



Ministry
of Justice

Guide to HMPPS Offender Equalities Annual Report **2017/18**

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Technical Guide for the HMPPS Annual Offender Equalities Report

Introduction

This document provides further detail on the statistics presented in the report HMPPS Annual Offender Equalities Report 2017/18.

The National Offender Management Service (NOMS) was created as an executive agency of the Ministry of Justice in April 2008, with the goal of helping prison and probation services work together to manage offenders through their sentences. On 1 April 2017, Her Majesty's Prison and Probation Service (HMPPS) replaced National Offender Management Service (NOMS).

Overview of HMPPS Annual Offender Equalities Report

This section describes the timing and frequency of the publication and the revisions policy relating to the statistics published.

Timeframe and publishing frequency of data

This publication is produced on an annual basis and provides information relating to financial years 2017/18; the latest financial year period for which data are available. The next publication is scheduled for release on 28 November 2019.

Revisions policy

In accordance with Principle 2 of the Code of Practice for Official Statistics, the Ministry of Justice is required to publish transparent guidance on its policy for revisions. A copy of this statement can be found at:

www.justice.gov.uk/downloads/statistics/mojstats/statistics-revisions-policy.pdf

The reasons for statistics needing to be revised fall into three main categories. Each of these and their specific relevance to the HMPPS Offender Equalities Annual Report are addressed:

1. Changes in source of administrative systems or methodology

This release of the Offender Equalities Annual Report contains a new section reporting protected characteristic information for women who had applications approved for a place into the Mother and Baby Unit (MBU), and refusal of applications. Since last year's publication, data is being published on ethnic background, age and religion or belief of women whose applications were made during financial year 2017/18. Multiple applications can be submitted by an individual woman over the financial year period, therefore applications volumes will usually be higher than counts of individual mothers.

2. Receipt of subsequent information

The nature of any administrative system is, there may be time lags with regards to when data is recorded. This means that any revisions or additions may not be captured in time to be included in the subsequent publication.

3. Errors in statistical systems and processes

Occasionally errors can occur in statistical processes; procedures are constantly reviewed to minimise this risk. Should a significant error be found, the publication on the website will be updated and an errata slip published documenting the revision.

About the data

Data published in this report, and sourced from other statistical publications, were drawn from both administrative IT systems and manual data collection returns. Although care is taken when processing and analysing the data, the level of detail collected is subject to the inaccuracies inherent in any large scale reporting system.

There were several areas where data is unavailable for some protected characteristics. Data coverage for sexual orientation and religion continue to be very limited in many areas, and thus cannot be published. Disability data for offenders also continues to be limited. Efforts are being made to improve the coverage of these data.

It is important to note that the data presented highlight areas where there were differences in the results between groups and where practitioners and others may wish to undertake more in-depth analysis to understand further the reasons for such differences. This should not be equated with discrimination, as there are many reasons why apparent disparities may exist.

Data sources

Data on offenders have been drawn from a range of different sources. Data on prison population, probation population, adjudications, self-harm, deaths, release on temporary licences (ROTL), temporary release failures, home detention curfew (HDC) and reoffending statistics are published by the Ministry of Justice. This data drawn from administrative systems and the data quality is generally assessed to be good.

Data on order or licence completions are drawn from administrative IT systems which, as with any large scale recording system, are subject to possible errors with data entry and processing. Data quality, is assessed to be good where published. Where data does not meet quality standards or where it has not been possible to identify demographic information on offenders the data are excluded from the release (e.g. accredited programmes).

Transgender prisoners

Details of the number of transgender prisoners were provided by Equalities Representatives in public and private prisons in England and Wales, between 27 March 2018 and 21 May 2018 for the 2018 collection. Similar collections took place in 2017 and 2016. New guidance on the care and management of transgender offenders was issued prior to the collection of

data in March/April 2017. This may have led to an increase in the number of transgender prisoners recorded when compared with results from the March/April 2016 data collection.

Population, percentages and rates

Prison population statistics as at a point in time (31 March¹) have been used for sections analysing prison population, and prisoner IEP status, as this reflects current reporting practice in HMPPS statistical publications and is the basis on which the statistics on prisoner IEP status are collected.

Percentages and rates are provided to enable comparisons for each of the protected characteristics.

Percentages are used to represent the proportion (e.g. Black, Asian or Minority Ethnic) within a particular population and to represent the proportion of a specific outcome (e.g. HDC releases out of all calculated to be eligible) for a group (e.g. male prisoners). Rates are used to represent the number of events compared to the base population for each group.

Prison population statistics based on the average population over a calendar year have been used when calculating rates for adjudications, self-harm, deaths, release on temporary licence, adjudication outcomes, home detention curfews² (HDCs). These rates have been calculated based on the number of incidents that occurred in a calendar year compared to the average population over the same time period.

When calculating rates and percentages, any unreported data in a protected characteristic group (e.g. ethnicity, religious beliefs) have been excluded from the analysis to avoid anomalies.

Unknown IEP status have also been removed from percentages in different status group to remove anomalies.

Use of technical terms and abbreviations

Where terms are abbreviated, the full term is used in the first instance, and thereafter abbreviations are used.

Technical terms have been avoided as much as possible, except where this acts as a useful means to avoid repetition, explanations have been provided in the glossary.

Ethnic Group classification

To enable meaningful time series comparisons and to avoid disclosing confidential or personal information about offenders, this report continues to present data using the 5 + 1 ethnic groupings (Asian or Asian British, Black or Black British, Other ethnic group, Mixed ethnic group, White, Not Stated) classification that has traditionally been presented in the HMPPS Equalities Annual report. Data collected are based on the 18 + 1 classification used

¹ Apart from for years 2005 – 2011 where this data was not available for all protected characteristics being analysed, and data was used as at 30 June.

² The definition of population used for calculating HDC rates is prison population eligible for HDC releases

in the 2011 Census. A small number of cases will still be based on the old 16 + 1 2001 census classifications, however, these align to the same 5 + 1 classifications meaning there is no impact on comparability.

For reoffending data, the ethnic group data are based on information reported on the Police National Computer. The information reflects the officer's view of the offender's ethnicity, which does not necessarily correspond with self-reported ethnicity.

Use of 2011 Census data

Information on the proportion of Ethnicity and Religion among the general population was sourced using data from the 2011 Census. Where otherwise stated, the proportion of ethnicity and religion in the prison population were compared against the total number of respondents aged 15 or over to the 2011 Census in England and Wales.

The 2011 Census classifies the usual resident population of England and Wales as at census day, 27 March 2011, by ethnic group, by sex and by age.

Sex is the classification of a person as either male or female.

Age is derived from date of birth and is a person's age at their last birthday, at 27 March 2011. Dates of birth that imply an age over 115 are treated as invalid and the person's age is imputed. Infants less than one year old are classified as 0 years of age.

Ethnic group classifies people according to their own perceived ethnic group and cultural background.

Glossary for the HMPPS Offender Equalities Annual Report

Abscond

A prisoner absconds when they gain liberty without the need to overcome physical security restraints, or evade direct staff supervision. In most cases, unlawfully at large (UAL) incidents from open prisons would be recorded as 'absconds'.

Not all UAL incidents from open prisons are classified absconds. If an open prisoner gains liberty having been segregated in secure accommodation, awaiting transport back to a closed prison, from secure accommodation, or from a secure escort, then the incident is classified as an escape.

Adjudications

Adjudications are the formal discipline system. The Prison and YOI Rules authorise the Governor or, in a contracted establishment, the Director to conduct adjudications. The Governor may under certain circumstances delegate adjudication powers and duties. In all disciplinary hearings the adjudicator must be satisfied beyond reasonable doubt that the accused committed the offence with which they are charged before deciding the charge is proven. If the charge against the prisoner is proved, the adjudicator should consider the appropriate punishment(s) taking into account the seriousness of the offence, the local punishment guidelines and any mitigation the prisoner may offer. This process will result in recording the outcome of the adjudication as proven.

Black, Asian and Minority Ethnic (BAME)

This is a standard term used across Government and in wider society to describe collectively all those declaring themselves to be of a non-white background. Any individuals describing themselves as 'White British', 'White English', 'White Welsh', 'White Scottish', 'White Irish', 'White Irish Traveller', or 'White Other' will not be classified as BAME, on the basis that each of these elements constitutes the majority ethnic grouping of the UK. The nationality of these individuals is irrelevant.

All other declarations will be recorded as of a BAME origin, on the basic principle that they will all be part of a grouping which is not of the UK ethnic majority as defined above.

Deaths in Prison

A death in prison custody is defined as 'any death of a person in prison custody arising from an incident in or, on rare occasions, immediately prior to prison custody'.

All deaths in prison custody are subject to a police investigation and a coroner's inquest. Once the inquest has been concluded, the Prisons and Probation Ombudsman's office publish a detailed 'Fatal Incident Report' on the death. Until this time, for administrative and statistical purposes, HMPPS classify deaths by apparent cause of death.

As there are a number of deaths yet to be classified, it is likely that some will be reclassified when sufficient information becomes available. For this reason all figures for the last two years are provisional.

Natural cause deaths include any death of a person as a result of a naturally occurring disease process. The majority of deaths in prison custody were from natural causes.

Self-inflicted deaths are any death of a person who has apparently taken his or her own life irrespective of intent. This not only includes suicides but also accidental deaths as a result of the person's own actions. This classification is used because it is not always known whether a person intended to commit suicide.

Homicides include any death of a person at the hands of another. This includes murder and manslaughter cases. As with self-inflicted deaths, the classification system does not make any judgement about intent with regards to homicide.

'Other' deaths include any death of a person whose death cannot easily be classified as natural causes, self-inflicted or homicide. The category includes accidents and cases where the cause of death is unknown even after all of the investigations have been concluded.

Deaths in the Community

Deaths of offenders in the community is defined as any death of an offender that occurred while under probation supervision during the time they were:

- Serving their court order sentences in the community (including community orders and suspended sentence orders)
- On post-release supervision after completion of a custodial sentence.

Deaths of offenders supervised by the probation services prior to release from prison custody (pre-release supervision) are not included as part of this publication. These are deaths in custody, published separately as National Statistics in the Safety in Custody statistics bulletin.

Statistics in this section are based on annual returns from probation providers but may not always capture all offenders that died during supervision in the community. The death of an offender may only come to light when they are informed by third parties such as the police, the medical profession or friends and family of the deceased. At the time of reporting, probation staff may not have sufficient information regarding the circumstances of the death to assign an apparent cause. And results of any investigations or inquests following the death are not always circulated back to the probation providers. As such, between 14% and 27% of deaths remain unclassified in each year between 2010/11 to 2015/16, and these are unlikely to be subsequently updated. Accordingly, caution is advised in comparison of categories of deaths across time.

The main responsibilities of offender managers in the community are to assess, supervise and rehabilitate offenders. While they can encourage offenders to address issues affecting their health and wellbeing, their ability to manage the health of the offender are more limited than those provided by staff in the prisons. Offenders in the community have a greater responsibility for their own healthcare.

Each death has been classified as one of the following apparent causes, as allocated at the time of reporting based on information held and reported by the probation provider (NPS, CRC or Probation Trust) to HMPPS:

- Accident: Any death of a person arising from either external causes, accidental overdose/poisoning and deaths were taking a drug contributed to a death but not in fatal amounts.
- Homicide: Any death of a person at the hands of another (includes murder and manslaughter).
- Natural causes: Any death of a person as a result of a naturally occurring disease process.
- Other: Any death of a person whose death cannot easily be classified as natural causes, self-inflicted, accident or homicide. The cause of death may never be known even after all of the necessary investigations have taken place.
- Self-inflicted: Any death of a person who has apparently taken his or her own life irrespective of intent.
- Unclassified: Any death where there is insufficient information to make a judgement about the cause at the time of reporting.

Electronic Monitoring

Electronic monitoring³ was introduced in 1999 to support the police, courts, prisons and wider justice system in England and Wales.

It is a way of remotely monitoring and recording information on an individual's whereabouts or movements, using an electronic tag which is normally fitted to a subject's ankle. The tag transmits this information, via a base unit installed in a subject's residence, to a monitoring centre where it is processed and recorded in case management systems. Staff in the monitoring centre review this information to see whether an individual is complying with the conditions of their curfew or other electronically monitored requirement. Where a subject is not complying, the electronic monitoring provider either acts on this information themselves or provides it to the relevant authority to take the necessary enforcement action.

Electronic monitoring may be used:

- as a condition of court bail;
- as a requirement of a court sentence, including community orders and suspended sentences;
- as a licence condition following release from custody, including Home Detention Curfew;
- as a condition of immigration bail, managed by the Home Office; and
- to intensively monitor a small number of subjects on specialist orders including Multi-Agency Public Protection Arrangements (MAPPA), Special Immigration Appeals Commission (SIAC), and Terrorism Prevention and Investigation Measures (TPIMs). Some of these more specialised orders are monitored with a Global Positioning System (GPS) tag rather than a radio frequency (RF) tag.

³ Figures on Electronic monitoring (EM) for new orders and the number of monitored subjects were published in the HMPPS Annual Digest 2017/18 at: www.gov.uk/government/statistics/annual-national-offender-management-service-digest-2017-to-2018.

Since early 2014, EMS Capita has supplied the electronic monitoring service under contract to the Ministry of Justice. Prior to this, from 2005 to 2014, electronic monitoring services were supplied in two regional contracts by G4S and Serco.

Home Detention Curfew (HDC)

The HDC scheme was introduced following the passage of the Crime and Disorder Act 1998. The purpose of HDC is to more effectively manage the transition of offenders from custody back into the community. Prisoners who are not subject to a statutory exclusion may be released on licence after serving a required period, determined by their sentence length. Prisoners will normally be released on HDC unless there are grounds to indicate the prisoner is unlikely to complete successfully the period on HDC. Once released on HDC licence, the prisoner is electronically tagged and compliance with his or her licence conditions monitored. Eligibility for HDC covers prisoners serving sentences of between 3 months and 4 years, who are not in certain excluded groups. The implementation of a new HDC policy instruction⁴, which went live on 3rd January 2018, has led to an increase in HDC releases.

Incentives and Earned Privileges

IEP is a system where privileges, in addition to minimum entitlements, can be granted to prisoners or young offenders subject to their reaching and maintaining specified standards of conduct and performance. The IEP scheme rewards good behaviour and performance (enhanced status) and removes privileges if expected standards are not maintained (basic status). In addition to any local aims, it is intended to encourage prisoners to behave responsibly, to participate in constructive activity, and to progress through the system. There is also an entry level IEP for all new prisoners entering custody.

The Incentives and Earned Privileges (IEP) scheme was introduced in 1995 with the expectation that prisoners would earn additional privileges through demonstrating responsible behaviour and participation in work or other constructive activity. On 30 April 2013, Ministers announced the outcome of a review of the IEP national policy framework and made it clear that, in order to earn privileges, prisoners will now have to work towards their own rehabilitation, behave well and help others.

IEP figures are taken as a snapshot at a moment in time, however IEP status is very dynamic, changing rapidly to reflect behaviour of prisoners. As such, a snapshot at a given moment of time may not reflect the overall pattern across the year. Caution should be used in consideration of the splits of IEP by protected characteristic, as while these accurately represent IEP status on 31 March 2018, this may not give a typical reflection of the IEP levels of each protected characteristic across the entire financial year.

Mother and Baby Unit (MBU)

A Mother and Baby Unit (MBU) is a designated living accommodation within a women's prison which enables mothers, where appropriate, to have their children with them. Women

⁴ The eligibility criteria remain the same but the process has been streamlined to deliver the aims of the scheme, under which most eligible offenders are expected to be released.

who are pregnant or who have children under the age of 18 months can apply for a place in an MBU.

MBU applications are considered by a multi-disciplinary Admissions Board and consist of an Independent Chair, MBU Manager, Community Offender Manager; and having input from the Local Authority Children's Services. The Board makes a recommendation to the Governor/Director of a prison with a MBU on whether a child and mother should be admitted to such a unit, with the best interests of the child being the primary consideration, alongside the safety and welfare of other mothers and babies on the unit. The Chair must communicate the recommendation within 24 hours of the conclusion of the Board, though it is the responsibility of the Governor/Director of the prison to reach the final decision. An applicant has the right to appeal a decision not to allocate a place on an MBU, with appeals determined by the Head of the Women's Team.

MBU data are collected from prison establishments by means of a monthly return submitted via the National Offender Management Service Performance Hub: a secure web-based data collection and management information reporting system. Although care is taken when processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large scale recording system.

Offenders in the Community under Community and Suspended Sentence Orders

Since 1 June 2014, probation trusts have been replaced by the National Probation Service (NPS), which manages the most high-risk offenders across seven divisions; and 21 Community Rehabilitation Companies (CRCs), who manage medium and low-risk offenders.

Order and Licence Completions

The National Probation Service and Community Rehabilitation Companies are responsible for supervising offenders in the community under two main types of supervision: orders and licences. Orders are non-custodial sentences of the court. Licences are statutory periods of supervision that offenders serve in the community upon release from custodial sentences of 12 months and over.

Successful completions of orders and licences are those which are recorded on the case management system as having expired normally (i.e. without being revoked for failure to comply or for a further offence) or which have been terminated early by the court for good progress. Drug rehabilitation requirements are included in the calculation.

Prisoner Population

Prison establishments record details for individual inmates on the prison IT system (Prison-NOMIS). The information recorded includes details such as date of birth, sex, religion, nationality, ethnic origin, custody type, offence, reception and release dates and, for sentenced prisoners, sentence length. The data from individual prison establishments then feeds through to a central computer database, called the Inmate Information System (IIS), from which data extracts are used to produce the various analyses of prison population.

On 30 June 2015, the data extracts used to produce statistics on the prison population transitioned to a new extract which extracts information from the Prison-NOMIS system directly and without needing to be processed by the Inmate Information System. As a result,

vast improvements in data quality were observed and more detailed information about the prison population became available. In particular, the new extract has more accurate sentence length information and richer detail about offences committed.

Until June 2009, the prison population data used for analysis was derived by combining two sources: the individual level data collected on IIS, and a set of aggregate totals from each prison establishment giving the numbers held in each prison broadly subdivided according to age group, sex, custody type and sentence length. The individual level data was scaled to the aggregate totals to create the monthly prison population dataset used for all analysis.

Following the rollout of the new prison IT system, Prison-NOMIS, the prison population data is now drawn from a single source, removing the need for the scaling process used previously. All prison population data from July 2009 onwards is taken from this new data source.

Release on Temporary Licence (ROTL)

Release on Temporary Licence (ROTL) is the mechanism under which offenders may be released into the community, generally towards the end of their sentences, for rehabilitative purposes. It can play an important role in public protection by allowing risk management plans for offenders to be tested in the community under strict conditions before they are released. It also provides a valuable means of helping offenders prepare for their resettlement in the community by, for example, finding work or rebuilding links with their families, which helps to reduce reoffending.

The rate is calculated as the number of successful returns to establishments divided by the total number of prisoners released on temporary release licence.

Re-offending

A proven reoffence is defined as any offence committed in a one year follow-up period that leads to a court conviction, caution, reprimand or warning in the one year follow-up or within a further six month waiting period to allow the offence to be proven in court.

The methodology for measuring proven reoffending has changed. For further details about the changes, please link to:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/658380/how-the-measure-of-reoffending-has-changed-and-the-effect-of-these-changes.pdf

Self-harm

Self-harm in prison custody is defined as, “any act where a prisoner deliberately harms themselves irrespective of the method, intent or severity of any injury.”

Sexual Identity

Sexual identity is one part of the umbrella concept of “sexual orientation”. Sexual identity does not necessarily reflect sexual attraction or sexual behaviour – these are separate concepts which the Office for National Statistics (ONS) currently does not measure.

Sexual identity estimates are based on social survey data from the Annual Population Survey (APS). The questions collect information on self-perceived sexual identity from the household population aged 16 and over in the UK. Currently no further breakdown of the category “Other” is collected.

Sexual Orientation

Sexual orientation is one of the six equality strands covered by legislation. Sexual orientation is an umbrella term which encompasses several dimensions including sexual identity, attraction and behaviour. For the purposes of the legislation, sexual orientation is not defined in terms of any specific dimension.

Temporary Release Failure

A temporary release failure after a release on temporary licence (ROTL) occurs when a prisoner fails to adhere to any condition written into the licence that permits their temporary release. Such conditions include the date and time by which the prisoner is required to return to the prison and may also place restrictions on where the prisoner may go and whom they may visit during the period of release, etc.

Transgender Prisoners

Transgender prisoners are defined as those individuals known within prison to be currently living in, or are presenting in, a gender different to their sex assigned at birth and who have had a case conference (as defined by PSI 17/2016 The Care and Management of Transgender Offenders⁵).

The number of prisoners who have already transitioned and have a full Gender Recognition Certificate are thought to be excluded. Statistics on the number of all applications to the Gender Recognition Panel are published in Tribunals and gender recognition statistics quarterly at www.gov.uk/government/collections/tribunals-statistics.

The figures give an estimate of the number of transgender prisoners and are likely to underestimate the true number. There may be some transgender prisoners who have not declared that they are transgender or had a local transgender case board, and some who have a Gender Recognition Certificate.

⁵ This replaced PSI 07/2011 – Care and Management of Transsexual Prisoners in January 2017. Information about the review which led to new guidance is available at www.gov.uk/government/publications/care-and-management-of-transgender-offenders.