their inclusion, meaning the Parole Board will be able to specifically recruit members with law enforcement experience. Despite those with law enforcement experience being disproportionately white and male, the Parole Board will continue to ensure its overall membership remains diverse and represents a variety of backgrounds, in line with the Board's Diversity Strategy. The Parole Board is committed to creating an inclusive culture and to training its members in recognising equality issues to ensure that there is no discrimination when considering offenders for parole.

D. Parole Board Chair

48. The role of Chair of the Parole Board is an important leadership post that is subject to the government's public appointments process and procedures. When making public appointments, the government encourages applications from "talented individuals from all backgrounds" and publishes annual data that provides a diversity breakdown of public appointees.
49. The functions of the Chair set out in the Bill have been drawn up in consultation with the Parole Board and are intended to enable a wide range and diverse range of suitably qualified applicants to put themselves forward for the post in the future.
50. The Bill gives the Secretary of State a power to remove the Chair from post where there is a loss of public confidence in the Parole Board. The exercise of this power will only be in circumstances relating to the postholder's competence to carry out the role and will be subject to due process to ensure objectivity.

Fostering Good Relations

51. Our assessment is that these changes are unlikely to impact on fostering good relations between groups with different protected characteristics.

Continuing Analysis

52. The equality duty is an ongoing duty and we will continue to monitor and review these measures for any potential impacts on persons with protected characteristics and make sure that access to justice is maintained.
53. The Root and Branch Review of the Parole System set out plans for greater oversight of the system by means of a new senior-level Parole System Oversight Group and new third-party scrutiny. We have also previously announced our intention to create a Rules Committee to oversee future changes to the Parole Board Rules, to review the impact the Rules are having and consider whether changes are needed to make further improvements – which may include any changes in response to any perceived or actual inequality of impact. These new oversight arrangements will be put in place over the next 12 months and will see the Ministry of Justice, the Parole Board and HMPPS continuing to work together closely to monitor and improve the operation of the parole process.

Annex A

The following tables have been extracted from published statistics. For each the source and necessary assumptions and caveats are listed.

Only data where characteristics were known has been included. Proportions have been taken excluding where data was unknown or not stated.

Tables A-C are extracted from the Outcomes by Offence tool June 2022.
<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

Table A – Offenders sentenced to custody in the year ending June 2022, by gender and parole status

Sex	Volume			%		
	All Offenders	Parole Eligible Offenders	Top-Tier Parole-Eligible Offenders	All Offenders	Parole Eligible Offenders	Top-Tier Parole-Eligible Offenders
Male	60,179	1,282	544	93%	97%	95%
Female	4,254	41	26	7%	3%	5%
Total	64,433	1,323	570	100%	100%	100%

Table B – Offenders sentenced to custody in the year ending June 2022, by ethnic group and parole status

Ethnicity	Volume			%		
	All Offenders	Parole Eligible Offenders	Top-Tier Parole-Eligible Offenders	All Offenders	Parole Eligible Offenders	Top-Tier Parole-Eligible Offenders
Asian	2,774	65	37	7%	7%	9%
Black	4,412	160	88	11%	16%	21%
Mixed	1,491	40	20	4%	4%	5%
Other	701	19	11	2%	2%	3%
White	32,368	701	261	78%	71%	63%
Total	41,746	985	417	100%	100%	100%

Table C – Offenders sentenced to custody in the year ending June 2022, by age range and parole status

Volume **%**

Age Band	All Offenders	Parole Eligible Offenders	Top-Tier Parole-Eligible Offenders	All Offenders	Parole Eligible Offenders	Top-Tier Parole-Eligible Offenders
12-14	23	5	4	0%	0%	1%
15-17	499	47	32	1%	4%	6%
18-20	3,536	124	84	6%	9%	15%
21-24	7,413	151	78	12%	11%	14%
25-29	11,333	220	82	18%	17%	14%
30-39	21,917	377	131	35%	29%	23%
40-49	11,674	215	88	19%	16%	15%
50-59	4,618	105	42	7%	8%	7%
60-69	1,287	56	21	2%	4%	4%
70+	453	22	7	1%	2%	1%
Total	62,753	1,322	569	100%	100%	100%

Tables D-F are extracted from Home Office Police Workforce statistics for March 2022, and the ONS Census data for 2011 and 2021.

<https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2022>

<https://www.ons.gov.uk/census>

[Full characteristic breakdown is not yet available for the 2021 census data. Where this was unavailable, for ethnicity breakdown, 2011 has been used.](#)

[Age breakdown in the census data did not align with the Police Workforce statistics, and so in Table I estimates have been taken from the census data using proportions of relevant age bands. These estimates should be treated as approximations only.](#)

Table D – The population of England and Wales and the number of Police Officers, by gender

Sex	Volume		%	
	General Population (Census 2021)	Police Officers (as at Mar-22)	General Population	Police Officers
Male	29,177,340	93,269	49%	67%

Female	30,420,202	46,959	51%	33%
Total	59,597,542	140,228	100%	100%

Table E – The population of England and Wales and the number of Police Officers, by ethnic group

Ethnicity	Volume		%	
	General Population (Census 2011)	Police Officers (as at Mar-22)	General Population	Police Officers
Asian	4,213,531	5,002	8%	4%
Black	1,864,890	1,778	3%	1%
Mixed	1,224,400	3,382	2%	2%
Other	563,696	892	1%	1%
White	48,209,395	125,221	86%	92%
Total	56,075,912	136,274	100%	100%

Table F – The population of England and Wales and the number of Police Officers, by age range

Age Band	Volume		%	
	General Population (Census 2021)	Police Officers (as at Mar-22)	General Population	Police Officers
Under 26	18,097,421	16,318	30%	11%
26 to 40	12,088,226	65,286	20%	46%
41 to 55	11,692,728	58,192	20%	41%
Over 55	17,719,233	2,563	30%	2%
Total	59,597,608	142,359	100%	100%

List of offences

The following offences have been included in our analysis to represent the 'top-tier' of offenders.

Where offences are highlighted red there were no relevant sentences of those offences between the year ending June 2018 and the year ending June 2022.

The following offence code has been included in our analysis as it includes terrorism offences, but it also includes non-terrorism offences which may skew the equality proportions for top-tier offences. The volumes of this offence are relatively small, so this will have a limited impact on figures, however.

06699 - Offences against the State and Public Order: Other offences under which proceedings were taken

Murder

00101 - Murder of persons aged 1 year or over
00102 - Murder of infants under 1 year of age

Rape

01902 - Sexual intercourse with woman / girl
mental defective (historic)
01908 - Rape of a female aged 16 or over

01907 - Rape of a female aged 13 to 15

01916 - Rape of a female child aged under 13 by
a male

01910 - Rape of a male aged 16 or over

01909 - Rape of a male aged 13 to 15

01917 - Rape of a male child aged under 13 by a
male

**Causing Death of a child or
vulnerable person**

00407 - Causing or allowing the death of a child
or vulnerable person

Terrorism

06653 - Publishing or causing another to publish
a statement intending or recklessly encouraging
terrorism
06654 - Distributing or circulating a terrorist
publication
06656 - Providing service about reading or
listening to a terrorist publication
06657 - Transmitting contents of a terrorist
publication
06659 - With intent engaging in preparation to
commit act of terrorism or to assist another
06660 - Providing instruction or training for
terrorism

06662 - Attending any place in UK or elsewhere
for instruction or training in terrorism
06699 - Offences against the State and Public
Order: Other offences under which proceedings
were taken

Victims and Prisoners Bill (Restrictions on the Marriage or Civil Partnerships of Whole Life Prisoners)

Introduction

1. Currently, prisoners can enter into a marriage or civil partnership in the place of their detention. Marriage and civil partnerships in prison are relatively infrequent. In 2022, around 60 prisoners applied to marry in prison, out of a total prison population of approximately 80,000.
2. A whole life order is the single most severe punishment in England and Wales criminal law and means that the offender must spend the rest of their life in custody, with no opportunity for parole. Whole life orders are reserved for those who have committed the most serious crimes, for example serial or child murders that involved a substantial degree of premeditation or sexual or sadistic conduct. There were 66 prisoners serving whole life orders in a prison in England and Wales as of 31 December 2022.
3. The objective of this new provision is to prevent prisoners who are serving a whole life order from marrying or forming a civil partnership. For prisoners who are serving a whole life order, it is considered that it would undermine confidence in the Criminal Justice System for them to be allowed to marry or form a civil partnership.

Current legislation

4. Marriage law, which included provisions for marriage in prisons, is primarily set out in the Marriage Acts 1949 and 1983. The Civil Partnership Act 2004 provided for same sex couples to enter into a civil partnership. The operational policy relating to prisoner marriage and civil partnership is set out in PSI 14/2016 (Marriage of Prisoners and Civil Partnership Registration).
5. Where a prisoner wants to marry or enter into a civil partnership in a prison, he or she is required to obtain a statement of authority from the prison governor which states that there is no objection to the prison being named as the place at which the marriage or civil partnership will take place. The governor may only object to the prison being named as the place at which the marriage/civil partnership takes place on grounds of safety and security relating to the ceremony itself. A statement by the governor is not required if the prisoner is getting married or entering a civil partnership outside the prison, whilst released on temporary licence or under the custody and control of a prison officer.

Human rights

6. Issues arising under the ECHR for these provisions, and other provisions in the Bill, are examined in the European Convention on Human Rights Memorandum which will be published alongside the Bill.

Summary of proposals

7. The aim of the proposed changes to current legislation is to prevent prisoners from marrying or forming a civil partnership where they are serving a life sentence in prison or another place of detention and subject to a whole life order, unless they have written permission from the Secretary of State (SoS). The SoS may only give

permission if satisfied that exceptional circumstances exist which justify this, for example to allow a deathbed marriage to take place on compassionate grounds.

Evidence and analysis – context

8. Data on the protected characteristics of prisoners across the whole life order prisoner cohort has been drawn from data published by the Ministry of Justice, obtained from administrative systems. There were 66 individuals in the prison estate in England and Wales serving whole life order sentences. Only one marriage application has recently been submitted by a whole life order prisoner.
9. We consider that the cohort most relevant to consideration of the equalities impacts of this policy measure would be prisoners serving whole life orders who have applied to form a marriage or civil partnership while serving their sentence. However, this cohort is small enough that demographic data would need to be suppressed to reduce risk of disclosure, and it would be difficult to be confident in proportions compared to the wider prison population.
10. The next most relevant cohort is the 66 prisoners (as of December 2022) serving sentences subject to whole life orders. Regardless of whether they would have sought to form a marriage or civil partnership while serving their sentence, they are all in scope of this policy. Given the small size of this cohort, relative to the total prison population of around 80,000, we have also chosen to look at the demographics of those prisoners who have applied to form a marriage or civil partnership while in prison, most of whom are not subject to whole life orders.

Public Sector Equality Duty (PSED) aims

11. We have considered the above Bill provision in light of our Public Sector Equality Duty obligations. Key considerations are listed below.

Direct discrimination

12. We consider that the policy provisions are not directly discriminatory within the meaning of the Equality Act, as they do not treat people less favourably because of their particular protected characteristics and they apply to in the same way to all individuals who are in scope, regardless of their protected characteristics.

Indirect discrimination

13. This Bill measure will be applied in the same way to all individuals in scope. However, from the data we have on the relevant cohorts, as caveated above and explored in more detail below, we consider that that the prisoners impacted by this policy (whole life prisoners seeking to marry in prison) are more likely to be older, to be White, and to have a recorded religion compared to the wider prison population.
14. We consider that any indirect discrimination, reflecting the demographics of those prisoners who have tended to be sentenced to whole life orders as a result of the serious crimes they committed, would be justified and proportionate to achieve the legitimate aim of upholding confidence in the Criminal Justice System.

15. We consider that the new provision achieves this by reinforcing the seriousness of a whole life order. If such prisoners were allowed to get married, we believe that the public would perceive this as wholly inappropriate for prisoners subject to the single most severe punishment in England and Wales criminal law, undermining confidence that the Criminal Justice System deals with such prisoners in a manner reflecting the seriousness of their offending.

Whole life prisoner cohort

16. Overall, the whole life prisoner cohort tend to be older when compared to the wider prison population. This difference is particularly driven by an over-representation of prisoners aged 50 and above, as well as an under-representation of those aged 49 and under.
17. Comparing prisoners' sex, and with exact values suppressed due to the small number of prisoners in the whole life and marriage applicant cohorts, distribution across sex is proportional to that of the wider prison population.
18. Regarding ethnicity, those whose ethnicity is White have disproportionately higher representation among those serving a whole life order than that among the wider prison population.
19. Prisoners with a recorded religion are over-represented in the whole life order cohort when compared to the overall prison population.

Prisoner marriage applicant cohort

20. Overall, those prisoners applying to marry in prison appear to be slightly older when compared to the prison population as a whole. This difference is driven by an over-representation of prisoners aged 40 and over, as well as an under-representation of those aged 39 and younger.
21. Looking at the sex of marriage applicants, as stated in paragraph 17, distribution across sex is proportional to the wider prison population.
22. The ethnicity of marriage applicants shows an over-representation of prisoners recorded as White.
23. Applications from prisoners with a recorded religion are over-represented in this sample, and those identifying as having no religion are under-represented when compared to the prison population.

Discrimination arising from disability and duty to make reasonable adjustments

24. We do not currently collect data on disabilities reported by prisoners who have applied to marry or enter a civil partnership or disabilities reported by prisoners who have been sentenced to whole life orders.
25. Additionally, disability data for offenders across the general prison population is very limited and thus cannot be published.

26. However, the application of this Bill measure will not be based on the characteristic of disability and is unlikely to directly discriminate against those who share this protected characteristic.

Harassment and victimisation

27. We do not consider that this Bill measure will give rise to harassment or victimisation within the meaning of the Equality Act.

Advancing equality of opportunity and fostering good relations

28. We have considered whether this Bill measure would have an impact in relation to advancing equality and fostering good relations; no obvious impacts have been identified.

Data limitations

29. There are several areas where data is unavailable for some protected characteristics. Data coverage for sexual orientation, gender reassignment, marital and civil partnership status, disabilities and pregnancy and maternity among prisoners - both in terms of those who will fall under the legislation, and across the overall prison population - is limited, and therefore cannot be published.

Annex A -

Table 1 - Demographics of prison population impacted by whole life order (WLO) sentences, as well as the demographics of marriage applicants, as compared to the rest of the prison population

Characteristic ¹	Whole life order N = 66	Marriage Applicants N = 59	Overall N = 81,806
Median Age (IQR)	55 (50, 64)	40 (33, 51.5)	35 (28, 45)
Age Group			
15 - 39	7 (12.7%)	28 (47.5%)	51,409 (62.8%)
40 - 49	8 (12.1%)	16 (27.1%)	16,175 (19.8%)
50 - 59	26 (39.4%)	10 (16.9%)	8,655 (10.6%)
60 and over	25 (37.9%)	5 (8.5%)	5,567 (6.8%)
Sex			
Female	≤3 (≤4.5%)	≤3 (≤5.1%)	3,107 (3.8%)
Male	≥63 (>95.5%)	≥56 (>94.9%)	78,699 (96.2%)
Ethnicity			
Non-White	11 (16.7%)	11 (18.6%)	23,059 (28.2%)
White	55 (83.3%)	48 (81.4%)	58,747 (71.8%)
Religion			
Religion	51 (77.3%)	47 (79.7%)	56,084 (68.6%)
No Religion	15 (22.7%)	12 (20.3%)	25,446 (31.1%)
Not recorded	0 (0.0%)	0 (0.0%)	276 (0.3%)

¹Data shown as n(%) unless otherwise noted; Data sourced from [Offender Management Statistics Quarterly](#); **Please note: Counts of ≤3 are suppressed to reduce risk of disclosure.**

Data in table 1 shows the demographic breakdown of the prison population as of December 2022, as well as how the population splits out by those serving WLOs, and by current marriage applicants.

1. We have suppressed values where the count of prisoners in any given category is not greater than 3 to reduce the risk of disclosing protected characteristic information about individuals. Where columns add to a set total, we have also adjusted the other values to ensure the count cannot be inferred from other data.
2. We have not separated out marriage applicants into an in-scope vs not in-scope table as only 1 prisoner is in scope for this legislation which does not meet the threshold of greater than 3.
3. Some characteristics have been grouped together to ensure we do not excessively suppress values.

