



Ministry
of Justice

Guide to HMPPS Offender Equalities Annual Report **2019/20**

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Technical Guide for the HMPPS Annual Offender Equalities Report

Introduction

This document provides further detail on the statistics presented in the report HMPPS Annual Offender Equalities Report 2019/20.

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

Overview of HMPPS Annual Offender Equalities Report

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

Timeframe and Publishing Frequency of Data

This publication is produced on an annual basis and provides information relating to financial years 2019/20; the latest financial year period for which data are available. The next publication is scheduled for release in November 2021.

Revisions Policy

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

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

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

1. Changes in Source of Administrative Systems or Methodology

This release of the Offender Equalities Annual Report contains a new section reporting protected characteristic information for offenders who started and completed accredited programmes while in custody. Breakdowns are available by gender, age, ethnicity, religion or belief and marriage and civil partnership; by type of accredited programme. Please note that the figures refer to the total number of starts and completions, rather than a count of the unique number of offenders in custody who started or completed accredited programmes.

2. Receipt of Subsequent Information

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

3. Errors in Statistical Systems and Processes

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

About the Data

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

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

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

Data Sources

Data on offenders have been drawn from a range of different sources. Data on prison population¹ are published by the Ministry of Justice. This data drawn from administrative systems and the data quality is generally assessed to be good. Data for other topic areas are sourced from the HMPPS Performance Hub, Case Management systems; and in the case of transgender statistics, a specialised annual data collection administered by individual prison establishments.

Data quality is assessed to be good where published. Where data does not meet quality standards or where it has not been possible to identify demographic information on offenders the data are excluded from the release (e.g. accredited programmes for offenders in the community).

Transgender Prisoners

Details of the number of transgender prisoners were provided by Equalities Representatives in public and private prisons in England and Wales, in March and April 2016, March and April 2017, March - May 2018 and March and April 2019. This collection did not take place in

¹ Prison population data can be found at: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2019>

2021 due to operational changes across all prisons in response to the COVID-19 pandemic. New guidance on the care and management of transgender offenders was issued prior to the collection of data in March/April 2017. This might have led to an increase in the number of transgender prisoners recorded when compared with results from the March/April 2016 data collection.

Population and Percentages

Prison population statistics as at a point in time (31 March²) have been used for sections analysing prison population, and prisoner Incentives status, as this reflects current reporting practice in HMPPS statistical publications and is the basis on which the statistics on prisoner Incentives status are collected.

Percentages are provided to enable comparisons for each of the protected characteristics and are used to represent the proportion (e.g. Black, Asian or Minority Ethnic) within a particular population and to represent the proportion of a specific outcome (e.g. completions for accredited programmes out of all calculated to be eligible) for a group (e.g. male prisoners).

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

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

Use of Technical Terms and Abbreviations

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

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

Ethnic Group Classification

To enable meaningful time series comparisons and to avoid disclosing confidential or personal information about offenders, this report continues to present data using the 5 + 1 ethnic groupings (Asian or Asian British, Black or Black British, Other ethnic group, Mixed ethnic group, White, Not Stated) classification that has traditionally been presented in the HMPPS Equalities Annual report. Data collected are based on the 18 + 1 classification used in the 2011 Census. A small number of cases will still be based on the old 16 + 1 2001 census classifications, however, these align to the same 5 + 1 classifications meaning there is no impact on comparability.

² Apart from for years 2005 – 2011 where this data was not available for all protected characteristics being analysed, and data was used as at 30 June.

Glossary for the HMPPS Offender Equalities Annual Report

Black, Asian and Minority Ethnic (BAME)

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

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

Electronic Monitoring

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

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

Electronic monitoring may be used:

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

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

³ Figures on Electronic monitoring (EM) for new orders and the number of monitored subjects were published in the HMPPS Annual Digest 2019/20 at: <https://www.gov.uk/government/statistics/prison-performance-ratings-2019-to-2020>

The national roll out of satellite enabled (GPS) location monitoring tags from November 2018 has made GPS tags available as an option for some court and post-custody cohorts. This is in addition to the use of GPS tags to monitor a small number of specialist cases. The tags use satellite technology to record an individual's movements 24 hours a day. There was a regional phased roll-out to ensure each region was sufficiently supported.

Incentives (formerly Incentives and Earned Privileges or IEP)

An incentives scheme (formerly known as Incentives and Earned Privileges - IEP) was introduced in 1995 with the expectation that prisoners would earn additional privileges through demonstrating responsible behaviour and participation in work or other constructive activity. They allow prisoners to earn privileges through good behaviour and engagement in the regime and rehabilitation. Privileges can also be lost through poor behaviour. The IEP scheme operated on four levels: Basic, Entry, Standard and Enhanced, until August 2019 when Entry level was abolished. It was replaced by the Incentives Policy Framework in January 2020. The new policy has a greater focus on incentivising positive behaviour, providing consistency in key areas, whilst giving governors greater flexibility to tailor incentives to the local needs and challenges in their prison.

Prisoners typically start on Standard level, and positive behaviour can be rewarded with progression to Enhanced (or levels above Enhanced, where individual prisons have chosen to operate an incentives scheme with levels above Enhanced), while poor behaviour can result in prisoners being placed on Basic – with the associated increase or reduction in privileges. Basic level provides access to the safe, legal and decent requirement of a normally running regime.

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

Mother and Baby Unit (MBU)

A Mother and Baby Unit (MBU) is a designated living accommodation within a women's prison which enables mothers, where appropriate, to have their children with them. Women who are pregnant or who have children under the age of 18 months can apply for a place in an MBU.

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

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

Prisoner Population

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

On 30 June 2015, the data extracts used to produce statistics on the prison population transitioned to a new extract which extracts information from the Prison-NOMIS system directly and without needing to be processed by the Inmate Information System. As a result, vast improvements in data quality were observed and more detailed information about the prison population became available. In particular, the new extract has more accurate sentence length information and richer detail about offences committed.

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

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

Sexual Identity

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

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

Sexual Orientation

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

Transgender Prisoners

Transgender prisoners are defined as those individuals known within prison to be currently living in, or are presenting in, a gender different to their sex assigned at birth and who have had a case conference (as defined by PSI 17/2016 The Care and Management of Transgender Offenders⁴).

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

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

⁴ This replaced PSI 07/2011 – Care and Management of Transsexual Prisoners in January 2017. Information about the review which led to new guidance is available at: www.gov.uk/government/publications/care-and-management-of-transgender-offenders