

**Breaking the Cycle:
Effective Punishment,
Rehabilitation and Sentencing
of Offenders**

**SCREENING EQUALITY IMPACT
ASSESSMENT**

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1. Context

- 1.1 The Coalition Agreement published on 13th May 2010 set out a commitment to introduce a rehabilitation revolution and conduct a full review of sentencing. On 30th June 2010 Kenneth Clarke, Lord Chancellor and Secretary of State for Justice announced his intention to publish a Green Paper setting out more detail on proposals for delivering these commitments. This Green Paper, entitled “Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders” was published December 2010. The overall aims of the policies which are set out in this Green Paper are to punish offenders, protect the public and reduce reoffending.
- 1.2 This is an initial screening of the potential impacts of the policy proposals in the Green Paper in relation to equality, based on current available evidence. Work on the policies is being informed by on-going consultation with key stakeholders and interested parties. This is allowing us to improve our understanding of equality impacts as our policies develop, and will inform the future direction of policy development.

Legal duties

- 1.3 This initial Screening Equality Impact Assessment analyses the potential impact of the proposed reforms on the promotion of equality or opportunity and the elimination of unlawful discrimination. It is designed to ensure that the government has proper regard to these aims, in accordance with its statutory equality duties.
- 1.4 From this October the Equality Act 2010 brings together, harmonises and in some respects extends the current equality law. It aims to make it more consistent, clear and easy to follow in order to make society fairer. As a public sector organisation our responsibilities remain largely the same but there are some differences that we need to be aware of. The discrimination protection provided under the Act forbids employers and providers of services and public functions from discriminating against people on the basis of the following ‘protected characteristics’ (these used to be called ‘strands’ or ‘grounds’):

- age (applies to employment but not service delivery at present);
- disability (definition changed);
- gender reassignment (definition changed);
- marriage and civil partnership;
- pregnancy and maternity;
- race (includes ethnic or national origins, colour and nationality);
- religion or belief;
- sex; and
- sexual orientation.

1.5 All protected characteristics carry equal weight. Previously, protection against indirect discrimination and protection extending wider than the person's own protected characteristic – such as protection from discrimination because of association or perception – was limited to certain protected characteristics. This protection now applies in practice across all nine characteristics. Protection against victimisation and harassment has also been strengthened.

1.6 The current public sector duties will be replaced by a single equality duty in April 2011. This will cover all nine protected characteristics. Best Practice Guidance within MoJ already emphasises the importance of considering these wider characteristics when reviewing or developing policy or service delivery. Where possible this Screening Equality Impact Assessment identifies the impact across these wider characteristics. The single equality duty will require public bodies to 'promote equality' by having 'due regard' to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

1.7 There will be specific duties that underpin delivery of this general duty. The government consultation on the nature of these specific duties has just closed. It is envisaged that these would focus on transparency and democratic accountability.

The scope of this Screening Equality Impact Assessment

- 1.8 The way MoJ pays due regard to its equality duties is through undertaking Equality Impact Assessments. This document includes an initial screening of the proposals outlined in the Green Paper. We endeavour as part of this initial screening to set out where we believe there is potential for disproportionate impacts as a result of the proposals being put forward in the Green Paper. This will allow us to ensure that we are doing all we can to identify equality risks, promote equality and avoid unlawful discrimination.
- 1.9 The initial screen of equality impacts will ensure that policy development considers equality issues fully, and that potential risks are identified and suitably mitigated. Engagement with stakeholders will then assist us in the production of full Equality Impact Assessments of the final proposals.
- 1.10 This document is intended to identify where there are potential equality impacts arising from the proposed policy options, relative to the current position. It is not intended to provide an analysis of any disproportionality within the criminal justice system. Such an analysis would consider the extent to which factors other than equality characteristics (such as offence type and offending history) might explain apparent disproportionality. Two MoJ statistics publications provide this analysis: “Women and the CJS”¹ and “Race and the CJS.”²
- 1.11 The early stage of policy development means that there is uncertainty about impacts with regard to equality. In some cases there is no available evidence on whether there would be the potential for a disproportionate impact. The current data gaps are set out in the Methodology and Evidence Sources section of this document. On-going policy development will seek to identify disproportionate impacts and to mitigate or avoid them.

¹ Ministry of Justice, “Statistics on Women and the Criminal Justice System” (2010)

² Ministry of Justice, “Statistics on Race and the Criminal Justice System 2008/09” (2010)

1.12 We welcome feedback on all the issues raised in this document. Any representations received in response to this Screening Equality Impact Assessment will be used to inform the full Equality Impact Assessments that will accompany the Government's response to the consultation, which will inform the development of the policies outlined within the Green Paper.

2. Stakeholder Engagement

2.1 The Green Paper is a consultation document. Its purpose is to outline our policy proposals and elicit responses in order to further shape policy development.

2.2 We are engaging a range of stakeholders in our consultation activity to ensure that we can get the widest possible breadth of views and inputs. In developing this document we have already had discussions with a range of stakeholders. These did not specifically seek to address equalities issues, due to policy being at an early stage of development; however the need to understand equality impacts as part of policy development was raised by a number of participants. The consultation has included:

- Senior leaders responsible for delivery, including probation chiefs; probation chairs; prison governors; local authorities; senior police officers and voluntary sector representatives;
- A range of voluntary sector organisations with an interest in justice;
- Private sector organisations;
- Academics;
- Local governance bodies including Local Criminal Justice Boards and Community Safety Partnerships; and
- Trade Unions.

2.3 As we move into the full consultation we will have a comprehensive consultation, to which we will invite a wide range of responses. We will also have specific events targeted at particular sectors, covering the range of rehabilitation policies in the Green Paper including:

- Public;
- Front line prison and probation staff;
- The wider delivery chain including, local authorities, police, other government departments;
- Voluntary sector;
- Equalities organisations (**see list at Annex B**);
- Unions;
- Private sector; and
- Inspectorates and Prisons and Probation Ombudsman.

3. Policy Proposals

3.1 We are seeking to deliver effective punishment, improve the rehabilitation of offenders, increase reparation to victims and society, reduce crime and improve public safety. Solving these problems requires a radically different approach. The Green Paper sets out how we propose to achieve this.

3.2 The paragraphs below set out the high level policy intent and proposals that are considered in this initial screening.

3.3 Punishment and payback

3.3.1 We are clear that offenders must be punished, and they must pay society back, wherever possible, for the harm they have caused to victims and communities. Delivering reparation will be based on two key principles: direct reparation to victims where appropriate; and broader reparation to victims, communities and the taxpayer.

3.3.2 Key policy proposals to deliver this are:

- Work in prison: Prisons will increasingly become places of hard work and industry, with prisoners subject to a structured and disciplined environment where they are expected to work a full working week. Support will be given to victims' funds through deductions from prisoners' earnings; and
- Community sentences: Community sentences that are properly punitive and credible. In particular, making Community Payback more intensive and immediate, with a greater degree of community input, and in a cost neutral or better way. We will ensure that existing community jobs are protected.

3.4 Rehabilitating offenders to reduce crime

3.4.1 We want to see a fundamental shift in the way we manage offenders. The system has not been focused sufficiently on the rehabilitation aspects of a sentence, and we want to rebalance our system to address this, whilst delivering the effective punishment required. We want offenders to turn their lives around by taking up opportunities to address their offending behaviour, and the causes of this behaviour. We also want to ensure that we divert those offenders who should not be in the criminal justice system to the services most appropriate to them.

3.4.2 Key policy proposals to deliver this are:

- Tackling drug dependency: The approach to tackling drug dependency among offenders is to be based on recovery rather than maintenance. We propose to tackle this in a number of ways working with partners across Government:
 - drug recovery wings in prisons; and
 - better treatment in the community.
- Mental health diversion: We remain committed to ensuring that offenders with mental health issues, who are identified throughout the various stages of the criminal justice system, are diverted appropriately into healthcare services.

3.5 Payment by results

3.5.1 We want to introduce a system focussed on delivering results, not driven by process, to ensure that all those who deal with offenders are focused and incentivised to make sure there are fewer crimes and fewer victims in the future. A key element of this is to test models of payment by results, which will use the expertise and innovation of the private and voluntary sectors.

3.5.2 Key policy proposals to deliver this are:

- Payment by results projects: Deliver at least four new payment by results projects in the next year to assess how the model can be effectively delivered, working with the public, private and voluntary sectors;
- Joint commissioning: Developing an approach to delivering a range of better social outcomes including increasing employment, reducing drug use and reducing reoffending, working with other government departments (also covered in Rehabilitating Offenders to Reduce Crime chapter); and
- Financial incentives: Delivering two projects to test how local statutory providers can work together to reduce demand on the criminal justice system, and how they can share in the savings reduced demand achieves.

3.6 Reforming sentencing

3.6.1 The sentencing framework must provide courts with a range of options to punish and rehabilitate offenders and keep the public safe. The sentencing framework has developed in an ad hoc fashion which has left it overly complex, difficult to interpret and administer, and hard for the public to understand. We need to make better use of prison and community to punish offenders and improve public safety, while ensuring that sentencing supports our aims of improved rehabilitation and increased reparation to victims and society.

3.6.2 Key policy proposals to deliver this include:

- Incentivise early guilty pleas. The proposal is for an additional discount to be applied to those who plead guilty at the earliest opportunity, and a reduced discount for those who plead guilty only when the trial is about to begin.

- Cautioning foreign national offenders. The proposal is for foreign national offenders who admit guilt in respect of certain offences to receive a simple or conditional caution and be deported, rather than being prosecuted.
- Reducing the numbers likely to be remanded in custody prior to trial. The proposal is to restrict remand into custody in respect of those who are unlikely to receive a custodial sentence on conviction.
- Reform of Indeterminate sentences for Public Protection (IPPs). The proposal is to amend the Parole Board test so as to strike a better risk-management balance.
- Reform of future Indeterminate sentences for Public Protection. The proposal is to restrict the future use of the IPP sentence to those who would otherwise have merited a determinate sentence of at least 10 years.
- Reducing the recall population. The proposal is that for cases where there is not evidence of serious risk to the public, there would be a fixed recall period or re-release of the offender following an administrative review.
- Developing better community provision aimed at halting persistent, low-level offending. The proposal is to encourage courts to make full use of community sentences before they move on to short custodial sentences.
- Providing the courts with more flexibility in how they use suspended sentences: extend suspended sentence orders to periods of longer than 12 months, and provide better choice on the use of requirements.
- Diversion from caution into a restorative disposal: the policy is to encourage greater use of restorative interventions, in particular in respect of those who would currently receive a caution.
- Pre-sentence restorative justice. The proposal is to foster the greater use of restorative justice interventions by the court before the stage of sentencing of offenders.

- Financial penalties. The policy is to increase the use of financial penalties in place of some elements of community orders.

3.7 Youth Justice

3.7.1 While the Youth Justice System has delivered improved outcomes in tackling youth offending, there is still room to do more, applying the principles of reform we want to see in the adult system appropriately to young offenders.

3.7.2 Key policies to deliver this:

- Changing financial accountabilities to incentivise local agencies: The policies will test the effect of financial accountability for youth custody and youth remand on local statutory partners.

3.8 Working with communities to reduce crime

3.8.1 Our ambition for radical reform can only be achieved if we work in effective partnership both within the criminal justice system and beyond. We also need to rebalance accountability to local areas from the centre; open up our system to the voluntary and community sector; and increase opportunities for people from all backgrounds to participate in delivering our desired outcomes.

3.8.1 Many of the ways in which we will do this are covered in policies such as Payment by Results. Further key policy proposals to deliver this include:

- Neighbourhood Justice Panels: The policy proposal would involve piloting a form of restorative justice in which local volunteers and criminal justice system professionals are brought together to decide what action should be taken to deal with some types of low level crime and disorder.

4. Methodology and Evidence Sources

Methodology

- 4.1 The methodology adopted to screen the equality impacts of the Green Paper proposals on potential victims and offenders is outlined below.

Impacts on victims of crime

- 4.2 A number of the policy proposals could impact on potential victims of crime. However there is uncertainty as to how impacts would vary across different potential victims. Therefore it is not possible to differentiate between policy proposals in this respect. Our approach is to examine the characteristics of victims of crime as a whole and to compare these characteristics to the population of England and Wales. We examine the long-run impact of all the policy proposals collectively on potential victims of crime.

Impacts on offenders

- 4.3 The proposed policies in the Green Paper will each affect different sub-sections of the offender population. The approach taken in this Screening Equality Impact Assessment is to identify which group of offenders could be affected by each policy option. The characteristics of these offenders are compared with the characteristics of the population of England and Wales and with the relevant offender population. Where possible differential impacts within the cohorts of individuals that will be affected by each policy are identified.

Evidence sources and evidence gaps

- 4.4 This initial Screening Equality Impact Assessment draws upon a number of evidence sources. We have used the highest quality evidence available, which is mainly national or official statistics, Ministry of Justice research reports or internal criminal justice system management information, but occasionally other sources where appropriate. Data tables are presented in Annex A.

Population of England and Wales

- 4.5 The source of equality data for the population of England and Wales, used for comparison purposes, is the Office for National Statistics. There are no official statistics for the population of England and Wales with regard to gender reassignment, civil partnerships, sexual orientation and pregnancy and maternity. We have therefore been unable to assess if there will be disproportionate impacts in comparison to the national population for these characteristics.

Impacts on victims of crime

- 4.6 The source of equality data used to assess the potential impacts of the proposed policies on potential victims of crime is the British Crime Survey (BCS). The BCS includes data on race, disability, gender, age and marriage status for victims of crime. However it does not include data on gender reassignment, sexual orientation, religion or belief, civil partnership or pregnancy and maternity. Therefore we do not have data relating to these characteristics for victims of crime.

Impacts on offenders

- 4.7 The sources of equality data used to assess the potential impacts of the proposed policies on offenders vary depending on the cohort of offenders that will be affected by the proposal.
- 4.8 Data on out-of-court³ and court⁴ disposals is from the Court Proceedings Database. This holds information on defendants proceeded against, found guilty and sentenced for criminal offences in England and Wales. It includes information on the age of the defendant, their gender, ethnicity (except for anti-social behaviour orders), the police force area and court where proceedings took place as well as the offence and statute for the offence.

³ <http://www.justice.gov.uk/publications/criminalannual.htm>

⁴ <http://www.justice.gov.uk/publications/judicialandcourtstatistics.htm>

- 4.9 Information on gender reassignment, disability, pregnancy and maternity, sexual orientation, religion or belief or marriage and civil partnership for criminal offences may be held by the courts on individual case files. We have not been able to collect this data for the initial Screening Equality Impact Assessment.
- 4.10 The data on the prison population are primarily from the Offender Management Caseload Statistics,⁵ which includes details of prisoners' gender, age, ethnicity, nationality, physical disability and religion. Information is not held centrally on gender reassignment, sexual orientation, pregnancy and maternity or marriage and civil partnership.
- 4.11 Data on mental and physical health of offenders in custody are from the Surveying Prisoner Crime Reduction prisoner survey.⁶ This was a longitudinal cohort study in 2005/6 of nearly 1,435 newly sentenced adult prisoners, sentenced to less than 4 years in custody, in England and Wales.
- 4.12 Data for offenders on community orders and suspended sentence orders are primarily drawn from the Offender Management Caseload Statistics.⁷ Data are held centrally for race, gender and age. The MoJ does not hold data on sexual orientation, pregnancy and maternity, religion or belief, gender reassignment or marriage and civil partnership. The facility exists in some probation trusts' case management systems to record sexual orientation and religion but these are not mandatory fields. This data are not returned to MoJ centrally. Disability data is collected and returned to the centre, but is not deemed sufficiently reliable to use.
- 4.13 Youth data is from the Youth Justice Board's Workload Statistics, which includes data on age, gender and ethnicity for youth offenders.⁸

⁵ <http://www.justice.gov.uk/prisonandprobation.htm>

⁶ <http://www.justice.gov.uk/publications/compendium-reoffending.htm>

⁷ <http://www.justice.gov.uk/prisonandprobation.htm>

⁸ <http://www.justice.gov.uk/youth-justice-statistics.htm>

Future evidence sources

- 4.14 Some data on equality and diversity is better in some aspects than in others. MoJ holds a good range of data relating to race, gender and age, and is currently looking into how it might best (and most appropriately) fill the gaps that exist in relation to other areas (such as disability, sexual orientation, pregnancy and maternity, marriage and civil partnership and religion or belief) taking into account cost considerations. As part of this overall approach, MoJ will work with the National Offender Management Service to see how data relating to this area may also be best addressed for offenders.
- 4.15 An evidence report, titled “Green Paper Evidence Report, Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders” has been published alongside the Green Paper, which includes further evidence that will be used to inform our policy development.
- 4.16 More equality and diversity data for offenders on community orders will be available in the future from the Offender Management Community Cohort Study (OMCCS). This is tracking a large group of adult offenders on community orders, using both surveys of offenders from ten probation areas/trusts (70 local offices) in England and Wales conducted at the start, middle and end of their community orders, and administrative data collected from central and local sources. This “universal dataset” will comprise several layers of administrative data, covering not just those offenders included in the survey but all offenders in the survey areas, and all offenders nationally starting community orders during the sampling period of the study.
- 4.17 The OMCCS will allow us to better understand the prevalence of longstanding illness, disability or infirmity experienced by offenders on community orders. Respondents will not be asked about gender reassignment but are asked to self-identify their gender as part of the survey. Similarly they are not asked about sexual orientation, religion or religious belief, but will be asked about their marital status, and be given a choice of the following categories: married; living with a partner; single; divorced; separated; widowed; and other. The expectation is that the final dataset will be available in early 2013.

5. Executive Summary

5.1 This Screening Equality Impact Assessment outlines our initial assessment of the potential impacts of the policy proposals outlined in the Green Paper with regard to equality characteristics. It provides an indication of where there is the potential for disproportionate impacts on certain groups but does not attempt to model exactly what these impacts will be. Further Equality Impact Assessments will be undertaken for final policies.

5.2 The main potential equality risks highlighted by this initial assessment relate to the following policy options:

- Work in prisons (including a working prison) and implementation of the Prisoners' Earnings Act 1996;
- Community Payback;
- Rehabilitation proposals, including payment by results, financial incentive models and joint commissioning;
- Sentencing reforms including incentivising early guilty pleas; and
- Youth policies aimed at incentivising the reduction of youth court ordered secure remand and youth custody.

5.3 For the work in prisons and community payback policy proposals potential equality risks arise because these proposals involve a greater intensity or frequency of work which could clash with religious holidays or practices and be more difficult for disabled people, and pregnant women and new mothers. The importance of mitigating these risks will continue to be taken into account as policy proposals develop.

5.4 Policy proposals to rehabilitate offenders may have disproportionate impacts. This in part reflects the demographic profile of the offender population (young adults, black people, men, disabled people and single people are over represented) and partly that some policy options are specifically targeted at certain groups, such as people with mental health issues.

- 5.5 For the rehabilitative policy proposals there is the potential for disproportionate impacts across groups of offenders related to the obligations of, and incentives for, providers of rehabilitative services. As the policies are at an early stage of development, these impacts will be further considered as the policies develop, along with ways to mitigate any potential equality impacts.
- 5.6 The proposals that are intended to reduce reoffending should reduce the risk of crime for the general population. The impact of this could be greater for those groups that are currently at higher risk of experiencing any personal or household crime. This includes mixed race, non-disabled, single and younger people and men. However, some of the Green Paper proposals may have more of an impact on some types of crime than others. Different equality groups may experience different types of crime, so it is therefore not possible to rule out disproportionate impacts in respect of reductions in crime. The potential for any disproportionate impact will be taken into account as policy development continues.
- 5.7 There is a range of potential disproportionate impacts of the sentencing proposals that arise mainly as a result of the demographic profile of the offender and the sentenced population. In the case of incentivising early guilty pleas, for instance, there is the potential for disproportionate impacts given current variation in guilty plea rates for different race and age groups. For the proposed remand and recall policies, there is the potential for disproportionate impacts given current variation in remand rates and recall rates for different groups. Further consideration will be given to these and other issues as policy development continues.

6. Screening Equality Impact Assessments

6.1 Impacts in relation to victims of crime

- 6.1.1 Many of the proposals of the Green Paper are intended to reduce crime and increase public safety by having a positive impact on reoffending. These include: work in prisons, payment by results and joint commissioning, financial incentive models, proposed changes to youth policy, diversion and treatment of offenders with mental health issues and drug dependency, restorative justice, and Neighbourhood Justice Panels. There could be further benefits to potential victims of crime associated with the reparation policy proposals within the Green Paper.
- 6.1.2 The analysis presented here assumes that reducing reoffending will have greater impact on those groups that are currently at greatest risk of experiencing any personal or household crime. However, some of the Green Paper proposals may have more of an impact on some types of crime than others so, as different equality groups may experience different types of crime, it is not possible to rule out disproportionate impact by crime type for different equality groups. The potential for any disproportionate impact will be taken into account as policy development continues.

Race impacts

- 6.1.3 Table 6 (Annex A) shows the proportion of different ethnic groups that have been a victim of crime. The available evidence suggests that people of mixed race are at greater risk of being a victim of crime and so they are more likely to benefit from reductions in reoffending. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

- 6.1.4 Table 7 (Annex A) shows the proportion of disabled and non-disabled people that have been a victim of crime. The available evidence suggests that those who are not disabled are at greater risk of being a victim of crime and so they are more likely to benefit from reductions in reoffending. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.1.5 Table 8 (Annex A) shows the proportion of males and females that have been a victim of crime. The available evidence suggests that as men are at greater risk of being a victim of crime they are more likely to benefit from reductions in reoffending.
- 6.1.6 There is no available data on the risks of being a victim of crime according to gender reassignment so it is not possible to rule out any disproportionate impact according to this characteristic. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.1.7 There is no available data on the risks of being a victim of crime according to sexual orientation so it is not possible to rule out any disproportionate impact according to this characteristic. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.1.8 Table 9 (Annex A) shows the proportion of different age groups that have been a victim of crime. The available evidence suggests that as younger people are at greater risk of being a victim of crime they are more likely to benefit from reductions in reoffending. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.1.9 There is no available evidence on the risks of being a victim of crime according to pregnancy and maternity characteristics so we are unable to rule out any disproportionate impact according to this characteristic. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.5.1 There is no available evidence on the risks of being a victim of crime according to religion or belief so we are unable to rule out any disproportionate impact according to this characteristic. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.5.2 Table 10 (Annex A) shows the proportion of people of different marital status that have been a victim of crime. The available evidence suggests that as single, cohabiting and separated people are at greater risk of being a victim of crime they are more likely to benefit from reductions in reoffending.
- 6.5.3 There is no available evidence on the risks of being a victim of crime according to civil partnership so we are unable to rule out any disproportionate impact according to this characteristic. The potential for any disproportionate impact will be taken into account as policy development continues.

6.2 Work in prisons (including a working prison project) and implementation of the Prisoners' Earnings Act 1996

- 6.2.1 The concept of working prisons is in development, but we anticipate that in a working prison: prisoners will work a full working week of up to 40 hours; the regime and core day will be focused around enabling work, within the requirements of ensuring a safe, decent and secure regime, and; education will be primarily geared to teaching skills to perform work effectively, with work as far as possible giving prisoners skills which will increase their ability to get a job on release.
- 6.2.2 We will deliver the Coalition Agreement commitment to implement the Prisoners' Earnings Act 1996 in respect of support to victims. The Act enables deductions to be taken from low-risk prisoners earning higher wages while working on licence prior to discharge in the community. This will allow for reparation to be made to victims and communities.
- 6.2.3 The work in prisons policy option would apply to adult offenders in custody. We have identified that disproportionate impacts on different groups are possible given the characteristics of offenders compared with the national population. In addition there are specific potential impacts within the prison population which relate to religion/belief, disability, gender and maternity/pregnancy.
- 6.2.4 MoJ and the National Offender Management Service policy is to provide fair access to work opportunities for all prisoners within a prison and to comply with all statutory duties. We will continue to consider equality impacts during policy development.

Race impacts

- 6.2.5 The policy proposal would apply to adult offenders in custody. Compared to the national population of England and Wales (table 1, Annex A), the total prison population is disproportionately represented by Black people and slightly by Asian and Mixed Race people. (Table 11, Annex A).

- 6.2.6 There is the potential of a disproportionate impact of the work in prisons policy and implementation of the Prisoners' Earnings Act 1996 in relation to race. This reflects the demographics of the prison population. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

- 6.2.7 Data on physical disabilities and mental health issues of offenders serving custodial sentences of less than 4 years is shown in Table 32 (Annex A). Available data indicates that disabilities are more prevalent within the prison population compared to the national population
- 6.2.8 There is a risk that disabled offenders may be less able to work, either in terms of ability or because they will need to access other prison services that clash with working hours. Therefore there could be an issue of equality within the prison population in terms of access to work opportunities and potential higher levels of wages.
- 6.2.9 There is potential for a disproportionate impact of the work in prisons policy and implementation of the Prisoners' Earnings Act 1996 in relation to disability. We are committed to complying with our duties under the Equality Act to promote equality of opportunity and to make reasonable adjustments for disabled prisoners, and these issues will be given further consideration as policy development continues.

Gender and gender reassignment impacts

- 6.2.10 The available evidence on current prison industry places by gender are provided in Table 33 (Annex A). The data relating to gender of the sentenced prison population are in Table 34 (Annex A).
- 6.2.11 Men are disproportionately represented in custody compared to the national population. In the current adult prison estate there is also more capacity for men to work in prisons than women.

- 6.2.12 Therefore there is the potential of a disproportionate impact of the work in prisons policy and implementation of the Prisoners' Earnings Act 1996 in relation to gender. This is due to the demographics of the prison population and the available prison industry places across the prison estate. Further consideration will be given to this issue in the development of policy.
- 6.2.13 Due to limitations in the available evidence on gender reassignment, it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.2.14 Due to limitations in the available evidence on sexual orientation, it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.2.15 The data relating to age of the sentenced prison population are given in Table 56 (Annex A). Only those of working age will be expected to work, so youths, men over 65 and women over state pension age (which is gradually changing until 2020) may not be affected by the working prisons policy.
- 6.2.16 There is the potential of a disproportionate impact of the work in prisons policy and implementation of the Prisoners' Earnings Act 1996 in relation to age. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.2.17 Mothers and pregnant women may need access to mother/child units and health services at specific times. They may be less able to work longer hours.

6.2.18 Due to limitations in the evidence it is not possible to know the likelihood of pregnancy and maternity equality impacts, but we are committed to complying with our duties under the Equality Act to promote equality of opportunity and to make reasonable adjustments with regard to pregnancy and maternity. These issues will be given further consideration as policy development continues.

Religion or belief impacts

6.2.19 The data relating to religious beliefs held by the sentenced adult prison population are presented in Table 77 (Annex A). Muslims and people of no religion are overrepresented in custody compared with the national population. There is the potential of a disproportionate impact of the work in prisons policy and implementation of the Prisoners' Earnings Act 1996 in relation to religion. This reflects the demographics of the prison population in comparison to the population of England and Wales.

6.2.20 Consideration will need to be given during development of the policy to the accommodation of religious beliefs, including religious holidays. There may be types of work in which certain religious groups would not be required to participate. We are committed to complying with our duties under the Equality Act to promote equality of opportunity, and these issues will be given further consideration as policy development continues.

Marriage and civil partnership impacts

6.2.21 The available data relating to marital status of offenders are given in Table 78 (Annex A). We do not have data for the over four year sentenced custodial population.

6.2.22 Single people are overrepresented in the custodial population compared with the national population. There is the potential of a disproportionate impact of the work in prisons policy and implementation of the Prisoners' Earnings Act 1996 in relation to marital status, due to the difference in demographics of the prison population compared to the national population.

6.2.23 With regard to civil partnership, due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.3 Community Payback

- 6.3.1 The policy proposal under consideration includes longer working weeks on Community Payback, for all unemployed offenders and offenders without carer responsibilities serving unpaid work requirements. In addition to this, we are considering other measures to increase the intensity and immediacy of the requirement's delivery and to improving compliance enforcement.
- 6.3.2 We will test how we might best achieve our aims by working in partnership with social enterprises and industries. This will help us deliver sources of income from the work done by offenders and reduce the cost to the public purse. Our aim is to implement this across the country once we have developed a model which we are confident delivers the benefits.
- 6.3.3 We have called for responses concerning the type of work undertaken (and community involvement in decisions), better use of professional expertise, rehabilitation after the sentence and targeting of the work. We will also look at how to engage the community better in choosing projects. We are clear that our solutions must be cost neutral or better. We will ensure that we protect existing community industry and jobs.
- 6.3.4 This policy is expected to apply to offenders on community orders and suspended sentence orders who are undertaking an unpaid work requirement. We have identified that disproportionate impacts on different groups are possible given the characteristics of offenders compared with the national population. In addition there are specific potential impacts within the community sentence population which relate to religion/belief, disability and maternity/pregnancy. Further consideration will be given to potential equality impacts as the policy develops.

Race impacts

- 6.3.5 The data for ethnicity of offenders that could be affected by this policy proposal are given in Table 12 (Annex A). Data for all offenders on a community sentence is given in Table 14 (Annex A).

6.3.6 The data shows that the ethnicity of offenders on solely unpaid work under community orders and suspended sentences is not dissimilar from that of offenders on all community orders and suspended sentence orders. However, compared to the population of England and Wales, in Table 1, (Annex A) we have identified that there is the potential of a disproportionate impact of the community payback policy option in relation to race. This reflects the demographics of the probation caseload. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

6.3.7 Community Payback providers can ensure that disabled people are not referred to inappropriate types of work, and that necessary adaptations are made. This would not be changed by this policy proposal but it is possible that increasing the intensity of work could disproportionately affect disabled people were it applied to them.

6.3.8 However the risk is mitigated since health can be factored into the decision on the suitability of unpaid work via medical advice in the assessment process. Furthermore, the Community Payback Operating Manual provides guidance on the way in which the diverse needs of offenders should be matched to suitable work placements. It requires providers of Community Payback to ensure that work placements are available to meet the requirements of people with disabilities, including those who experience hearing impairment, dyslexia, learning difficulties and other health related conditions.

6.3.9 The development of the policy will take account of the particular impact of intensive work on disabled people.

Gender and gender reassignment impacts

- 6.3.10 The data for gender of offenders on community sentences with unpaid work requirements are in Table 36 (Annex A). The available gender data for all offenders on a community sentence are in Table 37 (Annex A). Men are more represented in the unpaid work cohort than in the total community sentence cohort compared to women. Men are also disproportionately more represented in the unpaid work cohort compared to the national population.
- 6.3.11 Therefore there is the potential of a disproportionate impact of the community payback policy option in relation to gender. This reflects the demographics of the probation caseload.
- 6.3.12 Due to limitations in the available evidence with regard to gender reassignment we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.3.13 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.3.14 The data for age of offenders relevant to the policy are given in Table 57 (Annex A). Data on all offenders on a community sentence are given in Table 59 (Annex A).
- 6.3.15 The policy will affect offenders aged 18 and older. Within the cohort of relevant adult offenders, adults aged 30-39 are overrepresented compared to the national population. There is the potential of a disproportionate impact of the community payback policy option in relation to age. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.3.16 The Community Payback Operating Manual provides guidance on the way in which the diverse needs of offenders should be matched to suitable work placements. It requires that sufficient individual and group placements are made available for female offenders and establishes a presumption that women offenders will not be required to work alongside male offenders. It is a requirement that the needs of offenders who are pregnant or new mothers are carefully considered and subject to risk assessment.
- 6.3.17 No information is collected on pregnancy and maternity of offenders on unpaid work and so it has not been possible to provide evidence on this group. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.3.18 We do not collect data on religion for this group of offenders. In principle there could be a disproportionate impact on religious groups if work clashes with religious holidays. However we have no current proposals to amend s.217(1)(a) of the Criminal Justice Act 2003, which stipulates that Community Payback should, as far as is practicable, not interfere with religious beliefs.
- 6.3.19 The Community Payback Operating Manual also provides guidance on the way in which the diverse needs of offenders should be matched to suitable work placements. There is also a requirement that attendance on Community Payback must not be prevented or hindered for an offender by virtue of their race, ethnic background, cultural or language requirements, or any other factor which could lead to discrimination against them. Further consideration will be given to this issue in the on-going development of the policy

Marriage and civil partnership impacts

- 6.3.20 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.4 Payment by results and joint commissioning

- 6.4.1 The objective of the proposals is to reduce reoffending. Payment by results proposals seek to encourage innovation and establish a diverse base of providers delivering more efficient and effective rehabilitative services. These proposals seek to expand the market for rehabilitative services beyond public sector provision, in order to ensure more cost-effective and innovative service delivery. In this sense, the proposals seek to encourage engagement from a wide variety of potential partners across both the private and voluntary sectors.
- 6.4.2 The payment by results policy proposals are most likely to have an impact on adult offenders on under 12 month and 1-4 year custodial sentences, and adult offenders on community sentences (excluding unpaid work). Joint commissioning options will affect adult offenders in custody.
- 6.4.3 We have identified the potential for disproportionate impacts on certain groups given the characteristics of offenders compared with the national population, and uncertainty at this early stage of policy development. There is the potential for disproportional impacts across groups of offenders related to the obligations of, and incentives for, providers of rehabilitative services, as the policy is at an early stage of development.
- 6.4.4 Policy development will continue to consider how to mitigate potential differential equality impacts. We are also consulting on the potential perverse impacts of payment by results. We will consider how the contracts with providers could seek to ensure that providers consider the equality issues of the groups with which they work.

Race impacts

- 6.4.5 The data relating to ethnicity of offenders in custody are given in Table 11 (Annex A). It is proposed that payment by results policy options will affect offenders on under 12 month custodial sentences and offenders on 1-4 year custodial sentences. White people are slightly over represented in the under 12 month and 1-4 year custody population in comparison to the total prison population, whereas Black people are slightly underrepresented.

- 6.4.6 However White people are under represented in custody compared to the national population, and Black people are over-represented in the prison population. Therefore there is the potential of a disproportionate impact of the payment by results proposals applied to offenders in custody and joint commissioning policy options, in relation to race. This reflects the demographics of the prison population.
- 6.4.7 Table 13 (Annex A) shows that ethnic diversity of offenders affected by the community sentence payment by results option is not largely dissimilar to the total community sentence population. Compared to the national population the ethnic diversity of offenders under the community sentence payment by results option is similar.
- 6.4.8 However at this stage there is uncertainty of impacts due to the early stage of policy development, especially in terms of the obligations of, and incentives for, providers of rehabilitative services. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

- 6.4.9 Data on physical disability and mental health issues of offenders serving custodial sentences of less than 4 years is shown in Table 32 (Annex A). There is the potential for a disproportionate impact of the payment by results and joint commissioning options in relation to disability due to the demographics of the prison population.
- 6.4.10 Furthermore, at this stage there is uncertainty of impacts due to the early stage of policy development, especially in terms of the obligations of, and incentives for, providers of rehabilitative services. For disabled offenders whose mental health issue is linked to their offending, this can lead to their rehabilitation requiring a more complex response. Providers will need to make reasonable adjustments and this will be taken into account in the development of the policy.

Gender and gender reassignment impacts

- 6.4.11 Men are more represented in the custody and relevant community sentence populations compared to the national population. (Table 34 and Table 35, Annex A).
- 6.4.12 For the community sentence payment by results option, women are more represented in the group that could be affected by the policy in comparison to the total probation caseload. For the custody payment by results and joint commissioning options, men are more represented compared to the total prison population. There is potential for disproportionate impacts in relation to gender due to the demographics of offenders on different community sentences and custodial sentences.
- 6.4.13 There is a further risk of potential differential impacts based on gender; at this stage there is uncertainty of equality impacts due to the early stage of development of policy in terms of the obligations of, and incentives for, providers of rehabilitative services.
- 6.4.14 With regard to gender reassignment, given the limitations in the available evidence, and the early stage of policy development, especially in terms of the obligations and incentives that providers of rehabilitative services will have in delivering their rehabilitative services, we cannot rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.4.15 It is not possible to rule out the potential for disproportionate impacts on this group of offenders as the policy is at an early stage of development, especially in terms of the obligations of, and incentives for, providers of rehabilitative services. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.4.16 Data relating to age for offenders in custody is given in Table 56 (Annex A). The policy will affect adult offenders. The over 60 group are similarly represented in the under 12 month and 1-4 year payment by result options as in the total prison population. The over 60 age group are similarly represented in the community sentence payment by results option as in the total probation caseload (Tables 58 and 59, Annex A).
- 6.4.17 There is the potential of a disproportionate impact of the payment by results and joint commissioning options in relation to age. Furthermore, at this stage there is uncertainty of impacts due to the early stage of policy development, especially in terms of the obligations of, and incentives for, providers of rehabilitative services. Therefore it is not possible to rule out the potential for disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.4.18 It is not possible to rule out the potential for disproportionate impacts on this group of offenders as the policy is at an early stage of development, especially in terms of the obligations of, and incentives for, providers of rehabilitative services. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.4.19 The data relating to religious beliefs held by the prison population are in Table 77 (Annex A).
- 6.4.20 Compared to the total prison population, offenders with a religious belief will be slightly under-represented in the under 12 month and 1-4 year payment by results options. Compared to the national population, people with no religious belief and Muslims are overrepresented in custody. There is potential of a disproportionate impact of the payment by results and joint commissioning options in relation to religion and belief. This would be due to the demographics of offenders in custody.

- 6.4.21 We do not have data for religion for offenders potentially who might come under the community sentence payment by results option.
- 6.4.22 There is uncertainty of impacts due to the early stage of policy development, especially in terms of the obligations on, and incentives for, providers of rehabilitative services. Therefore we are unable to rule out the potential for disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.4.23 Compared to the population of England and Wales, single people are overrepresented in custody and married people are underrepresented. There is the potential of a disproportionate impact of the payment by results and joint commissioning options in relation to marital status. (Table 78, Annex A). This would be due to the demographic profile of offenders. The potential for any disproportionate impact will be taken into account as policy development continues.

6.5 Financial incentives models

- 6.5.1 The policy objective is to test if local authorities and local statutory providers are able to work together more efficiently and effectively, in order to reduce crime and criminal justice system costs.
- 6.5.2 We have identified the potential for disproportionate impacts on certain groups given that the characteristics of the population of the project areas (Greater Manchester and a consortium of London Boroughs) differ from the national population. There is the potential for disproportional impacts across groups of offenders related to the obligations of, and incentives for, providers of rehabilitative services, as the policy is at an early stage of development.
- 6.5.3 Policy development will continue to consider how to mitigate potential differential equality impacts. We are also consulting on the potential perverse impacts of payment by results. We will consider how the contracts with providers could seek to ensure that providers consider the equality issues of the groups with which they work.

Race impacts

- 6.5.4 Data on ethnicity in the financial incentive model areas are given in Tables 15 and 16 (Annex A). The ethnic diversity in Greater Manchester appears to be broadly similar to England and Wales as a whole, but the 6 London boroughs have a noticeably higher proportion of Asian and Black people. There is the potential of a disproportionate impact of financial incentive models in relation to ethnicity due to the demographics of the project areas.
- 6.5.5 There is the potential for disproportional impacts across groups of offenders related to the obligations of, and incentives for, providers of rehabilitative services, as the policy is at an early stage of development, which will be taken into account as policy development continues.

Disability impacts

- 6.5.6 There is the potential for disproportional impacts across groups of offenders related to the obligations of, and incentives for, providers of rehabilitative services, as the policy is at an early stage of development. Given limitations in the available evidence, we at least cannot rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.5.7 The available equality data relating to gender in the potential financial incentive model areas are given in Tables 38 and 39 (Annex A). The gender diversity of local areas compared to the national population is not dissimilar, and the local areas will be reward for reducing both male and female court convictions. However male offenders are more represented in custody, as seen in Table 34 (Annex A). Therefore there is potential for a disproportionate impact of the financial incentive model policy proposal in relation to gender due to the demographics of offenders.
- 6.5.8 There is the potential for disproportional impacts across groups of offenders related to the obligations of, and incentives for, providers of rehabilitative services, as the policy is at an early stage of development. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.5.9 There is the potential for disproportional impacts across groups of offenders related to the obligations of, and incentives for, providers of rehabilitative services, as the policy is at an early stage of development. Given limitations in the available evidence, we at least cannot rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.5.10 The available equality data relating to age in the potential financial incentive model areas is in Tables 60 and 61 (Annex A). It is proposed that financial incentive models will reward reductions in both youth and adult court convictions, so both groups should be affected. There is the potential for disproportional impacts across groups of offenders related to the obligations of, and incentives for, providers of rehabilitative services, as the policy is at an early stage of development. Given limitations in the available evidence it is not possible to rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.5.11 There is the potential for disproportional impacts across groups of offenders related to the obligations of, and incentives for, providers of rehabilitative services, as the policy is at an early stage of development. Given limitations in the available evidence, it is not possible to rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.5.12 There is the potential for disproportional impacts across groups of offenders related to the obligations of, and incentives for, providers of rehabilitative services, as the policy is at an early stage of development. Given limitations in the available evidence, it is not possible to rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.5.13 There is the potential for disproportional impacts across groups of offenders related to the obligations of, and incentives for, providers of rehabilitative services, as the policy is at an early stage of development. Given limitations in the available evidence, we at least cannot rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

6.6 Incentivise early guilty pleas

- 6.6.1 This policy involves an additional discount on their custodial sentence for those who plead guilty early, with a maximum discount of 50% for those who plead guilty at the earliest stage, and a reduced discount for those who plead only when the trial is about to begin.
- 6.6.2 Any disproportionate impacts are likely to be concentrated amongst defendants, and arise at the stage at which guilty pleas are entered in both magistrates' and Crown Courts. Due to the current limited access to magistrates' courts data, we are restricted to assessing these impacts using the characteristics of defendants whose trials are heard in the Crown Court.
- 6.6.3 There is the potential for disproportionate impacts on certain groups given the characteristics of offenders compared with the national population. In addition there are specific potential disproportionate impacts within the offender population which relate to ethnicity and age. These potential differential impacts arise because certain age and ethnic groups differ in their propensity to give early guilty pleas. There could be a number of factors that explain why groups differ in their propensity to give an early guilty plea.
- 6.6.4 As the policy develops consideration will be given to the potential disproportionate impacts and also to how this policy option may interact with legal aid policy proposals.

Race impact

- 6.6.5 In 2009, amongst people all persons aged 18 and over sentenced for indictable offences at all courts, White people received immediate custody in 26% of cases, whereas Black people received immediate custody in 33% of cases, Asian people in 35% of cases and those in the Other group in 42% of cases (Table 17, Annex A).

- 6.6.6 Table 18 (Annex A) presents data on those tried and sentenced at the Crown Court, and show that there are differences in the proportion pleading guilty by ethnic group.⁹ For those sentenced to immediate custody in 2009, the White ethnic group were the most likely to plead guilty, whilst the Black and Asian ethnic groups were the least likely. Table 19 (Annex A) shows that there are differences in the average custodial sentence lengths for those pleading not guilty and those pleading guilty, across different ethnic groups.
- 6.6.7 Finally, Ministry of Justice research by Thomas found that minority ethnic groups "were consistently more likely than White defendants in Crown Court trials to plead not guilty to charges", in all the 12 general offence categories used in that study except one (falsification, forgery and counterfeiting).¹⁰
- 6.6.8 Therefore there is the potential of a disproportionate impact of the incentivising early guilty pleas option in relation to race. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

- 6.6.9 Data on physical disabilities and mental health issues of offenders serving custodial sentences of less than 4 years are shown in Table 32 (Annex A). We have identified that there is the potential of a disproportionate impact of the incentivising early guilty plea policy option in relation to disability due to the demographics of the prison population. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.6.10 Table 40 (Annex A) shows that there is little gender variation in guilty/not guilty pleas amongst those who, on being found guilty, are awarded an immediate custodial sentence.

⁹ This covers all age groups and all offences.

¹⁰ Thomas, Are Juries Fair?, February 2010

- 6.6.11 Differences by gender in the average custodial sentence lengths for those pleading not guilty and those pleading guilty were fairly similar, as shown in Table 42 (Annex A).
- 6.6.12 However men are disproportionately represented in the group of offenders sentenced to custody, in comparison to the national population, and for this reason there is potential for a disproportionate impact in relation to gender. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.6.13 Due to limitations in the evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.6.14 Data in Table 62 (Annex A) indicate that of those currently tried and sentenced to immediate custody in 2009 at the Crown Court, offenders aged 18-20 were the most likely to plead guilty whilst those aged 40 and older were the least likely.
- 6.6.15 Table 63 (Annex A) shows that in 2009, the proportionate differences in the average custodial sentence lengths for those pleading not guilty and those pleading guilty generally increased with age, with the largest differences for those aged 50-59.
- 6.6.16 We have identified that there is the potential of a disproportionate impact of the incentivising early guilty pleas option in relation to age. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.6.17 Due to limitations in the evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.6.18 The data relating to religious beliefs held by the prison population are in Table 77 (Annex A). People with no religious belief and of Muslim faith are overrepresented in the prison population compared to the national population, and so there is the potential of a disproportionate impact of incentivising early guilty pleas in relation to religion and belief. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.6.19 Due to limitations in the evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.7 Cautioning foreign national offenders

6.7.1 The policy will impact on foreign national offenders who admit their guilt of document offences (and some other offences). They will receive a simple or conditional caution, and then be deported from the UK, instead of being prosecuted and possibly remanded into custody.

6.7.2 There is potential for disproportionate impacts on certain groups, given the characteristics of foreign national offenders compared with the national population. The potential for any disproportionate impact will be taken into account as policy development continues.

Race impacts

6.7.3 Table 20 (Annex A) shows the ethnic profile of foreign national prisoners who are sentenced and the overall profile of the prison population England and Wales. Black, Asian and Minority Ethnic (BAME) groups account for 67% of the foreign national prisoner population, in comparison to the 25% of the immediate custodial sentenced receptions in England and Wales, and a far higher proportion of the population than the BAME share of the wider England and Wales population (12%). There is the potential of a disproportionate impact of the cautioning foreign nationals policy option in relation to race. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

6.7.4 Due to limitations in the available evidence, it is not possible to rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

6.7.5 Of the current 7,502 foreign national prisoners with immediate custodial sentences in England and Wales, 8% were female and 92% male (Table 43, Annex A).

6.7.6 Females account for a higher proportion of foreign national prisoners than for the whole prison population, where women account for 5% of the total population (Table 34, Annex A). However compared to the national population, men are more represented in the foreign national offender group than women. Therefore there is potential for disproportionate impacts of the foreign national offender policy in relation to gender.

6.7.7 With regard to gender reassignment, due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

6.7.8 Due to limitations in the available evidence, it is not possible to rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

6.7.9 There is a slightly different age demographic of foreign national offenders sentenced to immediate custody compared to the total sentenced prison population in England and Wales (Table 64, Annex A). The age demographic of foreign national offenders sentenced to custody also differs from the national population.

6.7.10 There is potential for disproportionate impacts in relation to age, due to the demographics of the foreign national prison population. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

6.7.11 Due to limitations in the available evidence, it is not possible to rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.7.12 Due to limitations in the available evidence, it is not possible to rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.7.13 Due to limitations in the available evidence, it is not possible to rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

6.8 Reducing the numbers likely to be remanded in custody prior to trial

- 6.8.1 This policy proposal seeks to reduce the numbers of remand places required by restricting the people who can be remanded into custody (following a guilty verdict) to those who are likely to receive a custodial sentence.
- 6.8.2 Court proceedings data for 2009 has been used to produce estimates of the final outcome for those remanded in custody. These figures include both untried remands in custody and those who have been convicted but are remanded while awaiting sentencing. They relate to persons remanded in each year in each court case, rather than to the number of remand decisions (a person may be remanded several times during a case). Cases are recorded in the year in which the final court decisions were made and this is not necessarily the same as the year in which the person was originally remanded. Although the recording of remand decisions is now more thorough; however technical problems with the coding of magistrates' remand decisions persist. Therefore all magistrates' courts remand data used in this note are estimates.
- 6.8.3 There is potential for disproportionate impacts on certain groups given the characteristics of people remanded in custody compared with the national population. In addition, there are specific potential disproportionate impacts within the offender population which relate to gender, ethnicity and age. These potential differential impacts are due to the varying use of remand across different groups. This could be due to a number of factors, and so further consideration will be given to potential equality impacts as the policy develops.

Race impacts

- 6.8.4 White people remanded in custody are less likely than other minority groups to go on to receive an immediate custodial sentence. Comparing the final outcome in 2009 of those remanded in custody for each ethnic group, an estimated 70 per cent of defendants from the Other ethnic origin received an immediate custodial sentence, compared to an estimated 63 per cent from the Asian ethnic group, 62 per cent from the Black ethnic group and 60 per cent from the White ethnic and Unknown ethnic groups (Table 21, Annex A).

6.8.5 The differences in the proportion remanded who receive a custodial sentence by ethnicity are small. However, the proportion is lowest for white offenders, and so there is the potential of a disproportionate impact of the remand policy option in relation to race. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

6.8.6 Due to the limitations in the available data, we use disability data for the prison population of offenders sentenced to less than four years in custody as a proxy for offenders remanded (Table 32, Annex A). There is the potential of a disproportionate impact of the reduction in remand prior to custody policy option in relation to disability due to the demographics of the prison population. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

6.8.7 Women remanded in custody are less likely than men to go on to receive an immediate custodial sentence. In 2009, an estimated 55 per cent of females received such a sentence, compared to an estimated 61 per cent of males, as shown in Table 44 (Annex A). Therefore there is the potential of a disproportionate impact of the remand policy option in relation to gender.

6.8.8 With regard to gender reassignment, due to limitations in the evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

6.8.9 Due to limitations in the available evidence, it is not possible to rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.8.10 Table 65 (Annex A) demonstrates that the estimated proportion of those remanded in custody who go on to receive an immediate custodial sentence is the largest for those defendants between the ages of 21 and 39. From the age of 40, this estimated proportion gradually decreases. We have identified that there is the potential of a disproportionate impact of the remand policy option in relation to age. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.8.11 Due to limitations in the available evidence, it is not possible to rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.8.12 Due to limitations in the available evidence, it is not possible to rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.8.13 Due to limitations in the available evidence, it is not possible to rule out disproportionate impacts. The potential for any disproportionate impact will be taken into account as policy development continues.

6.9 Reform of Indeterminate sentences for Public Protection

- 6.9.1 This policy proposal involves amending the Parole Board test to strike a better risk-management balance for prisoners on an Indeterminate sentence for Public Protection (IPP). The proposal would increase the probability of release at a Parole Board hearing from the current level.
- 6.9.2 There is potential for disproportionate impacts on certain groups given the characteristics of offenders compared with the national population. In addition there is potential for disproportionate impacts within the offender population which relate to ethnicity, gender and age. These disproportionate impacts arise because the use of IPPs varies across different groups. Further consideration will be given to potential equality impacts as the policy develops.

Race impacts

- 6.9.3 Table 22 (Annex A) shows that to March 2010, Black people account for a higher proportion of IPP prisoners than offenders within the prison population on the whole, while White and Asian prisoners were under represented within this population. Compared with the national population, Black people are overrepresented in the IPP group. There is potential for disproportionate impacts in relation to ethnicity. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

- 6.9.4 We do not have disability data for offenders serving IPPs and so have used indicative data for the prison population serving less than 4 year sentences (Table 32, Annex A). We have identified that there is the potential of a disproportionate impact of the proposed reform of IPPs in relation to disability due to the demographics of the prison population. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.9.5 Table 45 (Annex A) shows that males are overrepresented within the IPP population in comparison to the prison population and the national population. We have identified the potential for disproportionate impacts relating to gender. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.9.6 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.9.7 Table 66 (Annex A) shows the current composition of IPP prisoners, split between adult and juvenile prisoners. We have identified that there is the potential of a disproportionate impact of this policy option in relation to age, given the demographics of the IPP population. However the data does not account for youths in secure children homes and secure training centres and so there is uncertainty as to whether there is a risk of disproportional impacts.

Pregnancy and maternity impacts

- 6.9.8 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.9.9 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.9.10 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.10 Reform of future Indeterminate sentences for Public Protection

- 6.10.1 This policy proposal is to restrict the future use of the IPP sentence to those who would otherwise have merited a determinate sentence of at least 10 years.
- 6.10.2 There is potential for disproportionate impacts on certain groups given the characteristics of offenders given IPPs compared with the national population. It must be noted that this data is indicative as it is not broken down by IPP sentence length. In addition there may be disproportionate potential impacts within the offender population which relate to ethnicity, gender and age. These disproportionate impacts arise because the use of IPPs varies across different groups. Further consideration will be given to potential equality impacts as the policy develops.

Race impacts

- 6.10.3 Table 22 (Annex A) shows the distribution of IPP prisoners by Ethnic group. People from Black, Asian and Minority Ethnic groups account for a larger share of imprisonment for public protection prisoners than within the prison population on the whole. Black people are overrepresented in the IPP group compared to the national population. Therefore there is potential of a disproportionate impact of this policy proposal in relation to race. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

- 6.10.4 Due to limitations in the available evidence for offenders serving IPPs, indicative data for the prison population serving less than 4 year sentences is used (Table 32, Annex A). There is the potential of a disproportionate impact of the potential reform of future IPPs policy option in relation to disability due to the demographics of the prison population. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.10.5 Table 45 (Annex A) shows the current composition of IPP prisoners by gender in comparison to the prison population overall. It is clear from these data that males account for a larger proportion of the IPP population than the prison population as a whole. Men are also overrepresented in the IPP group compared to the national population. There is potential for a disproportionate impact of the reform of future IPPs proposal in relation to gender due to the demographics of the IPP and prison population. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.10.6 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age Impacts

- 6.10.7 Table 66 (Annex A) shows the current composition of IPP prisoners, split between adult and juvenile prisoners. We have identified that there is the potential of a disproportionate impact of this policy option in relation to age, but the data does not account for youths in secure children homes and secure training centres. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.10.8 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.10.9 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.10.10 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.11 Reducing the recall population by reforming the rules around the release of offenders recalled to prison

- 6.11.1 This policy proposal involves reducing the recalled prison population by changing the rules so that for those offenders who are recalled to prison in cases where there is no evidence of serious risk to the public, they receive a fixed recall period or release following an administrative review.
- 6.11.2 Information is provided on prisoners discharged from determinate sentences in 2007 and whether they were recalled in the period 2007 to early August 2010. The analysis covers all determinate sentenced juvenile and young adult prisoners, and adult prisoners serving sentences of 12 months to less than life.¹¹ Recalls of those released on Home Detention Curfew or End of Custody Licence are not included.
- 6.11.3 There is potential for a disproportionate impact on certain groups given the characteristics of offenders compared with the national population. In addition there may be potential disproportionate impacts within the offender population which relate to ethnicity, gender and age. These disproportionate impacts arise because the rates of recall vary across different groups. The differing rates of recall will be due to a number of factors, and further consideration will be given to potential equality impacts as the policy develops.

Race impacts

- 6.11.4 Table 23 (Annex A) shows that White people discharged from prison had the highest likelihood of recall (22 per cent) and Chinese or Other ethnic groups the lowest (11 per cent) in 2007. Therefore there is the potential of a disproportionate impact of the recall policy option in relation to race. The potential for any disproportionate impact will be taken into account as policy development continues.

¹¹ Adults (in this context those aged 21+) serving sentences of less than 12 months are not subject to recall.

Disability impacts

- 6.11.5 We do not have data for the entire custody population subject to recall on release, but we do have data for those serving a sentence less than 4 years (Table 32, Annex A). This shows that there is the potential of a disproportionate impact of the recall policy option in relation to disability due to the demographics of the prison population. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.11.6 Table 46 (Annex A) shows that in 2007 the likelihood of recall was higher for men, 22 per cent, compared to 16 per cent for women. There is the potential of a disproportionate impact of the recall policy option in relation to gender due to the demographics of the prison population and difference in recall rates.
- 6.11.7 With regard to gender reassignment, due to limitations in the available evidence, we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.11.8 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.11.9 The data in Table 67 (Annex A) suggests adults between the ages of 20 and 50 are most likely to be recalled. There is the potential of a disproportionate impact of the recall policy option in relation to age due to the demographics of the recall group. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.11.10 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.11.11 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.11.12 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.12 Developing better community provision and providing the courts with more flexibility in how they use suspended sentences

- 6.12.1 These two policies will affect similar groups of offenders and so we look at the policies jointly. The policy proposal for better community provision is concerned with encouraging courts to make full use of community sentences to stop repeat offenders from becoming prolific. The policy on flexibility in use of suspended sentence orders would extend suspended sentence orders to periods of longer than 12 months, and provide better choice on the use of requirements.
- 6.12.2 There is potential for disproportionate impacts on certain groups given the characteristics of offenders compared with the national population. Further consideration will be given to potential equality impacts as the policy develops.

Race impacts

- 6.12.3 The ethnicity data for all offenders on a community sentence are given in Table 14 (Annex A). Compared to the population of England and Wales, (Table 1, Annex A) there is the potential of a disproportionate impact of the Community Payback policy option in relation to race. This reflects the demographics of the probation caseload. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

- 6.12.4 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.12.5 The gender data for all offenders on a community sentence are shown in Table 37 (Annex A). We have identified that there is the potential of a disproportionate impact of the policy option in relation to gender, which reflects the demographics of the probation caseload.
- 6.12.6 With regard to gender reassignment, due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.12.7 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.12.8 The data for age of offenders starting community sentences are shown in Table 59 (Annex A). The policy will affect offenders aged 18 and older. Within the cohort of relevant adult offenders we have identified that there is the potential of a disproportionate impact of the community payback policy option in relation to age, which reflects the demographics of the probation caseload. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.12.9 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.12.10 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.12.11 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.13 Diversion from caution into a restorative disposal

6.13.1 This policy proposals aims to divert offenders from a formal low level sanction into a restorative disposal.

6.13.2 There is potential for disproportionate impacts on certain groups given the characteristics of offenders compared with the national population. In addition there may be disproportionate potential impacts within the offender population which relate to ethnicity and age, because certain ethnic and age groups are currently more likely to receive cautions. Further consideration will be given to potential equality impacts as the policy develops.

Race impacts

6.13.3 Data in Table 24 (Annex A) shows that of all cautions administered for indictable offences in 2009 (data on summary offences is unavailable by ethnic group), around 82% were received by the white population. Cautions account for a relatively high proportion of disposals for indictable offences for Asian and White people, and a relatively low proportion for Black people. There is potential for disproportionate impacts in relation to race. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

6.13.4 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

6.13.5 Table 47 (Annex A) shows the proportion of all cautions administered for offences by gender in 2009.

6.13.6 Given the evidence on gender of the offender population overall, it is to be expected that males account for the largest proportion of cautions administered. However, unlike race, there is little variation in the use of cautions between men and women. Therefore in comparison to the national population, there is potential for disproportionate impacts in relation to gender.

6.13.7 With regard to gender reassignment, due to limitations in the available evidence, it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

6.13.8 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

6.13.9 Table 68 (Annex A) shows the distribution of cautions for all offences by age group in 2009. The relatively high use of cautions amongst younger age groups is due in part to the sentencing options available for offenders within this age group. Therefore there is potential for disproportionate impacts in relation to age. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

6.13.10 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.13.11 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.13.12 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.14 Pre-sentence restorative justice

6.14.1 This policy is for restorative conferences to be carried out pre-sentence for some offenders who admit guilt and who agree to participate. The victim would also need to agree. The conferences could be used to inform pre-sentence reports and inform the type or severity of sentence handed down.

6.14.2 There is no available evidence on the impact of restorative justice programmes to England and Wales as a whole. The evidence from the existing localised pilot programmes reflects the specific equalities characteristics of the region, and therefore is not presented here. Further consideration will be given to potential equality impacts as the policy develops.

Ethnicity

6.14.3 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

6.14.4 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

6.14.5 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

6.14.6 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.14.7 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.14.8 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.14.9 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.14.10 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.15 Financial penalties

6.15.1 This policy proposal is to increase the use of financial penalties to:

- encourage courts to consider imposing a fine and create a positive duty for courts to consider imposing a compensation order unless the victim does not wish one to be made;
- provide for more use of powers to seize offenders' assets; and
- encourage use of financial penalties in cases where the offender would currently get a community sentence to satisfy some of the punitive elements of the sentence.

6.15.2 There is potential for disproportionate impacts on certain groups given the characteristics of offenders who currently get fines or community sentences, compared to the national population. Further consideration will be given to this as the policy develops.

Race impacts

6.15.3 The data in Table 25 (Annex A) shows the percentage of persons aged 18 and over sentenced for indictable and triable-either-way offences in 2009 by ethnic group (data is not available for summary offences). The proportion of White, Black and Asian people receiving a fine is broadly similar, though lower for the 'other' category and higher for 'not recorded'. A larger percentage of White people are sentenced to community sentences compared to those from the stated minority ethnic groups.

6.15.4 This suggests that there is potential for disproportionate impacts in relation to ethnicity. This will be taken into account as policy development continues.

Disability impacts

6.15.5 Due to limitations in the available evidence it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.15.6 Table 48 (Annex A) shows the percentage of persons aged 18 and over sentenced to fines, community sentences and suspended sentences in 2009 by gender for all offences (including indictable and summary offences). This shows that a larger percentage of women than men receive fines and that a greater percentage of men than women are sentenced to community sentences. This suggests that there is potential for disproportionate impacts in relation to gender. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.15.7 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.15.8 Table 69 (Annex A) shows the percentage of people aged 18 and over sentenced for indictable and triable-either-way offences in 2009 by age group (data is not available for summary offences). This policy will focus specifically on adult offenders. There is little variation in the use of fines by age group. There is greater use of community sentences for young adults. Therefore there is the potential for disproportionate impacts in relation to age. This will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.15.9 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.15.10 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.15.11 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.16 Making local authorities responsible for youth court-ordered secure remand

6.16.1 This policy proposal would have an impact on youths who would otherwise be remanded in custody. The objective is that by giving local statutory providers greater incentives to reduce court ordered secure remand, there will be a reduction in unnecessary youth remands.

6.16.2 There is potential for disproportionate impacts on certain groups given the characteristics of offenders compared with the national population. In addition there are specific potential disproportionate impacts which relate to age. We will explore these issues further as policy development continues and seek to mitigate risks.

Race impacts

6.16.3 In Table 26 (Annex A) we present the data on ethnicity for youths that have been remanded in court ordered secure custody. This shows that Black and Mixed youths are disproportionately represented in the youth remand population compared to the national population.

6.16.4 The population in different Local Authority areas have different demographics, and local areas will vary in their success, so there is potential for disproportionate impacts in relation to race. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

6.16.5 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.16.6 In Table 49 (Annex A) we present data on gender for youths remanded in court ordered secure custody. The larger proportion of males than females within this cohort indicates that there is the potential for disproportionate impacts in relation to gender, due to the demographics of offenders remanded in custody. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.16.7 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.16.8 This policy proposal applies to youth offenders, so only youths will be affected by this policy directly. Table 70 (Annex A) provides data on the ages of youths remanded in court ordered secure custody. There is potential for disproportionate impacts of the youth remand policy in relation to age. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.16.9 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.16.10 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.16.11 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.17 Youth policy: changing financial accountabilities to incentivise local agencies

- 6.17.1 The objective is that by giving local statutory providers and Youth Offending Teams greater incentives to reduce demand on the criminal justice system, local authorities will strive harder to reduce offending and the associated economic and social costs. This policy would therefore affect youth offenders in the project areas.
- 6.17.2 There is the potential for disproportional impacts across groups of offenders related to the obligations of, and incentives for, providers of rehabilitative services, as the policy is at an early stage of development. We have also identified the potential for disproportionate impacts on certain groups given the characteristics of offenders compared with the national population. Policy development will continue to consider how to mitigate potential differential equality impacts. We are also consulting on the potential perverse impacts of payment by results. We will consider how the contracts with providers could seek to ensure that providers consider the equality issues of the groups with which they work.

Race impacts

- 6.17.3 With regard to offenders, the data on ethnicity of youths in custody are given in Table 27 (Annex A). Black and Mixed youths are over-represented and White youths under-represented in the prison population compared to the population of England and Wales as a whole. Therefore there is potential for disproportionate impacts in relation to race. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

- 6.17.4 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.17.5 The data on gender of youths in custody are shown in Table 50 (Annex A). Males account for a larger proportion of youth offenders given custody so there is the potential for disproportionate impacts in relation to gender. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.17.6 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.17.7 The data on age of youths in custody are given in Table 71 (Annex A). This policy applies to youth offenders only. Within youths, the data show that older youths are more frequently represented in the youth custody population than youths aged 14 years and older. There is potential for disproportionate impacts in relation to age. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.17.8 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.17.9 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

- 6.17.10 Due to limitations in the evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.18 Diversion of offenders with mental health issues

- 6.18.1 This policy will apply to certain offenders who have a mental health issue and who would otherwise receive a custodial sentence. For some offenders the criminal justice system is not the best place to address the mental health issues they have, particularly for those less serious offenders. Currently, some 'liaison and diversion' services are in place across the country, where health staff are placed either at police stations or in courts to screen and assess individuals for mental health issues. These services are there to refer offenders into health services, rather than prison or probation, but are not consistently available. The policy proposal is for these services to be rolled out nationally by 2014, subject to business case approval.
- 6.18.2 There is potential for disproportionate impacts on certain groups given the characteristics of offenders compared with the national population. Further consideration will be given to potential equality impacts as the policy develops.

Race impacts

- 6.18.3 The data in Table 28 (Annex A) show ethnicity data for the under 12 month custody population that could be affected by this policy proposal.¹²
- 6.18.4 Black people are over represented in the prison population compared to the national population, as shown in Table 11 (Annex A). However mental health issues, according to the available data presented in Table 28 (Annex A), appear to be more prevalent in the white population compared to other ethnic groups. Therefore there is potential for disproportionate impacts in relation to race, which will be taken into account as policy development continues.

¹² Data from 2007 prison receptions with matched OASys assessments for offenders sentenced to under 12 months. Data is indicative due to uncertainty as to the offenders that the policy will focus upon. For the purposes of providing equality data, it is assumed that the policy will apply to offenders that indicated a drug misuse score of at least 2 across the following five OASys questions: current drugs noted include heroin, methadone, other opiates, crack, cocaine or misused prescribed drugs (No=0; Yes=2); level of use of main drug (less than weekly=0; at least weekly=2); ever injected drugs (never=0; previous=1; currently=2); motivation to tackle drug misuse (no problems=0; some problems=1; significant problems=2), and; drug use and obtaining drugs a major activity/occupation (no problems=0; some problems=1; significant problems=2).

Disability impacts

- 6.18.5 There will be a disproportionate impact in relation to offenders with mental health issues as this policy focuses on this group. Data on mental health issues for the prison population affected by this proposal is presented in Table 32 (Annex A).
- 6.18.6 The potential for disproportionate impacts in relation to disability will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.18.7 Data on the prevalence of mental health issues in males and females serving an under 12 month custody sentence is shown in Table 51 (Annex A). This indicates that 30% of males and 49% of females in this cohort have a mental health issue.
- 6.18.8 The custodial population is predominantly male (Table 34, Annex A). Proportionally though, more women in custody have a mental health issues (Table 51, Annex A). There is potential for disproportionate impacts in relation to gender.
- 6.18.9 With regard to gender reassignment, due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.18.10 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.18.11 Table 72 (Annex A) provides data on mental health issues of offenders across different age groups serving short custodial sentences.

6.18.12 This policy proposal will focus on adult offenders only. The data shows that the prevalence of mental health issues vary across age groups. There is the potential for disproportionate impacts in relation to age, which will be taken into account as policy development continues.

Pregnancy and maternity impacts

6.18.13 Approximately half of women in custody have a mental health issue (Table 51, Annex A).

6.18.14 Due to limitations in the available evidence we are therefore unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

6.18.15 The data relating to religious beliefs held by the prison population are presented in Table 77 (Annex A). This data suggests that there is the potential of a disproportionate impact in relation to religion and belief due to the demographic profile of offenders in custody.

Marriage and civil partnership impacts

6.18.16 Data on marital status for those on custodial sentences of less than 4 years are given in Table 78 (Annex A). (We do not have data for the over 4 year sentenced custodial population). Compared to the population of England and Wales, single people are over-represented in custody and married people are under-represented. Therefore, there is the potential of a disproportionate impact in relation to marital status due to the demographic profile of offenders. Data is not available with regard to civil partnership, and so we cannot rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.19 Diversion of offenders with a drug dependency and drug recovery wings in prisons

- 6.19.1 The diversion policy will apply to certain adult offenders with a drug dependency who would otherwise be given a custodial sentence and the drug recovery wings would apply to adult offenders given custodial sentences. Although there has been a large rise in the number of offenders entering treatment in recent years, there are still significant numbers of dependent drug users who are not getting the services they require to fully recover. These policy proposals are intended to help achieve this objective.
- 6.19.2 We have identified that there is the potential for disproportionate impacts given the characteristics of offenders compared with the national population. The potential for any disproportionate impact will be taken into account as policy development continues.

Race impacts

- 6.19.3 Table 29 (Annex A) shows ethnicity data for the under 12 month custody population with a drug dependency, which is the group that could potentially be affected by this policy.¹³ This data shows that the prevalence of drug dependency varies across ethnic groups. There is potential for disproportionate impacts in relation to race which will be taken into account as policy development continues.

¹³ Data from 2007 prison receptions with matched OASys assessments for offenders sentenced to under 12 months. Data is indicative due to uncertainty as to the offenders that the policy will focus upon. For the purposes of providing equality data, it is assumed that the policy will apply to offenders that indicated a drug misuse score of at least 2 across the following five OASys questions: current drugs noted include heroin, methadone, other opiates, crack, cocaine or misused prescribed drugs (No=0; Yes=2); level of use of main drug (less than weekly=0; at least weekly=2); ever injected drugs (never=0; previous=1; currently=2); motivation to tackle drug misuse (no problems=0; some problems=1; significant problems=2), and; drug use and obtaining drugs a major activity/occupation (no problems=0; some problems=1; significant problems=2).

Disability impacts

- 6.19.4 The data relating to disabilities within the prison population are presented in Table 32 (Annex A). This data suggests that there is the potential of a disproportionate impact in relation to disability due to the demographic profile of offenders in custody. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.19.5 Table 52 (Annex A) shows the prevalence across genders of drug dependency within the cohort of offenders that could be subject to this policy, with 54% of males and 67% of females in the cohort having a drug dependency, according to this definition.
- 6.19.6 The custodial population is predominantly male, but the data shows that a higher proportion of women compared to men appear to have a severe drug dependency. Therefore there is the potential of a disproportionate impact of the drugs policy option in relation to gender. The potential for disproportionate impacts will be taken into account as policy development continues.
- 6.19.7 With regard to gender reassignment, due to limitations in the evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Sexual orientation impacts

- 6.19.8 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.19.9 The policy will only focus on adult offenders. The percentage of those with a drug dependency by age is shown in Table 73 (Annex A).

6.19.10 According to the available data, adults aged 18-20 are most likely to have a severe drugs dependency in comparison to other age groups. There is the potential for disproportionate impacts in relation to age, which will be taken into account as policy development continues.

Pregnancy and maternity impacts

6.19.11 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

6.19.12 The data relating to religious beliefs held by the prison population are presented in Table 77 (Annex A). This data suggests that there is the potential of a disproportionate impact in relation to religion and belief due to the demographic profile of offenders in custody. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

6.19.13 Data on marital status for those on custodial sentences of less than 4 years are given in Table 78 (Annex A). (We do not have data for the over 4 year sentenced custodial population). Compared to the population of England and Wales, single people are over-represented in custody and married people are under-represented. Therefore, there is the potential of a disproportionate impact in relation to marital status due to the demographic profile of offenders. Data is not available with regard to civil partnership, and so we cannot rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

6.20 Neighbourhood Justice Panels

- 6.20.1 The Neighbourhood Justice Panel is a community based Restorative/Reparative Justice resolution to offending which has an impact on the community, using a panel of community volunteers. The policy proposal would involve piloting a form of restorative justice in which local volunteers and criminal justice system professionals are brought together to decide what action should be taken to deal with some types of low level crime and disorder.
- 6.20.2 The objectives are to reduce the workload for the criminal justice system through the use of more out-of-court disposals in cases which otherwise might have ended up in court, and to reduced reoffending.
- 6.20.3 Equality data relating to offenders given out-of-court disposals, and anti-social behaviour orders where available, is used here as a proxy for the characteristics of offenders that could potentially be affected by the neighbourhood justice panel policy proposal. This data suggests the potential for disproportionate impacts on certain groups given the characteristics of offenders compared with the national population. Due to the early stage of policy development there is uncertainty over the obligations that Neighbourhood Justice Panels will have and so it is not possible to rule out disproportionate impacts in relation to different characteristics. We will explore these issues further as policy development continues and seek to mitigate risks.

Race impacts

- 6.20.4 Ethnicity data of offenders that could be affected by the Neighbourhood Justice Panel policy proposal are given in Tables 30 and 31 (Annex A). There are variations in the proportionate use of cautions across ethnic groups. We do not have diversity information for anti-social behaviour orders and ethnicity data is often unknown for some out of court disposals. (For example, Table 31 (Annex A) shows that 19% of people receiving a penalty notice for disorder did not have their ethnicity recorded.)

- 6.20.5 With regard to other ethnicity impacts, the language or location of advertisements for recruitment for the Neighbourhood Justice Panels might not be as accessible to certain ethnic groups where these are individuals with English language needs. Language may have an impact on the likelihood of victims and/or offenders being referred to and taking part in the panels.
- 6.20.6 There may also be a lack of understanding by panel members of any cultural requirements which may affect the "community solutions" formulated. On the other hand, panel members may be in a better position to understand their community and be sensitive to differences.
- 6.20.7 If certain racial groups are geographically distant from venues selected for panel meetings this may limit access. Due to limitations in the available evidence and at this stage of policy development it is not possible to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Disability impacts

- 6.20.8 There is a risk that advertisement methods and selection process for panel members might not be as accessible to disabled people as non-disabled people. With regard to offenders, disabled people may be more or less likely to be diverted to panels if there is a lack of understanding about their circumstances. The venues selected for panel meetings will need to have appropriate physical access or equipment (i.e. hearing loops etc), and if not there will be potential for disproportionate impacts.
- 6.20.9 The community resolutions brokered may be more or less appropriate for offenders with certain disabilities, depending on panel members' sensitivity to the needs of disabled people. Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Gender and gender reassignment impacts

- 6.20.10 Gender data for cautions, penalties notices for disorder and anti-social behaviour orders are given in Tables 53, 54 and 55 (Annex A). These indicate that there is potential for disproportionate impacts in relation to gender, which will be taken into account as policy development continues.

Sexual orientation impacts

- 6.20.11 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Age impacts

- 6.20.12 Age data for offenders given cautions, penalties notices for disorder and anti-social behaviour orders are shown in Tables 74, 75 and 76 (Annex A).
- 6.20.13 Adults account for a higher proportion of the total penalty notices for disorder, anti-social behaviour orders and cautions. There is potential for disproportionate impacts in relation to age. The potential for any disproportionate impact will be taken into account as policy development continues.

Pregnancy and maternity impacts

- 6.20.14 Due to limitations in the available evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Religion or belief impacts

- 6.20.15 There is a risk that participation in panels may not be representative of the local population. Conversely local knowledge of religious belief may allow outcomes that are more sensitive to differences.

6.20.16 Due to limitations in the evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

Marriage and civil partnership impacts

6.20.17 Due to limitations in the evidence we are unable to rule out any disproportionate impact. The potential for any disproportionate impact will be taken into account as policy development continues.

7. Annex A – Evidence

Characteristics of the population of England and Wales

In order to assess whether the policy proposals set out in the Green Paper could have potential for disproportionate impacts with regard to equality, we compared the characteristics of the individuals that could be affected by each policy with the characteristics of the population of England and Wales.

Table 1: population of England and Wales by ethnicity, estimate for 2009¹⁴

Ethnicity	White	Black or Black British	Asian or Asian British	Chinese or other	Mixed	Unknown
Population of England and Wales	88%	3%	6%	2%	1%	0%

The available data on disability for the population of England and Wales are based on the number in 2001 that had a long-term illness, health problem or disability which limited daily activities or work. According to this data 18% of the population had a disability.¹⁵ These data are the best available to describe the prevalence of disability in the population of England and Wales, but they are not directly comparable to the available data on offenders.

Table 2: percent of population of England and Wales by gender, estimate for 2008¹⁶:

Gender	Population of England and Wales
Male	49%
Female	51%

¹⁴ Office for National Statistics.

¹⁵ Office for National Statistics. Table KS08.

¹⁶ Office for National Statistics.

Table 3: percent of population of England and Wales by age, estimate for 2008¹⁷

Age	Percent
0-4	6%
5-9	6%
10-14	6%
15-19	6%
20-24	7%
25-29	7%
30-34	6%
35-39	7%
40-44	8%
45-49	7%
50-54	6%
55-59	6%
60-64	6%
65-69	4%
70-74	4%
75-79	3%
80-84	2%
85-89	2%
90+	1%

Table 4: percent of population of England and Wales by religion, 2009¹⁸

Religion	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Other religions	No religion	Religion not stated
Percent	71%	0%	1%	1%	5%	1%	1%	20%	0%

Table 5: percent of population of England and Wales by marriage status, 2008¹⁹

Marital status	Single	Married	Widowed	Divorced
Percent	47%	40%	6%	7%

¹⁷ Office for National Statistics.

¹⁸ Office for National Statistics.

¹⁹ Office for National Statistics.

Characteristics of victims of crime

Race

Table 6: percent of ethnic groups that are victims of crime, 2009/10²⁰

Ethnicity	White	Black or Black British	Asian or Asian British	Chinese or other	Mixed
Percent that have been a victim of crime	22%	20%	21%	20%	30%

Disability

Table 7: percent of people that are victims of crime, 2009/10²¹

Disability	Long-standing illness or disability		No long-standing illness or disability
	Limits activities	Does not limit activities	
Percent that have been a victim of crime	20%	22%	22%

Gender

Table 8: percent of age groups that are victims of crime, 2009/10²²

Gender	Percent that are victims of crime
Male	23%
Female	20%

²⁰ Home Office, "Crime in England and Wales, 2009/10". July 2010 Table 2.05.

²¹ Home Office, "Crime in England and Wales, 2009/10". July 2010 Table 2.05.

²² Home Office, "Crime in England and Wales, 2009/10". July 2010 Table 2.05.

Age

Table 9: percent of age groups that are victims of crime, 2009/10²³

Age group	Percent of group that are victims of crime
16-24	32%
25-34	28%
35-44	24%
45-54	22%
55-64	16%
65-74	11%
75+	8%

Marriage and civil partnership

Table 10: percent of marital groups that are victims of crime, 2009/10²⁴

Marital status	Married	Cohabiting	Single	Separated	Divorced	Widowed
Percent that have been a victim of crime	18%	27%	28%	25%	22%	10%

²³ Home Office, "Crime in England and Wales, 2009/10". July 2010 Table 2.05.

²⁴ Home Office, "Crime in England and Wales, 2009/10". July 2010 Table 2.05.

Characteristics of offenders

Ethnicity

Table 11: percent of sentenced prison population by ethnicity, 2009²⁵

Ethnicity	Sentence length				Total
	Under 12 months	1-4 years	4 years - life	Indeterminate	
White	80%	78%	69%	77%	75%
Black or Black British	10%	11%	18%	13%	14%
Asian or Asian British	6%	6%	8%	5%	7%
Chinese or other	1%	1%	1%	1%	1%
Mixed	3%	3%	4%	3%	3%
Unknown	0%	0%	0%	1%	0%
Total	100%	100%	100%	100%	100%

Table 12: percent of offenders starting an unpaid work requirement under a community order or suspended sentence in 2009, by ethnicity²⁶

Ethnicity	White	Black	Asian	Chinese or other	Mixed	Unknown	Total
Offenders starting a community order	81%	6%	5%	2%	3%	3%	100%
Offenders starting a suspended sentence order	78%	8%	7%	2%	3%	3%	100%

Table 13: percent of all offenders starting a community order or suspended sentence in 2009 by ethnicity (excluding those receiving an unpaid work requirement)²⁷

Ethnicity	White	Black	Asian	Chinese or other	Mixed	Unknown	Total
Offenders starting a community order	86%	5%	3%	1%	2%	3%	100%
Offenders starting a suspended sentence order	84%	6%	4%	1%	3%	3%	100%

²⁵ Further breakdown of figures published in Offender Management Caseload Statistics 2009. Data includes fine defaulters.

²⁶ Further breakdown of figures published in Offender Management Caseload Statistics 2009.

²⁷ Further breakdown of figures published in Offender Management Caseload Statistics 2009.

Table 14: percent of all offenders starting a community order or suspended sentence in 2009, by ethnicity²⁸

Ethnicity	White	Black	Asian	Chinese or other	Mixed	Unknown	Total
Offenders starting a community order	83%	6%	4%	1%	3%	3%	100%
Offenders starting a suspended sentence order	81%	7%	5%	1%	3%	3%	100%

Table 15: estimated percent of Greater Manchester population by ethnicity, 2007²⁹

Ethnicity	White	Black or Black British	Asian or Asian British	Chinese or other	Mixed	Unknown	Total
Population of Greater Manchester	88%	2%	7%	2%	2%	0%	100%

Table 16: estimate percent of 6 London boroughs' population by ethnicity³⁰

Ethnicity	White	Black or Black British	Asian or Asian British	Chinese or other	Mixed	Unknown	Total
Population of 6 potential London Boroughs	61%	19%	12%	3%	4%	0%	100%

Table 17: persons aged 18 and over sentenced to immediate custody for indictable offences by ethnic group, 2009³¹

Ethnic group	White	Black	Asian	Other	Not Recorded	Total
Immediate custody	26%	33%	35%	42%	25%	27%

²⁸ Further breakdown of figures published in Offender Management Caseload Statistics 2009.

²⁹ Office for National Statistics. (Published 5 February 2010)

³⁰ Office for National Statistics. (Published 5 February 2010)

³¹ 2009 Court proceedings data.

Table 18: persons tried and sentenced to immediate custody at the Crown Court: percentage pleading Guilty Plea by ethnic group, 2009³²

Plea	White		Black		Asian	
	Guilty Plea	Not Guilty Plea	Guilty Plea	Not Guilty Plea	Guilty Plea	Not Guilty Plea
Immediate custody	88%	12%	80%	20%	80%	20%

Plea	Other		Not known		All	
	Guilty Plea	Not Guilty Plea	Guilty Plea	Not Guilty Plea	Guilty Plea	Not Guilty Plea
Immediate custody	85%	15%	84%	16%	86%	14%

Table 19: persons tried and sentenced in the Crown Court: average custodial sentence length (months) by plea and ethnic group³³

Ethnicity	Guilty Plea	Not Guilty Plea
White	23.8	44.5
Black	24.9	48.6
Asian	22.6	46.9
Other	21.2	46.4
Unknown	25.1	51.4
All	23.9	46.7

Table 20; foreign national prisoners by ethnic group³⁴

Ethnicity	% of Foreign national prisoners by ethnic group	% of offenders sentenced to immediate custody by ethnic group
White	33%	75%
Black/Black British	38%	14%
Asian/Asian British	17%	7%
Chinese/Other ethnic group	8%	1%
Mixed	3%	3%
Not recorded	0%	0%
Other	0%	0%
Total	100%	100%

³² 2009 court proceedings data.

³³ 2009 court proceedings data. Excludes life and indeterminate sentences.

³⁴ Criminal Statistics, England and Wales 2009, CJS administrative systems.

Table 21: final outcome of proceedings at magistrates' courts and the Crown Court in 2009, persons remanded in custody, by ethnic group³⁵

	White	Black	Asian	Other	Unknown	All
Acquitted or not proceeded with etc.	12%	16%	16%	13%	15%	13%
Discharge	3%	2%	2%	2%	3%	3%
Fine	4%	4%	4%	2%	8%	4%
Community sentence	11%	7%	7%	6%	8%	10%
Suspended sentence	7%	5%	5%	4%	5%	6%
Immediate custody	60%	62%	63%	70%	60%	61%
Otherwise dealt with	3%	4%	3%	3%	3%	3%
All	100%	100%	100%	100%	100%	100%

Table 22: prison population and imprisonment for public protection prisoners by ethnic group³⁶

Ethnicity	Proportions of all existing imprisonment for public protection sentences (to Mar 10)	Proportions of all existing imprisonment for public protection sentences with tariffs under 5 years (to Mar 10)	Share of the prison population (2009)
White	77%	78%	79%
Black or Black British	15%	14%	10%
Asian or Asian British	4%	4%	6%
Chinese or other ethnic group	1%	0%	1%
Mixed	4%	4%	3%

³⁵ 2009 court proceedings data. The percentages have been computed from figures which exclude those defendants who failed to appear. Otherwise dealt with includes one day in police cells, disqualification order, restraining order, confiscation order, travel restriction order, disqualification from driving, ASBO and recommendation for deportation and other miscellaneous disposals.

³⁶ Ministry of Justice data.

Table 23: percentage of prisoners discharged in 2007, recalled by ethnic group³⁷

Ethnicity	Likelihood of recall'
White	22%
Asian or Asian British	17%
Black or Black British	19%
Chinese or Other	11%
Mixed	19%

Table 24: Those receiving cautions by ethnic group, 2009³⁸

Ethnicity	Those receiving cautions for indictable offences as % of total found guilty or cautioned	% of total caution administered
White	37%	82%
Black	29%	7%
Asian	39%	5%
Other	33%	2%
Unknown	10%	4%
Total	33%	100%

Table 25: persons aged 18 and over sentenced for indictable and triable-either-way offences by ethnic group and type of sentence, 2009³⁹

Result	Percentage of those sentenced					
	White	Black	Asian	Other	Not Recorded	all
Immediate custody	25.7%	32.8%	34.5%	42.4%	24.8%	26.8%
Suspended sentence	11.1%	10.1%	12.1%	10.6%	10.6%	11.0%
Community sentence	27.7%	20.9%	21.7%	19.7%	26.4%	26.5%
Fine	18.2%	20.8%	19.7%	13.5%	22.7%	19.1%
Other	17.3%	15.5%	12.0%	13.8%	15.5%	16.5%
Total	100%	100%	100%	100%	100%	100%

³⁷ Ministry of Justice.

³⁸ Excluding motoring offences.

³⁹ Further breakdown of statistics published in Sentencing Statistics 2009.

Table 26: percent of court ordered secure remand for youths by ethnicity, 2008/09⁴⁰

Ethnicity	White	Black	Asian	Other	Mixed	Not Known	Total
Percent of court ordered secure remand	67%	17%	4%	2%	10%	1%	100%

Table 27: percent of youths in custody by ethnicity, average over 2008/09⁴¹

Ethnicity	White	Black	Asian	Other	Mixed	Not Known	Total
Percent of youths in custody	66%	14%	5%	0%	7%	8%	100%

Table 28: percent of under 12 month custody population that could be affected by the mental health policy proposal, by ethnicity, 2007⁴²

Ethnicity	White	Black	Asian	Mixed	Other
Percent with mental health issue	34%	20%	16%	25%	19%

Table 29: percent of under 12 month custody population that could be affected by the drugs policy proposal, by ethnicity, 2007⁴³

Ethnic Group	White	Black	Asian	Mixed	Other
Percent with a drug dependency	58%	56%	45%	63%	37%

⁴⁰ Statistics on Youth Justice Board workload, Table 2.1.

⁴¹ Statistics on Youth Justice Board workload, Table 5.6

⁴² Data from 2007 prison receptions with matched OASys assessments for offenders sentenced to under 12 months. Data is indicative due to uncertainty as to the offenders that the policy will focus upon. For the purposes of providing equality data, it is assumed that the policy will apply to offenders that indicated had: self harmed, attempted suicide, had suicidal thoughts or feelings; current psychiatric treatment or treatment pending, and; a history of psychiatric treatment.

⁴³ Data from 2007 prison receptions with matched OASys assessments for offenders sentenced to under 12 months. Data is indicative due to uncertainty as to the offenders that the policy will focus upon. For the purposes of providing equality data, it is assumed that the policy will apply to offenders that indicated a drug misuse score of at least 2 across the following five OASys questions: current drugs noted include heroin, methadone, other opiates, crack, cocaine or misused prescribed drugs (No=0; Yes=2); level of use of main drug (less than weekly=0; at least weekly=2); ever injected drugs (never=0; previous=1; currently=2); motivation to tackle drug misuse (no problems=0; some problems=1; significant problems=2), and; drug use and obtaining drugs a major activity/occupation (no problems=0; some problems=1; significant problems=2).

Table 30: Percent of people cautioned, by ethnicity, 2009⁴⁴

Offence type / group	Total	White	Black	Asian	Other	Unknown
Indictable offences						
Violence against the person	100%	83%	7%	5%	2%	3%
Sexual offences	100%	81%	5%	7%	3%	4%
Burglary	100%	87%	5%	3%	1%	5%
Robbery	100%	52%	25%	13%	6%	5%
Theft and handling stolen goods	100%	82%	7%	5%	2%	5%
Fraud and forgery	100%	70%	13%	10%	4%	4%
Criminal damage	100%	89%	4%	3%	1%	3%
Drug offences	100%	83%	8%	5%	1%	3%
Other indictable	100%	83%	6%	5%	3%	2%
Total (excluding motoring offences) ⁽¹⁾	100%	82%	7%	5%	2%	4%
Summary offences (excluding motoring offences)						
	100%	84%	7%	4%	1%	4%
All offences ⁽¹⁾ (excluding motoring offences)						
	100%	83%	7%	5%	2%	4%

Table 31: Percent of people receiving a penalty notice for disorder, by ethnicity, 2009⁴⁵

Ethnicity	White	Black	Asian	Other	Not Recorded/ Not Known	Total
Total Higher Tier Offences (£80)	70%	2%	5%	4%	19%	100%
Total Lower Tier Offences (£50)	67%	3%	6%	3%	19%	100%
Total	70%	2%	5%	4%	19%	100%

⁴⁴ Criminal Statistics 2009, Table 3.6.

⁴⁵ Criminal Statistics 2009, Table 2.5.

Disability

Table 32: Proportion of adult prisoners of less than 4 years reporting mental health issues (categories are not mutually exclusive) and physical disability⁴⁶

Issue	Percent of sample
Said they needed help for an emotional or mental health problem at the time of interview	20%
Treated/counseled for a mental health or emotional problem in the year before custody	17%
Suicidal thoughts in the year before custody	16%
Mental health illness or depression as a long-standing limiting illness	12%
Attempted suicide in the year before custody	9%
Heard voices saying "quite a few words or sentences" when there was no-one around to account for it	9%
Self-harmed in the year before custody	6%
Prescribed anti-psychotic medication in the year before custody	2%

Physical disability: 34% of the prison population who are serving sentences of less than 4 years have a "longstanding illness, disability, or infirmity of any kind".⁴⁷

Gender and gender reassignment

Table 33: prison industry population as a percent of population in adult estate, 2010/11 (National Offender Management Service Data)

Population	Industry places as a percent of population
Male adults	13%
Female adults	10%

⁴⁶ Ministry of Justice Compendium of reoffending statistics and analysis Statistics Bulletin (November 2010) Chapter five: Surveying Prisoner Crime Reduction

⁴⁷ Data from <http://www.justice.gov.uk/publications/compendium-reoffending.htm>. The data is from the Surveying Prisoner Crime Reduction prisoner survey and the exact question asked was "Can I check, did you have any longstanding illness, disability, or infirmity of any kind just before you came into custody? By longstanding I mean anything that has troubled you over a period of time or that is likely to affect you over a period of time. Please remember that your answer is treated in the strictest confidence and that none of this information will be passed to anyone in the prison or to any government agency that can identify you as an individual."

Table 34: percent of sentenced prison population by sentence length and gender, 2009⁴⁸

Sentence length					
Gender	Under 12 months	1-4 years	4 years - life	Indeterminate	Total
Male	91%	94%	96%	97%	95%
Female	9%	6%	4%	3%	5%
Total	100%	100%	100%	100%	100%

Table 35: percent of offenders starting a community order or suspended sentence in 2009, by gender (excluding those who are given an unpaid work requirement)⁴⁹

Gender	Community order	Suspended sentence order	Total
Male	80%	83%	81%
Female	20%	17%	19%
Total	100%	100%	100%

Table 36: percent of offenders starting an unpaid work requirement under a community order or suspended sentence in 2009, by gender⁵⁰

Gender	Community order	Suspended sentence order	Total
Male	87%	88%	87%
Female	13%	12%	13%
Total	100%	100%	100%

⁴⁸ Further breakdown of figures published in Offender Management Caseload Statistics 2009. Data includes fine defaulters.

⁴⁹ Further breakdown of figures published in Offender Management Caseload Statistics 2009.

⁵⁰ Further breakdown of figures published in Offender Management Caseload Statistics 2009.

Table 37: percent of all offenders starting a community order or suspended sentence in 2009, by gender⁵¹

Gender	Community order	Suspended sentence order	Total
Male	84%	85%	84%
Female	16%	15%	16%
Total	100%	100%	100%

Table 38: estimated percent of Greater Manchester population by gender, 2007⁵²

Gender	Numbers
Male	49%
Female	51%

Table 39: estimated percent of potential 6 London Boroughs' populations, by gender, 2007⁵³

Gender	Numbers
Male	50%
Female	50%

Table 40: persons tried and sentenced to immediate custody at the Crown Court: Percentage pleading guilty by gender, 2009⁵⁴

Gender	Males		Females		All	
	Plea	Guilty Plea	Not Guilty Plea	Guilty Plea	Not Guilty Plea	Not Guilty Plea
Immediate custody		86%	14%	86%	14%	86%
						14%

⁵¹ Further breakdown of figures published in Offender Management Caseload Statistics 2009.

⁵² Office for National Statistics. (Published 5 February 2010)

⁵³ Office for National Statistics. (Published 5 February 2010)

⁵⁴ 2009 court proceedings data.

Table 41: persons aged 18 and over sentenced to immediate custody for indictable offences by gender and type of sentence, 2009⁵⁵

Gender	Male	Female	Not Known	Total
Immediate custody	29%	16%	14%	27%

Table 42: persons tried and sentenced in the Crown Court: average custodial sentence length (months) by plea and gender⁵⁶

Plea	Guilty Plea	Not Guilty Plea	Percent increase in length for not guilty plea.
Male	24.3	47.4	96%
Female	19.3	36.9	95%
All	23.9	46.7	95%

Table 43: foreign national prisoners sentenced to immediate custody⁵⁷

Gender	Foreign national immediate custodial sentenced prison population
Males	92%
Females	8%
Total	100%

Table 44: Final outcome of proceedings at magistrates' courts and the Crown Court in 2009, persons remanded in custody, by gender⁵⁸

	Males	Females	All
Acquitted or not proceeded with etc.	13%	12%	13%
Discharge	3%	4%	3%
Fine	4%	4%	4%
Community sentence	9%	13%	10%
Suspended sentence	6%	8%	6%
Immediate custody	61%	55%	61%
Otherwise dealt with	3%	4%	3%
All	100%	100%	100%

⁵⁵ 2009 court proceedings data.

⁵⁶ Excludes life and indeterminate sentences

⁵⁷ CJS Administrative Systems.

⁵⁸ 2009 court proceedings data. The percentages have been computed from figures which exclude those defendants who failed to appear. Otherwise dealt with includes one day in police cells, disqualification order, restraining order, confiscation order, travel restriction order, disqualification from driving, ASBO and recommendation for deportation and other miscellaneous disposals.

Table 45: prison population and imprisonment for public protection prisoners by gender⁵⁹

Gender	Proportions of all existing imprisonment for public protection (to Mar 10)	Share of the prison population (2009)
Male	97%	95%
Female	3%	5%

Table 46: percentage of prisoners discharged in 2007, recalled by gender⁶⁰

Gender	Likelihood of recall'
Male	22%
Female	16%

Table 47: Those receiving cautions for all offences by gender, 2009⁶¹

Gender	Cautions as a proportion of offenders cautioned or found guilty for all offences	Proportion of cautions administered for all offences by gender
Male	27%	74%
Female	26%	26%

Table 48: Persons aged 18 and over sentenced by gender and type of sentence, 2009⁶²

Result	Percentages	
	Males	Females
Absolute discharge	1%	0%
Conditional discharge	6%	6%
Fine	67%	80%
Community sentence	12%	7%
Suspended sentence order ⁽²⁾	4%	2%
Immediate custody	9%	3%
Otherwise dealt with ⁽¹⁾	2%	1%
Total sentenced	100%	100%

⁵⁹ Ministry of Justice data.

⁶⁰ Ministry of Justice.

⁶¹ Excludes motoring offences.

⁶² Further breakdown of statistics published in Sentencing Statistics 2009

Table 49: percent of court ordered secure remand for youths by gender, 2008/09⁶³

Gender	Male	Female	Total
Percent of court ordered secure remand	79%	21%	100%

Table 50: percent of youths in custody by gender (average over 2008/09)⁶⁴

Gender	Male	Female	Total
Percent of court ordered secure remand	93%	7%	100%

Table 51: percent of under 12 month custody population that could be affected by the mental health policy proposal, by gender, 2007⁶⁵

Group	Percent with mental health issue
Male	30%
Female	49%

Table 52: percent of under 12 month custody population that could be affected by the drugs policy proposal, 2007⁶⁶

Group	Percent with a drug dependency
Male	54%
Female	67%

⁶³ Statistics on Youth Justice Board workload, Table 2.1.

⁶⁴ Statistics on Youth Justice Board workload, Table 5.6.

⁶⁵ Data from 2007 prison receptions with matched OASys assessments for offenders sentenced to under 12 months. Data is indicative due to uncertainty as to the offenders that the policy will focus upon. For the purposes of providing equality data, it is assumed that the policy will apply to offenders that indicated had: self harmed, attempted suicide, had suicidal thoughts or feelings; current psychiatric treatment or treatment pending, and; a history of psychiatric treatment.

⁶⁶ Data from 2007 prison receptions with matched OASys assessments for offenders sentenced to less than 12 months. Data is indicative due to uncertainty as to the offenders that the policy will focus upon. For the purposes of providing equality data, it is assumed that the policy will apply to offenders that indicated a drug misuse score of at least 2 across the following five OASys questions: current drugs noted include heroin, methadone, other opiates, crack, cocaine or misused prescribed drugs (No=0; Yes=2); level of use of main drug (less than weekly=0; at least weekly=2); ever injected drugs (never=0; previous=1; currently=2); motivation to tackle drug misuse (no problems=0; some problems=1; significant problems=2), and; drug use and obtaining drugs a major activity/occupation (no problems=0; some problems=1; significant problems=2).

Table 53: percent of cautions by gender, 2009⁶⁷

Gender	Male	Female	Total
Indictable offences			
Violence against the person	74%	26%	100%
Sexual offences	95%	5%	100%
Burglary	89%	11%	100%
Robbery	87%	13%	100%
Theft and handling stolen goods	57%	43%	100%
Fraud and forgery	66%	34%	100%
Criminal damage	84%	16%	100%
Drug offences	87%	13%	100%
Other (excluding motoring offences)	81%	19%	100%
Total (excluding motoring offences) (2)	72%	28%	100%
Summary offences			
(excluding motoring offences)	77%	23%	100%
All offences (2)			
(excluding motoring offences)	74%	26%	100%

Table 54: Percent of people receiving a penalty notice for disorder, by gender, 2009⁶⁸

Gender	Male	Female	Total
Total Upper Tier Offences (£80)	75%	25%	100%
Total Lower Tier Offences (£50)	88%	13%	100%
Total	75%	25%	100%

Table 55: Percent of people receiving an ASBO, by gender, 2008⁶⁹

Gender	Male	Female	Total
Total	84%	16%	100%

⁶⁷ Criminal Statistics 2009, Table 3.2⁶⁸ Criminal Statistics 2009, Table 2.2.⁶⁹ Anti-Social Behaviour Order Statistics - England and Wales 2008, Table 1.

Age

Table 56: percent of sentenced prison population by sentence length and age, 2009⁷⁰

Age	Sentence length				Total
	Under 12 months	1-4 years	4 years - life	Indeterminate	
15 - 17	7%	3%	1%	1%	2%
18 - 20	15%	15%	6%	4%	10%
21 - 24	18%	21%	14%	13%	16%
25 - 29	19%	19%	19%	16%	19%
30 - 39	25%	25%	28%	26%	26%
40 - 49	12%	12%	19%	25%	17%
50 - 59	3%	3%	8%	11%	6%
60 - 64	1%	1%	2%	3%	2%
65 and over	0%	1%	3%	3%	2%
All	100%	100%	100%	100%	100%

Table 57: percent of offenders starting an unpaid work requirement under a community order or suspended sentence in 2009, by age⁷¹

Age	Community orders	Suspended sentence orders	Total
18-20	22%	19%	21%
21-24	21%	22%	22%
25-29	18%	18%	18%
30-39	21%	22%	21%
40-49	13%	13%	13%
50-59	4%	4%	4%
60 and over	1%	1%	1%
All	100%	100%	100%

⁷⁰ Further breakdown of figures published in Offender Management Caseload Statistics 2009. Data includes fine defaulters.

⁷¹ Further breakdown of figures published in Offender Management Caseload Statistics 2009.

Table 58: percent of offenders starting a community order or suspended sentence in 2009, by age (excluding those who are given an unpaid work requirement)⁷²

Age	Community orders	Suspended sentence orders	Total
18-20	13%	12%	12%
21-24	16%	17%	16%
25-29	18%	19%	18%
30-39	30%	28%	29%
40-49	17%	17%	17%
50-59	5%	5%	5%
60 and over	1%	2%	2%
All	100%	100%	100%

Table 59: percent of all offenders starting a community order or suspended sentence in 2009, by age⁷³

Age	Community orders	Suspended sentence orders	Total
18-20	18%	15%	17%
21-24	19%	19%	19%
25-29	18%	19%	18%
30-39	25%	25%	25%
40-49	15%	15%	15%
50-59	4%	5%	4%
60 and over	1%	2%	1%
All	100%	100%	100%

Table 60: estimated percent of Greater Manchester population by age, 2007⁷⁴

Age	Percent
0-15	20%
16-64/59	63%
65/60+	17%

⁷² Further breakdown of figures published in Offender Management Caseload Statistics 2009.

⁷³ Further breakdown of figures published in Offender Management Caseload Statistics 2009. Data includes fine defaulters.

⁷⁴ Office for National Statistics. (Published 5 February 2010)

Table 61: estimated percent of potential 6 London Boroughs' populations, by age, 2007^{75,76}

Age	Percent
0-15	20%
16-64/59	68%
65/60+	11%

Table 62: persons tried and sentenced to immediate custody at the Crown Court: percentage pleading guilty by age group, 2009⁷⁷

Age	Under 18		18-20		21-24		25-29	
Plea	Guilty Plea	Not Guilty Plea						
Immediate custody	85%	15%	89%	11%	88%	12%	88%	12%

Age	30-39		40-49		50-59		60+	
Plea	Guilty Plea	Not Guilty Plea						
Immediate custody	86%	14%	80%	20%	75%	25%	71%	29%

Table 63: persons tried and sentenced in the Crown Court: average custodial sentence length (months) by plea and age group⁷⁸

Age	Guilty	Not Guilty
Under 18	20.5	35.4
18-20	21.7	38
21-24	23.3	40.8
25-29	24.5	45.3
30-39	24	46.7
40-49	26.1	51.3
50-59	26.5	58.6
60+	34	69.4
All	23.9	46.7

⁷⁵ Office for National Statistics. (Published 5 February 2010)

⁷⁶ 65 and over for males; 60 and over for females.

⁷⁷ 2009 court proceedings data.

⁷⁸ 2009 court proceedings data. Excludes life and indeterminate sentences

Table 64: immediate custodial sentenced foreign national prison population by age (England and Wales 2009)

Age	% of total foreign nationals sentenced to immediate custody	% of total sentenced Prison population
15 - 17	2%	2%
18 - 20	7%	10%
21 - 24	14%	16%
25 - 29	20%	19%
30 - 39	32%	26%
40 - 49	17%	17%
50 - 59	7%	6%
60 and over	2%	3%
Total	100%	100%

Table 65: Percentage sentenced to immediate custody at magistrates' courts and the Crown Court in 2009, persons remanded in custody, by age⁷⁹

Age	Under 18	18-20	21-24	25-29	30-39	40-49	50-59	60+	All
% immediate custody	49%	59%	62%	62%	62%	59%	58%	57%	61%

Table 66: Prison population and imprisonment for public protection prisoners by age

	Proportions of all existing imprisonment for public protection sentences (to Mar 10)	Share of the prison population (2009)
Adult (18 and over)	97%	99%
Youth (under 18)	3%	1%

⁷⁹ 2009 court proceedings data. Percentages have been computed from figures which exclude those defendants who failed to appear.

Table 67: percentage of prisoners discharged in 2007, recalled by age⁸⁰

Age	'Likelihood of recall'
All	21%
17 and under	1%
18-20	10%
21-24	31%
25-29	33%
30-39	29%
40-49	24%
50-59	16%
60 and over	12%

Table 68: Those receiving cautions by age group, 2009⁸¹

Age	Cautions as a proportion of offenders cautioned or found guilty for all offences	Proportion of cautions administered for all offences by age group
10-17	51%	27%
18-20	31%	15%
21-24	24%	14%
25-29	18%	12%
30-39	20%	16%
40-49	21%	11%
50-59	23%	4%
60 & over	32%	2%
All ages	26%	100%

Table 69: percent of all offenders starting a community order or suspended sentence in 2009, by age⁸²

Age group	Percentages							
	18-20	21-24	25-29	30-39	40-49	50-59	60+	Total
Immediate custody	25%	28%	28%	28%	26%	25%	26%	27%
Suspended Sentence	9%	11%	11%	11%	12%	13%	16%	11%
Community Sentence	32%	26%	26%	26%	25%	22%	17%	27%
Fine	18%	20%	20%	18%	18%	20%	22%	19%
Other	16%	14%	15%	18%	19%	19%	19%	17%
Total	100%	100%	100%	100%	100%	100%	100%	100%

⁸⁰ Ministry of Justice.

⁸¹ Exclude motoring offences.

⁸² Further breakdown of figures published in Offender Management Caseload Statistics 2009. Data includes fine defaulters.

Table 70: percent of court ordered secure remand for youths, by age, 2008/09⁸³

Age	10	11	12	13	14	15	16	17	Total
Percent of court ordered secure remand	0%	0%	3%	11%	37%	26%	21%	2%	100%

Table 71: percent of youths in custody, by age, 2007⁸⁴

Age	12	13	14	15	16	17	Total
Percent of youths in custody	0%	1%	5%	13%	29%	52%	100%

Table 72: percent of under 12 month custody population that could be affected by the mental health policy proposal, by age, 2007⁸⁵

Age	Percent
18-20	26%
21-24	11%
25-29	12%
30-39	22%
40-49	17%
50-59	9%
60-64	1%
65+	2%

⁸³ Statistics on Youth Justice Board workload, Table 2.2.

⁸⁴ Statistics on Youth Justice Board workload, Table 5.6.

⁸⁵ Data from 2007 prison receptions with matched OASys assessments for offenders sentenced to under 12 months. Data is indicative due to uncertainty as to the offenders that the policy will focus upon. For the purposes of providing equality data, it is assumed that the policy will apply to offenders that indicated had: self harmed, attempted suicide, had suicidal thoughts or feelings; current psychiatric treatment or treatment pending, and; a history of psychiatric treatment.

Table 73: percent of under 12 month custody population that could be affected by the drugs policy proposal, 2007⁸⁶

Age	Percent
18-20	30%
21-24	11%
25-29	9%
30-39	11%
40-49	8%
50-59	2%
60-64	0%
65+	0%

Table 74: percent of cautions by age, 2009

Age	10-11	12-14	15-17	18-20	21 & over	Total
Indictable offences						
Violence against the person	1%	10%	14%	15%	60%	100%
Sexual offences	1%	12%	15%	16%	56%	100%
Burglary	3%	21%	33%	18%	25%	100%
Robbery	8%	45%	31%	8%	8%	100%
Theft and handling stolen goods	2%	18%	24%	13%	43%	100%
Fraud and forgery	0%	2%	9%	17%	72%	100%
Criminal damage	3%	15%	19%	17%	46%	100%
Drug offences	0%	2%	15%	17%	66%	100%
Other (excluding motoring offences)	0%	5%	11%	18%	66%	100%
Total (excluding motoring offences) ⁽²⁾	1%	11%	19%	15%	54%	100%
Summary offences						
(excluding motoring offences)	1%	8%	14%	15%	62%	100%
All offences						
(excluding motoring offences) ⁽²⁾	1%	10%	16%	15%	58%	100%

Table 75: Percent of people receiving a penalty notice for disorder, by age, 2009

Totals	Aged 16-17	Aged 18+	Total
Total Higher Tier Offences (£80)	7%	93%	100%
Total Lower Tier Offences (£50)	11%	89%	100%
Total	7%	93%	100%

⁸⁶ Data from 2007 prison receptions with matched OASys assessments for offenders sentenced to less than 12 months. Data is indicative due to uncertainty as to the offenders that the policy will focus upon. For the purposes of providing equality data, it is assumed that the policy will apply to offenders that indicated a drug misuse score of at least 2 across the following five OASys questions: current drugs noted include heroin, methadone, other opiates, crack, cocaine or misused prescribed drugs (No=0; Yes=2); level of use of main drug (less than weekly=0; at least weekly=2); ever injected drugs (never=0; previous=1; currently=2); motivation to tackle drug misuse (no problems=0; some problems=1; significant problems=2), and; drug use and obtaining drugs a major activity/occupation (no problems=0; some problems=1; significant problems=2).

Table 76: Percent of people receiving an ASBO, by age, average from 2000 to 2008

Age	Number of individuals
10	0%
11	1%
12	1%
13	3%
14	6%
15	9%
16	11%
17	10%
18+	59%
Age unknown	1%
Total	100%

Religion or belief

Table 77: percent of sentenced prison population, by sentence length and religious belief, 2009⁸⁷

Religion	Sentence length				Total
	Under 12 months	1-4 years	4 years - life	Indeterminate	
Anglican	22%	25%	29%	30%	27%
Free Church	1%	1%	2%	2%	2%
Roman Catholic	16%	17%	18%	17%	17%
Other Christian	4%	4%	4%	3%	4%
Buddhist	0%	1%	2%	5%	2%
Hindu	1%	0%	0%	1%	0%
Jewish	0%	0%	0%	0%	0%
Muslim	8%	9%	14%	12%	11%
Sikh	1%	1%	1%	1%	1%
Other religious groups	0%	0%	1%	2%	1%
Non-recognised	0%	0%	0%	0%	0%
Missing	0%	0%	0%	0%	0%
No religion	46%	41%	28%	26%	34%
All	100%	100%	100%	100%	100%

⁸⁷ Further breakdown of figures published in Offender Management Caseload Statistics 2009. Data includes fine defaulters.

Marriage and civil partnership

Table 78: percent of sentenced prison population, by sentence length and by marital status, 2009 ⁸⁸

Cohort of offenders	Married	Living with partner	Single	Widowed	Divorced	Separated from husband/wife
Under 12 month custody population	7%	23%	62%	0%	5%	2%
1-4 year custody population	12%	24%	58%	1%	3%	2%

⁸⁸ Data from SPCR, 2006.

8. Annex B – Equalities Groups

We welcome responses from any interested parties, including those below. Responses to the Green Paper consultation can be submitted directly through the Ministry of Justice website at www.justice.gov.uk, via email to breakingthecycle@justice.gsi.gov.uk or by post to Breaking the Cycle, Ministry of Justice, 10.08, 10th Floor, 102 Petty France, London, SW1H 9AJ.

Race on the Agenda

Voice4Change England

Friends, Families and Travellers

Irish Traveller Movement in Britain

Rethink

Mencap

Centre for Mental Health

MEAM (Making every adult matter coalition)

Revolving Doors

MIND

The Fawcett Society

The Beaumont Society

The Gender Identity Research & Education Society (GIRES)

AgeUK – England

AgeUK- Scotland

AgeUK - Wales

Barnados

Children's Society

Young People's Learning Agency

Prince's Trust

NSPCC

Stonewall

Broken Rainbow

Families and Friends of Lesbians and Gays

Terrence Higgins Trust

Clinks

St Giles Trust

Prison Reform Trust