

8 Management and Leadership

This chapter differs from the others in that we did not have a Review Team specifically focused on this issue. Instead we sought input from Professor Alison Liebling and Dr Ben Crewe who hosted a seminar at the Cambridge Institute of Criminology in which Governing Governors from a representative sample of prisons took part in a discussion of her most recent research into senior managers in the public and private sector Prison Service. During the same session we also considered the emerging data from the analysis of the leadership capability of the top 500 managers in the Service that has been commissioned internally and conducted by Roffey Park.

We concluded the session with a discussion of the Service's progress against the failure areas identified by the CRE in relation to management and leadership, focusing thoughts on best practice and discussing the emerging findings of this chapter as well as possible future directions. Those conversations are reflected in this chapter, along with more general observations from Review Team participants who commented more widely on issues of management and leadership from within the perspective of their themes.

Where we were

As well as specific issues surrounding prisoner treatment, the complaints system, and access to goods, facilities and services, the CRE found broad management weaknesses – the absence of management information systems and the failure to give race equality matters the priority and attention they required under law. When coupled with institutionalised ways of working and a negative culture,

the CRE found that together they had a profoundly negative impact on the promotion and achievement of race equality.

The CRE found broad management weaknesses and the failure to give race equality matters the priority and attention they required under law.

Specifically, the CRE found that senior managers lacked awareness of problems in establishments and management failed to give adequate priority to race equality or to act decisively to tackle racial discrimination. They concluded that managers were reactive rather than proactive, and on occasions were unaware of problems on the ground. Consequently they found that staff could effectively sabotage systems but go unpunished.

The CRE argued that good management practice was key to achieving race equality.

Their finding that basic race equality practices were not a management priority and that the structures of race relations were separated from the general structures of decision making meant that information on race equality was treated as a burden rather than a necessary foundation for the work of officers. They were critical of the failure to correct bad practice and to spread good practice, and concluded that training on race relations was judged to be of poor quality and inadequate, and staff were reluctant to attend it.

Overall, the CRE argued that good management practice was key to achieving race equality as well as ensuring that prisons were safe places for those who might be vulnerable to racial abuse, harassment and violence.

What we did

In response to the criticisms and the agreed high-level deliverables, we have pursued the numerous actions detailed in the remainder of section of the report.

Firstly, work is coordinated and governed effectively. The National Race Equality Action Plan brings together the joint action plan agreed with the CRE in 2003 and also includes actions to address the recommendations of the Zahid Mubarek Inquiry and the 'Areas for Development' identified by HMCIP in the 'Parallel Worlds' report. In addition it details the programme of work to meet and go beyond our legal obligations set out in our Race Equality Scheme.

The National Plan sets out, in one document, all the high-level actions that are being taken on race equality and it is properly governed and rigorously overseen.

The Plan is managed by a Programme Manager who reports to the Race Advisor to the National Offender Management Service, and implementation is overseen by a Programme Management Board, which meets every six weeks and is chaired by a Director. Progress on the plan is reported to dedicated quarterly meetings of the NOMS Management Board, with further reports to Ministers and the EHRC three times a year via the Ministerial Scrutiny Panel on Race.

Most crucial of these arrangements is the oversight exercised by a Board committed to race equality. Race equality has been a consistent corporate and operational priority for the Board over the last five years. The Race Advisor as a member of the Board plays a key role in ensuring that issues of equality contribute to all Board discussions and decisions. This role provides the assurance with which the Director General has signalled very clearly and very publicly his intention to root out racism and tackle discrimination in the Service.

Tools such as the Measuring the Quality of Prison Life survey have taken the Service beyond the measurement of quantity, beyond the measurement of quality of process, and into the measure of the quality of relationships.

The Board has long since recognised that 'moral performance' matters and now evaluates prisons through just such a framework. Tools such as Measuring the Quality of Prison Life survey (MQPL) have taken the Service beyond the measurement of quantity, beyond the measurement of quality of process, and into the measure of the quality of relationships, which the Board recognises lie at the moral heart of imprisonment. With researchers from the Cambridge Institute of Criminology, the Service has introduced tools which allow the organisation to be evaluated in ways that bring values to centre stage. The Service recognises that race equality is central to moral performance and arguably its best proxy indicator – the Director

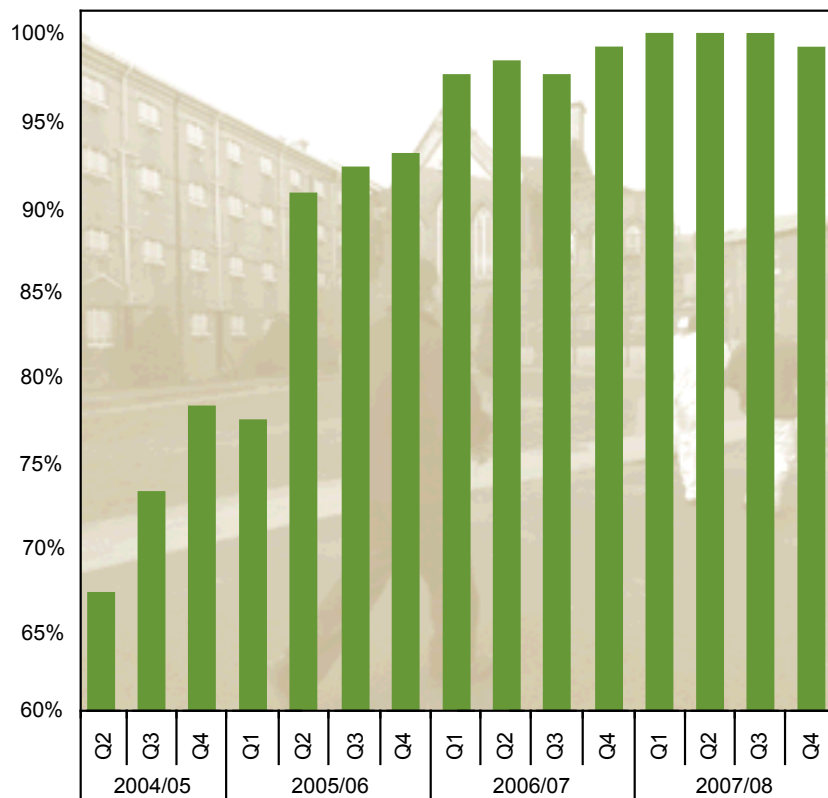
General recognises publicly and frequently that race equality is not only a key part of our work, but a key part of how we make everything else work.

In order to make these corporate priorities an operational reality, a revised national policy on race equality was set out in a revised Prison Service Order (PSO) 2800, issued in September 2006. An accompanying Prison Service Standard on Race Equality, issued in July 2007, is used to audit delivery in a way that moves beyond testing compliance and is focused on ensuring that establishments are successfully delivering outcomes which increase race equality.

Local management of race equality in establishments mirrors the national arrangements, with an establishment Race Equality Action Plan (REAP) managed by a Race Equality Action Team (REAT). The REAT is a sub-group of the establishment Senior Management Team, to which it reports regularly and is led by the Governor or Deputy Governor. All REATs now include prisoner representatives, and this has improved from 67% of prisons in September 2004.

A comprehensive programme of training for REATs was rolled out from January 2007, and by September 2008, 1911 REAT members had been trained, including

Proportion of Establishments with Prisoner Reps on the REAT



1,456 Prison Service Managers, 249 prisoner representatives and 101 external representatives.

Recognising that what gets measured gets managed, two Key Performance Targets (KPTs) on race equality were introduced in April 2006.

From 2004-05 to 2007-08 there has been a three-fold increase in the average time given to the work of the Race Equality Officer.

From an individual REO with an average of 16 hours per week, we have moved to a position where nearly 100 prisons now have a full-time or equivalent member of staff in the role, and many have diversity teams, boosting the amount of time spent on race issues to an average of 48 hours per week per establishment.

In many cases the grading of the REO role has also been changed, with many more establishments now having a middle manager in the post or leading a small team, and some with diversity managers on the Senior Management Team.

Work in establishments is supported from the centre by the Race and Equalities Action Group – a group of 28 staff recruited from within and outside the service, who comprise a multi-disciplinary team including operational staff on secondment, senior practitioners, and staff from partner agencies and the regulatory environment who provide practical support and advice to establishments as well as policy development and national monitoring work.

Recognising that what gets measured also gets managed, two Key Performance Targets (KPTs) on race equality were introduced in April 2006 to ensure that establishments are focused on pursuing work to improve race equality. The operational KPT provides an index of establishment performance in service delivery by combining measures of processes (audits), outcomes (ethnic monitoring data) and perceptions (prisoner and visitor surveys) to produce an overall score. The staff KPT combines measures of BME staff in post, and in contact roles, with audit results to assess progress on



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employment targets and our duties as an employer. Scores on every one of these measures improved during the first year of operation.

Race equality impact assessments of establishment service delivery, as well as national policy, are perhaps the key tool for surfacing and tackling discriminatory practice. Over 1,500 impact assessments have been completed across the Service by March 2008, with establishments focused initially on ten key areas identified in the CRE report but now tackling other local priorities.

The impact assessment process is supported by the availability of ethnic monitoring software. This facilitates the analysis of data on a wide range of processes across the prison, employing a range-setting methodology to alert REATs to areas in which impact is disproportionate, and could potentially be discriminatory.

The proportion of BME staff has increased from 3.5% in 2000 to 6.2% in April 2008.

On a quarterly basis, data from local SMART monitoring is aggregated to produce a national picture of the effect of key policies. This is supplemented with a quarterly report that analyses results on Key Performance Indicators according to a number of diversity strands, including race. There is also an annual Staff Ethnicity Review that publishes monitoring data for key employment functions, as required under the Race Relations Act, as amended.

Local impact assessments and management of race equality more generally are informed by prisoner consultation arrangements. These include regular large-scale surveys through the Measuring the Quality of Prison Life (MQPL) questionnaire, developed by Cambridge University. Establishments also use prisoner representatives on REATs to articulate prisoner views, and most REOs hold regular focus group meetings with BME prisoners, as well as specific consultation meetings over issues subject to impact assessment.

The Racist Incident Reporting Form (RIRF) system has been improved and made more transparent. Measures to ensure the ready availability of forms and improved management of the systems have been implemented. External scrutiny of a proportion of completed RIRFs has been introduced at most establishments. The result is more prisoners being willing to submit complaints – the number of RIRFs submitted rose from 8,454 in 2004-05 to 13,323 in 2007-08.

Considerable work has been done to address BME under-representation in the staff group, with the result that the proportion of BME staff has increased from 3.5% in 2000 to 6.2% in April 2008.

This has been achieved through recruitment of BME staff at levels above their representation in the areas around prison establishments (in 2006-07 7.7% of staff recruited were BME, compared to 7% of the population in the areas in which we were recruiting) as well as through action to address higher leaving rates amongst BME staff (7.8% in 2006-07, down from a peak of 9.7%).

Finally, the Service has invested heavily in an ambitious programme to establish the current leadership capabilities of the top 500 managers – commissioning Roffey Park Consultancy to conduct detailed psychometric testing with each of those managers. This work has already begun to analyse and distil the current leadership capability of the first 100 managers who have been through the programme. Each of the managers who have taken part has had detailed feedback sessions and will use these findings to put in place tailored development plans. Early outcomes are discussed in the final section of this chapter.

Where we are now

We believe these actions demonstrate a programme of work that goes well beyond that promised in the joint action plan agreed with the CRE in 2003. In addition, action has been taken to address each of the areas for development listed in the Chief Inspector's 'Parallel Worlds' report and the recommendations of the Zahid Mubarek Inquiry. The programme of work demonstrates a real commitment to race equality, with real resources attached to that commitment – in evidence to the CRE in 2003 the Service outlined plans to invest £3m per year. This has been increased steadily over the time of the Joint Action Plan to close to three times that amount in 2008.

As a consequence of these actions and this investment, it is clear that the Service has made huge strides in implementing systems and processes that ensure a more thorough approach to race equality. There is broad consensus among informed

commentators that blatant racism is now much less common. There is other evidence too from national monitoring data to suggest that this investment and commitment is paying off – with BME groups receiving proportionate outcomes according to race. The latest Citizenship Survey showed a significant decrease in the negative perceptions of prisons by people from a BME background – 14% of BME people felt they would be treated worse than other races by the Prison Service, compared to 17% in 2003 and 2005, and 21% in 2001. This is the biggest decrease of all the criminal justice agencies. All of which has been achieved in spite of intense pressure in the operating environment, with the prison population growing consistently throughout this period.

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We believe the achievement is substantial. Whilst consistency of practice is always an issue in an organisation that looks after in excess of 80,000 prisoners and employs 50,000 staff to do that work, we believe we are well poised to continue to make progress, that we have laid foundations, built systems and infrastructure and eliminated the worst excesses of blatant racism. Nevertheless, for all the investment, many of the issues that informed the CRE report have not yet been fully resolved. While many Governors provide the necessary leadership on this issue and are focused on, and determined to deliver, fair outcomes, inevitably perhaps, this is sometimes inconsistent across the

estate. The work on optimising potential has real promise and will provide useful organisational intelligence about leadership capabilities and vital individual feedback to Governors and other Senior Managers, but this work is relatively recent and its effect has yet to be felt. While resources have clearly been invested in systems for delivering race equality, it is also clear that resources alone are insufficient and for all the positives, the picture of progress is incomplete. Three facts in particular stand out from the national monitoring data: Black prisoners in particular are approximately 30% more likely than White prisoners to be on the basic regime, 50% more likely to be in segregation for reasons of Good Order or Discipline, and 60% more likely to be subject to use of force.

While many KPIs show proportionate outcomes, other key, *but less formal indicators*, do not.

Poorer perceptions amongst BME prisoners are likely to be exacerbated by their previous contact with criminal justice agencies and by their experience in education and other public services.

This discrepancy also shows that where there is a formal process and a considered decision, outcomes appear somewhat more fair, but where issues are resolved less formally through day-to-day interactions and relationships, disproportionate and



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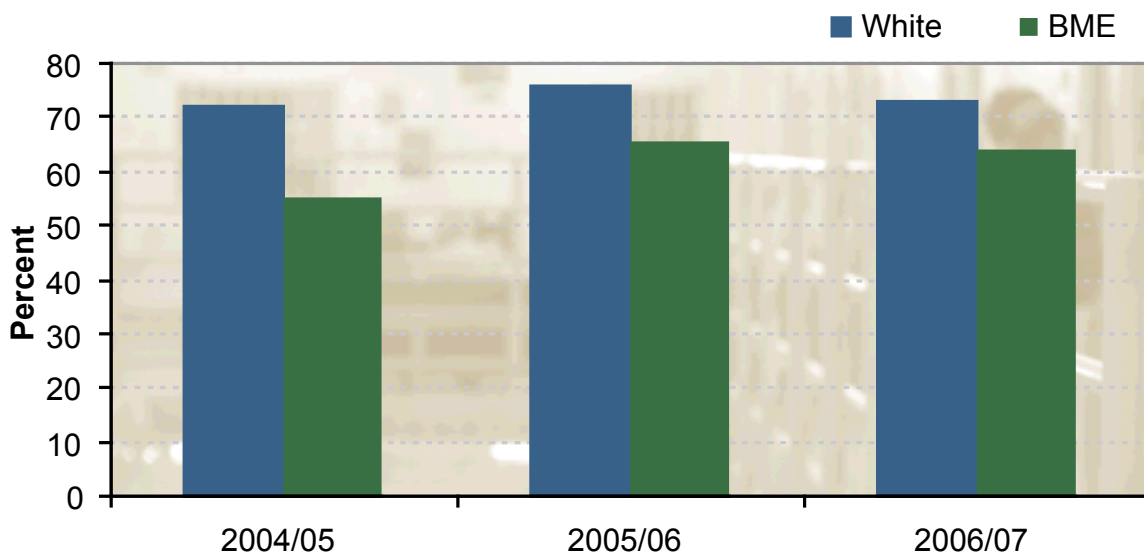
seemingly discriminatory outcomes are somewhat more likely. Simply put, where discretion operates, this tends to result in more negative outcomes for BME prisoners.

This, in part, we suspect, drives the poorer perceptions of BME prisoners which are a routine response to survey questionnaires. Of course it is likely that poorer perceptions amongst BME prisoners are exacerbated by their previous contact with criminal justice agencies and by their experience in education and other public services. Prisons hold individuals who have already been on the receiving end of the cumulative effects of discrimination and who therefore feel vulnerable and are suspicious of the motivations and actions of those in authority. Nevertheless, when measured by MQPL, perceptions are consistently less

positive than those of White prisoners – with the most significant differences being in perceptions of relationships with staff. Similarly, HMCIP survey results are consistently significantly worse for BME prisoners, with relationships with staff again providing some of the more striking differences.

Given the extensive activity and achievements listed in this chapter, we conclude that while the return on investment has been substantial, it has at the same time been more modest than we might have expected. We discuss some of the reasons for this in the next section.

Prisoner Perceptions of Staff Treatment of Prisoners



What we still need to do

Clearly there is more work to do to influence the use of discretion and eradicate persisting discrimination. At the heart of any prison is the relationship between staff and prisoners and the way the 'culture' dictates how prisoners are dealt with.

We know that discrimination now tends to take more subtle, hidden forms and that surfacing and tackling that will be a challenge. Any long-established, predominantly White organisation is liable to have procedures, practices and most crucially a culture that tends to exclude or disadvantage people who are not White.

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That it persists and will not change readily or quickly is no great surprise. However inconvenient a truth, large, complex organisations with over 50,000 staff and over 140 strategic business units do not change readily or simply because of the findings of a regulator, the pronouncements of a judge, or even the insistence of a Director General. They take time and resource to change as well as a practical set of actions which make a difference on the ground and which begin to change the customs and habits of behaving and thinking. Building anything that needs to endure requires that you lay a strong and firm foundation first.

That is now done. To tackle the remaining disproportionate outcomes we must tackle the use of discretion. Clearly, neither the proper use of discretion nor good-quality relationships can be mandated, but they can be encouraged, and we suggest ten ways in which this can be done. These are further areas for development and from them will issue a programme of work following the publication of this report:

(1) The instalment of an explicitly moral agenda and the prominence of values within the leadership messages from the Board has helped embed the message about the importance of race equality. The moral imperative of race equality has been consistently emphasised, but this should now be extended as a corporate message to describe and articulate more fully the benefits of race equality in a way which is recognisable and makes sense to staff as they go about their day-to-day work.

Failing to get race relations right sours the relationship between prisoners and staff.

There is a strong and persuasive case to make beyond the moral imperative: with BME prisoners constituting over a quarter of the prison population, if you want to maintain a flow of intelligence in your prison which keeps you, your colleagues or your staff and prisoners safe, and reduces unnecessary tension, you need to get race right.

If you are concerned about using resources efficiently and you don't want unnecessary extra work or staff answering numerous,

repeated complaints, prompted by avoidable perceptions of discrimination, then you need to get race right.

(2) Conversely, a corporate message about the serious risk of not getting race equality right needs elaborating and driving home. Staff at all levels still have a tendency sometimes to view race equality work as separate from core business. But discrimination cuts across everything useful we try to do with prisoners. Failing to get race equality right disrupts our primary purpose - to ensure public protection through the reduction of re-offending.

Failing to get race relations right sours the relationship between prisoners and staff – a key component in reducing re-offending. Prisons can provide enduring public protection only by changing behaviour. Seen through a long-term lens, race equality is in the aim of public protection. Poor performance on race becomes poor performance more generally.

Leadership is not the sole preserve of the Governor or Director – it is distributed throughout the organisation, amongst line managers and group managers

(3) That corporate message must be translated by Governors and Directors who must be encouraged and helped to give the same messages locally – bridging the gap between the Board and the front line. This report recognises that Governors and Directors set the moral tone and shape the organisational culture of the establishment. REAG should refocus part of its activity to

assume a more active role in promoting this message and in helping Governors and Directors promote this message locally, demonstrating the practical benefit of race equality in ways which complement the moral and legal imperative that this work carries.

(4) Leadership however is not the sole preserve of the Governor or Director. Leadership is distributed throughout the organisation, amongst line managers and group managers within establishments, and they too need to understand their leadership role and translate messages to their staff and teams. Just as security is everyone's job, so too is ensuring fairness based on race.

(5) Exercising leadership in this area is complex - racism and discrimination need to be more fully understood as patterns of behaviour which are collectivised and ingrained in systems and structures. Staff (and prisoners) understand discrimination to be solely associated with bad and deviant behaviour, or individual, intentional acts, primarily in their most blatant forms. Governors and Directors also need to understand that, whilst blatant racism may be declining within their prisons, patterns of systemic or institutional discrimination could nevertheless be operating. In the best-performing prisons, Governors are open and willing to test this out – however uncomfortable the process or the findings. And they expect and support managers in their various functions to do the same.

(6) Governors and line managers can do this using the tools already in place. This report does not call for a raft of new initiatives – its main call is for a consistent

and purposeful approach to carry out the existing policy by using the existing tools and practices that support its implementation – not as a means of ticking boxes, but as mechanisms for real change. There is sufficient evidence from field visits that there is more capacity within existing tools and they are routinely under-used. The effective use of these tools is precisely what is meant by moral leadership – the exercise of values through action – scrutinising management information and taking action on it.

Governors and Directors need to understand that, whilst blatant racism may be declining within their prisons, systemic or institutional discrimination could be operating.

(7) Running a prison with discriminatory outcomes for prisoners of any racial group is poor performance, and that is the lens through which race equality needs to be seen – it is a line management function concerned with fairness, safety and good order. Race equality is a business function and it is brought about by having the right leadership priorities, aligned to the organisation, and the managerial will and skill to take action.

The work to assess leadership capabilities will help in this. That work is showing a preference amongst Governors for directive, task-focused leadership which may sometimes need to be supplemented with more focus on the human side of managing change and the promotion of a culture which values involvement, learning and development.

(8) Area and regional managers responsible for clusters of prisons must specifically enquire after race equality, as an end in its own right and as a proxy for other measures of decency. Using the tools available, they must challenge, support and focus Governors on this issue.

(9) Race needs to come to be seen as ordinary, and not as needing a special or new set of skills – most definitely not the special preserve of any individual or collection of individuals. The process of the review has revealed the extent to which staff and managers report feelings of anxiety in this area or who regard race first and foremost as a problem.

The Director General has signalled very clearly and very publicly his intention to root out racism and tackle discrimination – on the back of this Governors have taken action to dismiss staff in circumstances that have warranted it. That message and the action that followed have been necessary, but that must not be allowed to breed a culture that will not forgive honest mistakes or which discourages learning and engagement. Prison officers and other front-line staff need to be empowered to be ‘professionally curious’ about all aspect of an offender’s life, including their racial identity.

The organisation needs to be cautious in heeding too quickly calls for more training in cultural awareness. Instead it should refocus on the basic interaction between prisoner and prison officer – the dynamic of simple human exchange – rather than meet a demand that racial or cultural difference is best dealt with by extra training or skills that lie outside the usual work of a prison

officer. Cultural awareness training can be useful, but attitude is more important than knowledge in this area.

(10) Many commentators have suggested that the way staff treat prisoners (or nurses treat patients and so on) is related to the way they feel treated themselves. How Governors and Directors model the treatment of staff may then be one way in which they can influence the staff-prisoner interface. What goes on in prison is shaped by structures, systems of work, ideas, resources, and physical layout, but prisons are also crucially shaped by relationships. Liebling’s recent research finds that how staff, prisoners and managers think and feel about each other seems powerfully related to the quality of life experienced by prisoners. The message of that work is that values are as relevant to staff and the workforce in general as they are to prisoners.

It was vital to sequence action logically and set in place systems and infrastructure – building enduring requires sound foundations to be laid first. Our task now is further to develop the quality relationships underpinned by the firm foundations already laid.

The experience of BME staff and prisoners has been substantially improved, but it has not been transformed.

Professor Liebling’s research finds that how staff, prisoners and managers think and feel about each other seems powerfully related to the quality of life experienced by prisoners.

Following evidence to the CRE in 2003 that promised procedural and cultural change, we have made significant procedural changes, even beyond that promised. As a result of those actions, the experience of BME staff and prisoners has been substantially improved as the most blatant forms of racism have been largely eradicated, but they have not been transformed.

9 General atmosphere

This chapter differs from the others in that we did not have a review team specifically focused on this area. However, we preserved the principle of involving external stakeholders and instead invited a number of individuals with extensive knowledge of the service to provide an informed impression of the Service's activities over the five-year period covered by the CRE report.

In addition, we invited two current members of staff who were working in the Service during the period of the CRE investigation to comment on the changes they have seen over the last five years.

Individuals selected were invited to visit establishments of their choice. Visits were arranged with the aim of providing individuals with the opportunity of seeing the establishment in broader terms than the specificity with which review teams operated. Nonetheless, all visits included a session with prisoners, in most cases without staff present, with staff views being sought on a more routine basis.

Where we were

This overarching area of the CRE report found broad weaknesses in the implementation of policies designed to prevent and eradicate racism, resulting in environments where racist abuse and victimisation were evident for both staff and prisoners, and racist graffiti was tolerated. The investigation concluded that such institutionalised ways of working had been developed over a number of years and continued to impact negatively on the promotion and achievement of race equality.

This directly contrasted with the Service's policies that were often praised, and some of which were particularly progressive, such as banning membership of far right organisations in advance of other public or private sector organisations at the time. The report further confirmed the uncomfortable position that these policies had not produced the desired effect on the lived experiences of staff or prisoners from BME backgrounds, and that some staff and managers continued to deny anything was wrong.

Our approach to this chapter

The nature of this particular failure area does not readily lend itself to assessing progress in any given area, unlike the themes detailed in the previous chapters. Therefore, in selecting our reviewers we gave them scope to look broadly at the Service's progress and activities.

Our independent reviewers approached their visits in a variety of ways, commenting on issues around staff, prisoner perceptions, views on leadership and management, as well as identifying some specific concerns which will require further action. The reports produced vary in style and approach and are necessarily selective dependent on the reviewer's area of interest. However, they each provide valuable insights and perspectives of the organisation.

Excerpts and summaries of their reports are reproduced below.

What our independent reviewers said

David Wingfield – Prison Officer of the Year 2008

I think, in my experience in the Prison Service, the way we deal with race and racism nowadays, things have changed for the better. Maybe, like the rest of the country, in years gone by, people didn't really think about some of the things they said, for example.

Now people understand much more that there are things which are just totally unacceptable. Generally people know, there's just no place for racism in the Prison Service. Again, like in the rest of the country, you're probably never going to get rid of racism 100%, and that's why, in another five years from now, we'll probably still need more policies and procedures to protect people and improve things.

But now, when prisoners come through the gate, they see the big sign saying that racism of any kind will not be tolerated – and that's just one of the ways that they get to feel more comfortable, whoever they are, and so they're more likely to come to staff and talk about things. So you have less trouble and you can do a better job generally. That's got to be a good thing and staff appreciate that.

It's like in America, where they've just elected a Black President – when you think about all their history, that's a really good thing, and it shows how much has changed. In this country, people are more accepting of each other from different backgrounds and we definitely need to keep working on that in prisons. You deal properly and professionally with whoever's in front of you.



Now people understand much more that there are things which are just totally unacceptable. Generally people know, there's just no place for racism in the Prison Service.

Judge Ray Singh CBE – the Lead Commissioner from the then CRE who investigated the Service, visited two local prisons, one run by the private sector

I was very pleased to be invited to visit. Though the visit was very short, I was very conscious of a past history of groups of Black English prisoners being moved from English prisons and institutions, the prevalence of racist graffiti, the absence of BME officers and the lack of training for the officers and staff on issues of racism in general and the cultural and religious needs of inmates in particular.

I was impressed with the proactive approach of the Director, and concluded that the prison was clean and well run and had much improved since the CRE investigation with no evidence that graffiti that had been hastily covered over for our benefit. The care and treatment of very young offenders was particularly good, as was the provision of halal food for the Muslim inmates.

I met with two separate focus groups, who stated that there was a high number of BME prisoners in Welsh prisons, but no BME staff, and that this had created a sense of isolation. They believed most staff was racist, often favouring ‘valley boys’ and that they had learnt ‘to play the game’ in order to survive by ignoring some of the comments by the staff and other prisoners. They had little confidence in the complaints system or in the Independent Monitoring Board, believing they were treated less favourably than the valley boys.

BME prisoners had little confidence in the complaints system or in the Independent Monitoring Board

I observed training on cell searching and was encouraged that both the recruits and trainers were aware of the Mubarek Report and its recommendations. I was impressed with the proactive approach of the

Director, and concluded that the prison was clean and well run and had much improved since the CRE investigation with no evidence that graffiti that had been hastily covered over for our benefit. The care and treatment of very young offenders was particularly good, as was the provision of halal food for the Muslim inmates. This had improved enormously, with no apparent risk of cross contamination.

I was, however, concerned to hear that prisoners were arriving late for Friday prayers due to staff returning late from lunch.

Bobby Cummines – the Chief Executive of UNLOCK was specialist Advisor to the Mubarek Inquiry, an ex-offender who served 13 years of a 20-year sentence. He visited a Cat B training prison

I have noticed that when someone is asked to look at a prison, they always seem to think that they are tasked with finding the faults with it. A case of looking for the half- empty glass instead of the half full glass. I believe that finding faults in a prison is the job of the Prison Inspectorate, and Anne Owers and her team do a marvellous job in undertaking that.

However, I feel that from an inmate’s perspective and to gauge the atmosphere of a prison, there is none better placed than an ex-offender who has served time (and a long time at that) in such an establishment, to see beyond the façade. This is for two reasons:

Perpetual criticism of a prison and its staff does nothing to create a safe and healthy prison atmosphere.

Firstly, the inmates and staff know that an ex-prisoner cannot be hoodwinked, as they know how the system works and how inmate prison politics work. Secondly, perpetual criticism of a prison and its staff does nothing to create a

safe and healthy prison atmosphere. It only demoralises staff to such a degree that they lose their enthusiasm for progress, and in turn that causes inmates to feel let down and demoralised also. If you feel you’re living in a dump then you treat it like a dump.

I think my role is to look for the positive rather than the negative and to praise both inmates and staff where efforts and progress have been made. This gives both a sense of pride and a strong foundation, and motivation to improve even more. I learnt much from being a Specialist Advisor on the Mubarek Inquiry Team.

The most important was to view the situation from both sides, to get the full picture and then to highlight things that need improvement. It would seem to me that, from talking to the inmates, staff and religious leaders at the prison, that much progress has been made and that to highlight this in my report would give them the incentive to carry on in a productive way to pursue even better results.

I have concerns that the good relationship that currently exists between officers and prisoners could possibly come under threat if the units become too large as a result of the prison expansion.

The arrangements for the serving of halal food were good practice.

The atmosphere of the establishment was a positive one, and everything I heard from the prisoners appeared to endorse that view. The atmosphere in the establishment did not 'just happen' and relationships created with staff and prisoners were critical and the management team should be proud of what they had achieved. I have concerns that the good relationship that currently exists between officers and prisoners could possibly come under threat if the units become too large as a result of the prison expansion. I would say the prison is a glass half full however I am concerned that if the size of the glass becomes too large, it could become half empty.'



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Juliet Lyon – the Director of Prison Reform Trust visited a large inner-city local prison

It was clear that the governor and his race relations team had made identifying and rooting out racism and racist behaviour a top priority and were working strategically to achieve this. In the re-organised visits area there were powerful pictures promoting equality and diversity, but the only notices and menu lists were limited and in English. In general there was a lack of translated information for people from Eastern European countries.

It was clear that the governor and his race relations team had made identifying and rooting out racism and racist behaviour a top priority and were working strategically to achieve this.

At the meeting with prisoners, appreciation was expressed for ‘what the Governor is trying to do about race’. One prisoner advised that ‘people from the top need regular feedback to make sure their policies are really being implemented and not ignored’. Many of the men in the group acknowledged the positive impact of events like Black

History and the Anne Franck exhibition. Their concerns and criticisms related largely to staff described as ‘clique officers’, people you cannot trust. There were accounts of victimisation by staff thought to be on racial grounds. There was a very worrying lack of confidence and trust in the complaints process. Account after account followed of individuals ostracised by staff and in some cases treated badly. It was chilling, but in line with the tone of this part of the meeting, to hear one of the younger prisoners say that his complaint had been cut short by an officer who told him: ‘Shut your mouth. You don’t know me; I can make your life a misery in here’. The consensus seemed that whistleblowers risked much, were rarely taken seriously and their complaints were likely to lead to outcomes such as being placed on basic regime, segregated or ‘shipped out’.

A prisoner thought that there were particular tensions between officers from African countries and prisoners with Caribbean backgrounds. Some voiced general concerns about limited opportunities for rehabilitation and poor relations between staff and prisoners. This contrasted with the managers, staff and prisoners I met in the canteen, mental health and resettlement units where people were working closely and collaboratively. During the visit I noted some practical obstacles to equality. Although the canteen seemed well organised and carried a good range of stock, significant price disparities were evident.

There was a very worrying lack of confidence and trust in the complaints process.

Judy Clements OBE – the first Race Advisor to HMPS who produced the first report of failures at HMP Brixton on which the CRE eventually based much of their investigation, visited an inner-city local prison

My recent visit was a marked contrast to five years ago, when my reception was less hospitable. I was introduced to a large group of staff from diverse backgrounds, all of whom spoke positively about the importance of promoting and practising diversity. BME staff said they enjoyed working at the prison, because it offered them a working environment where they felt comfortable to challenge inappropriate behaviour.

The overall atmosphere of the prison was very positive. I was impressed by the way in which officers were interacting with prisoners, and the apparent mutual respect shown to each other, a marked contrast to my visit some five years earlier.

They felt that issues arising contrary to the spirit of promoting diversity were properly addressed, without fear of backlash. It was noted that the POA were now proactively supporting the policies and practice of good diversity.

It was significant that BME prisoners outnumber White prisoners in this establishment, yet there appeared to be fewer complaints from BME prisoners in comparison to White. However, the statistics show a significantly lower percentage of BME prisoners on enhanced status, and fewer employment opportunities. One or two prisoners felt there was a degree of racism in the attitude of some officers, but acknowledged this was subtle and manifested itself in the distribution of privileges etc and was consequently difficult to prove. The issue of a disproportionately lower number of BME prisoners on enhanced status appears to have remained unchanged since 2003.

The overall atmosphere of the prison was very positive. I was impressed by the way in which officers were interacting with prisoners, and the apparent mutual respect shown to each other, a marked contrast to my visit some five years earlier.

The Governor was very open and frank about the challenges of running such a diverse establishment. He offered clear and well reasoned explanations for some of the less positive issues raised by prisoner group with whom I met, and offered to look into these matters.

The importance of diversity and valuing difference was very strong. It was clear to me that these policies and practice were working successfully because of the strong commitment from the top management in the establishment.

One or two prisoners felt there was a degree of racism in the attitude of some officers, but acknowledged this was subtle and manifested itself in the distribution of privileges etc and was consequently difficult to prove.

With prisoners I am inclined to conclude that there is a significant difference in the right direction. When asked specifically about race relations issues, none of the prisoners reported any matters to demonstrate breaches of race relations. However, they were all in agreement about the generic issues of concern raised. I found no evidence of overt racist attitudes and neither

prisoners nor staff reported any such incidents to me. I saw good evidence displayed on prison walls of the race equality policy statement, notices promoting cohesion between wings and pictorially illustrated notices about the prisoner representative scheme, so any prisoner would know who among their fellow inmates they could contact for support and help.

The prisoners observed on my brief tour appeared relaxed, and I saw no evidence of fear of prison officers, and staff whom I observed spoke to prisoners with respect. I was informed that there were over 400 products in the canteen, but the list included few products African Caribbean prisoners would find desirable. This was an issue I encountered some years ago. It is of concern that, even in prisons with a disproportionately high percentage of BME prisoners, hair and skin products for BME prisoners were sparse and expensive.



HMP YOI Holloway

Abi Pointing MBE – the Independent Race and Diversity Consultant and Trainer, ex-Race and Criminal Justice Manager Nacro, visited a Cat B training prison

I attended a focus group of prisoner representatives. The composition included a cross-section of prisoners, including foreign nationals. Prisoners in general did not have any confidence in the system as they did not believe that race relations was taken seriously in the prison, as they felt that most racist incident reports came back with ‘not proven’ or ‘no case to answer’.

They did not consider that the communication systems were working, despite various groups being established, and were suspicious of the lack of BME prisoners as part of the Listeners’ group.

There was also concern expressed as to the lack of significant activity planned for the Black History month.

I was aware of good procedures, but they did not seem to translate effectively on the landings, and more effective communication structures needed to be established between the Diversity Team and prisoners.



The special arrangement made to provide hot meals to prisoners for the opening of the fast during Ramadan was good practice and appreciated by prisoners.

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Paul Cavadino - the Chief Executive of Nacro visited a high security prison

The structures for managing race relations had many good features. A considerable number of staff had received diversity training recently, delivered by the Race Equality Officer in a catch-up exercise. This included some elements designed to bring about a positive understanding of Islam and of the Muslim community.

I conducted a lengthy and well-attended focus group of prisoners. Although this group expressed positive views about some individual developments, overall the discussion demonstrated a view that the prison had deteriorated in relation to staff attitudes and relationships with prisoners. The view was expressed consistently by focus group participants that the particular establishment was worse in this respect than other prisons which they had been in.

The Diversity Team representatives in the room were broadly satisfied with its structure and opportunities to meet. A number had had training. (But concern was expressed that the group was seen by some as a token effort which could be used as a shield by the prison rather than as a useful resource for change.)

It is clear that the management of the establishment have made real efforts to improve the management of race relations. They have set up structures with many positive features.

Positive views were expressed about a number of events organised or facilitated. Up to five Black History Month events had been organised. Efforts made to set up another diversity event, which had unfortunately been cancelled owing to a lock-down, were seen in a positive light. Though there

was not entire unanimity, there was a broad appreciation of the organisation of Eid.

The group spoke positively about the Governing Governor and some of the changes he had brought in. (There was, though, a sense that a section of staff were not keen on the regime changes being made and a suggestion that some staff acted in a deliberately antagonistic way towards prisoners on occasions in order to disrupt that new regime.)

However, the overriding thrust of the discussion was to the effect that staff attitudes were worse than in other prisons. Prisoners said that many staff did not engage with prisoners. A minority of staff were provocative. A number of prisoners described a form of bullying culture in operation led by a small 'core group' of staff. While it was said that most staff were decent, prisoners said that the wider staff group were prone either to follow the example of the 'core group that influence other staff' or to cover up for their actions.

There were no references during the discussion to staff using overtly racist language. There was, however, discussion about more subtle and indirect comments which, while not overt and not necessarily always even deliberate, were still not appropriate. There was a suggestion (by White prisoners) that staff were sometimes less guarded when talking to White prisoners.

There was a perception that staff made unfair judgments of Black prisoners, particularly around viewing loud or boisterous behaviour as aggressive or confrontational. Prisoners referred to negative experiences of the use of force and the procedure for searching.

It was acknowledged that staff lacked cultural and religious understanding. There was seen to be a distrust of Muslims by staff, so that when Muslim prisoners were talking to non-Muslims this was seen as trying to convert them.

Conversion to the Muslim faith was seen as a bad thing. Negative associations were made between Muslim prisoners associating together and 'gangs'. These judgements were not applied to other faith or social groups. Staff were said to see Muslim prisoners as extremists. There was a perception that the current climate meant that identifying yourself as Muslim could have a negative effect on your progress or parole prospects. There was some discussion of 'Muslim rotation', whereby Muslim prisoners were continuously moved from one wing to another.

There was a perception that staff made unfair judgments of Black prisoners, particularly around viewing loud or boisterous behaviour as aggressive or confrontational.

A theme raised several times was the perception of informal systems to punish or hold back prisoners, particularly BME prisoners – for example, the use of 'write-ups' or warnings to stop BME prisoners getting on to the enhanced regime and gaining access to associated privileges. It was said that race-related complaints were not upheld and that staff always tried to explain them away by arguing that the motivation was not racial. It is clear that the management of the establishment has made real efforts to improve the management of race relations. They have set up structures with many positive features. There have been a number of examples of good work and good practice on race and cultural issues, and these have been appreciated by prisoners.

It seems equally clear that these efforts are being seriously undermined by the attitudes and behaviour of some staff. Prisoners – including those contributing most positively and constructively to diversity and race relations work – perceive this as damaging the general atmosphere as it relates to staff engagement with prisoners, respect for prisoners and racial and religious equality.

Brenda Hinnell – Race Equality Manager, HMP Lewes, and Diversity Officer of the Year 2008

During the five-year partnership for reform within the Prison Service, I have seen a number of significant, positive changes regarding race equality.

Racist attitudes and behaviour are not tolerated and there is now a greater confidence in reporting racist incidents. For example: racist language is no longer accepted.

During this time, the increase in the BME population has led to social change, which in turn has led to new and diverse cultures being embraced, both within and away from the Prison Service. Even though racial abuse and harassment still exist in our prisons, they are now tackled more robustly

by prisoners and staff. Racist attitudes and behaviour are not tolerated, and there is now a greater confidence in reporting racist incidents. For example, racist language is no longer accepted, where the presence of racist graffiti is discovered, action is taken immediately to remove it, and interaction between staff and BME prisoners has greatly improved.

Of course, further work is always required as we strive to eliminate racism completely. I think workshops and seminars can help, to concentrate on those whose racist behaviour continues to offend, so we can root out prejudice.

Summary

Much remains to be addressed across the Prison Service, and this snapshot of views reflects some of the progress made and identifies some of that which remains to be tackled. In moving forward, it will be vital to build on the foundations already laid and to ensure that, as an organisation, we continue to listen to the points of view of our external stakeholders, offenders and staff, both nationally and locally.

10 Summary of Progress, Lessons Learned and Emerging Issues

This chapter brings together the headline findings on each of the core themes and derives from them some general lessons from the experience of working through the joint action plan that will prove useful as we develop the next phase of work.

It concludes with a discussion of three key issues that have emerged since the CRE investigation.

Summary of progress

Prisoner treatment

Lack of, or poor quality, ethnic monitoring data

Where we are now

Considerable progress has been made to improve the arrangements for collecting ethnic monitoring data. The development and introduction of the SMART tool means that establishments are now able to monitor the outcomes of their functions and policies across the whole range of activities undertaken in prisons.

The Key Performance Target requires establishments to monitor a number of key processes which includes those highlighted by the CRE as areas of concern – for example, adjudications, segregation, IEP and use of force. Data is scrutinised by Race Equality Action Teams (REAT) at a local level and is aggregated on a quarterly basis to provide national and area pictures of the effect of key policies.

SMART II has been widely praised by a number of criminal justice agencies and other Government departments who are keen to develop a similar tool.

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What we still need to do

Whilst the systems and processes are now in place in establishments to collect ethnic monitoring data, the extent to which establishments then use the data in a proactive way to engender change is patchy.

Systems and processes are now in place in establishments to collect ethnic monitoring data.

In the establishments visited by the Review Team, there was evidence – through minutes of REAT meetings – that ethnic monitoring data is discussed, but it was less clear that it is always subject to robust analysis and that actions are then taken where there is consistent evidence to suggest differential treatment of, or outcomes for, BME prisoners.

REATs need to use the tools already in place to scrutinise practice and make changes where needed.

Further work must focus on ensuring that REATs use the tools already in place to scrutinise practice and make changes where needed. The fact that national data shows continuing and consistent over-representation of Black prisoners on basic IEP, and being subject to the use of force,

suggests that data is not being analysed locally and disproportionate outcomes tackled.

Weak or poorly developed management structures

Where we are now

Much of the focus over the last five years has been on improving the management of race equality. A structure for managing race equality is now in place, which begins in the establishment and ends at the National Offender Management Service (NOMS) Management Board, chaired by the Director General.

The revision of PSO 2800 created an outcome-focused management framework for prisons and re-established the Race Relations Management Team as the REAT, giving clear direction on its leadership, membership and how it should operate. Management commitment to race equality is demonstrated through the Governor or Deputy Governor chairing the REAT, with functional heads taking personal responsibility for race equality within their areas. Prisoners are represented on the REAT and over 100 prisons involve external community organisations. REAT members have received comprehensive training on their role and responsibilities and Race Equality Officers are, on average, allocated nearly three times the hours given to the task four years ago.

What we still need to do

Through the establishment of REATs, a structure is now in place locally to ensure effective monitoring and management of race equality. The review has shown, however, that although establishments

have been provided with the tools to enable them effectively to manage race equality, it is still not fully embedded in the running of establishments across the estate.

Race equality must be seen as core business and the responsibility of everyone in the establishment.

Race equality must be seen as core business and the responsibility of everyone in the establishment, rather than the preserve of the REO, Diversity Manager or REAT. There is a fuller discussion of this issue later in this chapter.

BME prisoners suffered from differential treatment and outcomes

Where we are now

At the time of the CRE investigation, the lack of any consistent or comprehensive ethnic monitoring system meant it was extremely difficult for establishments to identify areas where BME prisoners may have been subject to differential treatment or have poorer outcomes.

With the introduction of SMART, comprehensive data is now available in all establishments and at a national level to help identify any differential treatment of BME prisoners. This data is discussed by REATs locally and by the NOMS Board at their quarterly meetings focused on race.

However, differential treatment of BME prisoners has not yet been fully addressed.

During Review Team visits to establishments, BME prisoners complained

about unfairness, favouritism and a perception of harsher and/or differential treatment in comparison to White prisoners, particularly in relation to the IEP system, but also use of force and segregation.

National monitoring data shows that the issues are more complex with significant differences between minority groups, as well as between the BME and White groups.

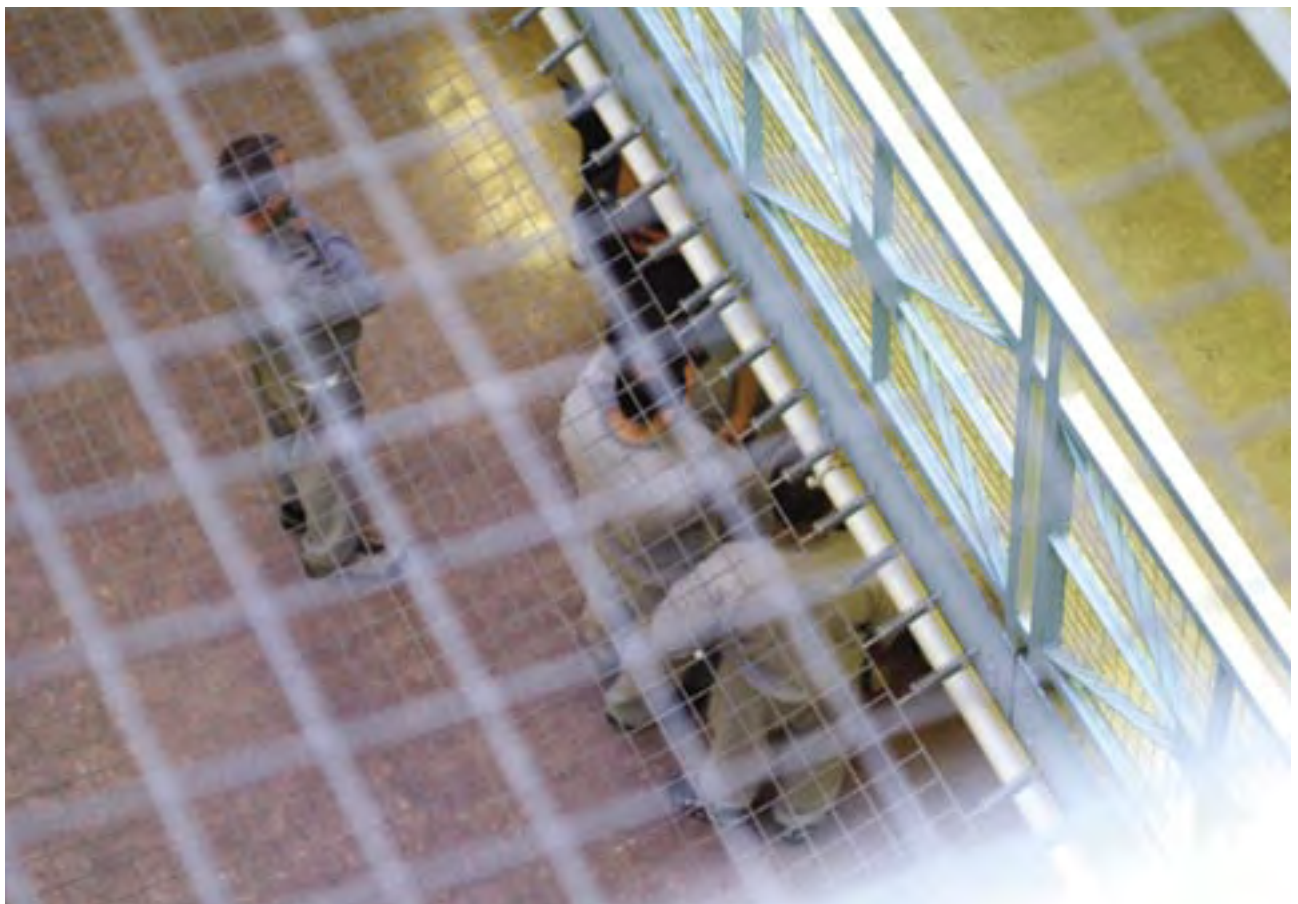
However three headline issues remain:

- Black prisoners are consistently more likely than White British prisoners to be on basic regime (on average around 30% more likely)

- Black prisoners are consistently more likely than White British prisoners to be in the segregation unit for reasons of Good Order or Discipline (on average around 50% more likely)
- Black prisoners are consistently more likely than White British prisoners to have force used against them (on average around 60% more likely)

What we still need to do

Evidence suggests that discrimination now tends to take more subtle, hidden forms and that surfacing and tackling that is a considerable challenge. National monitoring data shows that specific challenges remain in ensuring fairness for BME prisoners, and Black and mixed race prisoners in



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particular, in the IEP scheme, the use of force and segregation.

Some establishments have already taken action to address differential treatment as a result of identifying disproportionate outcomes through ethnic monitoring data. Further support and guidance is needed to ensure that such practice is replicated across the Service. In addition, the perceptions of BME prisoners are still more negative than those of their White counterparts to almost all aspects of prison life.

There is a need to recognise and engage more effectively with these perceptions and to use the available monitoring data either to allay prisoners' concerns, where the figures show no difference in outcomes, or to identify and tackle the causes of disproportionality where it exists.

Control of the use of discretion

Where we are now

Considerable progress has been made in enabling the monitoring of outcomes of policies and practices. The REAT and Senior Management Teams in establishments are now in a much better position to be able to identify where, and how, the use of discretion is impacting on BME prisoners and to take action to tackle unjustified differential treatment.

Practices such as 'reflections' (under which prisoners were confined to their cells, for up to three days, to 'reflect' on their behaviour) which were more likely to be imposed on BME prisoners, have been eradicated from the Service. In addition, the areas highlighted by the CRE where officer

use of discretion was most marked — IEP and access to work — are now subject to monitoring and scrutiny via the REAT.

However, the fact that BME prisoners are still more likely to experience disproportionately negative outcomes compared to White prisoners, as a result of the inappropriate use of discretion by staff, means that challenges still remain in the management of discretion.

What we still need to do

The use of discretion cuts across every aspect of prison life. It is impossible to run a well-ordered and safe prison without allowing prison officers to use their discretion in their daily interactions with prisoners.

Research on the prevalence of unconscious race bias in society, as well as the facts about the contrasting composition of the prison officer and prisoner populations in terms of ethnicity would suggest that a level of discrimination is a predictable result.

Moreover, some features of the role that prison officers fulfil, working in often stressful situations, managing needy and involuntary clients, with sometimes very limited resources, add to the likelihood that unfairness may occur.

There are some measures that can be taken to control the use of discretion by individual members of staff, for example to ensure that decisions about incentives levels are taken by review boards rather than individuals. These have had and will continue to have some effect in reducing discriminatory outcomes.

However, the unsupervised nature of much prison officer work means that the extent to which discretion can be controlled is limited. So as well as seeking to exercise greater control through formal processes, the challenge that we face is to ensure that discretion is ‘sensitised’ to race — that it is used in a way that does not have an adverse impact on particular groups of prisoners and is consistent with the Service’s duties under the Race Relations Act 1976, as amended.

Rather than further attempts to control staff behaviour, this is likely to involve less direct attempts to affect the way that they operate through the exercise of clear leadership around race issues by Governors and other managers, and through reframing the issues for them in terms of a business case for race equality. As well as making the moral case, we need to explain more clearly how it is an integral part of doing a good job as a prison officer.

Prisoner access to goods, facilities and services

Meals did not meet the needs of BME and Muslim prisoners

Where we are now

Good progress has been made in ensuring that meals meet the needs of both BME and Muslim prisoners. The religious, cultural and ethnic background of prisoners is taken into account when planning menus and a multi-choice, pre-select menu system is now used in establishments, which enables prisoners to choose their meal in advance. In addition, prisoners’ views on food preferences are captured through surveys to ensure that, where

possible, these are provided. Halal food is also now provided in establishments. Menus include a main meal daily choice suitable for Muslims, which is clearly marked as such. All halal meat and poultry products are purchased from the agreed national suppliers and are clearly labelled, handled and kept separately from non-halal products.

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Evidence from Her Majesty’s Chief Inspector of Prisons and from the visits undertaken by the Review Team suggests that there have been some improvements over the last five years in providing a more culturally diverse diet and, in particular, in ensuring halal diet options are available.

What we still need to do

Concerns remain about variation between establishments and of still too limited choice for BME prisoners. Further work is needed to assist those establishments who are struggling to provide a culturally diverse diet by sharing good practice and by ensuring that consultation with prisoners is meaningful and affects change.

In addition, the Review Team highlighted a continuing issue with cross-contamination of halal food, resulting in many Muslim

prisoners lacking faith in the authenticity of halal meals. This is exacerbated by establishments not always displaying halal certificates in places where prisoners are able to see them.

To increase the confidence of Muslim prisoners, a renewed effort is needed to ensure that halal food is stored, handled and served correctly and that authenticity certificates are made available.

Goods available in prison shops often did not meet the needs of BME prisoners

Where we are now

There has been limited progress since the CRE investigation in the provision of goods that meet the needs of BME prisoners. A more diverse range of hair and skincare products is now available. However, the Review Team found a lack of diversity in the food, music and greetings cards available to buy.

Concerns also remain about the higher cost of items that are generally purchased by BME prisoners. Both issues have also been identified by the Inspectorate.

A standard — which includes a requirement to ensure that the range of goods offered to prisoners reflects both the ethnic and diverse needs of the prison population — is also in place to measure performance in this area.

The Service has now issued a PSO on prison retail, which takes fully into account the CRE's findings, with one of the objectives of the new retail strategy being to ensure a product range that reflects the diverse need of the prison population.

What we still need to do

The introduction of the new PSO should help to address these issues. Establishments are required to consult with prisoners, including REAT representatives, in developing their local product list and to undertake race equality impact assessments. In addition, the PSO is clear that the price of products will be independently benchmarked to high-street prices and will not exceed the manufacturers' recommended retail prices. As the new PSO only came into effect in October 2008 and will not be fully in place until March 2009, implementation of the strategy needs to be monitored to ensure that it effectively tackles the issues identified by the CRE and to ensure it does not have any adverse impact on prisoners of particular racial groups. This includes monitoring the range of products available on the National Product List and specialist catalogue to ensure they meet the needs of all groups and ensuring that prices are monitored, with a view to eliminating any possible adverse impact on BME prisoners.

Faith needs of non-Christian groups, particularly Muslims, were not adequately met

Where we are now

The vast majority of the CRE's criticisms in this area have been fully addressed. All prisoners may attend weekly corporate worship for a minimum of one hour, and establishments must provide a suitable area for worship, considering its size and nearness to suitable washing facilities.

Establishments must allow Muslim prisoners to attend Friday prayers and to perform ablutions before attending. There

has been a huge increase in the number of Muslim Chaplains and the lead Chaplain for the London area is now an Imam. Muslim Chaplains are now an integrated part of day-to-day prison life, as are Friday prayers.

What we still need to do

Progress in providing for the religious needs of Muslim prisoners is evident. However, the Review Team expressed some concern that this had not yet been replicated in relation to provision for prisoners of other faiths. In going forward, it will therefore be important to ensure that establishments are meeting the faith needs of all prisoners.

The Chief Inspector has raised concerns about the perceptions of Muslim prisoners being less positive than other groups.

Although provision for the faith needs of prisoners has improved considerably, evidence suggests that they feel their faith is not always respected by staff, for example in undertaking searches. We now need to ensure that respect for prisoners' religion is operationalised and embedded in routine practices — such as searching — which appear to have little to do with religion.

The Chief Inspector of Prisons has also raised concerns about the perceptions of Muslim prisoners being less positive than other groups, particularly with regards to feelings of safety. In light of external factors affecting the lives of Muslim communities, the Service needs to consider how it can improve perceptions of Muslim prisoners

and ensure that the good work in improving religious provision is not undermined. In light of this, consideration needs to be given to how Muslim Chaplains can be further supported in their role as providers of pastoral care to Muslim prisoners of a wide range of cultural and ethnic backgrounds. This is discussed in more detail later in the report.

Prisoners with low literacy skills, particularly Gypsy Traveller Roma prisoners

Where we are now

The review findings suggest that establishments are not yet fully ensuring that their services are accessible to all prisoners, with Gypsy Traveller Roma prisoners being very likely to be affected. It is not yet routine practice for establishments to monitor the number of prisoners from these groups within their populations.

There are, however, some excellent examples of good practice across the estate, where particular efforts have been made to identify Gypsy Traveller Roma prisoners and to work with them to ensure their needs are recognised and addressed.

In addition, SMART now includes the provision to monitor the number of Gypsy Traveller Roma prisoners in each establishment and has been adapted to enable monitoring of access to goods, facilities and services. In addition, when fully implemented, the Service's new IT system, P-NOMIS, will allow for the collection of Gypsy Traveller Roma monitoring data at reception. This will substantially raise their profile as a group

and help identify the nature of the problems they face.

What we still need to do

Given the current lack of ethnic monitoring of Gypsy Traveller Roma prisoners and concerns that their needs are not being met, this is a priority area both nationally and locally. With the development of systems for monitoring the numbers of Gypsy Traveller Roma prisoners in establishments and access to the regime, this management information must be analysed and acted upon at a local level in order to ensure that their needs are fully met and that they are not subject to differential treatment.

Efforts also need to be made to capture examples of good practice and ensure these are shared across the Service.

Complaints and investigations

Complaints processes

Where we are now

The complaints and racist incident reporting systems are accessible and well used. Prisoners are aware of them, but sometimes lack detailed understanding of how they operate. Staff are no longer preventing prisoners from complaining, but can sometimes be discouraging. Whilst confidentiality is assured early in the process, its limits are not always explained to prisoners. Inappropriate informal resolution of complaints has been prevented, and effective recording and monitoring procedures are now in place. The quality of investigations has been improved, in part through improved supervision. It is not always clear that race issues are properly understood, and there is still some evidence that unreasonable standards of proof are imposed.

What we still need to do

Improvements will be obtained through more consistent application of the existing policy. This includes induction information for prisoners, as well as work to promote the systems more generally. This will include helping staff to see it as potentially useful feedback, rather than as a threat.

Further guidance on how confidentiality should operate and a need for REOs to explain it to all complainants will be issued. Further improvements to recording and monitoring will produce improved



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management information. The quality of investigations will be improved through further improvements to training, as well as further guidance to those supervising. A more general campaign to improve understanding of race issues will assist in ensuring that they are properly handled in investigations. The proposed rollout of the improved arrangements piloted in the REAG project will achieve many of these improvements.

Victimisation

Where we are now

It is mandatory for establishments to have procedures in place to protect complainants and reporters of racist incidents. This is in addition to the more general procedures that are in place to ensure the safety of prisoners. In some establishments there is very effective practice in joining up these two sets of processes to ensure safety. Despite this, prisoners continue to hold a strong perception that making a complaint – and particularly a race complaint against a member of staff – will have negative consequences for them.

What we still need to do

Research has been commissioned to determine the extent to which prisoner perceptions of victimisation are grounded in reality.

Research has been commissioned in one prison to determine the extent to which prisoner perceptions of victimisation are grounded in reality. Further work will be

done on this in all establishments where it is assessed to be a significant issue through the impact assessment process. Where these perceptions prove to be grounded, rigorous action will be taken to address the problem. Where they do not, more will be done to promote this fact.

Outcomes

Where we are now

Despite the process change described above, a lack of concrete outcomes remains. This remains in part the result of the use of an inappropriately high standard of proof in some cases, but it is also due to the fact that the very formal processes were developed to deal with clear-cut issues of harassment, and many complaints are now about more subtle forms of discrimination, such as unwitting partiality occurring in informal situations. The result can be to cause further distrust amongst prisoners.

What we still need to do

Improved understanding of race issues in general as discussed above will bring improvements in outcomes, as will improved training for REOs around the use of inferences in reaching judgements of the balance of probabilities. More frequent use of informal conflict resolution in suitable cases where both parties agree to it is one example of how focusing on addressing the prisoner's concerns can also be a more effective way of handling complaints.

Prisoner confidence

Where we are now

BME prisoner perceptions of the system remain more negative than those of their White counterparts. This is somewhat in

tension with increased usage of the system, and there is some evidence that confidence is improving. Nevertheless this is an issue that we are committed to addressing.

What we still need to do

Improvements in communication will go some way towards improving perceptions. However, we have established through the recent REAG project that changing single processes does not achieve fundamental change in the levels of trust and confidence between prisoners and staff which drive how prisoners feel about complaining.

Properly established and supported race rep schemes have the potential to make an important contribution to building this trust, and work on the complaints system will need to be supplemented with more general measures such as this, and taken forward as part of the broader programme advocated in the Management and Leadership chapter.

Treatment of prison staff

Where we are now

Steady progress has been made in increasing the numbers of BME staff in the Service – with 6.2% of staff declaring themselves as BME at the end of March 2008.

This compares with 5.7% three years earlier. Appointment rates for BME applicants are 1% higher than for White applicants.

Locally based HR professionals champion the delivery of equal, fair and non-discriminatory policy and practices. Consistency across the prison estate and the dissemination of best practice and

learning is supported by a comprehensive IT-based shared service model.

Racist and discriminatory behaviour is effectively challenged.

Racist and discriminatory behaviour is effectively challenged, through a clear conduct and discipline policy and backed up by specifically targeted training. Raising staff awareness on race issues has been addressed through both specific externally produced training packages and an internal competency framework.

What we still need to do

Specific challenges remain in several areas. For example, there may be more subtle forms of discrimination still being practised, as indicated, for example, in performance assessment markings, which need to be investigated. Staff need to have the confidence to use the policies and procedures that do exist – in respect of grievances, for example – which should allay fears of victimisation if people do complain.

Therefore, having put a solid infrastructure and sound policy framework in place, the task now is to ensure that best practice is achieved consistently and in particular that positive cultural change is embedded through the organisation.

Lessons learned

It is clear that while much has been done – over and above that promised in the Joint Action Plan – not all the problems or issues reported by the CRE have been resolved. The programme of organisational change

we set ourselves first required a series of process changes which took time to develop, operationalise and embed.

However, we acknowledge that as well as the set of practical actions which begin to change customs and habits of behaving and thinking and form the foundation for change, systems and processes alone will not work. As we saw in the Management and Leadership chapter, more attention now needs to be given to the human side of managing change. In order to make the kind of changes now necessary, the organisation requires an exercise of leadership, which ensures management action is taken to improve race equality.

We know that in the establishments that perform best, Governors and other senior managers are explicit about leadership values, and they state them often and publicly.

It is clear that while much has been done, not all the problems or issues reported by the CRE have been resolved.

Following recent improvements to the SMART system, managers have the capacity to notice where things are going wrong and to take the necessary action to put them right, and there are already some excellent examples where Governors have used the monitoring data at their disposal to identify issues and implement targeted action to improve outcomes. Further improvements to the impact assessment process will provide another key tool, and there is now no reason why the good

practice that we have observed cannot be repeated across the Service.

While race equality remains a legal and moral imperative, it is simply about ensuring fairness and it is a key performance outcome in any prison.

Where race equality is not right, much else in the prison is usually not right. In this way, race equality acts as a proxy for, and a key aspect of, decency. We know decency is arrived at by good leadership and good management, and race equality is no different. While race equality remains a legal and moral imperative, in more straightforward language it is simply about ensuring fairness and as such it is key performance outcome in any prison. Accepting that fairness is a fundamental requirement in running a prison, defining race equality in this way allows us to be absolutely clear that if you are performing poorly on race, you are performing poorly. Conversely, getting race right is about getting management and leadership right, and does not sit outside that process as a separate programme of work or activity.

Any kind of change programme that ultimately seeks to improve the experiences and perceptions of prisoners is unlikely to succeed if it is not centred on the staff-prisoner interface. Following various external calls for us to improve the levels of confidence prisoners experienced in the complaints process, we ran a pilot project with this aim during the first six months of 2007. Following an evaluation by the Cambridge Institute of Criminology we found that the effect of the project

was noticeable but not significant, and we were forced to conclude that single process change, in this area at least, did not work. Trust in the complaints process requires prisoners to have trust in staff and this is built on the back of a respectful relationship. Until that is changed, little else will change. Improving the timeliness of the response, the courtesy of the answer, the availability of forms or any of the other measures introduced helped. But an isolated process change which does not grapple with the staff-prisoner interface directly is unlikely to succeed – in this or any other area of prison life.

Complexity of the issues

We have not only learned that process change alone will not solve the problem. We have learned also as we have gone along that the problem is more complex than we thought.

Whilst the action that we have taken has had considerable success in moving towards the elimination of the more blatant forms of racism, it has also had the effect of revealing that discrimination operates in more subtle and hidden ways to produce outcomes that are unequal for people of different racial groups.

At one level we have known this some time, and we have had a theoretical understanding that working in a long-established, predominantly White organisation means that we are likely to have procedures that disadvantage people who are not White. Our work on the joint action plan has brought us much greater practical understanding of how unfair outcomes issue from some of our functions

and policies and from the unwitting behaviour of our staff. It is only through learning about, and working to improve, unfair outcomes in specific situations that we develop this practical understanding of the more subtle forms of discrimination in operation in the organisation. There is more to be done to ensure that this work is shared across the management teams and staff groups in establishment, where the notion of institutional racism has been too theoretical – and in some cases perceived as too threatening – to make a significant impact on attitudes and behaviour.

Discrimination operates in more subtle and hidden ways to produce outcomes that are unequal for people of different racial groups.

Moreover, our learning from the work that we have undertaken has focused us back on the notion of the use of discretion by staff. Here, as in the complaints example above, we have concluded that process change can take us only so far, and that we need to move beyond this to a wider programme of work. There has been merit in building systems to control discretion in some contexts, but this is not the solution in other areas, where work that sensitises decisions to issues of race equality is needed.

Finally, our work on the plan has brought us to the conclusion that, in many contexts, it makes little sense to talk about BME prisoners as a group. We have known all along that there are differences between minority groups and that it is often inaccurate and unhelpful to talk about them

together. We can now evidence the fact that there are very significant differences, for example, between outcomes for Black and Asian prisoners, and between the perceptions of BME British prisoners and BME foreign national prisoners. Future work must therefore be developed in a way that is sensitive to these differences. Moreover, our population is now more diverse than ever in terms of nationality and ethnicity, and this means that programmes of training in cultural awareness will not be sufficient to teach our staff what they need to know about everyone they meet. Instead we need to develop within our staff the confidence and professional curiosity that enables them to relate confidently to the full range of prisoners in our care.

Prisoner perceptions

Despite the huge investment in putting systems in place for monitoring and managing race equality, five years on from the CRE report, evidence remains that BME prisoners still have more negative perceptions of almost all aspects of prison life than White prisoners. The perceptions of Muslim prisoners are also poorer than those of other prisoners and even more negative than BME prisoners.

Both MQPL data and HMCIP surveys indicate that the most significant differences between BME and White prisoners are in perceptions of their relationships with staff, with those of the former being considerably worse.

In her 2005 thematic review, the Chief Inspector of Prisons spoke of ‘parallel worlds’ — of a lack of shared understanding between BME and White

staff and prisoners of race within prisons. Evidence gathered during the review lends some continued support for this. There was a reluctance of staff in some establishments to engage meaningfully with prisoner perceptions, characterised by either a lack of awareness that negative perceptions existed or an attempt to offer explanations about why such perceptions cannot be correct, for example as ethnic monitoring data did not show any differential outcomes for BME prisoners.

During the visits undertaken by the Prisoner Treatment Review Team, BME prisoners routinely complained about unfairness in the IEP system, in the use of force and segregation, and in the allocation of work. They expressed concern that they were treated at best differently and, at worst, more harshly than White prisoners.

It is clear that the poorer perceptions of BME prisoners are compounded by their previous, well-evidenced experiences of discrimination in the criminal justice system and in education, amongst other things. We know that the criminal justice system works cumulatively to disadvantage individuals from BME groups — therefore, the people within the care of prisons are likely to already feel vulnerable and suspicious of those in authority.

To move forward, there is a need to acknowledge and engage more effectively with prisoner perceptions and to use the tools available in establishments — such as ethnic monitoring data — either to allay prisoners’ concerns, where the figures shows no difference in outcomes, or to identify and tackle the causes of disproportionality where it exists.

The perceptions of prisoners are their reality and tackling poor perceptions is important as, left unchallenged, they can lead to the souring of the relationship between prisoners and staff. Effective and consistent communication between prisoners and staff is one of the keys to unlocking the issue of negative perceptions.

Communication

Evidence from a number of themes of this review highlights the importance of communication to the effective management of race equality in establishments and to addressing prisoner perceptions.

Despite the requirement in PSO 2800 to develop and implement a Race Equality Communication Strategy — that sets out how they will communicate and consult with staff, prisoners and visitors — progress in this area is patchy. This review has found that, even where establishments have undertaken extensive work on race equality, this is not always effectively communicated to prisoners and therefore has only limited effectiveness.

For example, in all the prisons visited as part of the Complaints and Investigations theme, external scrutiny was employed to assist in quality control of the investigations and to add transparency to the process. But the prisons took limited steps to promote this, and the prisoners did not know it had occurred. As prisoners' confidence in investigations depends in large part on the effort made to communicate with them, the fact that external scrutiny took place became almost meaningless.

Other examples of how a failure to communicate effectively with prisoners acts as a barrier to progress on race equality include:

- the failure regularly and proactively to share ethnic monitoring data with prisoners or to explain the reasons for decisions made by officers, can lead to perceptions of unfairness and differential treatment amongst BME prisoners
- the rationale behind ensuring non-uniformed staff who do not work on the wing empty complaints boxes is rarely explained to prisoners, and therefore perceptions remain of a lack of confidentiality in the complaints system
- the failure to display halal certificates in areas where prisoners are able to access them leads to a lack of confidence in the authenticity of halal food

As the Chief Inspector made clear in her thematic report, 'communication with prisoners is crucial in bridging the gaps between parallel worlds'.

The role of the prisoner race representative is key here. The creation of this role is a significant development since the time of the CRE investigation and, in many establishments, it is now central to communication with prisoners as well as other aspects of the work on race equality. All establishments now have prisoner representatives on their REATs. Initially, their primary function was to attend meetings of the team. However, in many cases, the role has been further developed into paid full or part-time employment and involves a wide

range of duties, mostly concerned with communication.

The creation of the role of the prisoner race representative is a significant development and, in many establishments, is now central to communication with prisoners.

Although there is evidence of good practice, questions remain about the extent to which all establishments are using prisoner representatives effectively. There is a need to clarify their roles and ensure they are given the support, training, guidance and time necessary to enable them to perform their role effectively.

Improvements are also needed to prisoner consultation arrangements which can sometimes be ad hoc, with BME prisoners' voices being lost in those of the White majority.

Prisoner involvement in the scrutiny of ethnic monitoring data and in the impact assessment process provides opportunities for developing a greater understanding between prisoners and staff, for communicating that the views of prisoners matter, and for demonstrating the willingness to be open and transparent in tackling race issues.

Community engagement

Since 2003, establishments have been working towards developing relationships with community groups in their local areas and to increasing external assistance with internal processes, such as impact

assessments and the investigation of complaints. Nearly 100 establishments now have representatives from community organisations on their REATs, and this is just one example of the range of ways in which the work in prisons is supported by, and often delivered through, engagement with the voluntary and community sector. Effective community engagement has a number of benefits. It can help to meet the needs of BME prisoners and therefore increase their trust and confidence in staff and in the establishment. It opens up establishments to the wider community, encouraging involvement in external events and possibly assisting in the recruitment of a more diverse workforce. Establishments can also draw on the knowledge and expertise of the third sector to provide a more diverse range of services that might not otherwise be available.

Nearly 100 establishments now have representatives from community organisations on their REATs.

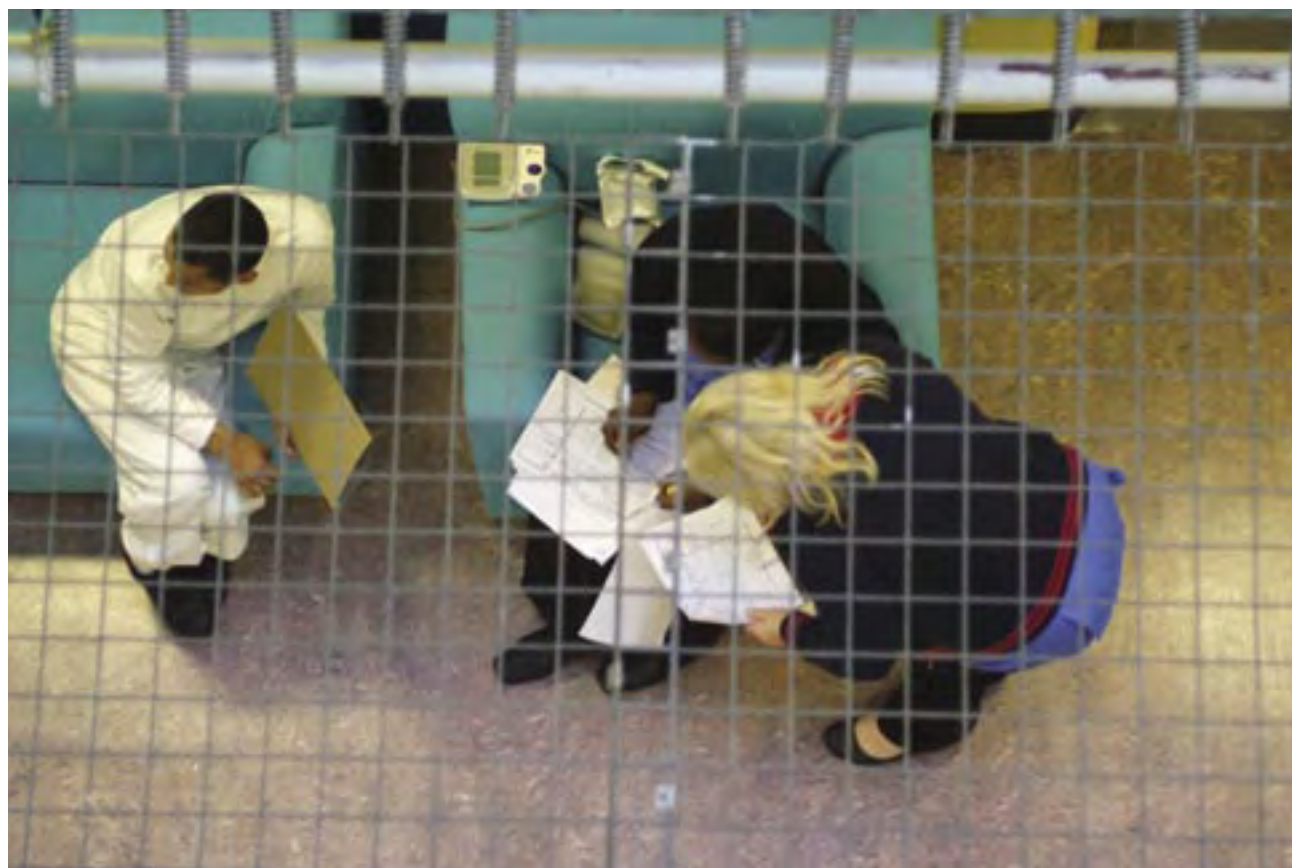
At local level, establishments have mapped existing community engagement arrangements and assessed need, and are working towards the development of local community engagement strategies. There are also some excellent examples of establishments engaging local agencies to assist with the monitoring and scrutiny of practice. For example, one establishment has set up an external scrutiny panel to provide feedback on the quality of investigations. This involves a wide cross-section of members, including the local Race Equality Council and Victim Support. But such examples of good practice are

not replicated across the Service. Over the last year, Her Majesty’s Chief Inspector of Prisons has made 13 recommendations relating to consultation with external organisations. Some establishments, particularly those in rural areas, continue to experience difficulties in engaging with BME groups in the community. Moreover, as Race for Justice – a coalition of voluntary and community sector groups working on equalities issues across the Criminal Justice System – has pointed out, issues of trust and confidence often arise on both sides of these relationships. There is a need for more co-ordinated work to overcome these.

In order to scope further work in this area, REAG is involved in two pilot

projects that are jointly run with areas. A group of prisons who have historically experienced real difficulties in engaging with BME communities are being targeted through these pilot projects. Each pilot is operating a different model, but both involve partnership between the prisons and voluntary and community sector organisations. The plan is for the projects to be evaluated and the positive aspects of them captured and, where possible, rolled out nationally.

As new challenges and issues, such as those described below, emerge within the organisation, effective partnership working with local voluntary and community sector organisations and other agencies will be crucial.



HMP Brixton

Emerging issues

Muslim prisoners

One of the issues arising most consistently from the evidence collected for the purpose of the review, as well as emerging strongly from the visits conducted by the Review Team for the Prisoner Treatment theme, is the treatment of Muslim prisoners.

There are clear and obvious reasons for greater attention to be paid to this issue. The number of Muslim prisoners has risen sharply during the last ten years. Developments in the wider world, such as the events of 11 September 2001 in the USA and July 2005 in London, have affected perceptions of Muslims across society. Moreover, as the number of prisoners convicted of offences under the Terrorism Act – many of them identifying as Muslims – held by the Service has increased, the possibility that prisons might be used to plan further terrorist offences and/or to radicalise vulnerable individuals has increased, and measures to manage this risk have become necessary. These developments have combined in a way that will have affected the attitudes of some of our staff in a negative way, and in some cases have led them to treat Muslim prisoners in general with suspicion.

Against this background, evidence from a series of recent HMCIP reports shows that the perceptions of Muslim prisoners are consistently less favourable than those of others. In some cases, particularly in some high security prisons, HMCIP has attributed this to an inability of staff to relate to this group of prisoners and linked this with a lack of support and training, except on extremism. The Review Team

was told by prisoner groups – including Muslim prisoners and others – that this was the case and that Muslims frequently experienced less favourable treatment.

The Review Team were also frequently told that the treatment of Muslim prisoners was a race issue, and it is clear that issues of religion are being conflated with issues of race in many instances. This is a misunderstanding that can result in unhelpful outcomes through the effects of stereotyping. It is particularly unhelpful given the diversity of the Muslim prisoner population, which is very different from the Muslim group in the general population. In prisons, only 42% of Muslims are Asian (compared to 74% in the general population), with 34% being Black (compared to 6%). Moreover, nearly 14% are White. Ensuring that the issues of race and religion are conceived of separately is therefore particularly important.

We have started to address this issue. For instance, the work on extremism and radicalisation has been developed in a way that is sensitive to issues of race and religion and that seeks to minimise detriment to particular groups, but there is an ongoing risk that it will have, or be perceived to have, such an effect.

In particular, messages to staff over extremism and radicalisation have sought to balance the need to be vigilant with the need not to make the problem worse by targeting a particular population. In the light of the reception of the first stages of this work, we have identified the need to do further work on raising staff awareness of Islam, and a training programme on this issue is in development.

In the light of the HMCIP findings and the other evidence described here, some scoping work is underway to decide whether a specific strategy for the treatment of Muslim prisoners is the best way to manage this issue and to start to identify what might be included in such a strategy. This work will report in early 2009, and an indication of the direction that is being taken will be included in the Single Equality Scheme 2009-2012, to be published in April 2009.

Community cohesion

Another emerging issue is that of a perception of an increase in gangs in prisons, and the impact that this has on the operation of the prison community. This is by no means always related to issues of race, but there are cases where it is. This can be because gangs – even where they are not based on race, but on other factors such as home location – are sometimes composed solely or primarily of people of the same ethnicity. It is also because there is enduring evidence that groups of Black or Asian men are more likely to be perceived by White staff as gangs than are groups of White men.

This issue is often linked to that described above, with groups of Muslim prisoners being described as gangs and being perceived to be likely to make trouble for other groups and/or to seek to recruit members through conversions to Islam.

This is a complex issue and there is a need for more work to assess the extent of operation of gangs within prisons and to identify the optimum response to the real activity that is present, as well as the best

way to ensure that other group behaviour is not misunderstood and categorised in this way.

The next step is to seek to build prisons that are examples of community cohesion and take seriously their responsibility to promote good relations.

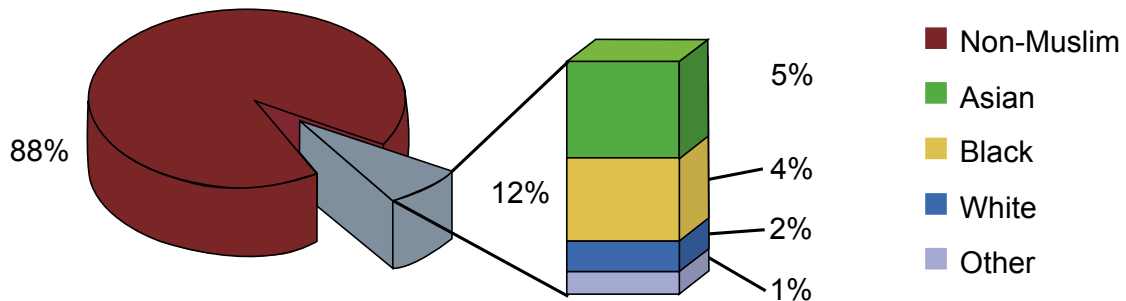
This relates more generally to the third strand of our public duty to promote race equality, which is to promote good relations between people of different racial groups. This report has discussed at length the Service's attempts to meet the first two strands of the duty – to eliminate discrimination and to promote equality of equal opportunity. These are the foundations, but the next step is to seek to build prisons that are examples of community cohesion and take seriously their responsibility to promote good relations between people in a way that is good for prison life, but also sets prisoners on a path to continuing to behave in pro-social ways on their return to the wider community.

Reducing re-offending and the wider work of NOMS

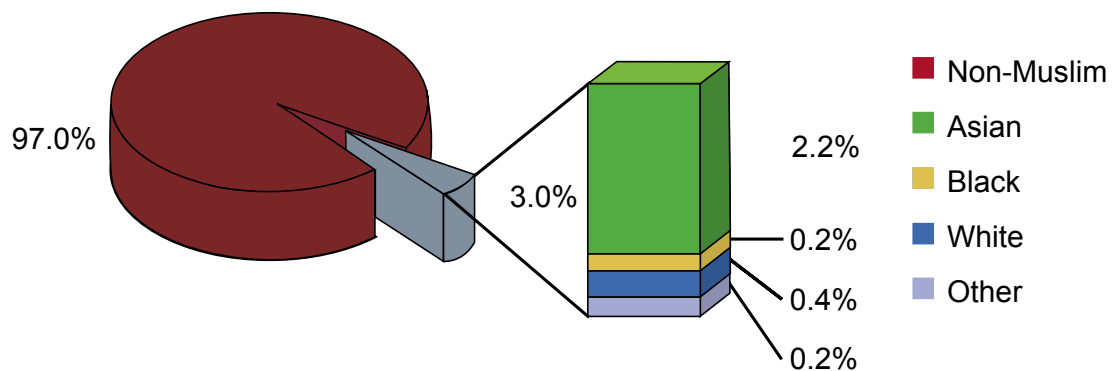
This leads us into our final area for development, which is to ensure that the work on race equality is reflected in the way that we build the new NOMS organisation and pursue our key agenda of reducing re-offending.

The CRE report rightly focused our attention largely on the way in which

Muslim Prisoner Population by Ethnicity



Muslim Population in England and Wales by Ethnicity



Source: A&O Extract & 2001 Census

discrimination was operating in processes within the prison as an institution. This was – and remains – very important, and we have seen throughout the report that progress has been made in addressing it, and that there are areas that remain to be tackled. The task now is to take the lessons learned from work on these areas into the way that we organise the wider work of NOMS, deploying the same tools that we have developed to correct institutional processes to improve resettlement outcomes.

This work has begun. For instance, impact assessments of some treatment programmes have identified some failures to engage with, and address the needs of, offenders from some ethnic groups.

Moreover, we have started to collect monitoring data on some resettlement outcomes by ethnicity and other diversity categories, and this will be used to drive work to ensure fairness of outcomes for all groups.

Joint working between prison and probation services will be more easily facilitated by the new organisational structures, and we will be exploring how this can best be achieved and setting out a programme of work that goes across the new organisation and takes in other diversity strands in the Single Equality Scheme 2009-2012, which will be published in April 2009.

The new structure will also allow us to contribute to the cross-Government

agenda on increasing confidence and reducing disproportionality across the criminal justice systems being co-ordinated by the Office for Criminal Justice Reform, and is embodied in Public Service Agreement 24.

It is only in working in partnership with other agencies that we will achieve this wider goal of improving confidence in the criminal justice system through reducing the cumulative discrimination suffered by BME groups throughout the system.

Annex A

Membership of the Independent Advisory Group (IAG)**Co-Chairs**

Lord Rosser
*Non-Executive member,
NOMS Management Board*

Farida Anderson MBE
*Chief Executive Officer, Partners of
Prisoners & Families Support Group*

Members

Abi Pointing MBE
*Training Consultant and NOMS Race
Advisory Group member*

Anne Owers CBE
HM Chief Inspector of Prisons

Hayley Folland
Inspector, HM Inspectorate of Prisons

Bobby Cummines
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Caroline Waters
British Telecommunications

Clive Martin
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Dr. Coretta Phillips
*Senior Lecturer in Social Policy,
London School of Economics*

Dencer Brown
*Independent Monitoring Board National
Council*

Imtiaz Amin
Mubarek Family Member

Juliet Lyon
Director, Prison Reform Trust

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Policy Advisor, Ministry of Justice

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Director of Diversity, West Yorkshire Police

Olga Heaven MBE
Female Prisoners Welfare Project/Hibiscus

Paul Cavadino
Chief Executive, Nacro

Salih El Hassan
Director, IQRA Trust

Yvonne MacNamara
Irish Traveller Movement

Observers

Joel Edwards
*Commissioner, Equality and Human
Rights Commission*

Elizabeth Bowles
*Policy Manager, Equality and Human
Rights Commission*

Review Themes and CRE Failure Areas

Prisoner Treatment

This theme covers a number of complex and wide-ranging issues which encompass many aspects of prisoner experience and treatment. It focuses on the use of discretion by officers and how this can lead to disproportionate, and often adverse, impacts on black and minority ethnic prisoners in relation to a whole range of areas such as Incentives and Earned Privileges, discipline for prisoners and access to work.

CRE failure areas:

3: *Treatment of prisoners*

- prisoners have written to the Commission alleging a wide range of racial discrimination
- complaints of racial discrimination raised within the prison by prisoners were often not investigated
- prison officers and prison management failed to deal with racist abuse between prisoners or to protect prisoners from racist harassment
- HM Prison Service management failed to implement its own policies in relation to racial discrimination, abuse and harassment

5: *Control of the use of discretion*

- prison staff exercised considerable discretion in carrying out their duties
- this exercise of discretion was not adequately managed or monitored by prison managements
- this exercise of discretion led to differential treatment of prisoners

- decisions made by individual prison staff may have been made on the basis of negative stereotypes
- remarks in a prisoner's written record that were made on the basis of stereotypes may influence future decisions about a prisoner's treatment
- in one example of discrimination in the use of discretion, black prisoners appear to have been more likely to be targeted for 'suspicion' drugs testing than White prisoners
- the extent to which this might have been due to racial discrimination was not adequately investigated by HM Prison Service
- in an extreme example of uncontrolled officer use of discretion, ethnic minority prisoners were significantly over-represented among prisoners punished under an unauthorised regime at Brixton known as 'reflections'
- the practice of 'unofficial bang ups' (locking a prisoner in their cell as a punishment) was common in many prisons, as were other unauthorised forms of punishment such as banning prisoners from using the prison gym
- evidence suggested that prisoners on whom such unauthorised punishments were imposed were more likely to be from ethnic minority than White backgrounds

6: *Prison transfers and allocations*

- decisions about who to transfer were made by individual prison staff, who may have discriminated against ethnic minority prisoners in exercising these discretionary powers
- HM Prison Service was not monitoring transfers by ethnicity

- prisoners were transferred after making a complaint, particularly, many prisoners felt, a race complaint
- prison staff transferred racist prisoners rather than tackle their racist behaviour
- victims of racist abuse or harassment were transferred to prisons with a reputation for harsh regimes; these transfers were therefore seen as a punishment by the prisoners concerned

7: Discipline for prisoners

- prison statistics clearly suggested a consistent over-representation of black male prisoners in the prison disciplinary system
- prisons have been required since 1991 to monitor the area of disciplinary charges, but have failed to do so effectively
- failure to keep consistent and comprehensive records meant that prisons could too easily explain away any apparent discrimination on a case-by-case basis
- where records did show a consistent pattern of apparent discrimination, prisons failed to investigate the causes or take any action

8: Incentives and Earned Privileges Scheme

- individual staff exercised considerable discretion in the operation of the IEP scheme, leaving it open to the possibility of discrimination
- there were disproportionate numbers of black prisoners on the basic IEP level at Brixton and Feltham
- there was inadequate managerial supervision and monitoring of the scheme

9: Access to work

- allocation to prison jobs (or in some cases work outside prison) tended to be at the discretion of individual officers, and was a long-standing source of complaint by Black prisoners
- Black and Asian prisoners were consistently under-represented in work parties at HMP Brixton and YOI Feltham

Prisoner Access to Goods, Facilities and Services

This theme focuses on ensuring that goods, facilities and services are available to all prisoners and are appropriate to their needs. Of particular relevance is the availability of a diverse range of food to meet the needs of prisoners of different faiths or cultural backgrounds, the range of products available in prison shops and meeting prisoners' faith needs.

CRE failure area:

4: Access to goods, facilities and services

- meals provided for prisoners and goods available in prison shops often did not meet the needs of ethnic minority prisoners
- policies were in place but were not actually followed. Inadequate monitoring by prison managements meant that decisions about provision were often at the discretion of individual staff
- the faith needs of non-Christian religions, particularly Muslims (most of whom were members of ethnic minority groups), were not adequately met

- arrangements for access to goods, facilities or services, while appearing to be the same for all prisoners, in practice indirectly discriminated against members of ethnic minority groups
- prisoners with low literacy skills had difficulty adapting to prison life and accessing prison services. In the case of Irish Travellers, this is compounded by prejudice and discrimination, leading to high levels of self-harm

Complaints and Investigations

This theme focuses on the CRE findings in relation to race complaints by prisoners, the investigation of such complaints and the protection of prisoners who made complaints from victimisation by staff. It covers issues such as the lack of confidence in the system amongst prisoners, particularly amongst Black and Minority Ethnic prisoners, the complex nature of the complaints process, the perceived lack of confidentiality of the system which discouraged prisoners from making complaints, poor recording and monitoring of race complaints by management, poor quality investigations and lack of adequate training and the failure to protect prisoners from differential, punitive treatment after making a complaint.

NB. Issues relating to complaints made by staff are dealt with under a separate theme.

CRE failure areas:

3: Treatment of prisoners

- prisoners have written to the Commission alleging a wide range of racial discrimination
- complaints of racial discrimination raised within the prison by prisoners were often not investigated
- prison officers and prison management failed to deal with racist abuse between prisoners or to protect prisoners from racist harassment
- HM Prison Service management failed to implement its own policies in relation to racial discrimination, abuse and harassment

10: Race complaints by prisoners

- procedures for making race complaints were complex and off-putting. Many prisoners were not aware of, or did not understand, the procedures
- some prison staff discouraged or prevented prisoners from making race complaints
- lack of confidentiality also discouraged prisoners from making race complaints
- when complaints were made, prison staff attempted to resolve them informally – usually not to the satisfaction of the prisoner complaining
- recording of race complaints and monitoring of race complaints by prison managements was poor or non-existent

11: Investigation of race complaints

- investigations into race complaints were generally of poor quality
- investigators often applied unreasonable standards of proof
- investigators hardly ever upheld race complaints
- investigators of race complaints rarely received adequate training
- investigations were poorly supervised and monitored by senior management
- there was a general failure to examine the issue of race in complaints that were not in themselves race complaints

13. Protection from victimisation

- prisoners who made race complaints were punished or victimised for making the complaint
- a complaint by a Black prisoner over racial abuse by a staff member triggered a series of complaints and investigations in which the issue of victimisation, which the prisoner saw as central to the complaints, was not effectively examined
- the investigations and the disciplinary action against staff which ensued were inadequate

Staff

This theme explores the treatment of staff in prisons. It covers issues relating to complaints by Black and Minority Ethnic staff and subsequent victimisation, lack of disciplinary action taken by management against the perpetrators of discrimination, harassment and victimisation, the failure of managers to tackle the atmosphere of intimidation in which many staff had to work and concerns about promotion and study opportunities.

CRE failure area:*2: Treatment of prison staff*

- Minority Ethnic staff had to work in an atmosphere of racist taunting and intimidation
- the onus was on Minority Ethnic staff to make formal complaints about discrimination and harassment
- these complaints were often not taken seriously and not properly investigated
- Minority Ethnic staff who spoke up about these matters were subsequently victimised
- senior managers failed to ensure that perpetrators of acts of racial discrimination, harassment and victimisation were disciplined
- senior managers failed to act on Employment Tribunal findings, even when a commitment to action had been made by HM Prison Service
- senior managers failed to deal proactively or systematically with the problem of racial discrimination against staff

Management and Leadership

This theme encompasses matters relating to management systems and procedures, as well as the way in which the Prison Service identifies and disseminates good practice and challenges bad practice.

This includes the lack of senior manager awareness of problems in establishments, the preference for managers to be reactive rather than proactive and the failure of management to give adequate priority to race equality or to act decisively to tackle racial discrimination.

CRE failure areas:*12: Correcting bad practice and spreading good practice*

- HM Prison Service did not effectively disseminate good practice in general, and on race issues in particular. Such guidance as was available on race issues was ad hoc rather than part of a strategic approach
- staff frequently claimed they were unaware of correct procedures, while managers failed to exercise control and leadership
- delivery and take up of training on race issues was inadequate.

14: Management systems and procedures

- on key occasions, senior managers in HM Prison Service were unaware of problems on the ground
- staff were able to breach fundamental safety requirements and sabotage prison systems but go unpunished
- basic race equality practices – such as providing a diversity of goods in prison shops – were never made the kind of management priority which would guarantee successful delivery of the stated objectives of HM Prison Service

Also see failure areas 2, 3, 5, 8 and 11.

General Atmosphere

This theme focuses on the CRE's findings in relation to the culture in prisons and the institutionalised ways of working which had developed over a number of years and impacted negatively on the promotion and achievement of race equality. It covers matters such as ways of working and behaving that did not conform to official

policies and procedures and were not adequately supervised, the existence of racial abuse and harassment in prisons and the failure to tackle racist behaviour by prisoners or staff.

CRE failure area:*1: The general atmosphere in prisons*

- prison 'cultures' among prison staff meant race equality procedures could be ignored, staff operated in a discriminatory way, and racist attitudes and behaviour were tolerated
- racist abuse and harassment and the presence of racist graffiti were persistent features of prison life for many staff and prisoners
- action in response to such expressions of racism was generally limited to dealing with the immediate problem rather than rooting out its causes

Annex C

Membership of the Review Teams**Prisoner Treatment***Lead:*

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Group member:

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Staff

Lead:

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Sharon Ferguson, Policy Advisor, Equality and Diversity Unit, Crown Prosecution Service

Staff Diversity and Equality lead:
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Management and Leadership

Seminar host:

Professor Alison Liebling, Institute of Criminology, University of Cambridge

Seminar attendees:

Julie Gale, HMP Morton Hall

Jim Heavens, NOMS HR Directorate

Susan Howard, Governor, HMP Gartree

Wyn Jones, Director, HMP Dovegate

Ruth Kerr, Yorkshire and Humberside Area
Clive Martin, Clinks

Paul McDowell, Governor, HMP Brixton

Peter Wright, Governor, HMP Nottingham

Barbara Mills, NOMS Leadership Development Team

Tom Wheatley, Governor, HMP Moorland Close

Clare McLean, Institute of Criminology, Cambridge University

Helen Arnold, Institute of Criminology, Cambridge University

Victoria Gadd, Institute of Criminology, Cambridge University

Ben Crewe, Institute of Criminology, Cambridge University

Jennifer Cartwright, Institute of Criminology, Cambridge University

Deborah Kant, Institute of Criminology, Cambridge University

Chris Barnett-Page, REAG

REAG lead:

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General Atmosphere in Prisons

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Abi Pointing MBE, Training Consultant and NOMS Race Advisory Group member

Judy Clements OBE, Independent Police
Complaints Commission
Paul Cavadino, Chief Executive, Nacro

David Wingfield, Prison Officer of the Year
2008

Brenda Hinell, Diversity Awards winner
(Prison Officer of the Year 2008)

REAG lead:
Beverley Thompson

Implementing Race Equality in Prisons: A shared agenda for change

Final Progress Report – October 2008

1 High Level Key Deliverable One: Develop robust systems to assess and review all Prison Service functions and activities through its policies and standards to ensure delivery of the general duty as set out in the RR(A)A		
No.	Key Action Points	Comments
1.1	Identify and prioritise all Service functions, policies and standards for race equality review.	The Prison Service Race Equality Scheme – published in May 2005 – contained a list of relevant policies and prioritised them for impact assessment. This has been updated in the Annual Reports that have been published, most recently in August 2008.
1.2	Agree framework and develop guidance for review setting out process, consultation and timescales. Complete high priority policy reviews to include PSO 2800 Race Relations and Equal Opportunities Standards.	PSI 21/2006 – issued in August 2006 – includes a template and guidance on conducting policy impact assessments. These are required for all new and amended policies being considered by the Operational Policy Group. Training was provided during 2004-05 by an external consultant (IONANN) to HQ policy leads on the conducting of IAs. REAG provides ongoing ad hoc support for policy leads conducting IAs. Areas prioritised included those identified in the CRE Report and the revised PSO2800 on Race Relations. Equal opportunities policies have been subject to IA as they have been issued or revised (eg PSO on Disabled Prisoners).
1.3	Implementation and completion of remaining review process to agreed timescales.	RES and Annual reports have set out progress.
1.4	All proposals to OPG for new/revised policy to incorporate race equality assessment following consultation with REAG.	PSI 21/2006 – issued in August 2006 – includes a template and guidance on conducting policy impact assessments. These are required for all new and amended policies being considered by the Operational Policy Group.
High Level Key Deliverable Two: Establish effective systems to monitor policy outcomes/delivery for adverse impact on race equality and assure accessibility of services and information for all ethnic groups.		
1.5	Review of procurement arrangement to identify opportunities and incentives for the delivery of good race relations by contractors through performance measures/contract management requirements	All procurement arrangements were reviewed and standard documentation was updated in September 2004 to meet obligations under the RR(A)A.

1.6	<p>Ensure all functions and policies assessed as relevant to race equality are supported by arrangements to monitor any adverse impact/ accessibility issues and to take remedial action where necessary.</p> <p>Note: Link to development of improved monitoring data at Local and National level.</p>	<p>PSI 39/2005 – issued in November 2005 – sets out the monitoring process. The Staff Ethnicity Review is published annually.</p> <p>SMART in use in public sector establishments from April 2005 – mandatory since April 2006. SMART II in use from April 2008 (and in contracted prisons from July 2008). National and area reporting from October 2008.</p>
1.7	<p>PSMB to assess performance against the Action Plan and undertake minuted quarterly reviews of race equality data and record action taken where adverse impact is identified</p>	<p>PSMB (now NAMB) held quarterly meetings attended by the CRE until December 2005. Since the CRE ceased to attend, quarterly meetings on race issues have continued, and regular reports have been made to the Ministerial Scrutiny Panel.</p>
1.8	<p>Provide guidance and training to policy leads in the Impact Assessment process, incorporating race into policy and service delivery.</p>	<p>Training was provided during 2004-05 by an external consultant (IONANN) to HQ policy leads on the conducting of IAs.</p>
<p>2 High Level Key Deliverable Four: Develop a Key Performance Target for Race Equality (Operational Delivery) which is consistent with the RR(A)A to incorporate the following measures (as a minimum):</p> <ul style="list-style-type: none"> ■ Prisoner Ethnic Monitoring data outcomes ■ Race Relations Management Audit score ■ Substantiated/unsubstantiated racial incidents (prisoners/visitors) ■ Prisoner survey outcomes ■ Visitor survey outcomes 		
2.1	<p>Develop revised mandatory requirements for prisoner ethnic monitoring in line with RR(A)A at establishment level to include monitoring of treatment/access to facilities and range setting.</p> <p>To incorporate:</p> <ul style="list-style-type: none"> Regime activities Location/accommodation Adjudications/punishments Segregation/disciplinary transfer Complaints Privilege levels Use of force Recategorisation ROTL HDC 	<p>Ethnic monitoring using the SMART programme was introduced in April 2005 and made mandatory from April 2006. It captures all these elements. SMART II was introduced in April 2008, and as well as allowing improved local monitoring of these elements it facilitates the aggregation of data to present national and area reports, which are being made available from October 2008.</p>
2.2	<p>Develop IT capability to enhance data analysis and monitoring. Specifically:-</p> <ul style="list-style-type: none"> Standard IQ format for LIDS Traffic light system for range setting to monitor performance and highlight areas of under performance. 	<p>SMART included range-setting and used a traffic light system. SMART II now presents the data in a more user-friendly way and facilitates the monitoring of trends – the traffic light system has been replaced with a number of graphs that allow the figures to be understood more quickly and easily.</p>

2.3	Redesign Racist Incident Reporting Form explicitly to record outcomes (substantiated/unsubstantiated incidents).	The electronic log – available from April 2005 and mandatory nationally from April 2006 – allows the recording of outcomes and improved management information more generally. Further improvements were piloted at four prisons during 2007 and an improved log will be issued before the end of 2008.
2.4	Add additional measures to the MQPL (Measuring Quality of Prison Life) survey to cover race equality issues, including a visitors survey.	<p><i>MQPL</i> Additional measures incorporated into the MQPL survey used nationally from 2005.</p> <p><u>Visitors Survey</u> Developed and introduced nationally in April 2006. Following a review, Cambridge University are developing a revised survey through widespread consultation with visitors and voluntary sector groups. This will be introduced in 2009.</p>
2.5	Project Group to be established to:- Develop a range of interventions to challenge the racist attitudes /behaviours amongst prisoners	Project group was established and met from 2004-06. Educational intervention for offenders assessed as low risk developed and currently being accredited with the Open College Network. The possibility of developing cognitive behavioural interventions for higher risk offenders was examined, but was assessed as not being practical. Instead higher risk offenders are more closely monitored, with their activities being disrupted as appropriate and their behaviour being managed through other prison processes such as the Incentives and Earned Privileges scheme.

High Level Key Deliverable Five: Develop a Key Performance Target for Race Equality (staff) which is consistent with the RR(A)A to incorporate the following measures: ■ Staff race equality audit score ■ Substantiated racial incidents (staff) ■ % BME staff ■ % BME staff in prisoner contact roles		
2.6	Develop a revised mandatory requirement in line with the RR(A)A for staff ethnic monitoring at establishment level across a range of personnel indicators to be considered locally by Equal Opportunity Committees. To incorporate: Recruitment/employment applications Retention (including exit interviews) Staff breakdown (by grade/discipline/specialism/geographical areas) SPDR markings Promotion/temporary promotion Transfers Grievances Attendance management procedures Investigations Disciplinary proceedings and outcomes Training	PSI 39/2005 – issued in November 2005 – sets out the monitoring process. The Staff Ethnicity Review is published annually.
2.7	Develop a new Staff Race Equality Standard and Audit Module (from EO Standard), to provide clarity of role / responsibility for RRMT and EOC.	Race Equality (Staff) Standard issued in September 2005. Audit module made available at the same time and audited annually since April 2006.
2.8	Issue written guidance on incorporating race issues into business plans through the race quality Impact Assessment process.	Establishment impact assessment process introduced in September 2005 (PSI37/2005). Developed and improved in PSO2800 issued in September 2006. Recently reviewed, and further improvements to be introduced from April 2009.
2.9	Project Group to be established to: Review scope for the use of mediation and other intervention strategies for staff / prisoners. Options to address racial complaints and racist behaviour.	Project group established and met from 2004-2007. Pilot project at four prisons ran from 2005-06. Result was that a less formal model of mediation should be developed. Over 40 REOs trained in mediation awareness and using skills gained to achieve informal resolution of selected RIRFs where both parties agree to this approach.

<p>High Level Key Deliverables Six: Develop central HQ monitoring systems, in line with out commitments under the RR(A)A to analyse overall outcomes for BME prisoners for all functions.</p>		
2.10	<p>Develop arrangements for routine HQ central monitoring, in line with RR(A)A of Key Performance areas for prisoners and staff to incorporate:</p> <p><u>Prisoners:</u> Parole Categorisation Temporary release HDC Adjudications</p> <p><u>Staff:</u> Recruitment Staff in post (by grade/discipline) Retention (by grade/discipline) Promotion/IDS Appraisal outcomes/performance recognition Grievances (by grade/discipline) Access to training Investigations/disciplinary proceedings and outcomes</p>	<p>SMART in use in public sector establishments from April 2005 – mandatory since April 2006. SMART II in use from April 2008 (and in contracted prisons from July 2008). National and area reporting from October 2008. PSI 39/2005 - issued in November 2005 – sets out the monitoring process. The Staff Ethnicity Review is published annually.</p>
2.11	<p>To ensure recommendations on race equality contained in reports form external bodies, in particular: Her Majesty’s Chief Inspector of Prisons, the Independent Monitoring Board and the Prisons and Probation Ombudsman are properly followed up.</p>	<p>In place as part of routine responses to reports. Since 2006 this is monitored by REAG to ensure a consistent approach.</p>
<p>High Level Key Deliverable Seven: Incorporate race equality as a core component of the Programme Improvement (Benchmarking) programme</p>		
2.12	<p>To ensure all Performance Improvement Plans include a core component for race equality.</p>	<p>During 2006-07 REAG was involved at the assessment and action planning phase for all prisons in the Performance Improvement Programme. The programme has since been suspended, pending the outcome of the Specifications, Benchmarking and Costings (SBC) programme. All measures deriving from the SBC programme will be fully impact assessed, ensuring that race equality is a core component in the work.</p>
<p>3 High Level Key Deliverable Eight: To meet or exceed all specific duties and requirements on employment set out in the RR(A)A and ensure equality of opportunity is delivered in all aspects of employment in the Prison Service</p>		
3.1	<p>Complete Race Equality Review of Prison Service Employment practice/ procedures and implement outcomes.</p>	<p>This was addressed through the introduction of the Race Equality Scheme and the Impact Assessment timetable. The results of the impact assessments have been published on the Race Equality Action Group website.</p>

<p>3.2</p>	<p>Develop effective HQ Personnel monitoring systems to analyse progress on key Employment issues for minority ethnic staff and produce quarterly reports for review by PSMB. To include: Recruitment Staff in Post (by grade/discipline) Retention, including exit interviews (by grade/discipline) Promotion/IDS Access to Training Appraisal Outcomes/Performance Recognition Grievances (by grade/discipline) Disciplinary proceedings and outcomes</p>	<p>A Quarterly Ethnicity Review was introduced in July 2004. In support of this, Prison Service Instruction 39/2005 was issued to improve staff monitoring procedures to ensure compliance with RR(A)A. In 2008 the report broadened to become a Diversity Review. This has the same core objectives as the Ethnicity Review with ethnicity as an important characteristic but has broadened the analysis to encompass the full diversity range. Data capture will be enhanced through the introduction of the Shared Service Centre and the use Oracle software.</p>
<p>3.3</p>	<p>To develop effective practical guide (Recruitment/ Retention) and establish central support mechanisms for area led recruitment targeting BME communities.</p>	<p>The Recruitment Outreach Toolkit was launched in 2004. This is a website to provide information, best practice guidance and support to those involved in recruitment outreach. A diversity marketing campaign is being run throughout 2008/09. This aims to challenge perceptions and encourage minority groups to consider themselves for roles within the Service.</p>
<p>3.4</p>	<p>To review recruitment and retention of ethnic minority candidates on intensive Development Scheme (IDS) and develop strategies for improving performance.</p>	<p>The Service has continually monitored IDS and other recruitment and selection arrangements. There have been improvements in the number of BME applicants applying to the IDS scheme (fast track to Manager level) but overall the % getting through is still lower than that of White staff. More detailed monitoring information is now allowing us to look across the diversity strands and within the BME subgroups and this information is being investigated. The evaluation of the last fast track recruitment campaign for Senior Managers showed no sign of adverse impact and four out of the 24 people on the scheme are from a BME background.</p>
<p>3.5</p>	<p>To ensure that the standards required of Prison Service staff with regard to Race Equality and Professional Standards documentation are routinely addressed in relevant written and verbal briefing at all levels in the Service.</p>	<p>Prison Service Standard 62 (Race Relations – Staff) was introduced in September 2005. This mandated a number of processes including the display of the Race Relations Statement and an annual reminder to staff of the definition of a racist incident and how to report one. Meeting the Race Relations (Staff) KPT is part of the weighted scorecard to monitor establishments' performance. The introduction of the Competency and Qualities Framework has been used to describe behaviours that the Service encourages from all staff. A Respecting Others behaviour promotes equality of opportunity; treating all people with fairness, dignity and respect. More recently, a letter and a Board statement on tackling inappropriate behaviour were issued to announce the 'Challenge it – Change it' campaign.</p>

<p>High Level Key Deliverable Nine: To increase the proportion of staff from BME groups to achieve a representative workforce by 2009</p>		
3.6	<p>Issue revised performance targets for each Area/Function by establishment and monitor progress on delivery (monthly).</p>	<p>A new target setting model was introduced for the 05/06 financial year. This looks at forecast recruitment to set targets that require recruitment above the local economically active BME population.</p>
<p>High Level Key Deliverable Ten: To ensure effective training incorporating race equality issues (including requirements of the RR(A)A is developed and delivered to employees and contracted staff on the basis of learning need</p>		
3.7	<p>To implement outcomes of the Review of Race & Diversity Training to ensure staff attend training relevant to their working environment and learning needs which incorporates the requirements of RR(A)A. Specific focus to be given to Management Training with Race Equality issues being a Core Component in all course delivery.</p>	<p>Diversity Facilitators, and at least 56% of all staff, have undertaken formal diversity training in the last 3 years. This figure understates actual training activities as it does not include local and area initiatives, details of which are not collated centrally. To increase staff awareness, a new diversity training package will be rolled out to all staff across the prison estate over the next 18-24 months which will cover all the diversity strands. In 2007 a comprehensive programme of training for Race Equality Action Teams (REAT) was rolled out. This sets out the extent of their legal responsibilities and the various tools available to assist with their role, including impact assessments and ethnic monitoring. Between January 2007 and March 2008, 2,043 managers and staff undertook this course. Each establishment has a Race Equality Officer (REO), and by March 2008 111 REOs had undertaken the newly-developed course devised specifically to equip them for their roles. This course equips REOs with knowledge to advise others of their responsibilities and manage race equality on a day-to-day basis.</p>

<p>3.7 (Cont.)</p>		<p>Between 2002 to 2004 race and diversity issues were monitored as part of the course review process, with guidance being developed in 2003 to assist trainers to thread diversity throughout their course material and delivery. Self-Assessment Reporting, an element of the Quality Assurance Framework, was introduced in 2005 to review the provision of training material in curriculum areas. Work is ongoing to thread diversity issues throughout all course material, with HR Learning & Development's Curriculum Development Department now having responsibility for this. HR Learning & Development's Curriculum Development Policy sets out the requirement for the themes of equality and diversity to be threaded throughout every learning package, to ensure that students are properly skilled in handling diversity issues and valuing diversity in the workplace. The Prison Officer Entry Level Training (POELT) course has been reviewed to ensure diversity issues are threaded throughout all course material with curriculum being aligned to the Custodial Care National Occupational Standards (which include diversity). In addition to specific sessions to address diversity issues, an establishment-based learning objective has been introduced in Week 5 of the POELT course when students meet their REO/ Diversity Officer and prisoners (including BME). In week 6 trainers facilitate reflection, which has proved positive in highlighting cultural issues to students. All new entrants are required to complete the Custodial Care NVQ within their first 12 months, which has a mandatory module entitled 'promote equality and value diversity of people.</p>
<p>3.8</p>	<p>Provide guidance to staff clarifying how Race & Diversity Training will be delivered. All managers to review the learning needs of individuals as part of the annual Performance Appraisal System and record how these will be addressed through Training.</p>	<p>In 2004 a manager's 'toolkit' was developed which included a diversity module. Currently, diversity is specifically addressed in first line manager training as part of the Introductory Certificate in Management, and in both Operational Manager (Excellence in Management & Leadership in the Prison Service – EMALPS) and Senior Operational Manager (Leadership Excellence & Performance in Prisons – LEAPP) programmes. Guidance entitled 'Getting SPDRs Right – Top Tips', issued by PMG in 2004, incorporated the requirement for all managers to satisfy themselves that their staff had the required awareness of race & diversity issues. The Competency and Qualities Framework introduced in April 2008 includes the competency Respecting Others (promotes equality of opportunity, treating all people with fairness, dignity and respect, challenges discriminatory behaviour, and upholds and fosters diversity). Any development needs relating to this competency are agreed when staff performance reports are opened.</p>

High Level Key Deliverable Eleven: To maintain impact of race equality training within a generic mainstreamed programme through a dedicated Quality Assurance process		
3.9	<p>To roll out Quality Assurance processes for all courses involving External Moderators to incorporate Review of Race/Diversity Training delivery within the mainstream generic programme.</p>	<p>A comprehensive Quality Assurance Framework has been developed which encompasses Self-Assessment Reporting, Business Case and Fit for Purpose submissions, Training Evaluation and teacher observations. All are an integral part of the quality process and include mechanisms to promote race diversity and equality of opportunity. HR Learning & Development's Quality Assurance Department (QuAD) provides guidance on the quality assurance process via the Quality Assurance Framework and Quality Toolkit and its Quality Assurance consultants. The Quality Assurance process applies both to training developed and delivered in-house and courses commissioned from external providers.</p> <p>In 2005 the Self-Assessment Reporting (SAR) process was developed, requiring training providers to engage in the quality process. Since then other groups responsible for training (including REAG) and the majority of establishments have engaged voluntarily. This process requires a Self-Assessment Report of training provision to be submitted annually with a Quality Improvement Plan to address any areas identified for improvement. Training providers must answer and provide evidence for five key questions which incorporate how race, diversity and equality of opportunity are addressed.</p> <p>The Quality Assurance Board, comprising a mix of external members representing OfSTED and Further Education and internal members, meets quarterly to consider Self Assessments Reports (SARs). Following a verification visit, the Board decides whether to endorse the SARs and detail required amendments to the Quality Improvement Plan.</p> <p>In accordance with the HR Learning & Development Curriculum Gateway, sponsors commissioning a new or major review of an existing course will be required to submit a business case, and the requirement to satisfy race, diversity and equality issues is written into the business case criteria.</p> <p>Once the curriculum has been developed, new training courses are required to go through the 'Fit for Purpose' process to ensure courses meet their aims and objectives. This requires that equality of opportunity, including race, underpins all the course content and is embedded in all aspects of the teaching process and the teaching/learning resources.</p>

3.10	To undertake an Annual Review of Training delivery across all courses to assess quality/level of delivery, staff participation coverage, areas for improvement and outcomes.	By engaging in the quality process, training providers are required to submit a SAR of their training provision annually. See 3.9. Participation in the SAR process will become mandatory with the issue of a Prison Service Order, which is planned for implementation once the new NOMS structure has been established. The Training Evaluation System was introduced to establish the effectiveness of training, and whether it met learners' needs. The forms, completed by learners and their managers, provide feedback to training providers and are now used as part of the SAR process. By June 2009, QuAD will produce a thematic review of race equality training based on information gathered via the SAR process.
3.11	To develop a specific Race & Diversity package and Refresher Course for staff identified as having specialised learning requirements.	A Diversity and Discrimination training video was launched in November 2003, and distributed to all training managers together with a trainer's manual and learner's workbook. Although originally developed for the POELT course, it was appropriate for all new and existing staff. In April 2005 responsibility for this action transferred to REAG, and REAT and REO training was developed in 2007 (see 3.7)
3.12	To produce Information Leaflets setting out the responsibilities and rights of staff and prisoners under Equal Opportunities Legislation and ensure effective distribution.	Work on this project was halted following the Programme Management Board meeting in May 2004. Remedial action taken was: Nacro tasked to look at the proposed prisoner leaflets, and HMPS met with Nacro in Nov 2004. Following PSMB sign off, the leaflets were printed & distributed to all establishments in January/February 2005. Rights and responsibilities of staff are set out in Prison Service Order 8010 – Equal Opportunities, the Staff Handbook and reinforced through diversity training.
<p>4 High Level Key Deliverable Twelve: To develop effective systems at national and establishment level to monitor progress on race equality ensuring compliance with the RR(A)A and taking remedial action to address difficulties</p>		
4.1	Quarterly report to PSMB to include analysis of data/progress and Traffic Light Review of overall progress against Key Deliverables.	Quarterly reports to PSMB have continued throughout the period.
4.2	Clarify and reinforce role and responsibility of Senior Management Teams and RRMTs to review Race Equality delivery and ensure remedial action to address difficulties implemented where required.	PSO2800 issued in September 2006 sets out the arrangements.

4.3	<p>To produce and publish an account of Race Equality work within the Prison Service as part of its Annual Report. The account will incorporate:</p> <ul style="list-style-type: none"> Progress on implementation of Race Equality Action Plan Performance against Key Indicators Summary of outcomes from assessment/review of policies for adverse impact Summary of Race Equality scheme initiatives/work in hand Plans for future work 	Annual Reports on Race Equality Scheme published.
<p>High Level Key Deliverable Thirteen: To develop improved arrangements for consultation on race equality issues to include:</p> <ul style="list-style-type: none"> ■ Race Equality Working Group (national) ■ Community Involvement consultation by RRMTs ■ Prison input (extension of MQPL survey) ■ Staff surveys at area level ■ Director General's Advisory Board 		
4.4	<p>Establish Race Equality Working Group under Chairmanship of the PS Race Equality Adviser to act as an advisory/consultation body supporting PSMB. Formal TOR to be agreed with specific remit to consider any potential adverse impact of policies/practice on Minority Ethnic groups</p>	Race Advisory Group established and meets quarterly. Reconstituted during 2007 through external recruitment at an assessment centre to ensure representative competent membership.
4.5	<p>To enhance establishment RRMTs through:</p> <ul style="list-style-type: none"> Participation of minority ethnic prisoner representatives on all RRMTs Involvement of external community groups on RRMTs 	<p>This has been mandatory since the issue of PSO 2800 in September 2006.</p> <p>All establishments have prisoner representation on the REAT.</p> <p>Not all establishments have achieved representation from community groups – some smaller and more rural prisons have found it hard to achieve. As of June 2008, there were external community representatives on 97 REATs.</p>
4.6	<p>Develop:</p> <ul style="list-style-type: none"> Specific MQPL survey to cover Race Equality issues for prisoners (with Cambridge Institute for Criminology) Additional specifications for the Staff Survey Team to develop a Race Equality survey for use by Areas. Formal mechanisms for reporting feedback from RESPECT members at Area level 	Additional measures incorporated into the MQPL survey used nationally from 2005.

<p>High Level Key Deliverable Fourteen: To report and publish race equality outcomes and performance against this Action Plan to the CRE and to the wider public.</p>		
4.7	Quarterly reports to CRE to be produced on delivery of Action Plan commitments.	Quarterly reports provided until end 2005. Now replaced by regular reports to Ministerial Scrutiny Panel.
4.8	Develop a Prison Service website to contain summary of Race Equality work being undertaken by the Prison Service and to record progress.	Annual Reports on Race Equality Scheme published on the internet.

SMART ethnic monitoring data

The Systematic Monitoring and Analysing of Race Equality Template (SMART) tool was developed for use in establishments. It was made available nationally in 2005, and its use has been mandatory since April 2006. SMART applies range-setting principles to assist in monitoring the outcomes of functions or policies by ethnicity and gives an indication of whether action or further investigation is required. The software was further developed during 2007 and SMART II has now been rolled out to all public and private sector establishments. Eight areas for SMART monitoring are mandatory. There is also the capacity to monitor other processes selected because of their importance locally.

SMART II is more user-friendly and offers increased functionality, including a more detailed breakdown of results – distinguishing between different ethnic groups within the Black and Minority Ethnic group and the White group, as well as between the two groups – and the capacity to monitor trends over time. The existence of the new software – and its use by the contracted prisons as well as the public sector from the second quarter of 2008 – has brought with it the capacity to aggregate data to provide area and national ethnic monitoring figures.

The following graphs illustrate the first set of national SMART data, from April – September 2008, for the eight mandatory areas. Each month's expected range (derived from the population data and set statistically to reflect an acceptable variation around a wholly proportionate

representation) is depicted by the yellow box, with the actual outcome shown by the red cross. If the red cross is inside the box, this shows that the result is in range. If it is outside the box, it is out of range – this demonstrates that there is disproportionality.

A note on range setting

Range setting is a way of assessing the proportionality of outcomes in a function using statistical method.

The mid-point of the range is set using the proportion of the prison population that is from a particular ethnic group and the volume of activity in a function. For example, if 10% of the prison population is Asian or Asian British we would expect 10% of the complaints to come from Asian prisoners. So if there are 200 complaints we could expect 20 of them to be from Asian prisoners.

Range setting takes this a step further. It takes the same two pieces of information (the proportion of the population from the group and the volume of activity) and performs a calculation of probability (in the case of SMART II this is a 90% probability).

In this way we are able to determine a range in which we would expect the volume of activity to fall for an ethnic group most (in this case 90%) of the time. Or, put another way, we can calculate how many prisoners from a particular group we would expect (90% of the time) to feature in a function. For example, if the prison population is 10% Asian and there were 200 complaints, we have a 10% mid-point of 20 complaints but with an expected range between 13 and 27 complaints.

If the population was 10% Asian and there were 200 complaints in a month and 15 of those complaints were from Asian prisoners, the SMART II tool would tell us that the Asian Complaints function was in range.

It should be noted that there is a 10% probability that a result will be out of range in any one month (i.e. you would expect to be out of range one month in ten). However, where a result is out of range in the same direction in two or three consecutive months, this probability declines rapidly, to 2.5% (1 in 40) and then to 0.125% (1 in 800). It is when a trend such as this is noted that we would infer that discrimination may be operating and start to conduct further investigation and/or to take action to correct the imbalance.

The range setting formula means that as the number of events increases, the size of the range gets smaller. This reflects probability theory – if you toss a coin twice, it is likely that it will be heads none or all of the time (i.e. that it will deviate widely from a proportionate outcome). But if you toss it a hundred times you would expect the result to be quite close to 50 heads and 50 tails, and tossing it a thousand times you would be surprised to see the result deviate far from 500 heads and 500 tails.

SMART National Figures – Adjudications Dismissed

SMART National Figures

April to June Data includes all Public Sector Prisons. July Data includes all Public Sector Prisons and 7 Private Prisons. August Data includes all Public Sector Prisons and 9 Private Prisons. September Data includes all Public Sector Prisons and 10 Private Prisons.

Adjudications Dismissed

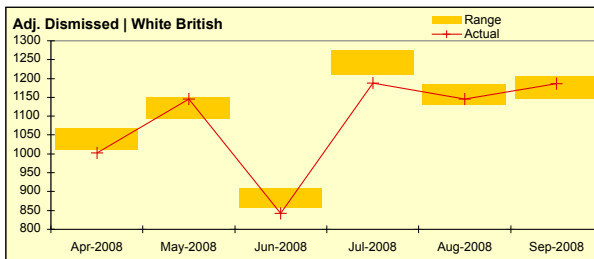
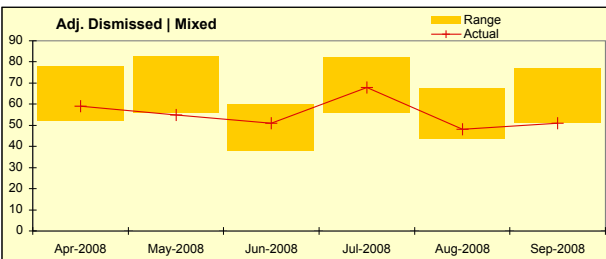
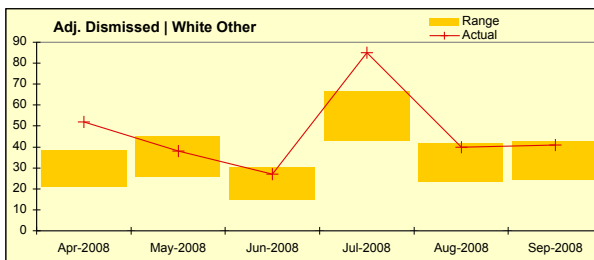
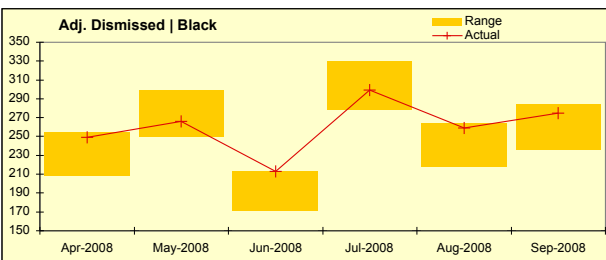
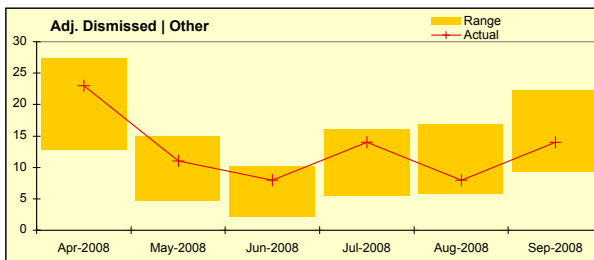
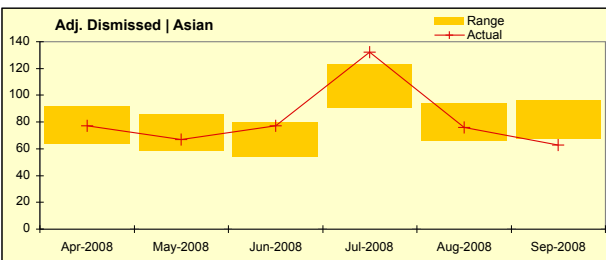
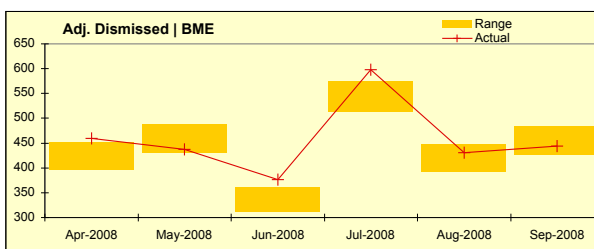
Adj. Dismissed	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	77	67	77	132	76	63
Black	249	266	213	299	259	275
Mixed	59	55	51	68	48	51
Other	23	11	8	14	8	14
White Other	52	38	27	85	40	41
Minority Ethnic Groups	460	437	376	598	431	444
White British	1002	1145	843	1188	1145	1186
TOTAL	1462	1582	1219	1786	1576	1630

Total Adjudications

Asian	629	523	567	746	579	581
Black	1880	2003	1630	2130	1749	1841
Mixed	527	504	415	483	404	453
Other	162	71	52	75	82	112
White Other	242	259	190	382	238	235
Minority Ethnic Groups	3440	3360	2854	3816	3052	3222
White British	8430	8196	7489	8709	8414	8324
TOTAL	11870	11566	10343	12525	11466	11546

Total Adjudications is used as the baseline population.

The data entry requirement for adjudications is now Charges Proven, Charges Dismissed and Charges Referred. This should be an actual count of
 • Charges Dismissed which are charges dismissed or not proceeded with at a Governor's adjudication



SMART National Figures – Adjudications Proven

SMART National Figures

April to June Data includes all Public Sector Prisons. July Data includes all Public Sector Prisons and 7 Private Prisons. August Data includes all Public Sector Prisons and 9 Private Prisons. September Data includes all Public Sector Prisons and 10 Private Prisons.

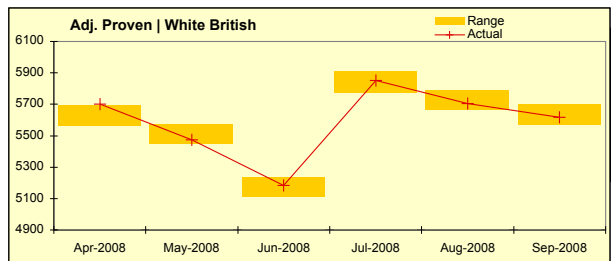
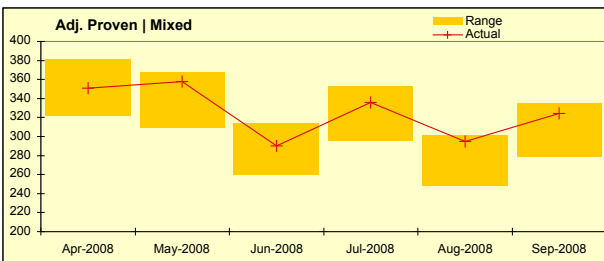
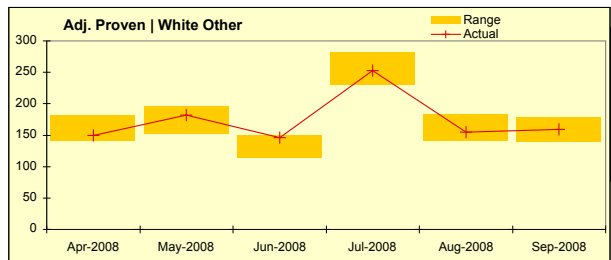
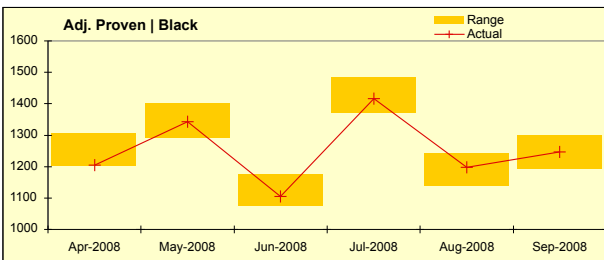
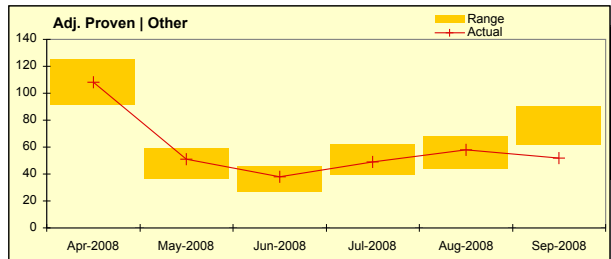
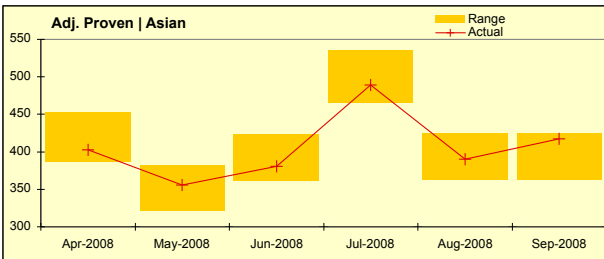
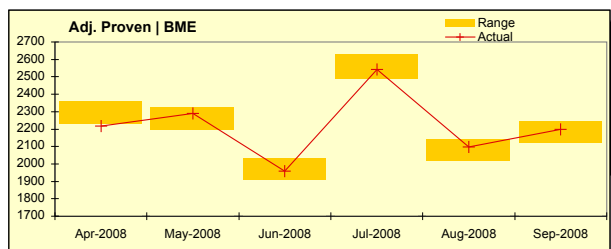
Adjudications Proven

Adj. Proven	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	403	356	381	489	390	417
Black	1205	1343	1105	1416	1198	1247
Mixed	351	358	290	336	295	324
Other	108	51	38	49	58	52
White Other	150	182	146	253	155	159
Minority Ethnic Groups	2217	2290	1960	2543	2096	2199
White British	5700	5475	5182	5852	5703	5616
TOTAL	7917	7765	7142	8395	7799	7815

Total Adjudications	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	629	523	567	746	579	581
Black	1880	2003	1630	2130	1749	1841
Mixed	527	504	415	483	404	453
Other	162	71	52	75	82	112
White Other	242	259	190	382	238	235
Minority Ethnic Groups	3440	3360	2854	3816	3052	3222
White British	8430	8196	7489	8709	8414	8324
TOTAL	11870	11556	10343	12525	11466	11546

Total Adjudications is used as the baseline population.

The data entry requirement for adjudications is now Charges Proven, Charges Dismissed and Charges Referred. This should be an actual count of Charges Proven which are proven disciplinary charges at a Governor's adjudication



SMART National Figures – Adjudications Referred

SMART National Figures

April to June Data includes all Public Sector Prisons. July Data includes all Public Sector Prisons and 7 Private Prisons. August Data includes all Public Sector Prisons and 9 Private Prisons. September Data includes all Public Sector Prisons and 10 Private Prisons.

Adjudications Referred

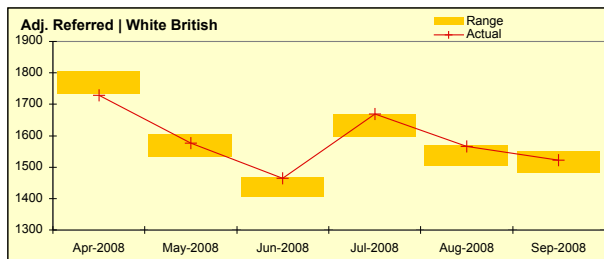
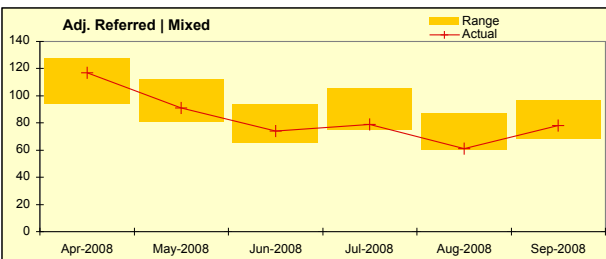
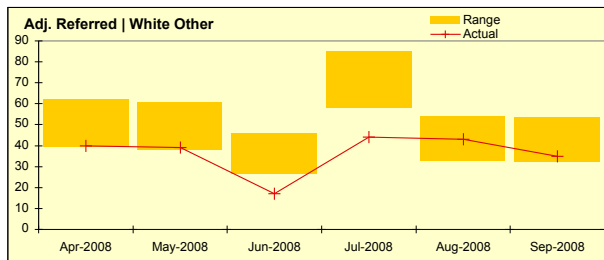
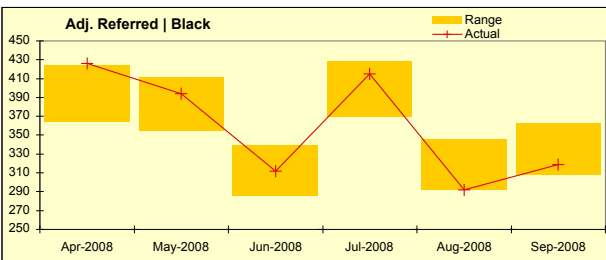
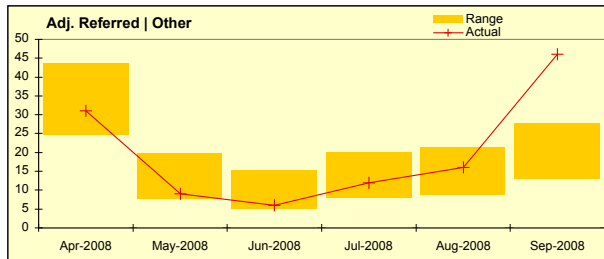
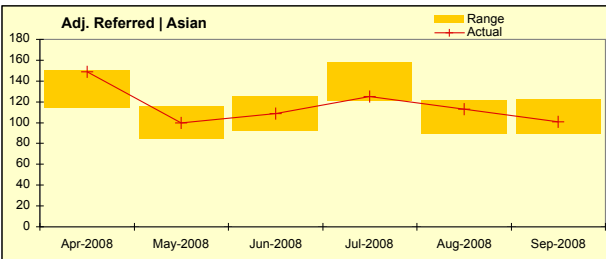
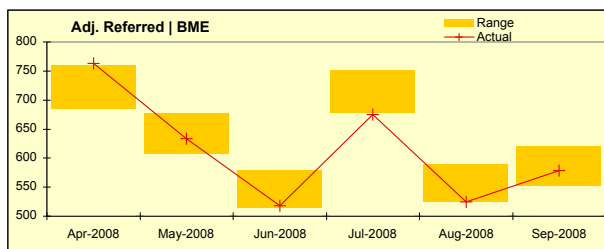
Adj. Referred	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	149	100	109	125	113	101
Black	426	394	312	415	292	319
Mixed	117	91	74	79	61	78
Other	31	9	6	12	16	46
White Other	40	39	17	44	43	35
Minority Ethnic Groups	763	633	518	675	525	579
White British	1728	1576	1464	1669	1566	1522
TOTAL	2491	2209	1982	2344	2091	2101

The data entry requirement for adjudications is now Charges Proven, Charges Dismissed and Charges Referred. This should be an actual count of Charges Referred to the independent adjudicator for the month.

Total Adjudications

Asian	629	523	567	746	579	581
Black	1880	2003	1630	2130	1749	1841
Mixed	527	504	415	483	404	453
Other	162	71	52	75	82	112
White Other	242	259	190	382	238	235
Minority Ethnic Groups	3440	3360	2854	3816	3052	3222
White British	8430	8196	7489	8709	8414	8324
TOTAL	11870	11556	10343	12525	11466	11546

Total Adjudications is used as the baseline population.



SMART National Figures – Adjudications Complaints

SMART National Figures

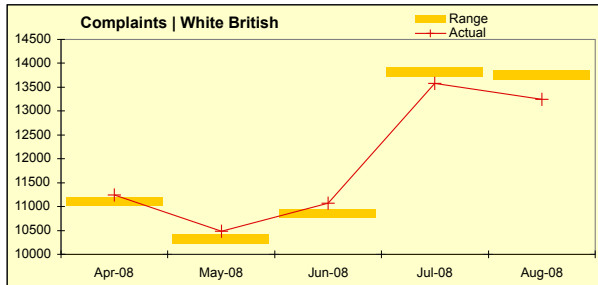
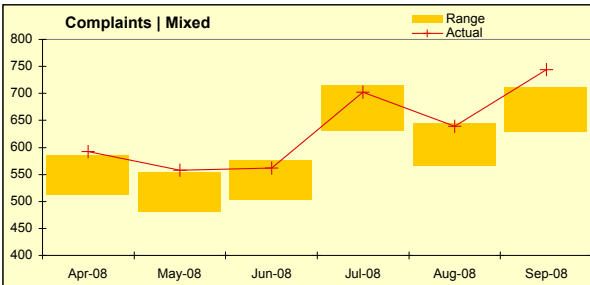
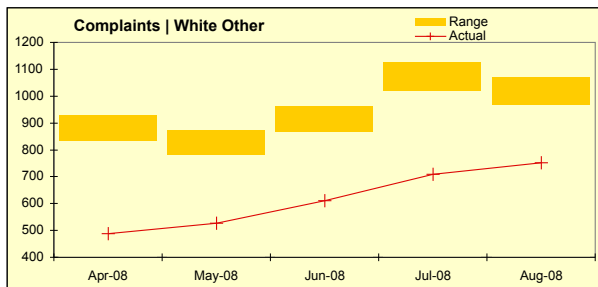
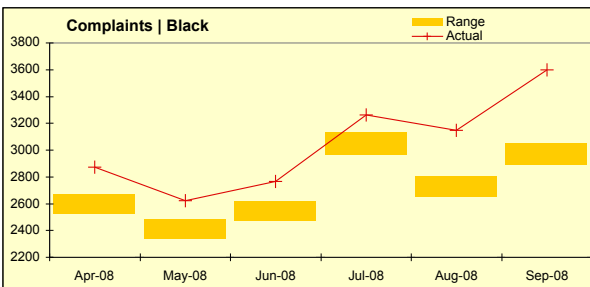
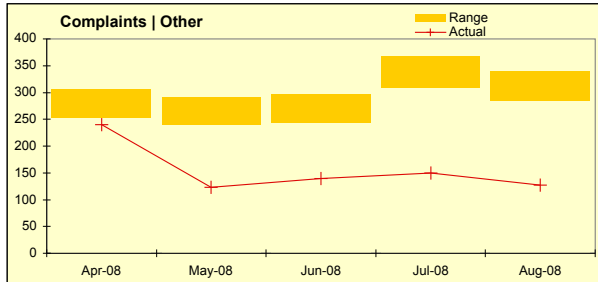
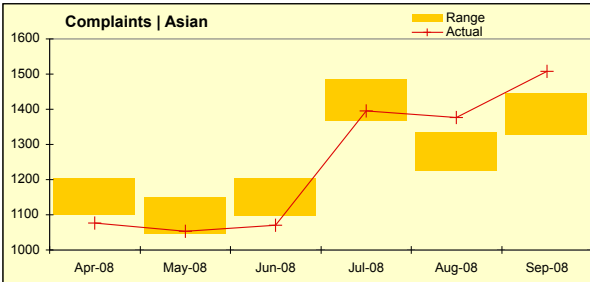
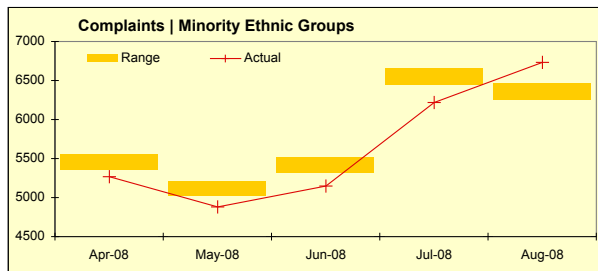
April to June Data includes all Public Sector Prisons. July Data includes all Public Sector Prisons and 7 Private Prisons. August Data includes all Public Sector Prisons and 9 Private Prisons. September Data includes all Public Sector Prisons and 10 Private Prisons.

Complaints

Complaints	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	1076	1053	1070	1396	1376	1508
Black	2871	2622	2767	3263	3149	3600
Mixed	592	558	562	702	639	744
Other	240	123	139	150	133	127
White Other	487	527	610	709	721	752
Minority Ethnic Groups	5266	4883	5148	6220	6018	6731
White British	11246	10479	11075	13578	12380	13245
TOTAL	16512	15362	16223	19798	18398	19976

Population	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	5015	5134	5133	5510	5569	5584
Black	2871	2622	2767	3263	3149	3600
Mixed	592	558	562	702	639	744
Other	1216	1237	1205	1308	1307	1257
White Other	3842	3869	4083	4145	4147	4101
Minority Ethnic Groups	13536	13420	13750	14928	14811	15286
White British	48385	48265	48441	53456	54984	55399
Not Stated	244	273	289	274	254	245
TOTAL	62165	61958	62480	68658	70049	70930

The data entry requirement for complaints is an actual count of the number of initial formal complaints (Stage 1) received in the month across each of the 6 ethnic bands. This figure does not include RIRFs.



SMART National Figures – Home Detention Curfew

SMART National Figures

April to June Data includes all Public Sector Prisons. July Data includes all Public Sector Prisons and 7 Private Prisons. August Data includes all Public Sector Prisons and 9 Private Prisons. September Data includes all Public Sector Prisons and 10 Private Prisons.

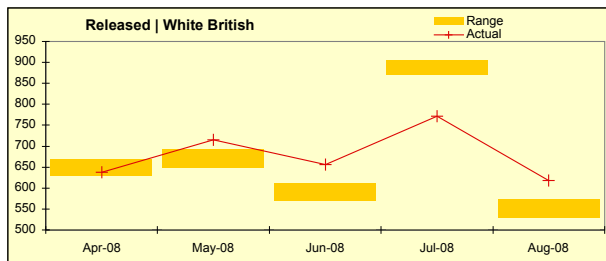
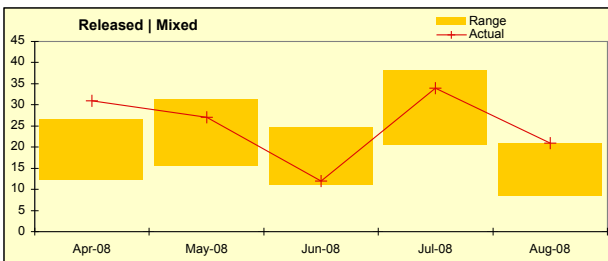
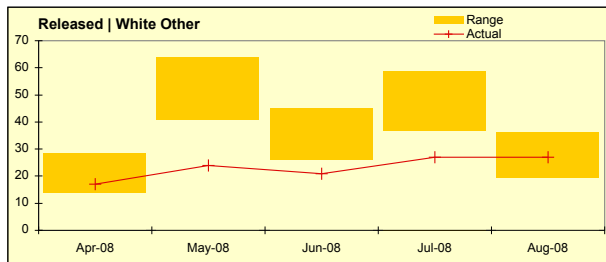
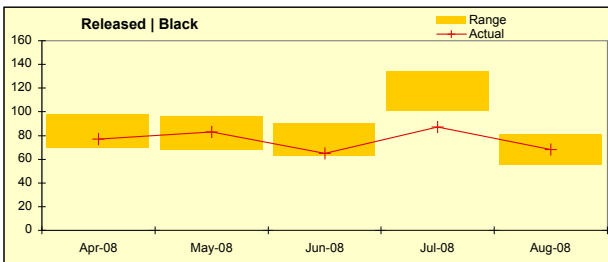
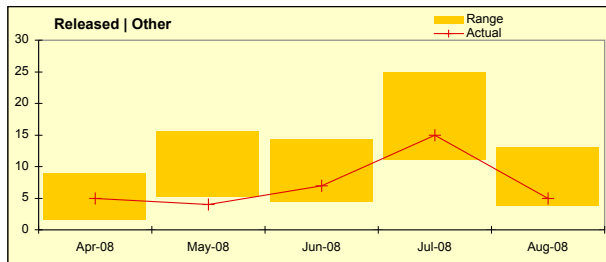
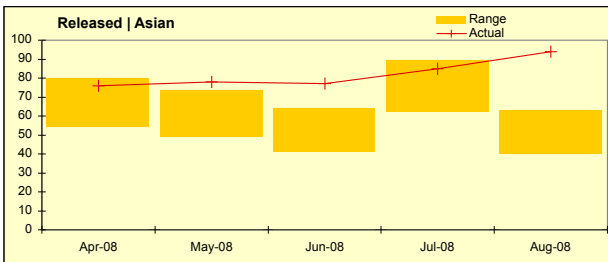
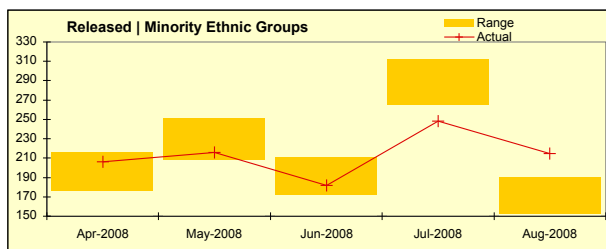
Home Detention Curfew

Released	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	76	78	77	85	94	89
Black	77	83	65	87	68	81
Mixed	31	27	12	34	21	26
Other	5	4	7	15	5	8
White Other	17	24	21	27	27	24
Minority Ethnic Groups	206	216	182	248	215	228
White British	638	715	656	771	618	673
TOTAL	844	931	838	1019	833	901

Eligible Applications	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	221	182	174	206	172	224
Black	275	245	253	320	228	296
Mixed	64	70	59	80	49	75
Other	17	31	31	49	28	33
White Other	69	156	118	130	93	103
Minority Ethnic Groups	646	684	635	785	570	731
White British	2132	1998	1955	2419	1835	2309
TOTAL	2778	2682	2590	3204	2405	3040

Eligible Applications is used as the baseline population.

The data entry requirement for Home Detention Curfew is the total number of Eligible applications received and total number of prisoners released each month across each of the 6 ethnic bands.



SMART National Figures – Incentives and Earned Privileges Scheme

SMART National Figures

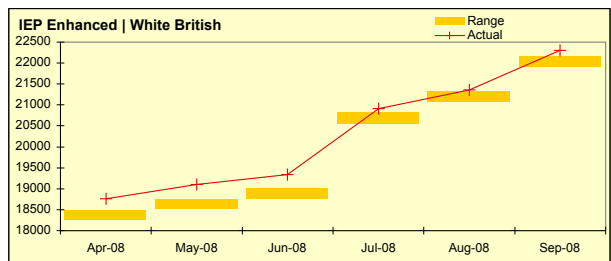
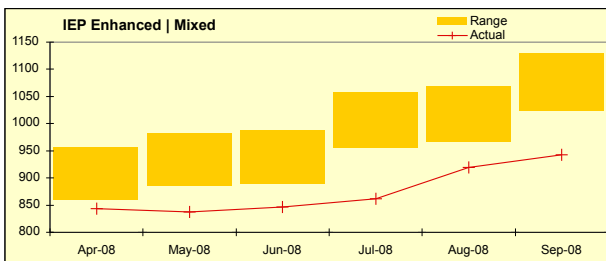
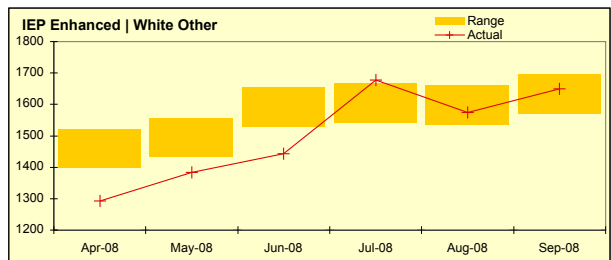
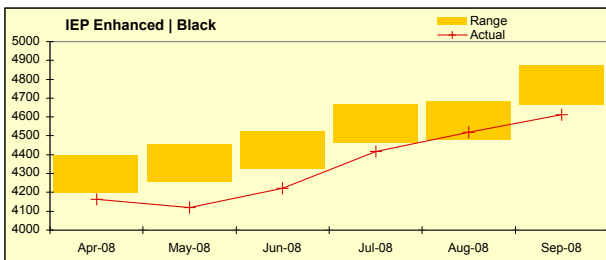
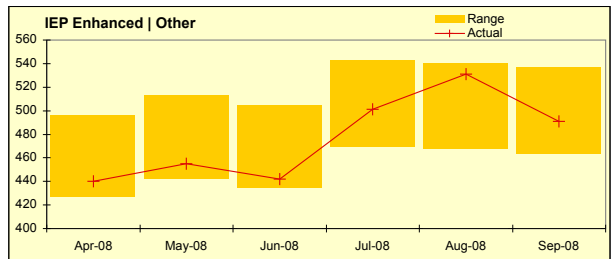
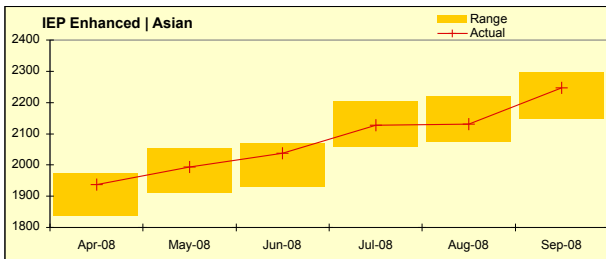
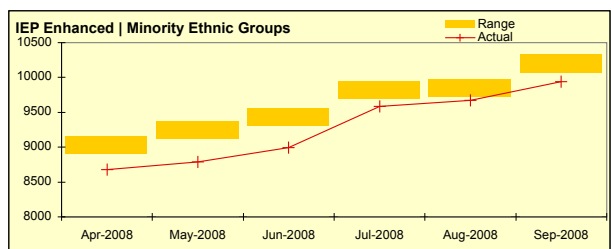
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Incentives and Earned Privileges Scheme

IEP Enhanced	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	1938	1994	2037	2128	2130	2247
Black	4163	4120	4221	4418	4519	4612
Mixed	844	837	847	862	919	943
Other	440	455	442	501	531	491
White Other	1292	1383	1443	1678	1575	1650
Minority Ethnic Groups	8677	8789	8990	9587	9674	9943
White British	18757	19108	19335	20915	21362	22298
TOTAL	27434	27897	28325	30502	31036	32241

Population	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	5015	5134	5133	5510	5569	5584
Black	11313	11278	11354	11794	11880	11980
Mixed	2392	2417	2409	2602	2636	2704
Other	1216	1237	1205	1308	1307	1257
White Other	3842	3869	4083	4145	4147	4101
Minority Ethnic Groups	23778	23935	24184	25359	25539	25626
White British	48385	48265	48441	53456	54984	55399
Not Stated	244	273	289	274	254	245
TOTAL	72407	72473	72914	79089	80777	81270

The Data entry requirement of IEP is a single snapshot of numbers of prisoners on each level at the end of the month.



SMART National Figures – Incentives and Earned Privileges Scheme

SMART National Figures

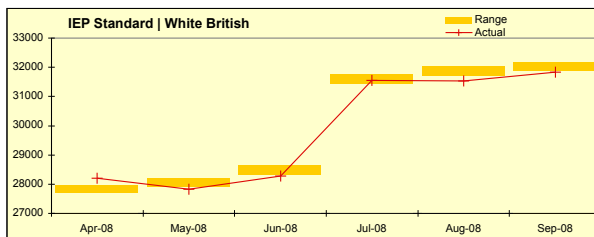
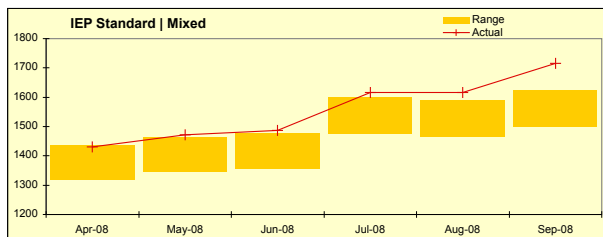
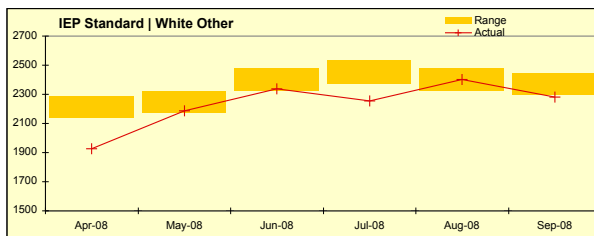
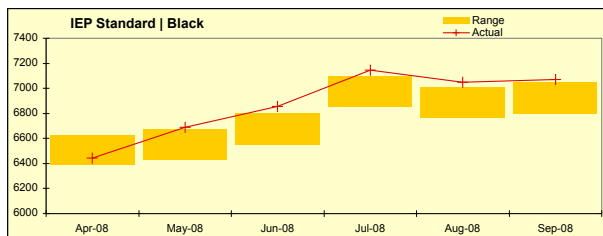
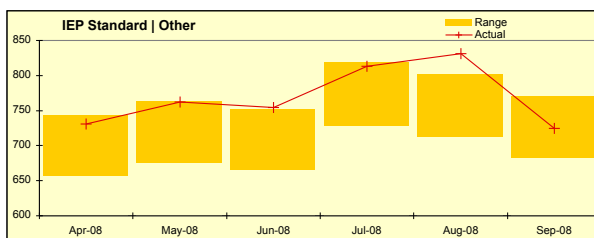
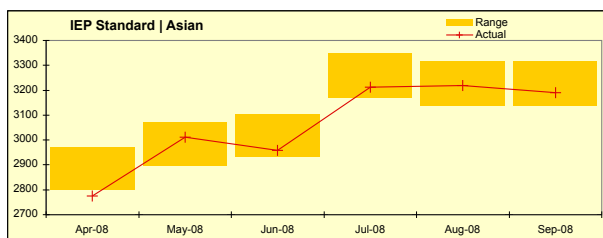
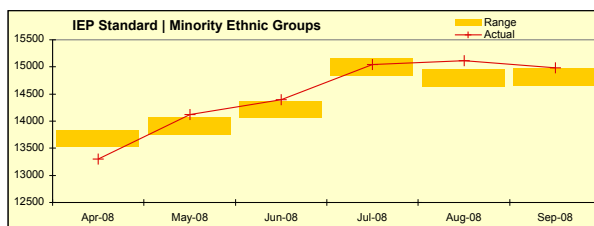
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Incentives and Earned Privileges Scheme

IEP Standard	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	2774	3011	2959	3212	3219	3190
Black	6444	6689	6857	7145	7049	7070
Mixed	1430	1471	1486	1616	1617	1716
Other	731	762	754	813	831	725
White Other	1926	2187	2337	2255	2403	2282
Minority Ethnic Groups	13305	14120	14393	15041	15119	14983
White British	28206	27836	28277	31554	31533	31832
TOTAL	41511	41956	42670	46595	46652	46815

Population	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	5015	5134	5133	5510	5569	5584
Black	11313	11278	11354	11794	11880	11980
Mixed	2392	2417	2409	2602	2636	2704
Other	1216	1237	1205	1308	1307	1257
White Other	3842	3869	4083	4145	4147	4101
Minority Ethnic Groups	23778	23935	24184	25359	25539	25626
White British	48385	48265	48441	53456	54984	55399
Not Stated	244	273	289	274	254	245
TOTAL	72407	72473	72914	79089	80777	81270

The Data entry requirement of IEP is a single snapshot of numbers of prisoners on each level at the end of the month.



SMART National Figures – Incentives and Earned Privileges Scheme

SMART National Figures

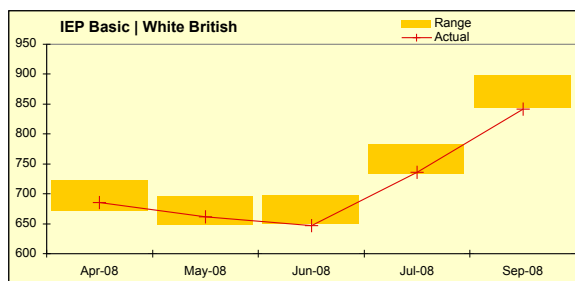
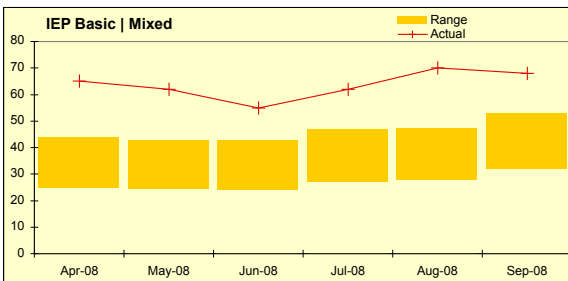
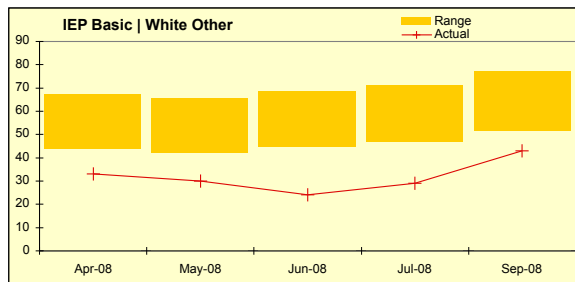
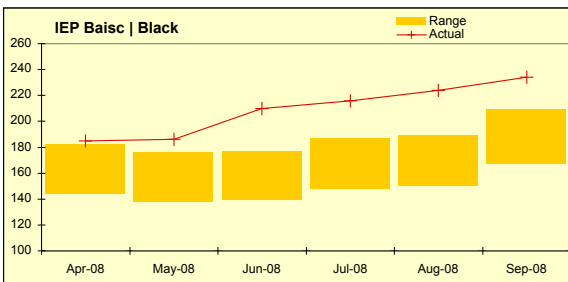
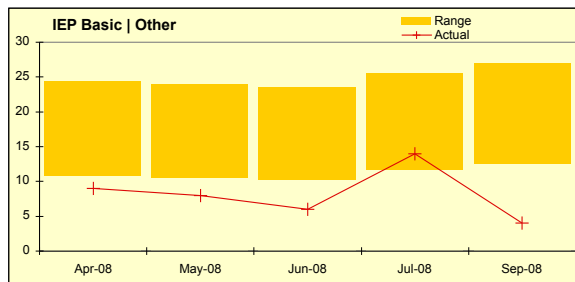
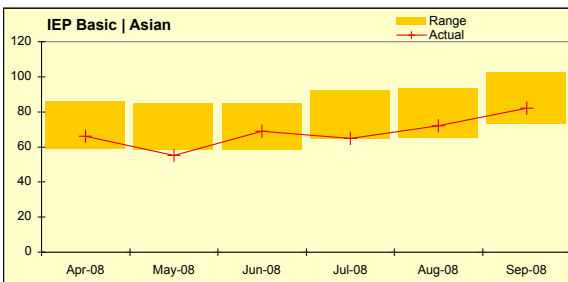
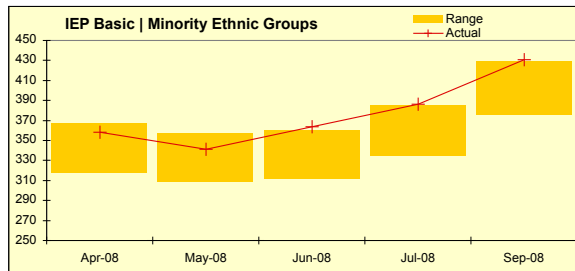
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Incentives and Earned Privileges Scheme

IEP Basic	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	66	55	69	65	72	82
Black	185	186	210	216	224	234
Mixed	65	62	55	62	70	68
Other	9	8	6	14	6	4
White Other	33	30	24	29	41	43
Minority Ethnic Groups	358	341	364	386	413	431
White British	685	662	647	736	733	842
TOTAL	1043	1003	1011	1122	1146	1273

Population	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	5015	5134	5133	5510	5569	5584
Black	11313	11278	11354	11794	11880	11980
Mixed	2392	2417	2409	2602	2636	2704
Other	1216	1237	1205	1308	1307	1257
White Other	3842	3869	4083	4145	4147	4101
Minority Ethnic Groups	23778	23935	24184	25359	25539	25626
White British	48385	48265	48441	53456	54984	55399
Not Stated	244	273	289	274	254	245
TOTAL	72407	72473	72914	79089	80777	81270

The Data entry requirement of IEP is a single snapshot of numbers of prisoners on each level at the end of the month.



SMART National Figures – Re-Categorisation Down

SMART National Figures

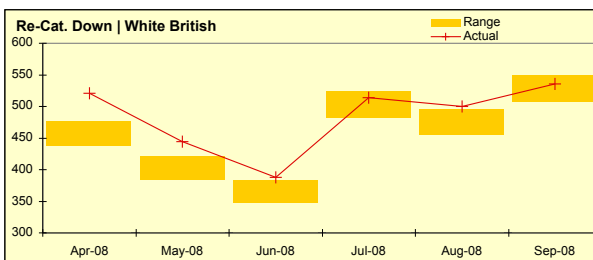
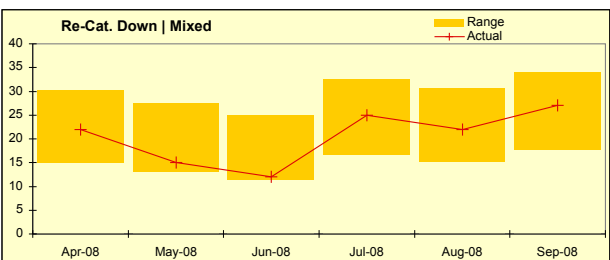
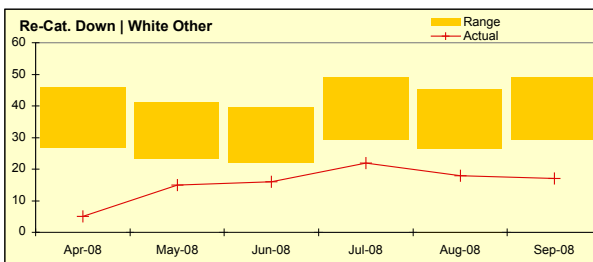
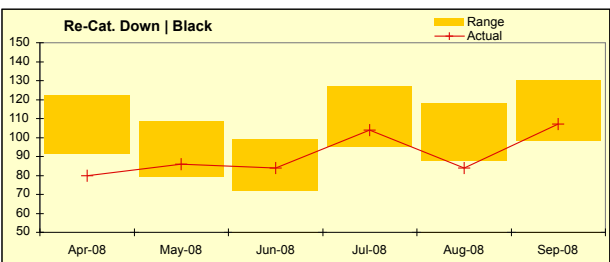
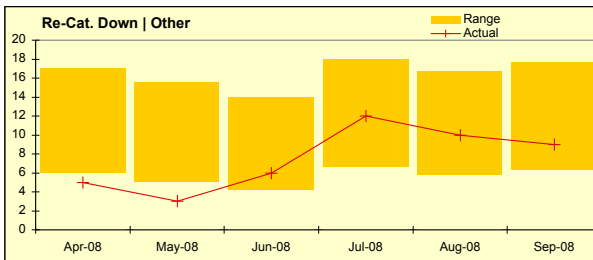
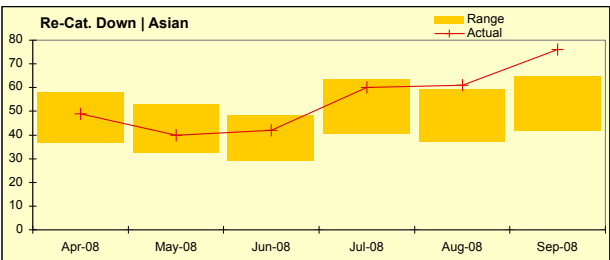
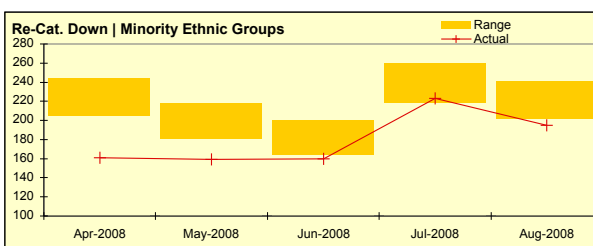
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Re-Categorisation Down

Re-Cat. Down	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	49	40	42	60	61	76
Black	80	86	84	104	84	107
Mixed	22	15	12	25	22	27
Other	5	3	6	12	10	9
White Other	5	15	16	22	18	17
Minority Ethnic Groups	161	159	160	223	195	236
White British	521	444	388	514	500	536
TOTAL	682	603	548	737	695	772

Population	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	5015	5134	5133	5510	5569	5584
Black	11313	11278	11354	11794	11880	11980
Mixed	2392	2417	2409	2602	2636	2704
Other	1216	1237	1205	1308	1307	1257
White Other	3842	3869	4083	4145	4147	4101
Minority Ethnic Groups	23778	23935	24184	25359	25539	25626
White British	48385	48265	48441	53456	54984	55399
Not Stated	244	273	289	274	254	245
TOTAL	72407	72473	72914	79089	80777	81270

The data entry requirement is an actual count of the total number of prisoners re-categorised up and down this includes decisions to alter a prisoner between 'suitable for closed conditions' and 'suitable for open conditions'. Initial categorisation after sentencing and decisions to downgrade from Category A to Category B are not included.



SMART National Figures – Re-Categorisation Up

SMART National Figures

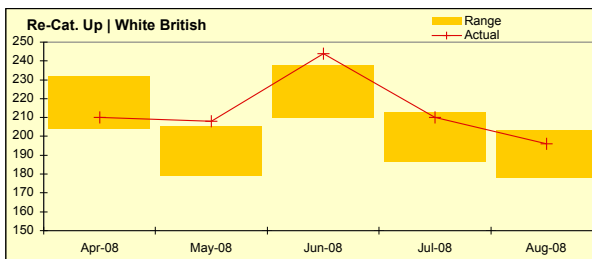
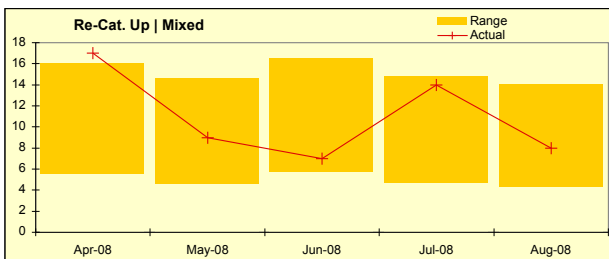
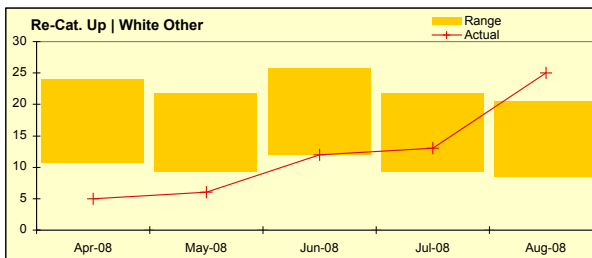
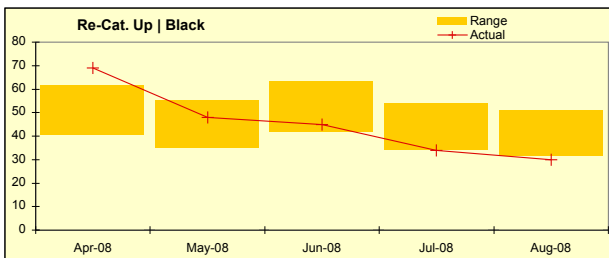
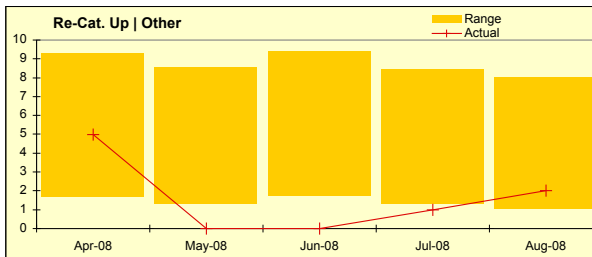
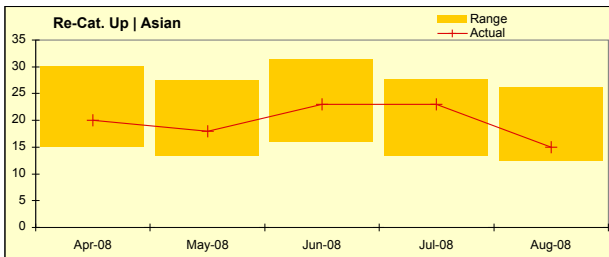
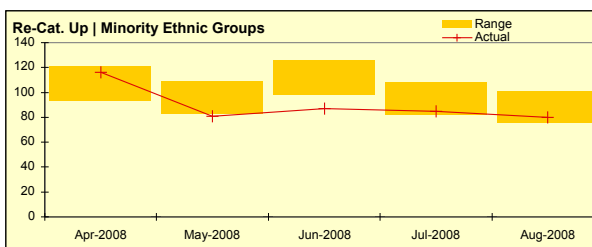
April to June Data includes all Public Sector Prisons. July Data includes all Public Sector Prisons and 7 Private Prisons. August Data includes all Public Sector Prisons and 9 Private Prisons. September Data includes all Public Sector Prisons and 10 Private Prisons.

Re-Categorisation Up

Re-Cat. Up	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	20	18	23	23	15	19
Black	69	48	45	34	30	38
Mixed	17	9	7	14	8	7
Other	5	0	0	1	2	0
White Other	5	6	12	13	25	13
Minority Ethnic Groups	116	81	87	85	80	77
White British	210	208	244	210	196	221
TOTAL	326	289	331	295	276	298

Population	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	5015	5134	5133	5510	5569	5584
Black	11313	11278	11354	11794	11880	11980
Mixed	2392	2417	2409	2602	2636	2704
Other	1216	1237	1205	1308	1307	1257
White Other	3842	3869	4083	4145	4147	4101
Minority Ethnic Groups	23778	23935	24184	25359	25539	25626
White British	48385	48265	48441	53456	54984	55399
Not Stated	244	273	289	274	254	245
TOTAL	72407	72473	72914	79089	80777	81270

The data entry requirement is an actual count of the total number of prisoners re-categorised up and down this includes decisions to alter a prisoner between 'suitable for closed conditions' and 'suitable for open conditions'. Initial categorisation after sentencing and decisions to downgrade from Category A to Category B are not included.



SMART National Figures – Release on Temporary Licence

SMART National Figures

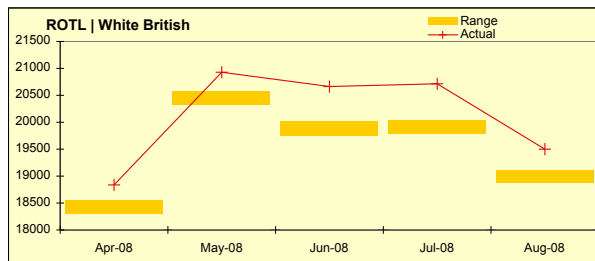
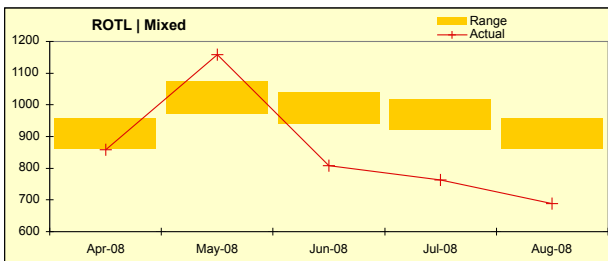
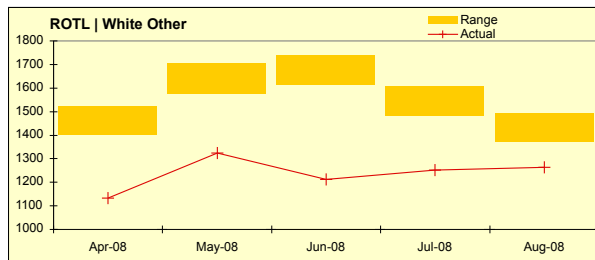
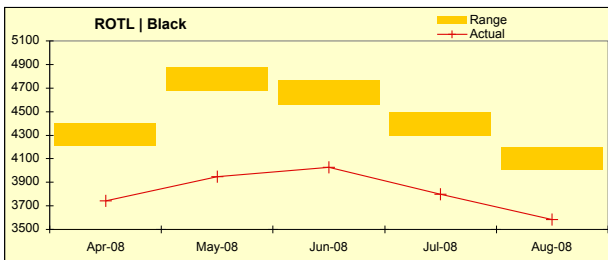
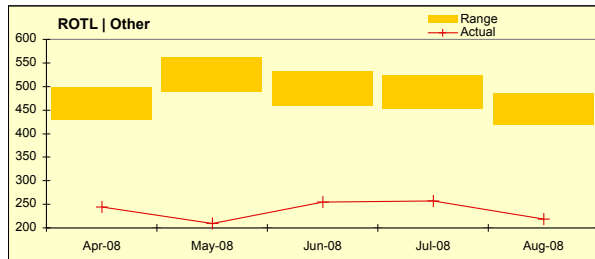
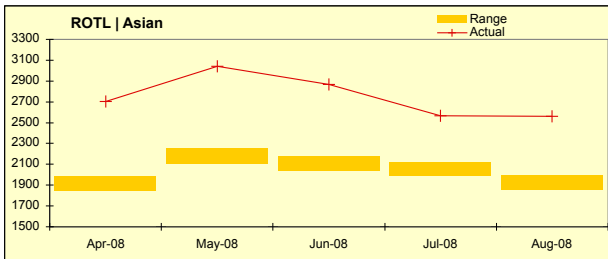
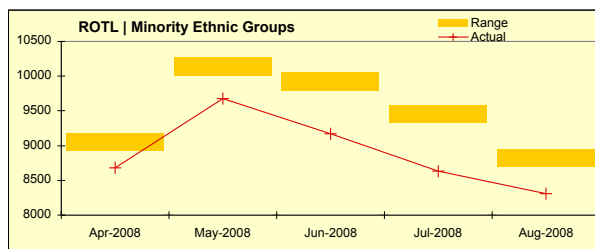
April to June Data includes all Public Sector Prisons. July Data includes all Public Sector Prisons and 7 Private Prisons. August Data includes all Public Sector Prisons and 9 Private Prisons. September Data includes all Public Sector Prisons and 10 Private Prisons.

Release on Temporary Licence

ROTL	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	2705	3043	2865	2567	2559	3057
Black	3741	3947	4029	3797	3582	3731
Mixed	859	1158	808	763	689	675
Other	244	209	255	257	219	213
White Other	1134	1324	1212	1251	1263	1313
Minority Ethnic Groups	8683	9681	9169	8635	8312	8989
White British	18836	20925	20663	20717	19505	20545
TOTAL	27519	30606	29832	29352	27817	29534

Population	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	5015	5134	5133	5510	5569	5584
Black	11313	11278	11354	11794	11880	11980
Mixed	2392	2417	2409	2602	2636	2704
Other	1216	1237	1205	1308	1307	1257
White Other	3842	3869	4083	4145	4147	4101
Minority Ethnic Groups	23778	23935	24184	25359	25539	25626
White British	48385	48265	48441	53456	54984	55399
Not Stated	244	273	289	274	254	245
TOTAL	72407	72473	72914	79089	80777	81270

The data entry requirement is an actual count of the number of approved days for the month across each of the ethnic bands.



SMART National Figures – Segregation Cellular Confinement

SMART National Figures

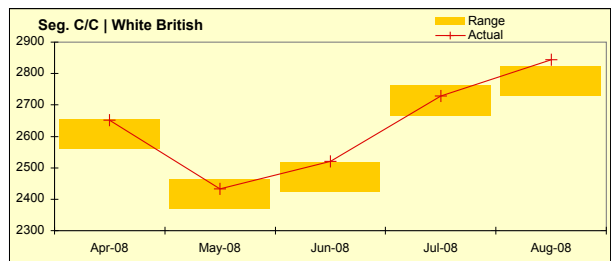
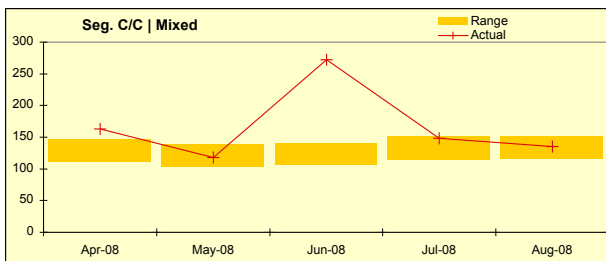
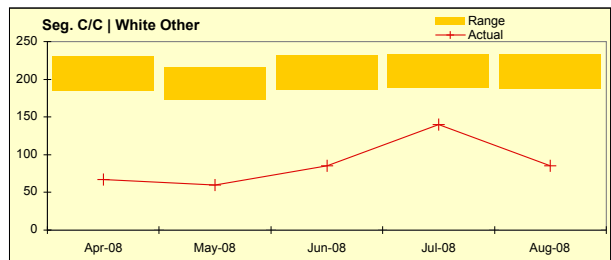
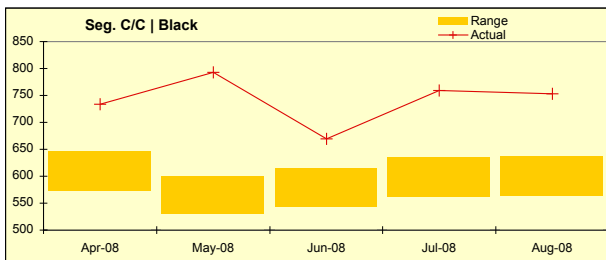
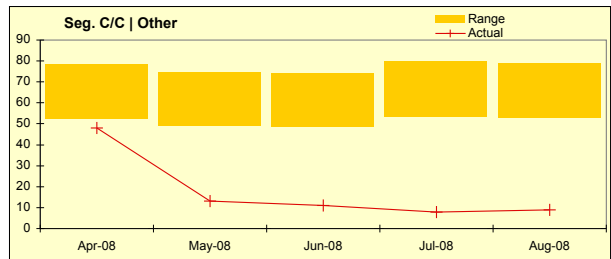
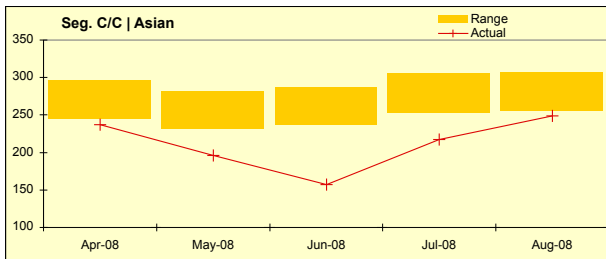
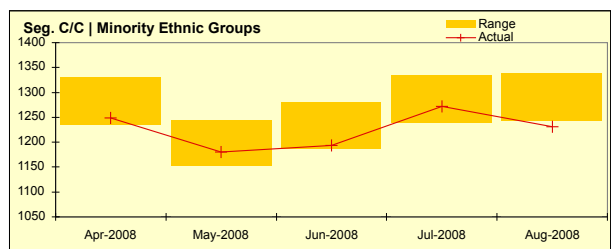
April to June Data includes all Public Sector Prisons. July Data includes all Public Sector Prisons and 7 Private Prisons. August Data includes all Public Sector Prisons and 9 Private Prisons. September Data includes all Public Sector Prisons and 10 Private Prisons.

Segregation Cellular Confinement

Seg. C/C	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	237	196	157	217	249	191
Black	734	793	669	759	753	941
Mixed	163	118	272	148	135	110
Other	48	13	11	8	9	20
White Other	67	60	85	140	85	73
Minority Ethnic Groups	1249	1180	1194	1272	1231	1335
White British	2651	2433	2521	2728	2844	2773
TOTAL	3900	3613	3715	4000	4075	4108

Population	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	5015	5134	5133	5510	5569	5584
Black	11313	11278	11354	11794	11880	11980
Mixed	2392	2417	2409	2602	2636	2704
Other	1216	1237	1205	1308	1307	1257
White Other	3842	3869	4083	4145	4147	4101
Minority Ethnic Groups	23778	23935	24184	25359	25539	25626
White British	48385	48265	48441	53456	54984	55399
Not Stated	244	273	289	274	254	245
TOTAL	72407	72473	72914	79089	80777	81270

The data entry requirement is an actual count of days, taking place at first unlock, of Cellular Confinement (C/C).



SMART National Figures – Segregation Good Order or Discipline

SMART National Figures

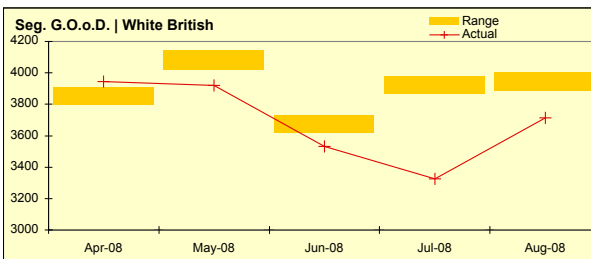
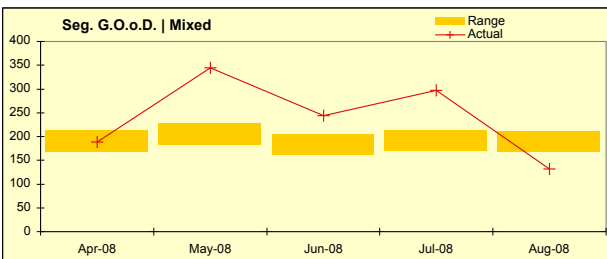
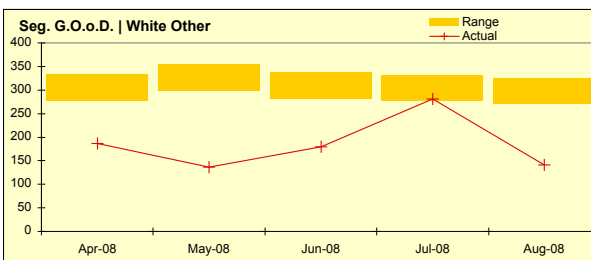
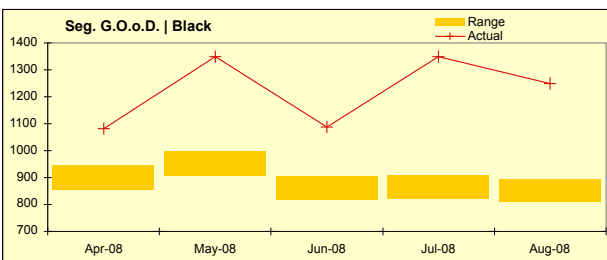
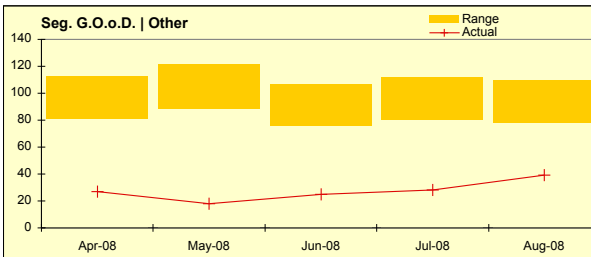
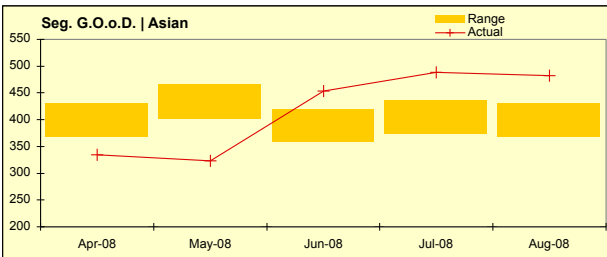
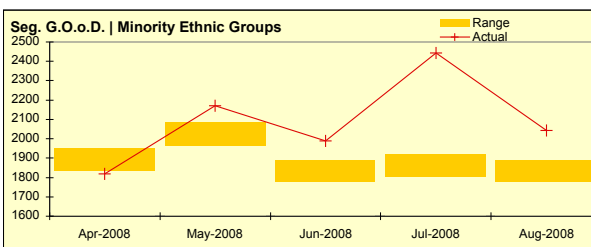
April to June Data includes all Public Sector Prisons. July Data includes all Public Sector Prisons and 7 Private Prisons. August Data includes all Public Sector Prisons and 9 Private Prisons. September Data includes all Public Sector Prisons and 10 Private Prisons.

Segregation Good Order or Discipline

Seg. G.O.o.D.	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	334	323	454	488	482	528
Black	1082	1349	1088	1350	1249	1519
Mixed	188	344	244	297	132	242
Other	27	18	25	28	39	49
White Other	187	136	180	281	141	183
Minority Ethnic Groups	1818	2170	1991	2444	2043	2521
White British	3943	3921	3531	3327	3715	3961
TOTAL	5761	6091	5522	5771	5758	6482

Population	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	5015	5134	5133	5510	5569	5584
Black	11313	11278	11354	11794	11880	11980
Mixed	2392	2417	2409	2602	2636	2704
Other	1216	1237	1205	1308	1307	1257
White Other	3842	3869	4083	4145	4147	4101
Minority Ethnic Groups	23778	23935	24184	25359	25539	25626
White British	48385	48265	48441	53456	54984	55399
Not Stated	244	273	289	274	254	245
TOTAL	72407	72473	72914	79089	80777	81270

The data entry requirement is an actual count of days of Good Order or Discipline (G.O.o.D) taking place at first unlock.



SMART National Figures – Segregation Own Protection

SMART National Figures

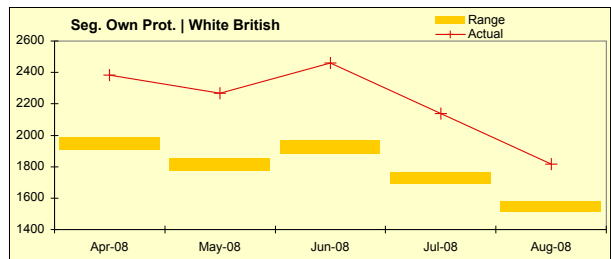
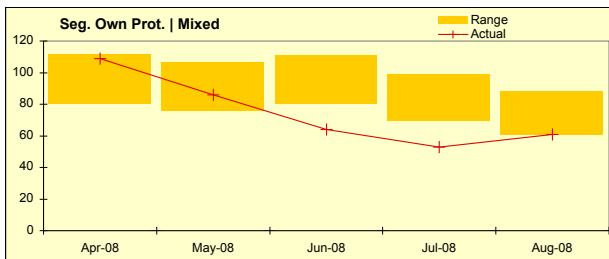
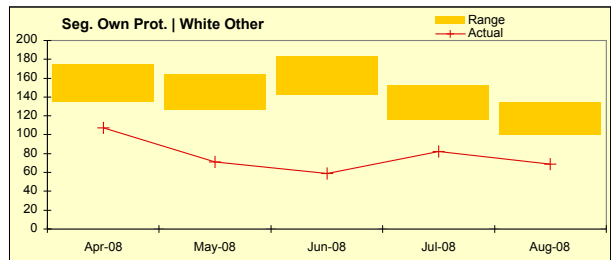
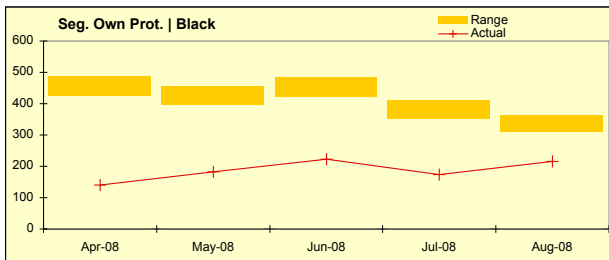
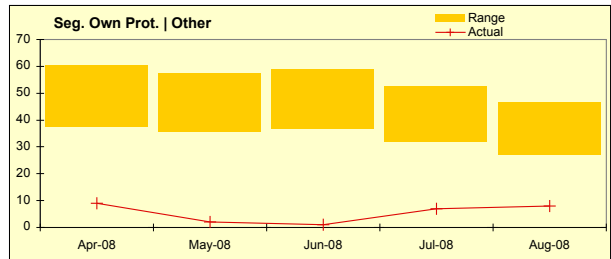
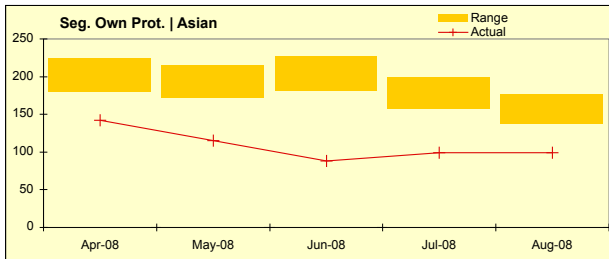
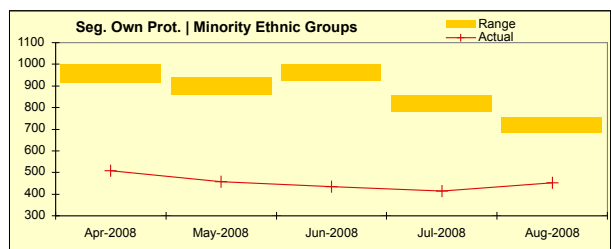
April to June Data includes all Public Sector Prisons. July Data includes all Public Sector Prisons and 7 Private Prisons. August Data includes all Public Sector Prisons and 9 Private Prisons. September Data includes all Public Sector Prisons and 10 Private Prisons.

Segregation Own Protection

Seg. Own Prot.	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	142	115	88	99	99	130
Black	141	183	223	174	216	128
Mixed	109	86	64	53	61	56
Other	9	2	1	7	8	1
White Other	107	71	59	82	69	46
Minority Ethnic Groups	508	457	435	415	453	361
White British	2382	2267	2459	2138	1817	1841
TOTAL	2890	2724	2894	2553	2270	2202

Population	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	5015	5134	5133	5510	5569	5584
Black	11313	11278	11354	11794	11880	11980
Mixed	2392	2417	2409	2602	2636	2704
Other	1216	1237	1205	1308	1307	1257
White Other	3842	3869	4083	4145	4147	4101
Minority Ethnic Groups	23778	23935	24184	25359	25539	25626
White British	48385	48265	48441	53456	54984	55399
Not Stated	244	273	289	274	254	245
TOTAL	72407	72473	72914	79089	80777	81270

The data entry requirement is an actual count of days of Own Protection taking place at first unlock.



SMART National Figures – Segregation Prison Rule 53(4)/YOI Rule 58(4)

SMART National Figures

April to June Data includes all Public Sector Prisons. July Data includes all Public Sector Prisons and 7 Private Prisons. August Data includes all Public Sector Prisons and 9 Private Prisons. September Data includes all Public Sector Prisons and 10 Private Prisons.

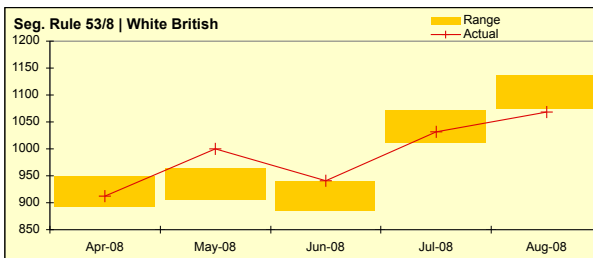
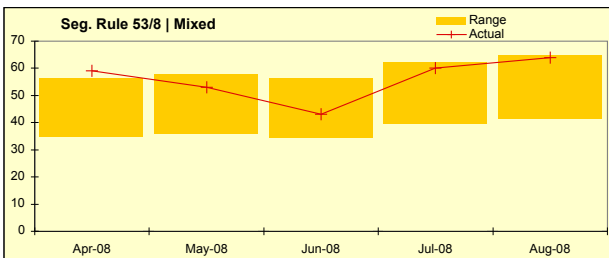
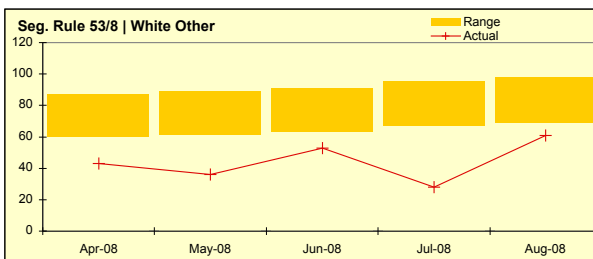
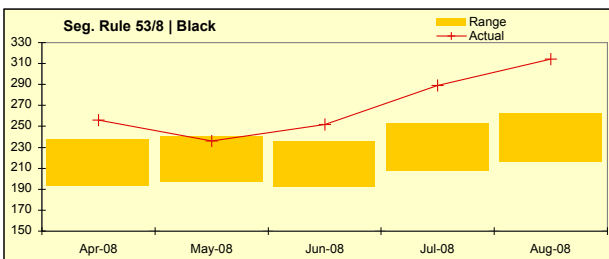
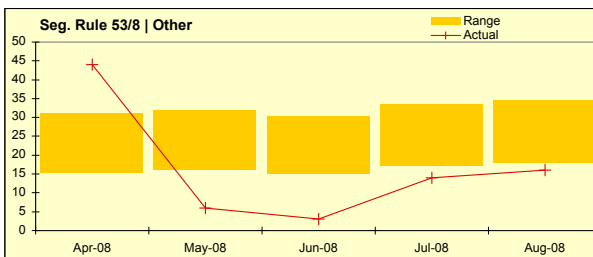
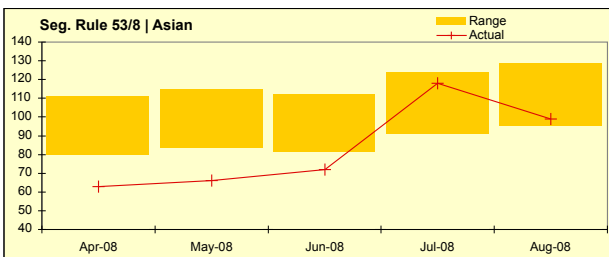
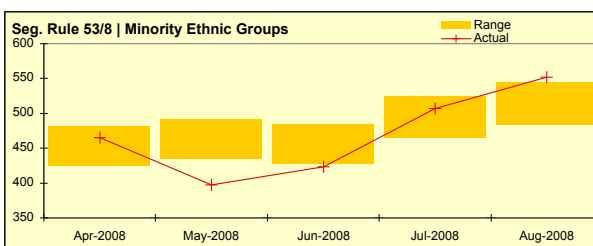
Segregation Prison Rule 53(4) / YOI Rule 58(4)

Seg. Rule 53/8	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	63	66	72	118	99	77
Black	256	236	252	289	314	310
Mixed	59	53	43	60	64	48
Other	44	6	3	14	16	13
White Other	43	36	53	28	61	38
Minority Ethnic Groups	465	397	423	509	554	486
White British	912	1000	941	1032	1068	998
TOTAL	1377	1397	1364	1541	1622	1484

The data entry requirement is an actual count of days, taking place at first unlock, of Prison Rule 53(4) / YOI Rule 58(4) i.e. Awaiting Adjudication

Population

Asian	5015	5134	5133	5510	5569	5584
Black	11313	11278	11354	11794	11880	11980
Mixed	2392	2417	2409	2602	2636	2704
Other	1216	1237	1205	1308	1307	1257
White Other	3842	3869	4083	4145	4147	4101
Minority Ethnic Groups	23778	23935	24184	25359	25539	25628
White British	48385	48265	48441	53456	54984	55399
Not Stated	244	273	289	274	254	245
TOTAL	72407	72473	72914	79089	80777	81270



SMART National Figures – Use of Force

SMART National Figures

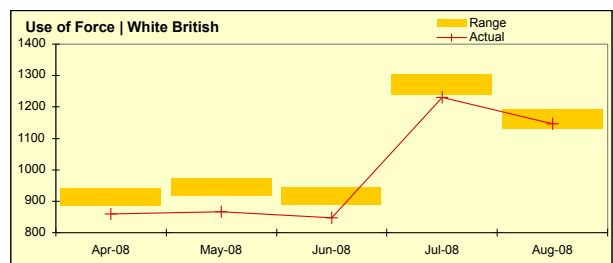
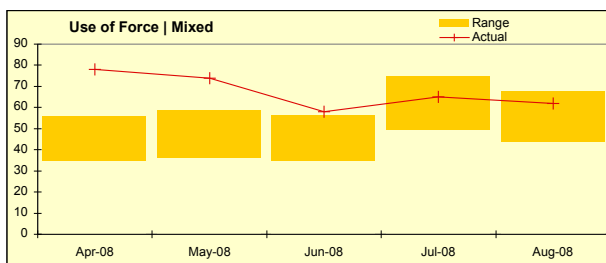
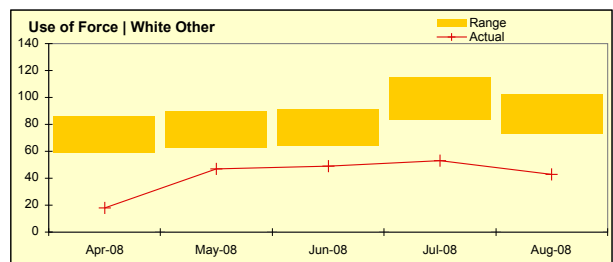
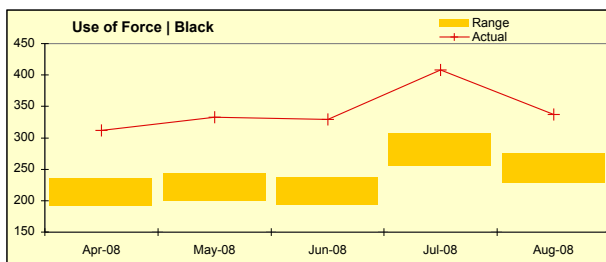
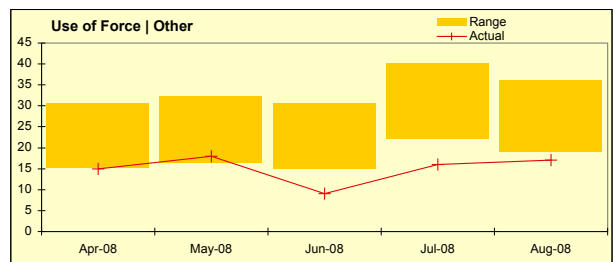
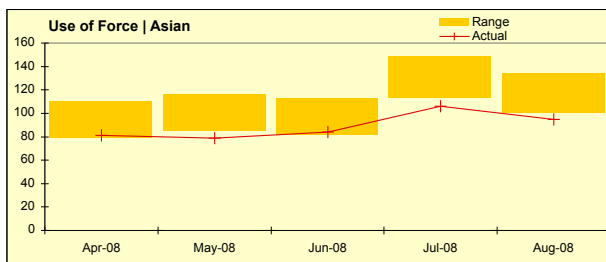
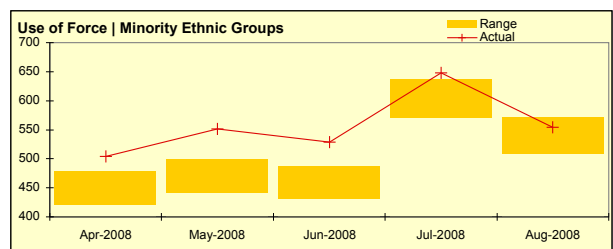
April to June Data includes all Public Sector Prisons. July Data includes all Public Sector Prisons and 7 Private Prisons. August Data includes all Public Sector Prisons and 9 Private Prisons. September Data includes all Public Sector Prisons and 10 Private Prisons.

Use of Force

Use of Force	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	81	79	84	106	95	102
Black	312	333	329	408	337	432
Mixed	78	74	58	65	62	87
Other	15	18	9	16	17	10
White Other	18	47	49	53	43	41
Minority Ethnic Groups	504	551	529	648	554	672
White British	859	867	847	1231	1147	1100
TOTAL	1363	1418	1376	1879	1701	1772

Population	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
Asian	5015	5134	5133	5510	5569	5584
Black	11313	11278	11354	11794	11880	11980
Mixed	2392	2417	2409	2602	2636	2704
Other	1216	1237	1205	1308	1307	1257
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Minority Ethnic Groups	23778	23935	24184	25359	25539	25626
White British	48385	48265	48441	53456	54984	55399
Not Stated	244	273	289	274	254	245
TOTAL	72407	72473	72914	79089	80777	81270

The data entry requirement for use of force is an actual count of the total number of times Use of Force has taken place over the month for each ethnic band.



Nacro Survey of Prisoner Perceptions

This is a brief summary of the relevant results from a broader survey conducted by Nacro in nine prisons in July and August 2008.

Background

In order to supplement the work of the review teams with data from a broader range of establishments, an independent survey of prisoner perceptions was commissioned from Nacro.

The Nacro Race and Criminal Justice Unit first conducted such a survey in 1998 and the results were reported in *Race and Prisons: A Snapshot Survey*, published in May 2000. The prisoner questionnaire used in that work was subsequently used by IONANN management consultants in 2003 in an assessment of the effects of diversity training for staff. The internal report of this later work provided baseline data from precisely the time of the CRE report. Nacro was therefore asked to repeat the survey in 2008, at the same nine prisons visited by IONANN in 2003, in an attempt to produce comparable data.

Method

The survey was conducted in the same nine prisons as in 2003. These included two high security prisons (both including a local function), three category C training prisons, two young offender institutions and two women's prisons.

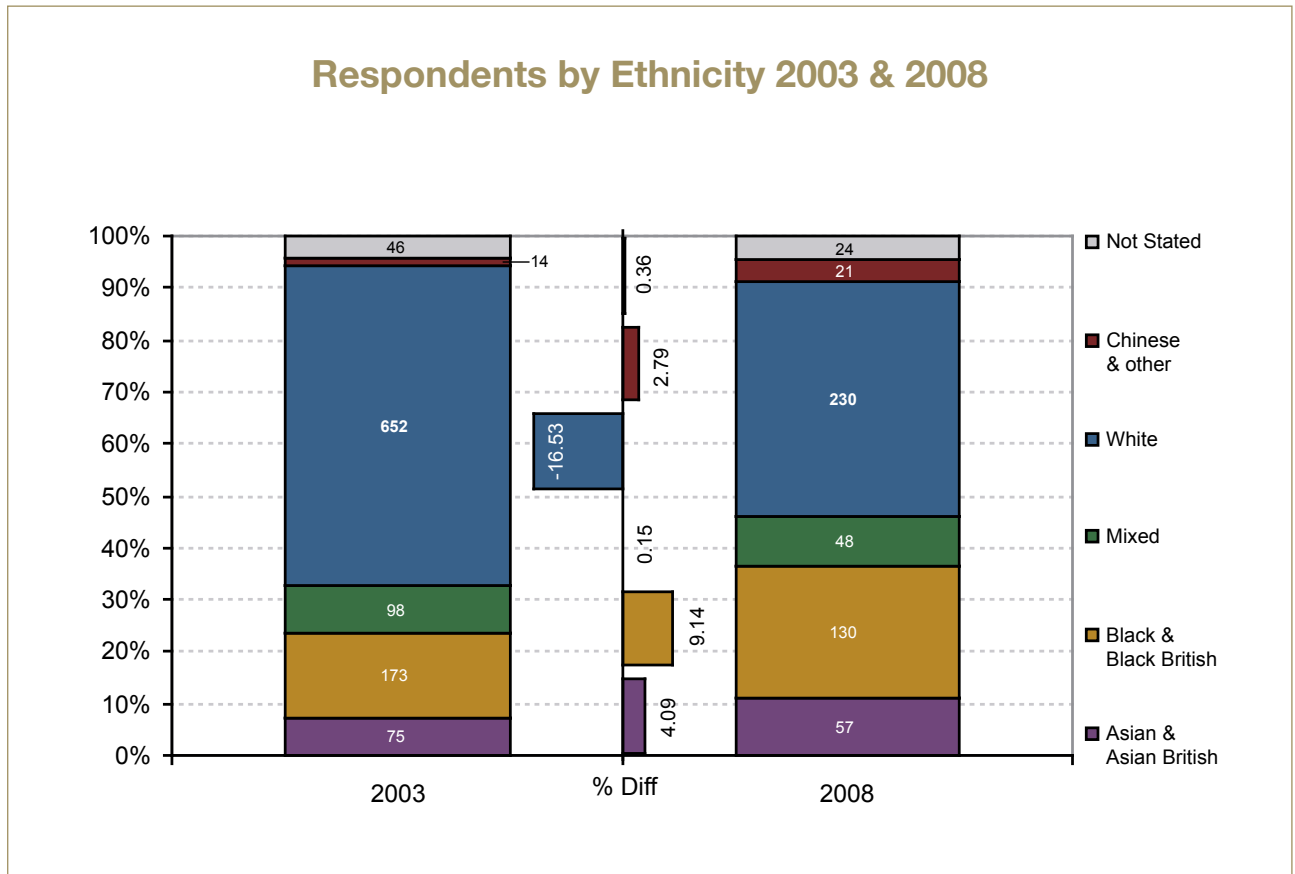
The 2003 survey was conducted by IONANN using an opportunistic sampling strategy: they sought responses from prisoners who they met in education

departments and other activity areas within prisons, seeking to include a range of prisoners across the various diversity strands. In 2008 a stratified random sample was derived from a list generated from LIDS. Our interest was specifically around race issues, so we selected just over 100 prisoners from each prison randomly, but to ensure that BME groups were over-represented, with 50% of the sample invited to participate being BME and 50% being White regardless of the respective representation in the prison population. Participation was voluntary and arrangements were made to ensure that prisoners were not disadvantaged by taking part (e.g. by loss of pay).

REAG staff assisted Nacro by undertaking the sampling and by liaising with the Diversity Managers and/or Race Equality Officers in the prisons to facilitate the survey. The surveys were administered to prisoners in groups of around 20 over a period of one or two days in each prison. Following the completion of the questionnaire, prisoners were asked to participate in a focus group discussion of race issues facilitated by Nacro and REAG staff, and the results of these discussions are reported alongside the survey results.

A total of 510 prisoners completed the survey in 2008. This is a smaller sample than the 1,058 prisoners seen by IONANN in 2003. There are also significant differences between the samples in terms of the proportion of BME prisoners – 52% in 2008 compared to 34% in 2003.

This does not invalidate any comparison, but it does mean that caution should be used when interpreting the data.

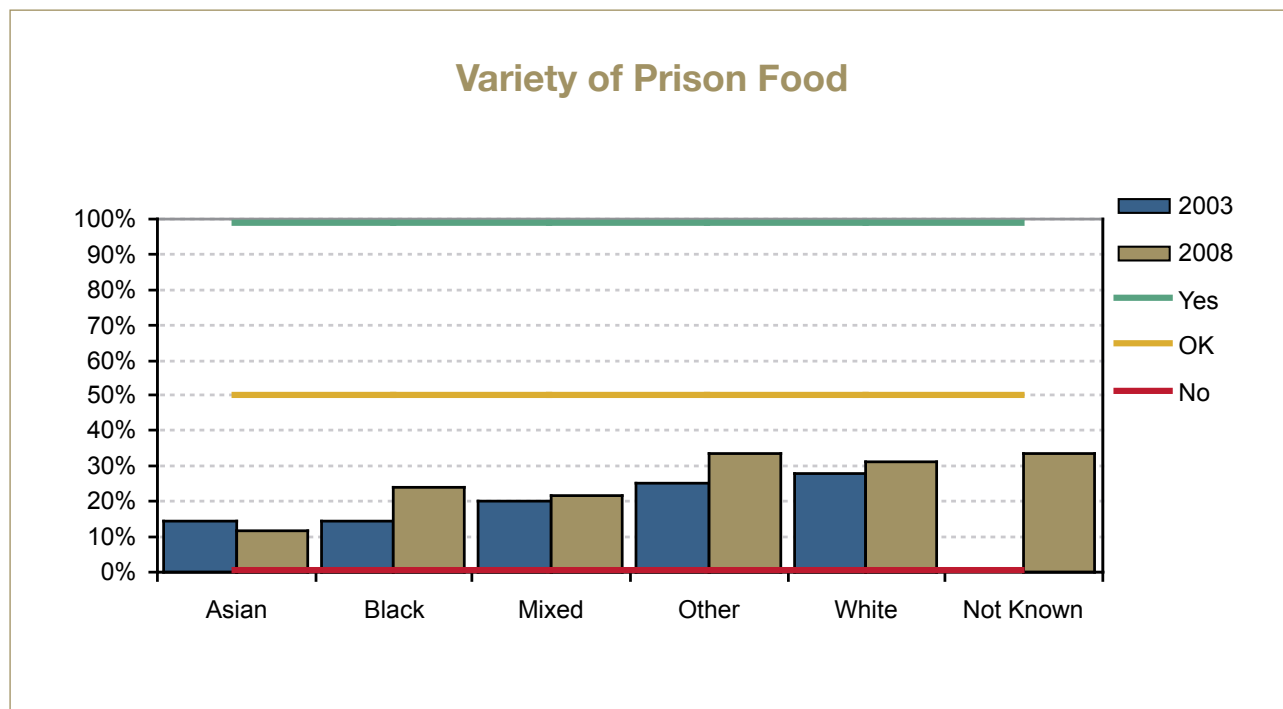


Results

Detailed comparisons between 2003 and 2008 were not possible in all areas because the IONANN report did not provide an analysis of results by ethnicity in all cases. The following offers comparisons wherever possible.

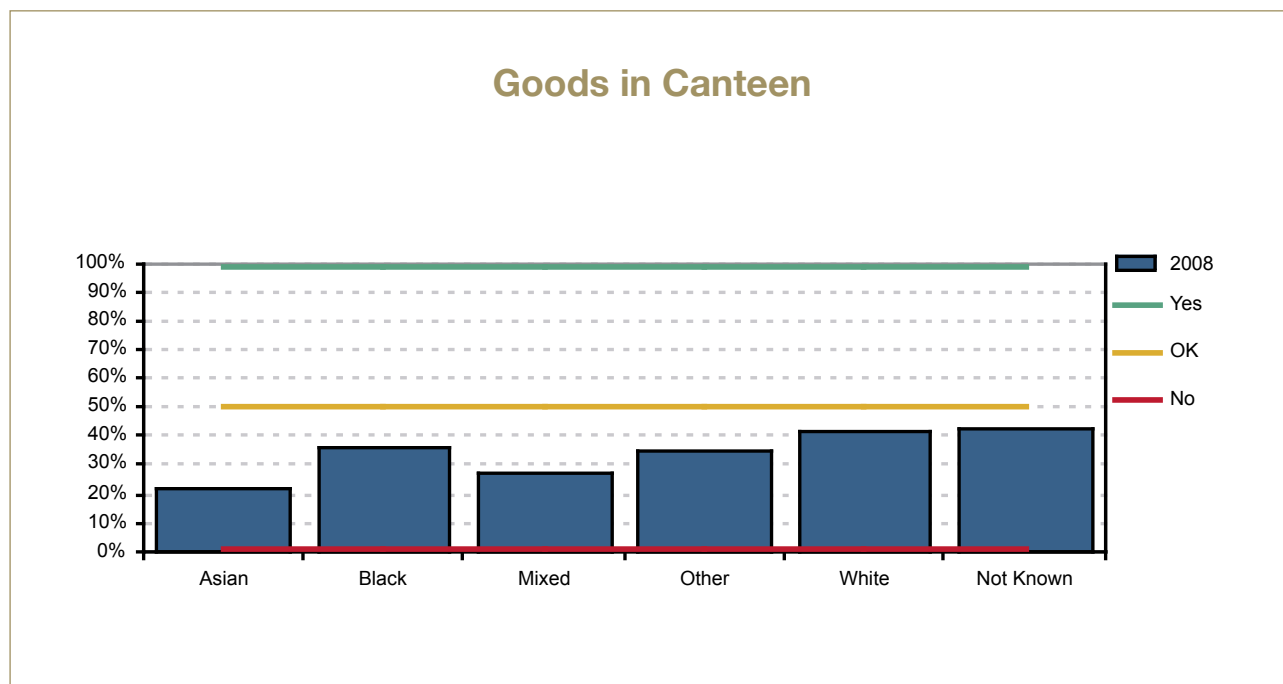
Access to Goods, Facilities and Services

The variety of prison food is one area where the percentage of those satisfied in most ethnic groups (but not the Asian group) has increased. Results for most BME groups remain lower than those for White prisoners.



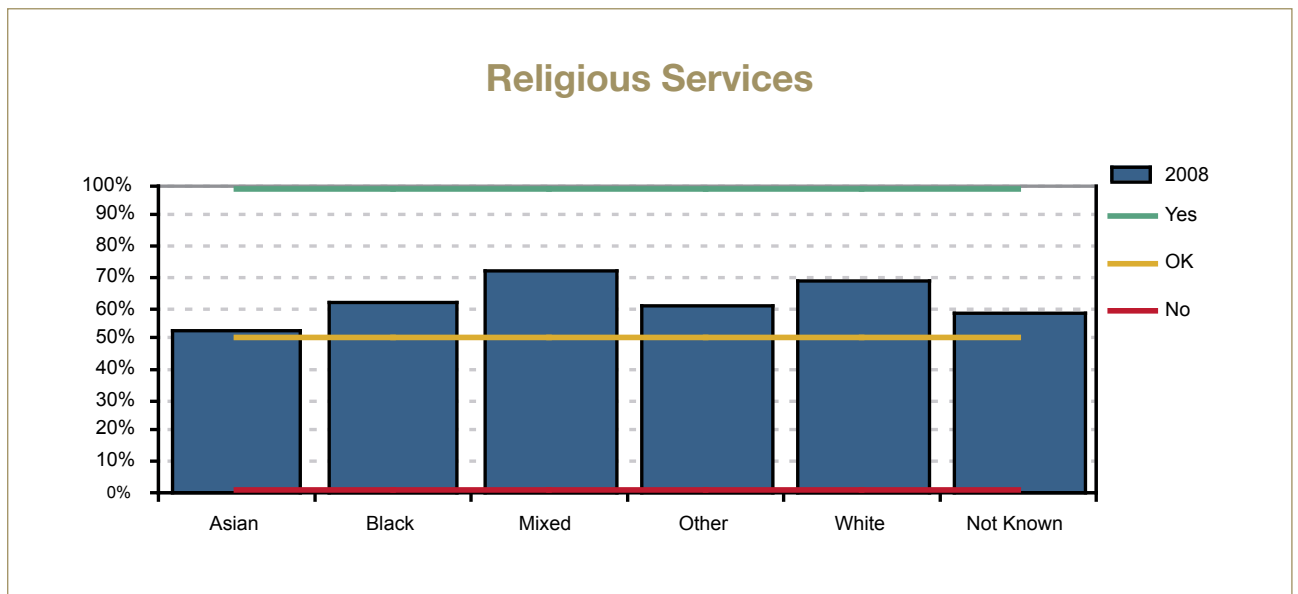
A typical comment was: ‘No good Asian foods are available’.

A comparison by ethnicity is not possible for canteen, but the overall results for 2008 were better than those for 2003. Results for all BME groups were lower than those for White prisoners.

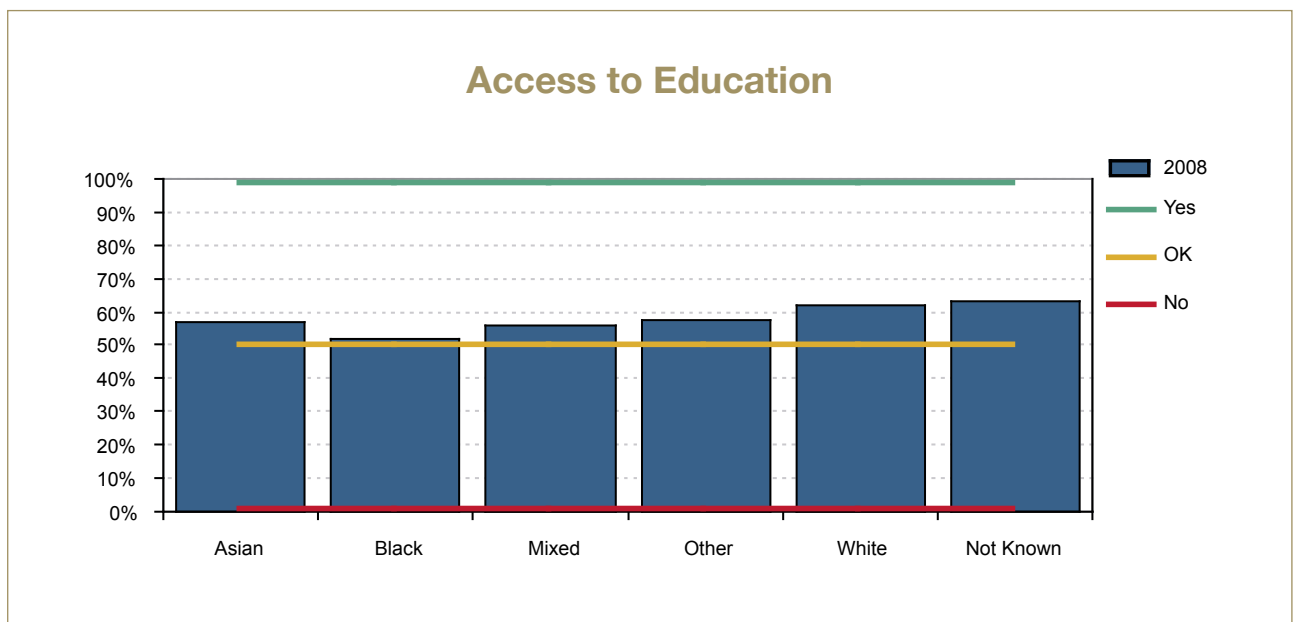


A typical comment was: ‘No consideration is given to black toiletry products on Aramark list’.

In terms of access to religious services, overall results for 2008 were better than those for 2003. In 2008 results were lower for most BME groups than those for White prisoners.



On access to education, results in 2008 were broadly similar to those in 2003. Results by ethnicity in 2008 showed no great differences between ethnic groups.



The particular issues for Gypsy, Roma and Traveller prisoners were raised in discussions with prisoners. For instance, one responded that: ‘Diversity elements don’t happen much in this establishment, especially to do with Gypsy and Traveller culture’.

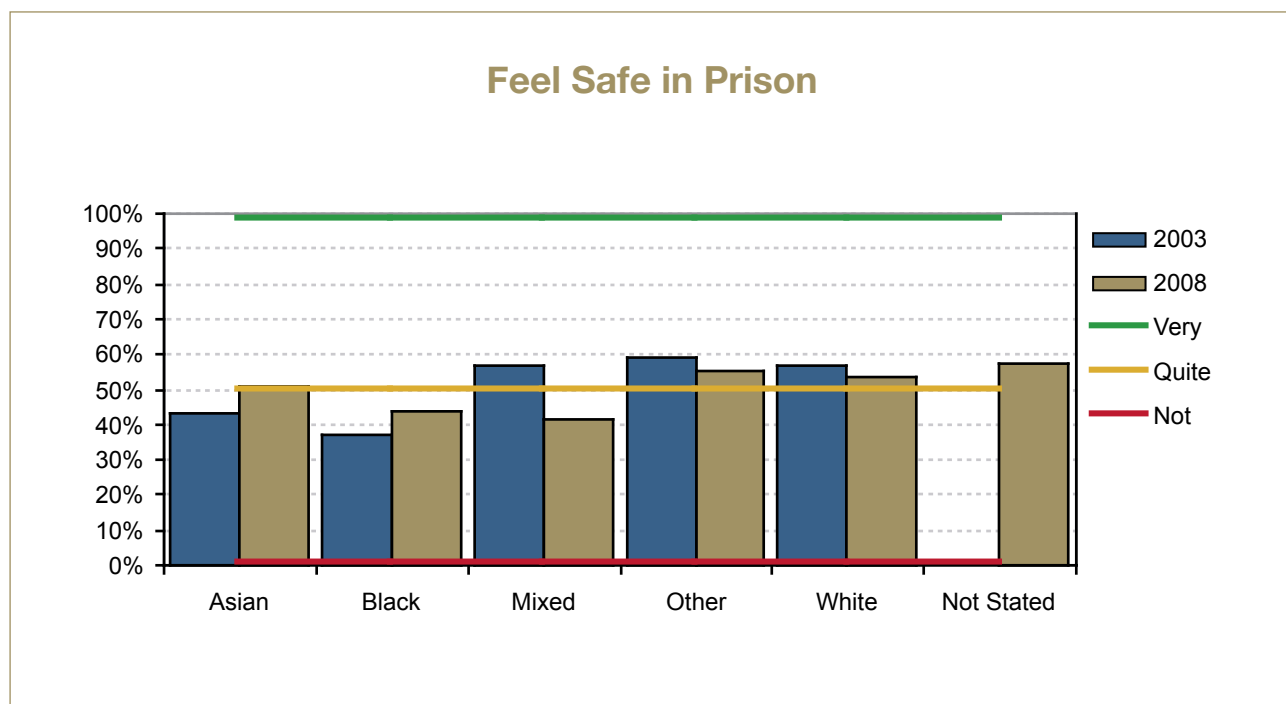
Complaints and Investigations

The number of prisoners who said that they would always or sometimes report an incident has increased from 32% in 2003 to 39% in 2008. In 2008, 57% of the sample had made a complaint, compared to 44% in 2003.

The number of prisoners reporting satisfaction with the way that their complaint was handled increased from 14% to 18%. This figure remains very low, but does show some improvement.

Amongst the comments made by prisoners were calls for independent investigation: ‘Why can’t independent people deal with complaints as the same officers deal with complaints and they are friends with the officers who the complaint is about’. Others felt that their views were not heard: ‘I am told by the prison that I do not know what racism is’.

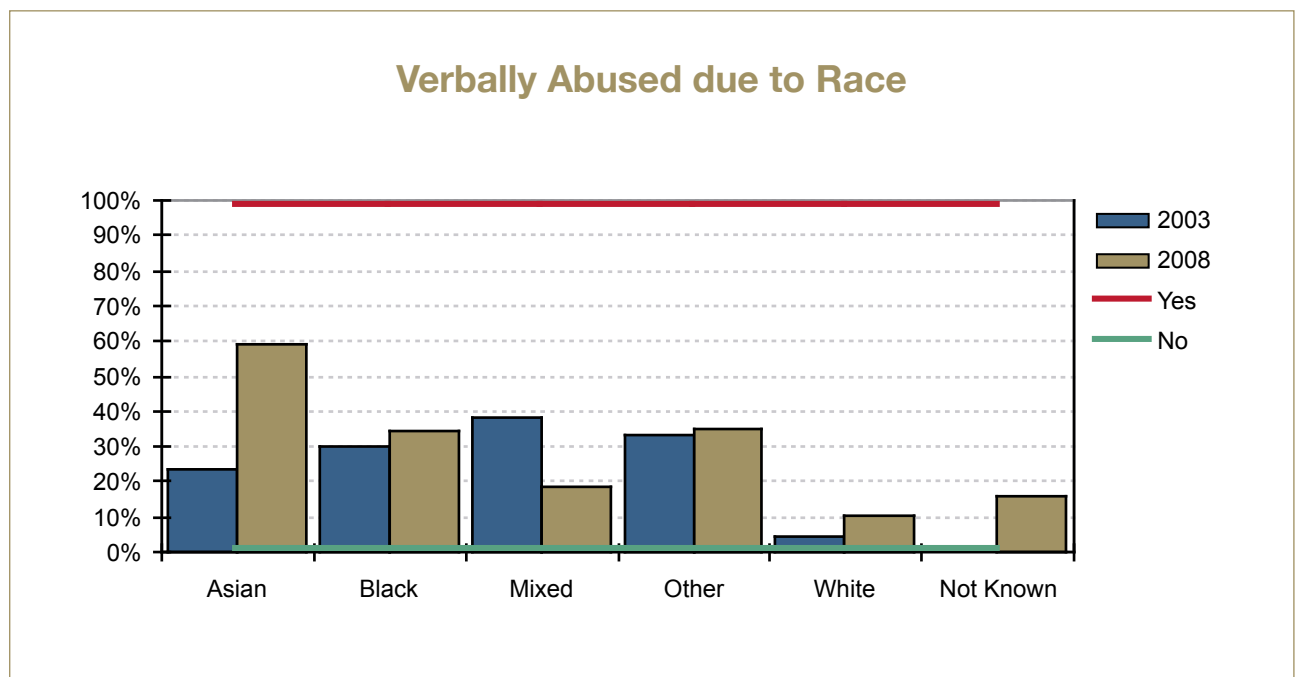
Some prisoners were a little more positive: ‘As a whole, this prison is good when it comes to race equality issues, though when staff are involved no further action is taken, and this policy then divides the prisoner-staff relationship even further’. And some were complimentary: ‘I made a complaint about being troubled by other inmates. The officers took action immediately and moved me to a single occupancy room. So I was satisfied with how it was handled’.



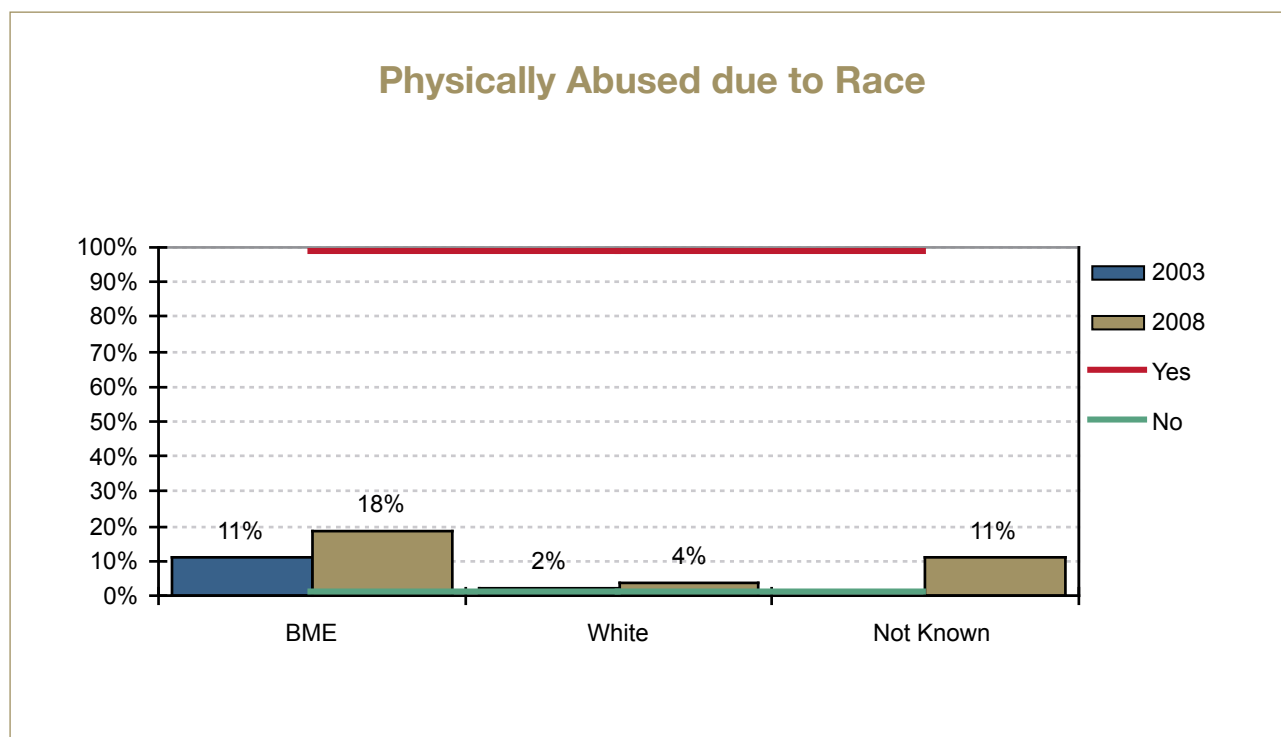
General Atmosphere

Overall perceptions of safety in 2008 were broadly the same as those in 2003, but the results for some groups increased whilst those for others decreased. The number of prisoners responding that they had experienced racial abuse had increased between 2003 and 2008, and this increase was particularly striking amongst the Asian group.

This increase had also occurred with regard to experiences of physical abuse on grounds of race.



Some comments reflected very negative perceptions: 'It seems that we live in another country where only white men are entitled to fairness'. Whilst others were much more positive about their treatment: 'I wanted to thank some of the officers who have been really good with prisoners and they can understand we are in the hard part of our life'.



Discussion

Comparisons between the two sets of results need to be undertaken with caution. Whilst attempts were made to use the same methods, the sampling strategies were different, with IONANN seeing only prisoners already unlocked and participating in activities, whilst the Nacro sample was random. Not only this, but the proportions of the respondents in the different prisons varied between the two samples, making comparisons even more difficult to sustain.

Having said this, the picture on both access to goods and services and complaints and investigations is very similar to that described by the Review Teams. On access, there has been some improvement in most areas, but the perceptions of BME prisoners remain more negative than those of White prisoners. On complaints, prisoners are more willing

to report incidents and make complaints, and satisfaction with the response has improved a little, but remains low.

The area in which there is a discrepancy between these survey results and those reported by reviewers is around the general atmosphere in prison. There is a consensus amongst informed commentators that this has improved, but these results would suggest the opposite, with the prevalence of racist abuse having increased. It is difficult to account for this discrepancy in any way other than to suggest that prisoners are more aware of, and willing to report, abuse and/or that they now have higher standards in terms of the behaviour that they expect and are willing to tolerate.

Annex G

Seminar on the use of discretion

This seminar was hosted by the Institute of Criminology at Cambridge University. Participants included practitioners from across the Prison Service – Race Equality Officers, Diversity Managers and Governors, as well as staff from Race and Equalities Action Group, representatives of partner organisations and external stakeholders, and academics.

This annex contains brief summaries of the presentations and discussions at the seminar.

Prison officers, peacekeeping and the use of discretion – Professor Alison Liebling

Drawing on her research, Professor Liebling set the scene for the discussion by arguing that being a good prison officer involves being good at not using force but still getting things done. This legitimate and effective use of authority requires a clear ‘bigger picture’ – a sense of focus and purpose and an understanding of the moral and emotional climate of the prison. Senior officers are the key translators and enforcers of this bigger picture, connecting the Senior Management Team to the officer-prisoner interface.

These moral and emotional climates are shaped by values, ideas and relationships. Prisons are special moral environments in which how prisoners and staff feel treated has serious consequences for what happens to them. The relationship between staff and prisoners is at the heart of the whole prison system, and control and security flow from getting that relationship right. Prisons depend on staff having a

firm, confident and humane approach that enables them to maintain close contact with prisoners without confrontation. In this context, a right relationship is different from what would be seen as a good relationship in other contexts: it is about the quiet flow of power against a background of respect and order.

Using an appreciative inquiry approach to identify success has identified that a key part of the best work of prison officers is the under-use of power. A typical prison officer definition of success is ‘a quiet day’, but this means more than the absence of trouble. It involves the avoidance and resolution of conflict through negotiation. It derives from positive efforts to achieve peace, requiring skills of foresight and diplomacy. Success is achieved neither by those who are reluctant to use force, nor those who are eager to do so, but by those who are willing to do so, but for whom it is mostly rendered unnecessary by their use of these other skills.

Relationships between staff and prisoners are the oil that smoothes the flow of prison life. They develop around shared tasks and social practices, and constitute the framework through which decisions are made by officers and evaluated by prisoners. In this sense, decisions are embedded in relationships.

Staff power has a number of bases, each used to different degrees at different times in different contexts. Coercive power is the most obvious, but there are also more subtle forms available, from reward and exchange power to expert power and personal authority. The work of the prison officer is about making choices about how

to use these different forms of power. It is not about rule following and compliance, but about negotiation and the interpretative craft of policing the prison.

Professor Liebling concluded by arguing that there needs to be more dialogue about how this power is used, and quoted two prisoners to illustrate the difference between staff getting it wrong and getting it right:

'When I first came in I had no pillow. I approached two officers – they were chatting, so I waited. Eventually, one of them asked me what I wanted. He said 'You're not entitled to a pillow' and carried on chatting. They were not concerned about me. That seems minor, but it's crucial. It can turn you into a different person.'

'Respect, right? It's something about what I was saying with that cup of tea. An officer got me a cup of water at lock up so I could make myself one. Someone wanted to recognise that I'm a person. Do you know what I mean?'

The Use of Discretion and Race Equality – Chris Barnett-Page

Chris sought to apply some wider research to Alison's insights about prison officers, and to set the scene for the discussion of the use of discretion in the context of race equality.

There is extensive research on the prevalence of unconscious bias in our attitudes, and how this affects our behaviour and outcomes in society. For instance, Gladwell cites a study that found that 4% of the US population is over 6'2' tall, but 33% of the Chief Executive Officers of Fortune 500 companies are that tall – for every inch taller an American is, they earn on average \$800 dollars more per year. It is hard to argue that this is because they are naturally more talented, or that people consciously select taller people over shorter ones. Something more complicated involving unconscious attitudes is at work here. Moreover, some of these biases are about race – around 80% of people (including the majority of Black people) undertaking the Implicit Association Test that measures unconscious attitudes have a pro-White bias.

Given that these attitudes exist, there is particular reason to believe that they will be at work in prison staff. An overwhelmingly White group of staff exercises power over prisoners (including a disproportionately large population of BME people because of the cumulative bias in the criminal justice system) who are a stigmatised group. Many of the White staff that we recruit have little experience of BME people in other contexts. They are therefore particularly at risk of stereotyping BME people as criminals. This is not a moral judgement

about them, it is just a fact – fundamental and group attribution errors are likely to be a play, meaning that they subconsciously account for the disproportionate BME presence in prisons through dispositional explanations ('that's what they are like') rather than situational ones ('he happens to be here because of a series of events in his life and his responses to them').

Not only this, but also interactions between staff and prisoners often occur in pressured situations in which reflection is impossible and basic responses are activated – if unconscious bias is present, these are precisely the situations in which we would expect to see it activated.

Sociologically, prison staff – like teachers and police officers – can be seen as what Lipsky calls street-level bureaucrats. They are alienated state workers with limited resources who interact directly with involuntary (and needy) clients. They have limited control over their work, and never have enough time or resources to meet the needs of prisoners. This is the context in which they exercise discretion, and a number of its features make unequal treatment a likely outcome. Staff are making difficult decisions based on their own judgement, their work is largely unseen by managers and they get little feedback on it. Moreover they are dealing with a stigmatised group of prisoners about whose offences and histories they may have strong views, or at least about which they will be aware of strong media messages. And they need in this situation to protect their own self-image and to convince themselves that they are doing a good job. Against this background, favouritism is a rational strategy: the

teacher's pet (or wing cleaner) is not only an obedient client, but also serves to confirm the member of staff's own capability. Add these pressures to the unconscious race bias, and race-unequal outcomes become even more likely.

The psychological pressures on staff working in a prison environment make such outcomes even more likely. As Menzies-Lyth argues, institutions evolve in ways that function to protect staff from anxiety. This is true also of prisons, and some of the key defence mechanisms used by prison staff mean that race equality issues are seen as threatening – they are a further difficulty in an already stressful environment, and they come with a threat (the message that if you get it wrong you will be dismissed) and no incentive (nobody will thank you for taking it on, or even for getting it right).

We can see all these factors at work best by working through an example. A White prison officer with few other relationships with Black people is likely unconsciously to be less comfortable and confident around Black prisoners. Moreover, encountering disproportionate numbers of Black people in the prison context may well reinforce any prejudices that the officer holds. Noticing this lack of comfort, a Black prisoner could respond by becoming wary of and avoiding the officer, feeling that the officer is likely to behave in the same discriminatory way as others in authority over him in the education and criminal justice systems have done.

The predictable outcome of this is that the officer sees this behaviour as suspicious and feels threatened. He uses discretionary power not to reward the prisoner, despite

his behaviour being as good as that of other prisoners, resulting in a differential outcome in terms of the incentives scheme.

Moreover that suspicion may result in the submission of a security information report that results in the prisoner suffering further detriment through being targeted for a cell search. This prisoner could then become disaffected and the officer may then use discretion to sanction the behaviour. The prisoner will have suffered considerable disadvantage, without anybody having done anything that would fall within the prevalent understanding of racism as being the result of a conscious act.

Against this background, it is no surprise that in the period April–September 2008, black prisoners were more likely to:

- be on basic regime — on average around 30% more likely
- be in the segregation unit for reasons of Good Order or Discipline — on average around 50% more likely
- have force used against them — on average around 60% more likely

Chris Barnett-Page concluded by suggesting that the way forward may be less about further management interventions and seeking to control the way in which discretion is used, and more about nudging staff practices by improving the architecture surrounding the choices that they make.

Some examples might include:

- ensuring that effective monitoring takes place and that its results are widely known and acted upon

- incentivising the achievement of equal outcomes – this has been done through the KPT, but sometimes these incentives have been perverse
- improving the impact assessment process and using it as a genuine tool for generating actions to tackle disproportion
- finding more effective ways to give feedback to staff and to help them to reflect on their behaviour. For example, there are examples of the use of force being reduced – and the disproportion in use between ethnic groups being narrowed – through the introduction of a requirement for staff to debrief with a manager after every occasion on which force was used
- articulating the fact that errors will be made, and for the message to be that this is acceptable provided that they are made in good faith and corrected when discovered
- making the business case for race equality. As we have seen, the message that racism is not tolerated can have unintended negative consequences. By contrast, a language that is more positive – around professionalism and the provision of a fair and decent service – and an articulation of the benefits of race equality may be more effective in changing behaviour.

Group discussions

Some of the issues identified in the discussions included a sense that White staff are sometimes withdrawing from BME prisoners because of a fear of being accused of racism. In this context, several participants felt that negative messages to staff about the consequences of misconduct had served their purpose and are now counter-productive.

Some participants felt that the opportunities for staff to reflect on their work are limited. The culture is often not conducive to honest reflection. Where staff do discuss their practice, the result is often pluralistic ignorance – the kind of self-stereotyping typified by the ‘tearoom warrior’ whose image with other staff is of enjoying power and holding negative attitudes to prisoners, but who actually undertakes the work in a very different and more professional way.

In this context, encouraging reflections and debriefs will only be effective if the process is properly managed, and part of this needs to include normalising the discussion of the anxiety issues discussed in the presentation.

Moving forward through the notion of the professional prison officer was felt to be a good way in to this issue. Staff confidence is very important here.

Some participants felt that this could be achieved through cultural awareness training, whereas others suggested that this is more about attitude than knowledge, and could best be achieved by facilitated dialogue, and/or by staff and prisoners participating together in a shared activity

– there were very positive reports from shared training events, for instance.

This was described as in line with developments in the Police, where, following Macpherson, the initial response had been to attempt to regulate discretion. This was not seen as having been successful, and the Police are now emphasising the notion of professional judgement and giving more trust to frontline staff.

There was an appetite amongst participants for changes to the recruitment and training of staff. Recruitment should include more positive action to ensure a more diverse workforce, and consideration should be given to introducing psychometric screening to eliminate those with negative attitudes towards difference.

There was a feeling that there should be a different emphasis to initial training, with more input from existing officers identified as being good, and more of an opportunity for new staff to use training to recognise and correct any unconscious bias. Training should be more about decision-making and less about learning policies.

It was agreed that there is a need to be proactive in managing the issues. Managers need to take a lead, setting a positive example. First line managers are crucial, and need to brief staff as well as checking and auditing. Positive feedback needs to be given to staff wherever possible.

There needs to be an increased focus on tackling more subtle kinds of racism and those that occur through the effects

of policies and processes rather than individual acts.

Participants felt that key steps that need to be taken are:

- getting the language right – moving away from control, blame and management, and focusing on professionalism, inclusion and fairness
- improving opportunities for dialogue between prisoners and staff, and staff and managers
- sharing best practice between establishments

Further Reading

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Menzies Lyth, I. (1988) 'The functioning of social systems as a defence against anxiety' in Menzies Lyth, I. *Containing Anxiety in Institutions: selected essays, volume 1*

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Seminar on Management Leadership

This seminar was hosted by the Institute of Criminology at Cambridge University. The participants were a selection of Governors and other senior managers, as well as external stakeholders and academics (see list in Annex C). There was nobody from a visible minority amongst the group – a reflection of the very low BME representation amongst senior managers in the Service.

This annex contains brief summaries of the presentations and discussions at the seminar.

Prison Managers and Values – Professor Alison Lieblich and Dr Ben Crewe

As part of a wider study of values, practices and outcomes in public and private sector corrections, Professor Lieblich and Dr Crewe are conducting research into the backgrounds, values, professional discourses and motivations of senior practitioners in the criminal justice sector.

Through in-depth interviews they have sought to develop a picture of the credos of contemporary managers. They are finding that there is now an emphasis on a certain kind of effectiveness and a move away from what might once have been called liberal humanitarianism. Adherents of this new credo see the key outcome as being the protection of the public through reducing re-offending. They place great emphasis on standards generally and accredited regimes and interventions in particular, and are motivated to achieve best value from resources and to pursue links with other agencies to maximise effectiveness.

The past is negatively portrayed by contemporary managers, who say that, whilst there was a rhetoric about liberal regimes, this often belied a reality which included neglect and, in extreme cases, brutality. Most managers now, whatever else they may be, are also realists-pragmatists, and argue that there is a moral case for such pragmatism as it is what is needed to avoid the mistakes of the past.

Managers are relatively liberal in their attitudes on penal policy, but less so in terms of their views on prison management. They are strong moral characters engaged in complex work that requires intelligence and emotional commitment. Those in the public sector have a strong loyalty to the Service and to the Director General. Professor Lieblich and Dr Crewe are developing a typology that comprises a spectrum that runs from charismatic leaders and hard managerialists at one end to a much smaller group of liberal thinker-speakers at the other end. Most effective Governors are now what they term ‘dualists’ seeking to balance pragmatic goals with a moral vision, and to hold in tension security (such as authority and the rule of law) and harmony values (like respect and dignity).

Professor Lieblich and Dr Crewe concluded by saying that they are at an early stage in their analysis and they plan to develop their thinking more fully in the near future.

Discussion

Amongst a wide-ranging discussion of prison leadership, points of particular relevance to race equality issues included:

- a strong sense that the nature of the issues differs from place to place – that diversity is everyday business at some urban prisons with large BME populations of staff and prisoners, but much less so elsewhere
- a sense of disconnect between what the DG and the Board have said about race and their attempts to translate this into reality on the ground in establishments
- a need to ensure that leadership is distributed more widely – many Governors struggle to delegate work and to empower junior managers
- a need for more openness and dialogue – the ability to admit to mistakes and to learn from them
- a concern that we have sought to introduce a managerial solution on a moral problem and an associated call for more leadership and agenda setting and less auditing and checking after the event
- a sense that there is a need to make more effective connections outside the service – through LCJBs and with the voluntary and community sector.

Developing Prison Leaders – Jim Heavens, Resourcing Team, NOMS HQ

Jim explained the priority being given to leadership development, in the light of the increasingly complex demands of the organisation.

Leadership excellence has been defined using a leadership qualities framework, devised by consultants from Roffey Park following interviews with 350 staff across the Service.



This framework comprises:

- purpose – strong sense of direction demonstrated by excellent leaders
- courage – moral and physical courage in tough and challenging environments
- building community – internal relationships. Inspiring, motivating and building internal capability
- astuteness – broader business and physical environment

The Optimising Potential process has been designed to assess and develop senior leader capability. Around 500 senior managers will be going through the process, which involves a range of psychometrics, a 360-degree evaluation,

a technical capability profile and an assessment by the line manager. An in-depth feedback report is produced highlighting strengths and developmental areas, and a summary report is used for succession planning purposes.

The main findings from the first set of reports are that strengths of our current cohort of leaders include:

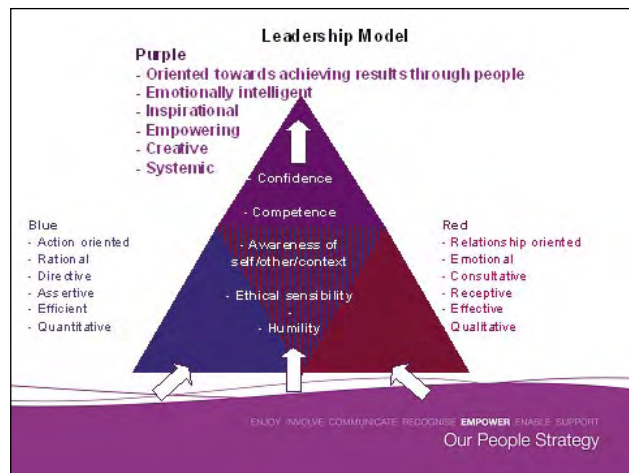
- organisational awareness and overall managerial judgement – weighing up managerial situations and knowing how to deal with them
- managing individuals’ performance and motivation
- appropriate prioritisation and delegation of tasks
- professional modesty – allowing results to speak for themselves
- integrity
- results focus and driven to achieve
- supportive
- ‘up front’ leadership
- decisive
- resilient

Development areas include:

- avoiding team performance
- detail focussed: ‘doing’ of tasks rather than delegating and coordinating others
- reactive rather than thinking longer term
- individualistic in approach
- managing the human side of change
- more staff agreement and involvement
- creation of a learning and development culture;
- receptive to feedback
- need to be more challenging

- aloof and detached style on occasions
- need to be more sophisticated in building and maintaining relationships

From these findings the following leadership model has been developed.



Many of our leaders are currently in the blue section of the model, and the task is to develop the skills listed on the red side in order to move people into the purple section.

One of the main ways in which this is being done is through ‘coaching for engagement’, a programme to build a coaching culture and capability in order to support sustainable high performance across the organisation. Some senior leaders are being accredited as coaches, with HR Business Partners and an operational lead from all establishments attending coaching skills workshops and a toolkit and other resources being developed to support this learning.

Discussion

Most participants felt that this was a recognisable picture of leadership within the Service. Discussion focused on the question of whether there was any data

about the relationship between leadership style and performance – do ‘purple’ Governors run better prisons than ‘blue’ or ‘red’ ones?

There was also a discussion about the extent to which the ‘purple’ position could be achieved by teams made up of complementary individuals, for example a ‘blue’ Governor and a ‘red’ Deputy Governor, rather than by individuals.

Race Equality and Management and Leadership – Matt Wotton, REAG

Matt presented an earlier version of Chapter 8 of this report, inviting participants to discuss the ‘what we still need to do’ section, which at the time of the seminar included a list of seven key steps that need to be taken to improve management and leadership on race issues.

Discussion

There was general agreement amongst participants that the overall message of the chapter was right: considerable progress on structures and processes has been made, but work remains to be done to translate this into the culture.

It was felt that the message that we are determined to root out racism has too often been heard by staff as a purely instrumental injunction to avoid mistakes – ‘watch your back’ – rather than as an engaging normative leadership message about decency and fairness for all as an important element of our core business.

Greater engagement with unions was felt to be important – joint statements of intent would increase the likelihood of positive messages being heard by staff.

Some participants felt that the recruitment of more BME staff – and positive action programmes to develop BME leaders – should play an important part in the plans to move forward.

Glossary of Terms

ACA

Audit and Corporate Assurance: internal unit that measures establishment performance against Prison Service Standards.

Adjudications

Disciplinary hearing carried out in the interests of maintaining order, control and a safe environment.

BME

Black and Minority Ethnic.

CCNVQ

National Vocational Qualification in Custodial Care.

'Challenge It – Change It'

Diversity training course for all prison staff.

CRE

Commission for Racial Equality, now the Equality and Human Rights Commission.

DG

Director General.

EHRC

Equality and Human Rights Commission: established 1 October 2007 and took over responsibilities of the Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission. Also has responsibility for rights in relation to age, sexual orientation, religion and belief, and human rights.

GOoD

Prisoners are segregated for reasons of Good Order or Discipline when there are

reasonable grounds for believing that the prisoner's behaviour is likely to be so disruptive or cause disruption that keeping the prisoner on ordinary location is unsafe.

GTR

Gypsy Traveller Roma.

HMCIP

Her Majesty's Chief Inspector of Prisons.

HMP

Her Majesty's Prison.

HMYOI

Her Majesty's Young Offender Institution for young offenders 18–21 years old and/or juveniles (15–17 years old).

HRBP

Human Resource Business Partner: internal HR support staff.

IAG

Independent Advisory Group: external body set up to oversee the work of this review.

IEP

Incentive and Earned Privileges: policy structuring privileges according to compliance and constructive behaviour with three levels: basic, standard and enhanced.

IMB

Independent Monitoring Board.

JSAC

Job Simulation Assessment Centre.

KPT

Key Performance Target.

LIDS

Local Inmate Database System.

MoJ

Ministry of Justice.

MQPL

Measuring the Quality of Prison Life.

Nacro

National Association for the Care and Resettlement of Offenders.

NOMS

National Offender Management Service.

OCN

Open College Network.

PMB

Programme Management Board: internal NOMS management structure overseeing work on the Prison Service Race Equality Action Plan.

P-NOMIS

The Prison Service's new IT system, due to replace LIDS in 2009.

POELT

Prison Officer Entry Level Trainee.

POPS

Partners of Prisoners.

POST

Prison Officer Selection Test.

PRT

Prison Reform Trust.

PSO

Prison Service Order: instructions to prisons.

PSO 2800

Prison Service Order on prisoner race equality.

PSI

Prison Service Instruction: an addition to a Prison Service Order.

RAG

Race Advisory Group: independent advisory group to NOMS.

REAG

Race and Equalities Action Group: NOMS headquarters policy and service delivery unit leading on prisoner race equality, and more recently on policy for religion, disability, sexual orientation, age, gender and gender identity.

REAP

Race Equality Action Plan: programme of work which includes actions to address the CRE failure areas, recommendations of the Mubarek Inquiry and areas for development identified by HMCIP in their Parallel Worlds report.

REAT

Race Equality Action Team: leads on race equality work in an establishment.

REIA/IA

Race Equality Impact Assessment/Impact Assessment.

REO

Race Equality Officer: manages day-to-day race equality work in an establishment.

RESPECT

Prison Service BME staff network.

RIRF

Racist Incident Reporting Form: used by staff, prisoners and visitors to report potential racist incidents.

RR(A)A 2000

Race Relations (Amendment) Act 2000.

RRMT

Race Relations Management Team: now known as the REAT.

SDET

Staff Diversity and Equality Team: part of the Human Resources directorate.

SDIT

Service Delivery and Implementation Team: part of REAG, supporting work in establishments.

SMART

Systematic Monitoring and Analysing of Race Equality Template: IT-based ethnic monitoring tool.

SMART II

Updated version of the above.

SMT

Senior Management Team.

SPDR

Staff Performance and Development Record.

Segregation Unit

Unit where prisoners are held when awaiting adjudication, punishment, for reasons of GOoD, or for own protection.

SSC

Shared Service Centre: central provider of HR and finance services for NOMS.

Standards

Measures against which prisons are audited.

Standard 48

The standard against which an establishment's performance on race equality for prisoners is measured.

Standard 62

The standard against which an establishment's performance on race equality for staff is measured.

Use of Force

Where prisoners are restrained physically using prescribed techniques i.e. C&R, Control and Restraint.

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