

Ministry of
JUSTICE

**Moj Equalities
Annual Review 2010-2011**

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Foreword by the MoJ Equalities Champion

I am pleased to present the Ministry's Equalities Annual Review for 2010-2011.

Moj continues to work towards building and maintaining a safe, just and democratic society. Our work is wide ranging – from ensuring the efficient and effective delivery of justice, to protecting rights and promoting responsibilities, to helping protect the public and reducing re offending, and we strive to ensure that equality is at the heart of what we deliver.

Whilst working to deliver better equality outcomes for our citizens and staff, we are also meeting challenging financial objectives. A number of examples of how we link our work on equality to our key business priorities are included in this report.

The implementation of the wide-ranging Equality Act 2010 provided an ideal opportunity for us to review our approach to equality. By concentrating on using a proportionate approach to delivering better equality outcomes and reducing unnecessary bureaucracy we believe that we can deliver 'better for less'.

We have worked hard to ensure that all our staff understand how the provisions of the Equality Act 2010 affect their day to day work and interactions with colleagues and customers. We have also started to review the equalities information we publish to make sure that it is easily accessible and enables you, the public, to assess how well we are performing against our business priorities.

Over the coming year we will continue to build and improve on this work by actively engaging and involving our people and those with an interest in our services and continuing to focus on embedding equality and diversity into all our policy development and operational delivery. We will also work to fill gaps in the equalities information we collect in the normal course of our business and update the way in which we present equalities information on our website.



Ann Beasley

Chapter 1 - Introduction

The Ministry of Justice is one of the largest government departments and has responsibility for the justice system.

Every year around nine million people use the services operated by our delivery arms in locations across the United Kingdom, including courts, tribunals, prisons and probation services in England and Wales. The Ministry works through HM Courts and Tribunals Service, the National Offender Management Service, the Legal Services Commission and the Office of the Public Guardian to provide an effective, transparent and responsive justice system that delivers its services efficiently.

The Ministry of Justice Business Plan 2011-15 sets out a programme of radical reform designed to ensure a sustainable and affordable justice system that meets the needs of the public.

Our reform priorities are:

- Breaking the cycle of reoffending and reforming sentencing and penalties;
- Reforming courts, tribunals and legal aid;
- Working with others in the delivery of criminal justice;
- Assuring better law; and
- Reforming how we deliver our services

Delivering these priorities will enable us to achieve our vision of a justice system that punishes the guilty, protects our liberties and the independence of the judiciary and introduces a revolution in the rehabilitation of offenders.

In doing this we are committed to ensuring that equality remains at the heart of what we do, and this report is intended to provide an indication of how we are demonstrating this.

Chapter 2 – Sentencing Reform and Breaking the Cycle of Reoffending

Aims

Around half of all crime is committed by people who have already been through the criminal justice system.

The rehabilitation revolution will help offenders to change their lives, supporting them to overcome addiction and manage mental health issues for example, helping them to re-enter society, move into work and stop committing offences, reducing crime and the number of victims in the process.

What have we done so far?

The Legal Aid, Sentencing and Punishment of Offenders Bill currently before Parliament will provide the necessary legal basis to progress these aims. Information on the Bill and the equality analysis are available at [Legal Aid, Sentencing and Punishment of Offenders Bill](#).

Women and the Criminal Justice System

In 2010/11 we continued to develop our approach to meet the distinct and complex needs of women offenders, as part of the Government's plans to ensure that women who offend are successfully rehabilitated, whether they serve sentences in custody or the community.

Over £10 million was provided by the Ministry of Justice up to March 2011 to established voluntary sector organisations to develop effective community based interventions for women to tackle the underlying causes of their offending. By March 2011 the Services had worked with over 5,400 women referred to them, and joint funding between the National Offender Management Service and the Corston Independent Funders Coalition has been identified to sustain the majority of these services.

In June 2010 the Ministry funded women's bail services to enhance the Bail Accommodation Support Service (BASS) contract and provide higher levels of support and mentoring. We also worked in partnership with the Department for Education to intervene much earlier in cases where women offenders and their children have multiple problems as part of the work of Family Intervention Services in local authorities.

In November 2010 we published 'Statistics on Women in the Criminal Justice System', a summary report bringing together statistics produced by a range of agencies relating to the experience of [women within the criminal justice system](#).

Mental Health Courts

An independent Process Study of the Mental Health Court (MHC) pilot was published in September 2010 **Mental Health Courts: Feasibility Study and Process Evaluation**. The MHC problem solving model piloted from January 2009 to January 2010 at Brighton and Stratford magistrates' courts, bringing together mental health and criminal justice professionals within the Court setting to ensure that all the relevant information on a defendant's mental health needs is presented to the Court at the earliest opportunity.

This approach allows effective case management throughout the whole court process, signposting of individuals to relevant support services, and more creative use of community orders, tailored to support and address the need of offenders with mental health issues. Since the conclusion of the pilot the scope of the MHCs has extended to include learning disabilities.

It found that the pilot strengthened collaboration between health and criminal justice agencies, enabling needs to be addressed at an early stage. The Process Study found that the MHC model resulted in identifying and addressing needs which would likely have gone unmet without the MHC in place. This signposting was not limited to mental health services, but also included women's support services, registration with a GP, getting advice on housing and education, and numerous other services to address identified issues. The study also found that the tailor-made community orders were highly valued by offenders.

HMCTS is currently developing an integrated approach to Problem Solving Courts which will draw on the lessons learned from this pilot and other independent initiatives, in line with the proposals set out in the 'Breaking the cycle' Green Paper. Lessons learned from the MHC pilot have also been fed in to development of mental health diversion services.

Tackling Hate Crime

The Coalition Programme for Government includes a specific commitment to "promote better recording of hate crimes against disabled, homosexual and transgender people, which are frequently not centrally recorded". This will provide baseline information for the development of initiatives to tackle the problem and effective monitoring of the equality outcomes being achieved.

The Association of Chief Police Officers (ACPO) has now published hate crime data for two years at **Hate Crime Data - Report It - True Vision** and since April 2011 police forces have been collecting data and reporting to the Home Office on the five 'monitored' strands of hate crime – race, religion, disability, sexual orientation and gender identity.

A Hate Crime Strategy Board led jointly by the Ministry of Justice and Home Office co-ordinates policy to reduce the harm caused by hate crime. The Board comprises a broad range of Government Departments and criminal justice partners and is supported by an Independent Advisory Group bringing together

academic experts, representatives from a broad range of community organisations and victims groups and people directly affected by hate crime. A new website (launched in February 2011) and a suite of materials have been developed in partnership with ACPO to inform the public about hate crime and to encourage and facilitate reporting.

Joint evidence was submitted by the Ministry on behalf of the criminal justice departments (MoJ, Home Office and the Office of the Attorney General) to the EHRC Inquiry into disability related harassment. The Permanent Secretary also provided oral evidence to the Inquiry in January 2011. The Commission's report has now been published and we are considering its findings.

Tackling Violence Against Women and Girls

Under the Coalition Government's Call to End Violence Against Women and Girls Action Plan (www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-action-plan) launched in March 2011 MoJ committed to:

- Improve understanding of the incidence and reporting of false allegations of rape.
- Give existing rape crisis centres stable, long-term funding, and to establish new centres where there are gaps in provision.
- Allocate three-year funding to existing rape crisis centres by means of a centrally-run grants scheme.
- Address gaps in service provision by developing new rape crisis centres.
- Consider the case for implementing section 60 of the Family Law Act 1996 which provides for a 'prescribed person' such as the police or local authority to make an application for a domestic violence injunction on someone else's behalf. A similar provision is already available in forced marriage cases. This option could prove most helpful where the victim is particularly vulnerable, or unable to pursue an application themselves.
- Support women affected by domestic violence through the courts system, considering how Specialist Domestic Violence Courts (SDVCs) systems may be developed further.
- Review the impact of the Protection from Harassment Act 1997, to improve the safety of victims of stalking, by looking at police attitudes to, and training on, stalking and the impact of the CPS guidance for prosecutors, as well as reviewing the effectiveness of restraining orders in preventing harassment and stalking.
- Provide information on services to support women offenders and women at risk of offending who have been affected by abuse or violence.
- Deliver the Women Awareness Staff Programme (WASP) to voluntary and community sector partners working with women offenders and women at risk of offending in the community.

An Action plan update is expected to be published by the Home Office in November.

The implementation of s60 of the Family Law Act has been deferred until after the evaluation of the Domestic Violence Protection Order (DVPO) pilots in about 2013, in order to take account of the impact the DVPO process might have on increasing applications for civil injunctions.

MoJ's commitment to improving the understanding of the incidence and reporting of false allegations of rape is part of a wider MoJ project. The Police and Crown Prosecution Service casefile database and analysis project will provide a more detailed analysis of criminal justice processes than is possible with existing administrative data. Of particular interest are: the socio-demographics of the victim and (alleged) offenders, including any domestic violence; decision-making at key points in the system; extent and reasons for attrition; and factors affecting case outcomes. The focus of this database has been on rape, sexual assaults and Grievous Bodily Harm. The project will include a more detailed analysis of aspects specific to rape cases (factors related to attrition and case outcome), in order to inform the debate about false allegations (extent and nature). A completed casefile database is due shortly with publication of the Report early in 2012.

Specialist Domestic Violence Courts

During 2010-2011 16 additional Specialist Domestic Violence Courts (SDVCs) systems were accredited in England and Wales, bringing the total as at March 2011 to 143 courts providing specialist support to tackle domestic violence. Work this year is focussed on providing advice and support to SDVC systems that are affected by the court closures under the Courts Estate Reform Programme in order to ensure that all partners are engaged with their relocation and that arrangements are in place to ensure the effective support of victims.

The cross- departmental group of officials (MoJ, HMCTS, NOMS, Home Office and CPS) is also looking at how the SDVC model might be applied in the Youth Courts.

Victims and Witnesses

Vulnerable victims of crime will be helped by £24 million of dedicated funding over the current SR period. The money will be used to support the most seriously affected, vulnerable and persistently targeted victims and witnesses.

Up to £8.5 million of this package will go directly to 65 rape support centres across England and Wales to ensure that those traumatised by rape and sexual violence are given the specialist support they need. This is the first time funding has been guaranteed on a three year basis and it will help put providers on a stable, financial footing, enabling them to give sustained support to those who need it most. This is part of Government's wider strategy to tackle violence against women and girls and to improve funding for

rape support centres across England and Wales. As part of the Government's commitment to develop new centres where there are gaps in provision, MoJ has provided £600,000 funding for the opening of four new centres offering long term support for victims of rape and sexual violence located in Hereford, Trafford, Dorset and Devon.

Victims Therapeutic Care Programme

As part of our support for the government's strategy to reduce violence against women and girls, MoJ has awarded funding over three years through the Victims General Fund to the Angelou Centre in Newcastle-on-Tyne. The funding will enable the Centre to develop and deliver a therapeutic care service to address the impact of violence-related trauma on family members. The need for this work was identified by the Home Affairs Select Committee Inquiry into Domestic Violence in 2008. The services provided by the Angelou Centre address the gap caused by the lack of culturally sensitive and competent therapeutic services to address the needs of Black and Minority Ethnic women survivors of domestic violence, including forced marriage, honour- based violence and domestic slavery.

Race and the Criminal Justice System

In June 2010 MoJ published 'Statistics on Race and the CJS' **Race and the Criminal Justice System, a National** Statistics publication which brings together statistical information on the representation of Black and Minority Ethnic (BAME) groups as victims, suspects, offenders and employers within the criminal justice system, and which helps to fulfil requirements under section 95 of the 1991 Criminal Justice Act.

We have a well-developed programme of action in place to tackle racial disparities at each point of the criminal justice process. For example, MoJ has developed an Arrests Diagnostic Toolkit to assist police forces to identify, explain and correct any race disproportionality in arrests. The toolkit has been piloted in a number of areas and endorsed by the National Police Improvement Agency, the Association of Chief Police Officers and Association of Police Authorities.

We have worked with the Highfields Community in Leicester to pilot a project aimed at building local capacity to improve our evidence base on issues which impact on groups protected by equality legislation. The project will also develop and deliver a community learning and development programme aimed at improving transparency and accountability in the criminal justice system and supporting local employment.

MoJ has also funded the 'Step Forward' programme designed to improve the career progression of Black and Minority Ethnic staff working within the criminal justice system by increasing participants' awareness of their existing skills, providing access to a tailored learning and development programme and monitoring progression of BAME staff at all levels.

United Nations Committee for the Elimination of Racial Discrimination

The Ministry of Justice worked collaboratively with colleagues across Whitehall to contribute to the United Nations Committee for the Elimination of Racial Discrimination by providing extensive briefing and support. The Committee welcomed the notable efforts made by the UK government to tackle racial inequality.

Youth Justice

The Ministry, through its Youth Justice Policy Unit, is currently assessing possible equality impacts of the implementation of the 58 recommendations from the Independent Review of Restraint in Juvenile Secure Settings (2008) as well as a specific focus on the establishment and work of the 'Restraint Advisory Board'.

It is also looking to undertake an evaluation of the impact and effectiveness of the Youth Rehabilitation Order (YRO) in reducing (re)offending. Any evaluation will include consideration of equality and diversity issues.

Community Payback

All offenders are assessed for their individual suitability to participate in potential Community Payback projects. The contract specification contains significant information on equality and diversity issues. It has been made clear to potential providers that they will be expected to demonstrate a keen awareness of the potential impact of diversity on the nature of work placements to which various groups of offenders are assigned, and to ensure all can be appropriately allocated to a project. Particularly important issues/potential barriers include disability (to include mental health problems and learning disabilities), caring responsibilities, gender and age.

Working Prisons and Prisoner Earnings Act

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. We will implement the Prisoners' Earnings Act in respect of payments to victims' funds, and explore other ways to make deductions from prisoners' wages for uses including reparation to victims and communities.

Potential equality impacts that have been highlighted include the effect of increased work in prisons on groups including disabled and pregnant prisoners and new mothers. Consultation responses have brought to light other areas that will need specific consideration, including the extent to which certain types of work will be suitable for groups with different skills needs. The importance of mitigating these risks will continue to be taken into account as policy proposals develop.

Chapter 3 – Courts, Tribunals & Agencies (excluding NOMS)

Aims

HM Courts and Tribunals Service

In April 2011 HM Courts Service and the Tribunals Service were brought together to form a unified, streamlined organisation to maximize the effectiveness of staff and buildings and help provide the best service to our customers. Future equality activity will be taken forward by the unified HM Courts & Tribunals Service. Courts, Tribunals and Agencies strive to take real account of equality and diversity in all that they do.

What have we done so far?

HM Courts Service

In April 2010, HMCS introduced Equality and Diversity Assurance Statements into its overall assurance programme to test Agency compliance with equalities legislation. In addition, all reasonable adjustments made in courts are now captured and monitored on an internal database.

Equality and Diversity e-learning is mandatory for all staff, with 80% of staff having completed this by March 2011. HMCS also hold quarterly Court Manager Events, which include workshops focussing on engagement with hard to reach communities and reasonable adjustments.

Across the HMCS regions there have also been local initiatives for face to face training on issues such as reasonable adjustments, mental health awareness and understanding sight loss.

HMCS has an external reference group to act as a critical friend, to ensure that the equality goals as set out in the HMCS Standard for Equality and Diversity are achieved and can be demonstrated. This reference group is representative of all the protected characteristics under equality law.

HMCS held workshops with staff in January 2011 to ascertain the barriers to declaring personal diversity data and has developed communications to explain what data is used for and the importance of ensuring accuracy when declaring data to an employer.

In October 2010 HMCS introduced its Equality and Diversity corporate learning, a quarterly business update on key issues that have arisen and the lessons learned. This ensures that knowledge is shared and that courts are effective in pre-empting the needs of their users.

Tribunals Service

In May 2010 the Tribunals Service reviewed and re-launched its E&D governance procedures and took forward a number of initiatives including;

- The launch of the TS Reasonable Adjustment Guidance and disability factsheets for staff dealing with customers and other service users in January 2010;
- Reasonable Adjustment Logs have been returned for the first annual review since their introduction and the results are being analysed to inform future provisions and awareness;
- In June 2010 the Special Educational Needs and Disability (SEND) First-tier Tribunal introduced a new DVD giving parents additional information about the appeal process;
- In August 2010, Tribunals Service introduced a new Diversity Champion and re-launched its Equality and Diversity Steering Group as a sub-group of its Executive Team to elevate its equality and diversity agenda;
- In October 2010 it launched the Tribunals Service Equality and Diversity 'Standard', highlighting TS equality and diversity commitment, goals and roles and responsibilities;
- In December 2010 we introduced the mandatory completion of the MoJ Equality and Diversity e-learning training for all TS staff with a completion rate to date of 88%;
- In January 2011 we held a joint HMCS/TS workshop with staff to identify the barriers to declaring personal diversity data ;
- DVDs providing information for users of the Employment Tribunal, the Special Educational Needs and Disability Tribunal and Social Security and Child Support have also been produced

In preparation for the implementation of the Equality Act 2010, training for all Regional Employment Judges in England, Wales and Scotland was undertaken and staff were also made aware of the changes.

Courts Estate Reform Programme

As part of the Spending Review 2010, Her Majesty's Court Service (HMCS) embarked on a Courts Estate Reform Programme. The aim of the programme was to increase utilisation of the magistrates' and county courts from 64% to around 80% by closing underused courts with poor facilities, whilst still providing the majority of the population with access to a court within a 60 minute public transport journey of their nearest magistrates' or county court. The proposed closure of 103 magistrates' courts and 54 county courts would provide savings in the operating costs of the courts and also generate one off capital receipts from the sale of buildings.

HMCS assessed the potential equality impacts of the Courts Estate Reform Programme on court users and staff. The equality analysis is available at <http://webarchive.nationalarchives.gov.uk/+http://www.justice.gov.uk/consultations/consultations-closed-with-response.htm>.

Potential positive and negative equality impacts were identified. These largely centred around the quality of facilities in the courts and the additional travel times that might be incurred. Where negative impacts were identified, alternative arrangements were investigated to see if there was a way in which these impacts could be minimised or mitigated.

Ministers considered the equality impacts alongside estate strategy principles when taking decisions on which of the courts should close or be retained. As a result of the consultation and consideration of all impacts Ministers decided to close 93 magistrates' courts and 49 county courts and to retain ten magistrates' courts and five county courts.

Systems have been set up to monitor the long term equality impacts of the programme during and after implementation.

Legal Services Commission

The Legal Services Commission published the third annual report of its Single Equality Scheme in 2010, which can be found at http://www.legalservices.gov.uk/aboutus/how/specialised_publications.asp. This Scheme came to an end with the introduction of the new public sector equality duty on 5 April 2011.

In the final year of the scheme the LSC reported improved staff diversity declaration rates up from 52% in 2006 to 98% in 2010. In April 2010 a voluntary based Disability Network was established by and for staff in the LSC.

During 2010 the LSC concluded its second year of a mentoring programme for young people 'Aspire'. The programme matched LSC employees with students aged 15-16 years from inner city schools in London and South Tyneside. Aspire provided support with a view to raising aspirations and promoting alternative pathways into work.

More accessibility features were added to the Community Legal Advice website. When the website was merged with DirectGov an important feature retained was advice in British Sign Language. In addition, the LSC's Client Diversity Group produced a DVD about their experiences as service users in the justice system to inform future planning and contributed to the legal aid reform consultation.

Office of the Public Guardian

In June 2010 OPG published its Equality and Diversity Strategy outlining the agency's commitments and vision for the coming year. A dedicated E&D intranet page was launched for staff to complement the strategy.

During October 2010 OPG conducted a trial diversity data gathering exercise from customers seeking to register a Lasting Power of Attorney (LPA). In February 2011 OPG began collecting diversity data from its Court Appointed Deputies. This data is now being analysed to inform and enable OPG to develop greater knowledge of its customers and provide better service accessibility.

OPG will be introducing new Customer Reasonable Adjustments Guidance for its staff during the next few months.

Official Solicitor and Public Trustee

The Official Solicitor acts as a last resort litigation friend, and in some cases solicitor, for adults who lack mental capacity and children (other than those who are the subject of child welfare proceedings) in court proceedings because they lack decision making capacity.

A significant amount of outreach work is undertaken and staff are members of a number of groups that exist to promote the needs of vulnerable adults.

Staff have also been encouraged to be involved with the 'Time to Change Campaign', which has served to provide greater awareness across the office of the issues faced by people with mental health problems, a significant proportion of our client base.

Chapter Four - Civil & Family Justice

Aims

By 2015 we will have transformed the way justice is delivered. We will enable the public to find better and less daunting ways to resolve disputes, as part of a new approach to civil and family justice. Alternatives to court, such as mediation, will become more mainstream for resolving problems in a less adversarial and less costly way. Those cases that proceed to court will be dealt with in a much more timely and efficient manner. We will also deliver a new approach to legal aid which targets public funds at those most in need.

What have we done?

Legal Aid Reform

Ensuring Legal Aid is provided to those most in need is a key consideration for the Ministry. Continuous assessment of the likely equality impacts of the reforms from early development onwards has been undertaken to ensure full understanding of the potential impacts of the proposals. Details of this work are included in the equality analyses published with the [Legal Aid, Sentencing and Punishment of Offenders Bill](#). Consultation responses and direct engagement with interested parties proved invaluable in this process, which influenced the development of the proposals into final policy - for example by the retention of funding for Special Educational Needs cases to meet the needs of disabled service users.

The Family Justice Review Panel

The MoJ has continued to provide secretariat support to the Family Justice Review Panel looking at the effectiveness of the family justice system and the outcomes it delivers. An interim report was published on 31 March, followed by a 12 week period of consultation. The interim report recommends a package of proposals aimed at creating a simpler, faster system improving children's and families' experiences. The proposals include a single online and phone point to help people to decide the most appropriate way forward. They also propose greater use of Parenting Agreements to bring together arrangements for children's care after separation, reinforcing the importance of a relationship with grandparents and other relatives and friends who the child values. A final report will be published shortly.

Forced Marriage

Statistics on Forced Marriage Protection Orders (FMPOs) show that the Act continues to protect minors who were being forced into marriage. Half of all FMPO applications recorded in 2010 related to children. A large majority of the 106 applications related to females and had a Power of Arrest attached to them.

In March 2011 the Ministry in association with the Home Office Forced Marriage Unit and the Henna Foundation held two seminars looking at ways in which forced marriage stakeholders could help victims of forced marriage who were less empowered to seek help due to issues such as unfamiliarity with mainstream services, lack of knowledge about the UK, language barriers and marginalisation and exclusion within their domestic environment. The seminars, held in Essex and Cardiff, explored these issues from various perspectives, including those of the police, social services, the voluntary sector and legal professionals and offered practical solutions (including civil remedies, such as FMPOs) to assist victims.

Guidance on court procedures for dealing with FMPO applications was made available in July 2010 (the Forced Marriage (Civil Protection) Act 2007 Designated Courts Resource Manual) A collaboration between the MOJ and HMCS, this was intended as a resource for court staff, especially those at the 15 designated county courts and the High Court that handle applications for FMPOs. It contains information on best practice and covers a range of subjects such as who can apply for FMPOs, safety issues, special facilities, web links for forms and useful templates.

In response to the Home Affairs Select Committee Report on Forced Marriage (HASC Report at www.official-documents.gov.uk/document/cm81/8151/8151.asp), among other actions, the department will be reviewing the Resource Manual, to permit wider public dissemination.

We will also carry out work to establish a clearer picture of breaches of the civil orders and how orders are monitored and enforced, particularly where the application is made by a statutory third party.

The Prime Minister announced recently that the government will consult further on the issue of criminalising forced marriage and that breach of a Forced Marriage Protection Order, will become a criminal offence.

These actions will be included in the revised VAWG Action Plan to be published in November.

Diversity in the Judiciary

The independent Advisory Panel on Judicial Diversity was established as a result of Parliamentary concerns that, despite initiatives over many years, significant progress on judicial diversity had been slower than expected. The Panel's report, published in February 2010, concluded that there was no quick fix in moving towards a more diverse judiciary, and made a number of recommendations to support sustained progress to a more diverse judiciary in all courts in England and Wales.

In August 2010, the Lord Chancellor stated his commitment in principle to supporting the delivery of the recommendations. It was agreed that Lord McNally, as Departmental Minister for Equality, would lead on this, working together with representatives from the legal profession as part of a Judicial Diversity Taskforce to implement the report's recommendations. The taskforce comprises the Ministry of Justice, senior members of the judiciary (in courts and tribunals), the Judicial Appointments Commission (JAC), the Bar Council, the Law Society and the Institute of Legal Executives.

In spring 2011 the Judicial Diversity Taskforce published its first annual report detailing progress to date against the implementation of the 53 recommendations. For each of these recommendations, work has started and in some cases has been completed, despite financial constraints (<http://www.justice.gov.uk/publications/policy/moj/judicial-diversity-report.htm>)

The Judicial Diversity Taskforce will aim to build upon this initial success and maintain momentum. The Taskforce will be working collectively to remove real or perceived barriers, in order to attain the goal of improving the diversity of the judiciary by 2020.

Diversity in the Magistracy

Magistrates are recruited and selected by local advisory committees - voluntary bodies composed of existing magistrates and lay members from the local community. The committees are required to target their recruitment at any groups under-represented on the local bench. All advisory committee members undergo mandatory training which focuses on selecting magistrates solely on merit and enabling candidates from a variety of diverse backgrounds to demonstrate their potential for the role. There has been positive progress on magistrates' diversity in recent years. Currently, just over 50% of all magistrates are women, and 8% are from Black, Asian and Minority Ethnic backgrounds. Of those magistrates appointed in 2010/11, 10% are from BAME backgrounds and 45% are under 50.

International

The Ministry's International team works closely with colleagues in the UK and abroad to promote human rights and foster equality and diversity both through its policy and its projects work. This includes work to assist countries in the development of their justice systems. These projects aim to strengthen access to justice for all and fundamental citizens' rights, and many include components on equalities and diversity training. For example, one aspect of a new project in Croatia focuses on the access of the Roma minority to the justice system.

The Ministry also provides secretariat support to the Justice Assistance Network which is linked into the FCO's new guidance on how to assess and mitigate human rights risks in providing case specific and/or capacity building assistance overseas.

Human Rights

MoJ holds the human rights policy lead across government. We are working to ensure that all public authorities understand and consider human rights and the broader needs of society when developing policies and delivering services. We also lead on government policy on data protection and freedom of information legislation.

Chapter 5 – Protecting the Public (NOMS)

Aims

The National Offender Management Service (NOMS) is an executive agency of the Ministry of Justice (MoJ), bringing together prison and probation services to deliver the punishment and orders of the courts in custodial and community settings in England and Wales. Our objective as an agency is to "Prevent victims by changing lives", and over the last 12 months we have made a significant contribution to reducing crime and keeping the public safe.

NOMS is committed to fairness for all – to treat our staff properly and ensure equality of opportunity, to deliver our services fairly and respond to individual needs. We insist on respectful and decent behaviour from staff, offenders and others with whom we work. We recognise that discrimination, harassment and bullying can nevertheless occur and we take prompt and appropriate action whenever we discover them. Our Single Equality Scheme - available at <http://www.justice.gov.uk/publications/noms-single-equality-scheme.htm> - sets out our approach to managing equalities and we report annually on this. Our 2009-2010 annual report is available at http://www.justice.gov.uk/downloads/publications/corporate-reports/noms/2010/NOMS_equalities_annual_report_2009-10.pdf and we will be publishing a similar report for 2010-2011 soon.

What have we done?

Monitoring Data

Our 2009-2010 annual report contains our equalities monitoring data on the delivery of our services, and links to our Staff Diversity Review, which contains our HR monitoring data. During 2010-2011 we continued to work to improve the range of data available. NOMS continues to meet its BME representation target: in 2010-2011 this was 6.5% and staff in post at the end of the year was 6.57%.

Tackling Disparities

The data show that there are disparities in outcomes for offenders and staff of different groups and we have a programme of action to tackle these that is described in the annual report. It centres on the equality impact process, and during 2010-2011 we have provided further guidance and support for prison establishments undertaking such Equality Impact Assessments (EIAs). Over 300 EIAs were completed in prison establishments during the year, and these are available from the NOMS Equalities Group at Equalities.Group@noms.gsi.gov.uk or on tel: 030-0047-5263

Structured Communications in Prison

Building on learning from the aviation, medical and military sectors, we have developed a suite of tools that are designed to help staff to achieve greater consistency, and therefore operational effectiveness. We believe that, as well as bringing improved overall performance, these tools will help to reduce the incidence of unequal outcomes caused by unconscious bias in the use of discretion. We have been testing and refining these tools in a number of prisons during 2010-2011. We have commissioned an external evaluation of them.

Transsexual Prisoners

During 2010-2011 we issued a new policy on the care and management of transsexual prisoners. PSI 07/2011 can be found at http://www.justice.gov.uk/downloads/guidance/prison-probation-and-rehabilitation/psipso/psi_2011_07_care_management_transsexual_prisoners.doc It contains guidance on the care, management and treatment of transsexual prisoners - both with and without gender recognition certificates. It covers medical treatment, living in an acquired gender role, location in the estate, and searching, and explains the legal position.

Guidance on Equalities Issues

During 2010-2011 we issued guidance to prisons on making reasonable adjustments. We commissioned NACRO to produce guidance on working with Gypsy, Traveller and Roma offenders, and on working with Lesbian, Gay and Bisexual Offenders, and issued these documents to prisons. We devised and issued guidance on offender management of prisoners with learning disabilities.

Resettlement Needs of BME Offenders

We supported research commissioned by CLINKS on the resettlement needs of BME offenders. The results were published in December 2010 in the report *Double Trouble*, available at <http://www.clinks.org/publications/reports/double-trouble> The report has been distributed widely within NOMS and the recommendations will inform future commissioning and service delivery.

EHRC Action Plan

In August 2005, the Equal Opportunities Commission (now the EHRC) wrote to the Prison Service expressing its concern about the frequency and persistence of sexual harassment against women and men working for the Service and requesting detailed information on this issue. After a series of oral and written representations, the Commission announced that it would suspend a Formal Investigation on condition that the Service fulfilled an Agreement and action plan that addressed the issues raised.

During 2010-2011 we continued to take forward a number of these actions, including most importantly the roll out of the 'Challenge It, Change It' training package on tackling unacceptable behaviour, developed for us by the Garnett Foundation, which by the end of the year had been undertaken by nearly 60% of staff. As

agreed with the EHRC we submitted a further report on progress which was considered by the Commission's Regulatory Committee, who confirmed that they were satisfied with the progress that had been made against the action plan.

The Committee specifically mentioned the effective management systems and data capture procedures for complaints and investigations that were now in place and the continued drive for the completion of Challenge It Change It (CICI) training that was supported by the Board. The Commission was, therefore, satisfied that NOMS had complied with the terms of the conditional agreement and the threat of a formal investigation was removed.

Staff Networks

Following a review, new arrangements for staff support networks for NOMS HQ and public sector prisons were introduced from 1 April 2010. The three networks - the Disability network, GALIPS for LGBT staff, and RESPECT for BME staff - continued to support their members, working under streamlined terms of reference that allowed for central focus and coordination and best practice delivery. Service delivery agreements - setting out deliverables and resources in an auditable and consolidated way and allowing for cross network delivery wherever appropriate - were put in place.

Probation

Probation trusts are separately accountable for their compliance with equalities legislation. In order to support them in meeting these responsibilities, during 2010-2011 NOMS employed a probation manager on secondment, formed a network for the diversity leads of probation trusts and held a series of meetings with them.

Chapter 6 – Improving Performance and Delivery Standards

Aims

The substantial reforms flowing from the SR2010 Transformation of our Ministry programme and the implementation of the Equality Act 2010 provided the impetus for us to review our approach to equality to ensure that it aligns with our developing business priorities and enables us to deliver MoJ's commitment to the government's Equality Strategy.

What have we done?

Strong Leadership and Accountability

An Equality Forum which meets monthly has been established under the leadership of MoJ's DG Finance and Corporate Services and Diversity Champion. Initially, the remit of the Forum was to ensure that equality and diversity issues were actively included in the work programme supporting the Transformation of our Ministry. The Forum's remit will expand over the next year to include active management of all workforce issues impacting on equality and diversity.

Equality and diversity remains a key part of our corporate planning process. Equality objectives supporting our business priorities will be considered together with the development of MoJ's Corporate and Business Group plans. This will enable us to demonstrate how we are delivering the government's Equality Strategy as well as meeting the requirements of the Public Sector Equality Duty (PSED) and the Specific Duties regulations under the Equality Act 2010.

MoJ recognises the importance of complying with the PSED in the most business-efficient and proportionate way. We have simplified and streamlined the way in which we demonstrate compliance with the duty. We have also integrated our equality analysis support with our analytical services to ensure that equality issues are considered at the right time by the right people and are mainstreamed as a normal element of policy design and development.

Equality Act 2010

We have designed and implemented a comprehensive communications and training strategy to help staff across all business areas understand how equality law impacts on their work, particularly in relation to the new public sector equality duty and the strengthening of protection against discrimination. Representatives of all areas of our business have been engaged in this initiative as members of our Equality Act Implementation Working Group.

In addition, targeted presentations, guidance and information have been provided to business areas and we have launched an equality e-learning faculty containing three short learning modules tailored to the themes of the Equality Act 2010 which will be updated as required.

Disability Task Force

The Task Force was established to review the experiences of disabled staff as a result of the lower levels of staff engagement recorded by disabled respondents in the 2009 and 2010 Staff Engagement Surveys.

The Task Force completed its work in June 2011 and recommendations on the provision of reasonable adjustments in the Department and on communicating positive images of disability are being taken forward. A communications campaign has included:

- a series of images showing the range of roles undertaken by disabled staff
- intranet and staff magazine articles focusing on the experiences of disabled staff
- an Atrium display, leaflets and contact point to raise awareness and provide advice
- launch of a Reasonable Adjustments Support Service to provide support and guidance to staff and managers to ensure that reasonable adjustments responsibilities are met in a manner that supports both the individual and the business
- to improve clarity and reduce delay we have arranged a series of workshops about reasonable adjustments aimed at staff and managers, and
- a living library day where staff were able to phone or speak face to face to a more senior member of staff living and working effectively with a disability
- Office of Disability Issues led workshops on Inclusive Communication and Policy Making
- an artwork display at headquarters by disabled artists to mark the International Day of Persons with Disabilities.

Staff Diversity

SCS Staff Diversity in MoJ- the following table measures the current level of representation of BAME, female and disabled staff working as Senior Civil Servants (SCS) within MoJ against our 2013 Civil Service Diversity Strategy targets.

SCS	2009 ¹	2010 ²	2013 Target
Women	40%	39%	42%
BAME	4.64%	4%	9%
Disability	2.5%	2.4%	4%

¹ As At December 2009

² As at December 2010

We are continuing to monitor our performance against these targets, particularly in the light of the restructuring of the SCS and the significant reduction in headcount.

Diversity in Staff Below SCS in MoJ - the following table illustrates the breakdown by grade of declared disabled, BAME, and female staff as at December 2010. Work is continuing to improve the representation of these groups at SCS feeder grades.

Band	BAME	Disabled	Female
A	4.9%	2.1%	46%
B	10.6%	3.0%	51%
C	12.3%	2.7%	60%
D	9.2%	3.5%	49%
E	8.1%	3.0%	45%
F	6.7%	3.9%	48%
Fast Stream	5.6%	10.2%	55%

Declaration rates

We need staff to provide us with information in order for us to identify equality issues. We encourage staff to update their personal information (through the MyServices shared services system introduced in May 2011) to reduce the level of 'Undeclared' returns. We are running an ongoing communications campaign to explain to staff why we need current and accurate personal data, and how and why we will use this information to improve equality within the department. Our goal is to increase declaration rates significantly from the current declaration rates (ethnicity: 87% and disability: 63%) to 90% by 2015.

Developing Our People & Encouraging Diverse Talent

We have continued to target training at under-represented groups within MoJ through a co-coaching scheme developed jointly between MoJ and the private sector, with programmes for BAME, LGBT and Female staff. The co-coaching relationship aims to build confidence and capability and help those involved to identify, develop and demonstrate their skills in a way which enables them to progress to the next level.

Staff Networks

MoJ has long supported the role of networks, as a valuable way of representing the views of staff and of identifying and addressing issues. We have reviewed how best the function of staff support carried out by our diversity networks can be refreshed and updated and have launched a new initiative supporting the establishment of voluntary staff networks. The Department is seeking applications from staff to establish new look staff networks.

The new staff networks will be more self reliant than in the past. They will be responsible for running themselves, with the network membership agreeing their governance and determining their aims and objectives. Networks will be eligible to apply for a small amount of discretionary funding annually to assist with their work. MoJ's corporate equality team will assist the networks to establish themselves and act as a central point of contact and advice. Networks will initially operate on a trial basis and will be reviewed after six months.

Flexible Resource Management (FRM)

FRM is being introduced in a number of areas with the aim of deploying staff flexibly in MoJ HQ to ensure that the department is making the best use of its people to deliver its business priorities. FRM will ensure that we can effectively harness the benefits of a diverse workforce, by enabling us to bring together staff with different specialisms, skills and experience in teams that can bring creativity and innovation to delivery.

Voluntary Early Departure Scheme

As part of the work to respond to the Ministry's 4 year financial settlement (SR2010) we have been reorganising and reducing our workforce. A key part of this work has involved voluntary exits. Capturing and analysing staff diversity data via the application form and through exit questionnaires has enabled us to better understand the impact of these exits on staff diversity.

Career Transition Management

A CTS service has been developed offering face to face workshops, e-learning, hard copy support workbooks, (which can if required be provided in large print), and a telephone coaching service. Providing these various delivery mediums allows the service to be accessed by all employees. Although the service was developed to support staff whose posts are disappearing as a result of restructuring, the service on offer is the same for all staff and will be centrally funded.

Membership of Equality Organisations

We work with Opportunity Now, Race for Opportunity, Employers Forum on Disability, Employers Forum on Age, Employers Forum on Belief, Working Families, Carers UK, Stonewall and Gender Trust on a number of equality issues.