



Ministry of  
**JUSTICE**

**Breaking the Cycle:**  
**Government response**  
Full equality impact assessment

Annexes

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## Annex A – Evidence

Table 1 persons sentenced and ordered to pay compensation for indictable or triable-either-way offences by ethnic group, 2010

	%
<b>White</b>	
All ages	16%
<b>Black</b>	
All ages	9%
<b>Asian</b>	
All ages	11%
<b>Other</b>	
All ages	7%
<b>Unknown</b>	
All ages	12%
<b>Total</b>	
All ages	15%

Further breakdown of statistics published in Criminal Justice Statistics 2010

Table 2 Persons sentenced and ordered to pay compensation for indictable or triable-either-way offences by gender, 2010

	%
<b>Males</b>	
All ages	15%
<b>Females</b>	
All ages	15%
<b>Persons</b>	
All ages	15%

Further breakdown of statistics published in Criminal Justice Statistics 2010

Table 3 Persons sentenced and ordered to pay compensation for indictable or triable-either-way offences by age, 2010

<b>Persons</b>	%
10-17	23%
18-20	17%
21-24	15%
25-29	13%
30-39	13%
40-49	11%
50-59	9%
60+	9%
<b>All ages</b>	<b>15%</b>

Further breakdown of statistics published in Criminal Justice Statistics 2010

Table 4: percent of young people given a conditional discharge or referral order in 2009/10, by ethnicity

<b>Disposal type</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Other</b>	<b>Mixed</b>	<b>Not Known</b>	<b>Total</b>
Conditional Discharge	5%	4%	3%	4%	5%	5%	5%
Referral Order	15%	20%	19%	19%	18%	16%	15%

Youth Justice Statistics 2009/10

Table 5: percent of young people given a conditional discharge or referral order in 2009/10, by gender

<b>Disposal type</b>	<b>Male</b>	<b>Female</b>
Conditional Discharge	5%	4%
Referral Order	16%	14%

Youth Justice Statistics 2009/10

Table 6: percent of young people given a conditional discharge or referral order in 2009/10, by age group

<b>Disposal types</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>Total</b>
Conditional Discharge	1%	1%	1%	2%	3%	4%	6%	7%	5%
Referral Order	4%	9%	12%	15%	16%	17%	16%	16%	15%

Youth Justice Statistics 2009/10

Table 7: percent of young people given a police reprimand or final warning in 2009/10, by ethnicity

<b>Disposal type</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Other</b>	<b>Mixed</b>	<b>Not Known</b>	<b>Total</b>
Reprimand	26%	18%	27%	33%	14%	30%	25%
Final Warning	16%	9%	13%	14%	11%	15%	15%
Conditional Caution	0%	0%	0%	0%	0%	0%	0%

Youth Justice Statistics 2009/10

Table 8: percent of young people given a police reprimand or final warning in 2009/10, by gender

<b>Disposal type</b>	<b>Male</b>	<b>Female</b>
Reprimand	21%	39%
Final Warning	15%	18%
Conditional Caution	0%	0%

Youth Justice Statistics 2009/10

Table 9: percent of young people given a police reprimand or final warning in 2009/10, by age group

<b>Disposal types</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>Total</b>
Police Reprimand	76%	63%	54%	43%	35%	27%	20%	15%	25%
Final Warning	18%	20%	21%	21%	19%	17%	14%	11%	15%
Conditional caution	0%	0%	0%	0%	0%	0%	0%	0%	0%

Youth Justice Statistics 2009/10

Table 10: Percent of custodial remands for young people by ethnicity, 2009/10

Remand type	White	Black	Asian	Other	Mixed	Not Known	Total
Total custodial remands	4%	9%	6%	8%	7%	2%	4%

Youth Justice Statistics 2009/10

Table 11: Percent of custodial remands for young people by gender, 2009/10

Remand type	Male	Female
Total custodial remands	5%	2%

Youth Justice Statistics 2009/10

Table 12: Percent of custodial remands for young people by age group, 2009/10

Remand type	10	11	12	13	14	15	16	17	Total
Total custodial remands	0%	0%	1%	2%	2%	3%	4%	7%	4%

Youth Justice Statistics 2009/10

Table 13a: Offences by persons aged 18 and over involving the possession of a knife or offensive weapon resulting in a caution or conviction per 1,000 of the general population, by ethnic group  
England and Wales

White	0.4
Asian	0.3
Black	1.5
Other	0.3
All	0.4

Offences involving the possession of a knife or offensive weapon resulting in a caution or conviction are for 2010 for persons aged 18 and over. Figures include 43 police force areas and the British Transport Police. Offences relate to possession offences rather than offences where a knife was used. Ethnicity is based on the police officer's judgement of the offender's ethnicity

General population figures are for those aged 16 and over and are from the mid year population estimates for 2009, Office for National Statistics

Table 13b: Offences by persons aged 18 and over involving the possession of a knife or offensive weapon resulting in a caution or conviction by ethnic group, 2010

	White	Black	Asian	Other	Unknown	Total
Caution	20%	12%	24%	27%	39%	20%
Absolute Discharge	0%	0%	0%	0%	0%	0%
Conditional Discharge	4%	5%	3%	8%	4%	4%
Fine	5%	4%	4%	5%	3%	5%
Community Sentence	27%	27%	24%	17%	26%	26%
Suspended Sentence	15%	19%	14%	18%	11%	16%
Immediate Custody - less than or equal to 6 months	16%	20%	15%	16%	11%	17%
Immediate Custody - greater than 6 months	8%	10%	11%	4%	2%	8%
Other	4%	4%	4%	4%	3%	4%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Further breakdown of statistics published in Knife Possession sentencing quarterly brief, January to March 2011

Figures are for England and Wales, and include all 43 police force areas and the British Transport Police  
Figures are counts of number of offences  
Offences relate to possession offences rather than offences where a knife was used  
Ethnicity is based on the police officer's judgement of the offender's ethnicity

Table 14a: Offences by persons aged 18 and over involving the possession of a knife or offensive weapon resulting in a caution or conviction per 1,000 of the general population, by gender England and Wales

Male	0.8
Female	0.1
All	0.4

Offences involving the possession of a knife or offensive weapon resulting in a caution or conviction are for 2010 for persons aged 18 and over. Figures include 43 police force areas and the British Transport Police. Offences relate to possession offences rather than offences where a knife was used.

General population figures are for those aged 18 and over and are from the Annual Population Survey 2009, Office for National Statistics

Table 14b: Offences by persons aged 18 and over involving the possession of a knife or offensive weapon resulting in a caution or conviction by gender, 2010

	Male	Female	Total
Caution	19%	31%	20%
Absolute Discharge	0%	0%	0%
Conditional Discharge	4%	8%	4%
Fine	5%	2%	5%
Community Sentence	26%	28%	26%
Suspended Sentence	16%	12%	16%
Immediate Custody - less than or equal to 6 months	17%	12%	17%
Immediate Custody - greater than 6 months	8%	4%	8%
Other	4%	4%	4%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Further breakdown of statistics published in Knife Possession sentencing quarterly brief, January to March 2011

Figures are for England and Wales, and include all 43 police force areas and the British Transport Police  
 Figures are counts of number of offences  
 Offences relate to possession offences rather than offences where a knife was used  
 The total is not the sum of males and females due to unrecorded gender

Table 15a: Offences by persons aged 18 and over involving the possession of a knife or offensive weapon resulting in a caution or conviction per 1,000 of the general population, by age group England and Wales

18 to 20	1.6
21 to 24	1.1
25 to 29	0.8
30 to 39	0.5
40 to 49	0.3
50 to 59	0.1
60+	0.0
All	0.4

Offences involving the possession of a knife or offensive weapon resulting in a caution or conviction are for 2010 for persons aged 18 and over. Figures include 43 police force areas and the British Transport Police. Offences relate to possession offences rather than offences where a knife was used.

General population figures are for those aged 18 and over and are from the Annual Population Survey 2009, Office for National Statistics

Table 15b: Offences by persons aged 18 and over involving the possession of a knife or offensive weapon resulting in a caution or conviction by age group, 2010

	18 to 20	21 to 24	25 to 29	30 to 39	40 to 49	50 to 59	60+	Total
Caution	23%	19%	18%	16%	18%	30%	45%	20%
Absolute Discharge	0%	0%	0%	0%	0%	0%	0%	0%
Conditional Discharge	4%	4%	4%	4%	6%	5%	14%	4%
Fine	4%	5%	5%	5%	6%	5%	5%	5%
Community Sentence	28%	28%	26%	26%	26%	21%	10%	26%
Suspended Sentence	14%	15%	16%	17%	18%	15%	13%	16%
Immediate Custody - less than or equal to 6 months	15%	17%	18%	19%	15%	13%	7%	17%
Immediate Custody - greater than 6 months	9%	8%	10%	8%	6%	5%	2%	8%
Other	4%	4%	3%	4%	5%	4%	5%	4%
<b>Total</b>	<b>100%</b>							

Further breakdown of statistics published in Knife Possession sentencing quarterly brief, January to March 2011

Figures are for England and Wales, and include all 43 police force areas and the British Transport Police

Figures are counts of number of offences

Offences relate to possession offences rather than offences where a knife was used

Table 16 Number of requirements commenced under Community Orders and Suspended Sentence Orders by ethnicity, 2010

	White	Black or Black British	Asian or Asian British	Chinese or Other ethnic group	Mixed	Not Stated	Missing	Total
Community Orders	100%	100%	100%	100%	100%	100%	100%	100%
Residential	0%	0%	0%	0%	0%	1%	0%	0%
Accredited Program	9%	9%	8%	6%	9%	7%	5%	9%
Drug treatment	6%	5%	5%	3%	5%	4%	2%	5%
Alcohol treatment	3%	1%	1%	2%	2%	2%	1%	3%
Curfew	8%	6%	7%	6%	7%	6%	18%	8%
Attendance Centre	0%	0%	0%	0%	1%	1%	2%	0%
Mental Health	0%	1%	1%	0%	0%	1%	0%	0%
Specified Activity	7%	6%	6%	5%	8%	5%	4%	7%
Prohibited Activity	1%	1%	1%	1%	1%	1%	1%	1%
Unpaid Work	32%	41%	42%	50%	35%	42%	45%	33%
Exclusion	0%	1%	0%	1%	1%	1%	1%	1%
Supervision	33%	29%	29%	26%	32%	28%	20%	33%
Suspended Sentence Orders	100%	100%	100%	100%	100%	100%	100%	100%
Residential	1%	1%	1%	1%	1%	1%	6%	1%
Accredited Program	12%	12%	11%	7%	13%	8%	7%	12%
Drug treatment	5%	4%	3%	3%	5%	3%	1%	4%
Alcohol treatment	3%	1%	1%	2%	2%	3%	2%	3%
Curfew	9%	10%	8%	7%	9%	9%	18%	9%
Attendance Centre	0%	0%	0%	1%	0%	0%	0%	0%
Mental Health	0%	1%	0%	1%	0%	1%	0%	0%
Specified Activity	5%	4%	4%	4%	5%	5%	4%	5%
Prohibited Activity	1%	1%	1%	1%	1%	1%	2%	1%
Unpaid Work	26%	33%	37%	41%	27%	36%	33%	27%
Exclusion	1%	1%	0%	1%	1%	1%	2%	1%
Supervision	36%	32%	32%	32%	36%	31%	24%	35%

Further breakdown of statistics published in Offender Management Caseload Statistics 2010

Table 17 Number of requirements commenced under Community Orders and Suspended Sentence Orders by gender, 2010

	Male	Female	Total
<b>Community Order</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Residential	0%	0%	0%
Accredited Program	10%	5%	9%
Drug treatment	5%	7%	5%
Alcohol treatment	3%	3%	3%
Curfew	8%	8%	8%
Attendance Centre	0%	0%	0%
Mental Health	0%	0%	0%
Specified Activity	6%	9%	7%
Prohibited Activity	1%	1%	1%
Unpaid Work	34%	26%	33%
Exclusion	0%	1%	1%
Supervision	32%	38%	33%
<b>Suspended Sentence Order</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Residential	1%	1%	1%
Accredited Program	13%	6%	12%
Drug treatment	4%	6%	4%
Alcohol treatment	3%	3%	3%
Curfew	9%	9%	9%
Attendance Centre	0%	0%	0%
Mental Health	0%	0%	0%
Specified Activity	5%	8%	5%
Prohibited Activity	1%	1%	1%
Unpaid Work	28%	24%	27%
Exclusion	1%	1%	1%
Supervision	35%	40%	35%

Further breakdown of statistics published in Offender Management Caseload Statistics 2010

Table 18 Number of requirements commenced under Community Orders and Suspended Sentence Orders by age, 2010

	18-20	21-24	25-29	30-39	40-49	50-59	60 and over	Total
<b>Community Order</b>	<b>100%</b>							
Residential	0%	0%	0%	1%	1%	0%	1%	0%
Accredited Program	8%	9%	9%	9%	10%	11%	15%	9%
Drug treatment	1%	4%	7%	9%	6%	2%	0%	5%
Alcohol treatment	1%	2%	2%	3%	5%	5%	3%	3%
Curfew	10%	9%	7%	7%	6%	6%	7%	8%
Attendance Centre	2%	1%	0%	0%	0%	0%	0%	0%
Mental Health	0%	0%	0%	0%	0%	1%	1%	0%
Specified Activity	8%	7%	7%	6%	6%	5%	4%	7%
Prohibited Activity	1%	1%	1%	1%	1%	1%	2%	1%
Unpaid Work	40%	37%	33%	28%	29%	31%	27%	33%
Exclusion	0%	1%	1%	0%	0%	1%	1%	1%
Supervision	27%	29%	33%	36%	37%	37%	39%	33%
<b>Suspended Sentence Order</b>	<b>100%</b>							
Residential	1%	1%	1%	1%	1%	2%	5%	1%
Accredited Program	12%	13%	13%	12%	11%	11%	11%	12%
Drug treatment	1%	3%	6%	8%	4%	1%	1%	4%
Alcohol treatment	1%	2%	3%	3%	5%	4%	3%	3%
Curfew	13%	10%	8%	7%	8%	9%	11%	9%
Attendance Centre	1%	0%	0%	0%	0%	0%	0%	0%
Mental Health	0%	0%	0%	0%	0%	0%	0%	0%
Specified Activity	6%	6%	5%	5%	5%	5%	4%	5%
Prohibited Activity	1%	1%	1%	1%	1%	2%	3%	1%
Unpaid Work	31%	30%	27%	24%	26%	27%	21%	27%
Exclusion	1%	1%	1%	1%	1%	1%	2%	1%
Supervision	31%	33%	35%	38%	38%	38%	39%	35%

Further breakdown of statistics published in Offender Management Caseload Statistics 2010

## **Annex B – Equality issues questionnaire**

This questionnaire was issued by MoJ to around 240 stakeholders with an interest in equalities issues as part of its consultation on the potential equality impacts of its proposals. This consultation closed in March 2011 and the questionnaire responses have been considered alongside other responses to the consultation in this Full Equalities Impact Assessment.



**Breaking the cycle: effective punishment, rehabilitation and sentencing of offenders: equality issues questionnaire**

**Background**

The Green Paper consultation, entitled “Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders” was published in December 2010. The overall aims of the policies which are set out in the Green Paper are to punish offenders, protect the public and reduce reoffending.

[www.justice.gov.uk/consultations/breaking-cycle-071210.htm](http://www.justice.gov.uk/consultations/breaking-cycle-071210.htm)

Alongside the Green Paper an initial equality screening of the potential impacts of the policy proposals in the Green Paper was published. As part of the on-going work in this area, we would welcome contributions that help us to consider the impacts that the proposals might have on people on the basis of the following nine protected characteristics identified in the Equality Act 2010:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race (includes ethnic or national origins, colour and nationality);
- religion or belief;
- sex; and
- sexual orientation.

**Contact details/How to respond**

Please return your response by 4 March 2011 to:

Email: [breakingthecycle@justice.gsi.gov.uk](mailto:breakingthecycle@justice.gsi.gov.uk)

Breaking the Cycle,  
Ministry of Justice,  
10.08,  
10th Floor,  
102 Petty France,  
London, SW1H 9AJ

## **Punishment and Payback**

The proposals include:

- introducing 'working prisons' where prisoners are obliged to work a full working week;
- greater use of tough curfews and electronic tagging;
- making Community Payback increasingly intensive and immediate;
- creating a duty on sentencers to consider making a compensation order in any case where there is a direct victim; and
- implementing the Prisoners' Earnings Act so that prisoners are required to pay towards the cost of services for victims.

**Q1. Based on your expert knowledge in relation to the protected characteristics can you describe the possible equality impact(s) of the proposals relating to *punishment and payback*? Can you give your reasons why you say this?**

Comment:

**Q2. How could the impacts you describe be mitigated against?**

Comment:

**Q3. What evidence or analysis (e.g. case histories, general knowledge of the field, monitoring statistics) do you hold that might inform the development of these policies in relation to equality issues?**

Comment:

## Rehabilitating offenders to reduce crime

The proposals include:

- probation, police and other local services taking an integrated approach to managing offenders;
- getting drug dependent offenders off drugs by introducing new drug recovery wings and testing options for intensive treatment in the community;
- learning the lessons from the approach to managing women offenders and applying them more broadly;
- making offenders eligible for entry onto the Work Programme to improve their chances of getting into honest employment;
- work with the Department for Communities and Local Government to reduce the barriers that prevent offenders finding somewhere to live; and
- working with the Department of Health and the Home Office to pilot and roll out liaison and diversion services for mentally ill offenders.

**Q4. Based on your expert knowledge in relation to the protected characteristics can you describe the possible equality impact(s) of the proposals relating to *rehabilitating offenders to reduce crime*? Can you give your reasons why you say this?**

Comment:

**Q5. How could the impacts you describe be mitigated against?**

Comment:

**Q6. What evidence or analysis (e.g. case histories, general knowledge of the field, monitoring statistics) do you hold that might inform the development of these policies in relation to equality issues?**

Comment:

## Payment by results

The proposals include:

- establishing at least six new payment by results projects covering a significant proportion of the offender population;
- reducing direct central control so that frontline professionals have the freedom to innovate in the way they work with offenders; and
- publishing a comprehensive competition strategy for prison and probation services in June 2011.

**Q7. Based on your expert knowledge in relation to the protected characteristics can you describe the possible equality impact(s) of the proposals relating to *payment by results*? Can you give your reasons why you say this?**

Comment:

**Q8. How could the impacts you describe be mitigated against?**

Comment:

**Q9. What evidence or analysis (e.g. case histories, general knowledge of the field, monitoring statistics) do you hold that might inform the development of these policies in relation to equality issues?**

Comment:



## Reforming sentencing

The proposals include:

- simplify the sentencing framework and reduce elements of the law that constrain judicial discretion;
- ensure serious and dangerous offenders are managed effectively and their risk is reduced through appropriate use of prison and through the Multi-Agency Public Protection Arrangements;
- ensure effective responses to knife crime so that any adult who commits a crime using a knife can expect to be sent to prison, and serious offenders can expect a long sentence. For juveniles, imprisonment will also be appropriate for serious offences;
- reserve Indeterminate Sentences for Public Protection (IPP) for the most serious offenders, and reform the release test applied by the Parole Board to strike a better balance. This will focus indefinite punishment on those who most clearly pose a very serious risk of future harm;
- incentivise people who are guilty to enter that plea at the earliest opportunity;
- change community orders to give providers more discretion to supervise offenders and secure the best reduction in reoffending; and
- encourage use of financial penalties and improve their collection to increase the amount of financial payback from offenders.

**Q10. Based on your expert knowledge in relation to the protected characteristics can you describe the possible equality impact(s) of the proposals relating to *reforming sentencing*? Can you give your reasons why you say this?**

Comment:

**Q11. How could the impacts you describe be mitigated against?**

Comment:

**Q12. What evidence or analysis (e.g. case histories, general knowledge of the field, monitoring statistics) do you hold that might inform the development of these policies in relation to equality issues?**

Comment:

## Youth justice

The proposals include:

- preventing more young people from offending and divert them from entering into a life of crime, including by simplifying out-of-court disposals;
- protecting the public and ensure that more is done to make young offenders pay back to their victims and communities;
- ensuring the effective use of sentencing for young offenders;
- incentivising local partners to reduce youth offending and re-offending using payment by results models; and
- developing more effective governance by abolishing the Youth Justice Board and increasing freedoms and flexibilities for local areas.

**Q13. Based on your expert knowledge in relation to the protected characteristics can you describe the possible equality impact(s) of the proposals relating to *youth justice*? Can you give your reasons why you say this?**

Comment:

**Q14. How could the impacts you describe be mitigated against?**

Comment:

**Q15. What evidence or analysis (e.g. case histories, general knowledge of the field, monitoring statistics) do you hold that might inform the development of these policies in relation to equality issues?**

Comment:

## Working with communities to reduce crime

The proposals include:

- strengthening the role of the police in turning offenders away from a life of crime and preparing for the election of the new Police and Crime Commissioners in May 2012;
- ensuring that courts become more efficient and effective and play a greater role in tackling offenders and reducing crime;
- testing the effectiveness of Neighbourhood Justice Panels;
- increasing freedoms and flexibilities for local areas; and
- giving communities better information about how justice is delivered, making services more transparent and accountable to the public.

<b>Q16. Based on your expert knowledge in relation to the protected characteristics can you describe the possible equality impact(s) of the proposals relating to <i>working with communities to reduce crime</i>? Can you give your reasons why you say this?</b>
Comment:
<b>Q17. How could the impacts you describe be mitigated against?</b>
Comment:
<b>Q18. What evidence or analysis (e.g. case histories, general knowledge of the field, monitoring statistics) do you hold that might inform the development of these policies in relation to equality issues?</b>
Comment:

## About you

Please use this section to tell us about yourself

<b>Full name</b>	
<b>Job title</b> or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
<b>Date</b>	
<b>Company name/organisation</b> (if applicable):	
<b>Email address</b>	
<b>Telephone</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>If you would like us to acknowledge receipt of your response, please tick this box</b>	<input type="checkbox"/> (please tick box)
<b>Address to which the acknowledgement should be sent, if different from above</b>	
<b>Please tick this box if you agree for us to contact you, if necessary, for further information</b>	<input type="checkbox"/> (please tick box)
<b>Name of contact for further information, if different from above</b>	
<b>Telephone</b>	
<b>Email address</b>	

**If you are a representative of a group**, please tell us the name of the group and give a summary of the people or organisations that you represent.

**Contact details/How to respond**

Please return your response by 4 March 2011 to:  
Email: [breakingthecycle@justice.gsi.gov.uk](mailto:breakingthecycle@justice.gsi.gov.uk)

Breaking the Cycle,  
Ministry of Justice,  
10.08,  
10th Floor,  
102 Petty France,  
London, SW1H 9AJ

Thank you for completing this questionnaire.