



Ministry
of Justice

Guide to HMPPS Offender Equalities Annual Report **2020/21**

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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 2020/21.

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 2020/21; the latest financial year period for which data are available. The next publication is scheduled for release in November 2022.

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).

Accredited Programmes

All of the interventions included within this publication are accredited via CSAAP. It includes programmes that have been designed and developed by HMPPS and also programmes designed by external providers such as the Rehabilitation for Addicted Prisoners Trust (RAPt

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

12 Step programmes) and Delight Services (COVAID) and Kainos Community (challenge to change).

It is important to note there are also numerous non-accredited group-based interventions targeted at a range of criminogenic needs which are delivered within the criminal justice system. Data for non-accredited programmes are currently not available.

Many programmes included in this review are no longer accredited, have been subsequently replaced or are no longer delivered. Accredited programmes are routinely reviewed as part of the CSAAP process for accreditation. CSAAP can grant accreditation for a period of up to five years, at which point a programme must be resubmitted. The accreditation process includes reviewing the latest theory and evidence that underpins a programme to ensure that they are as effective as possible in reducing reoffending. This can result in minor changes being required to a programme, or an entirely new programme being developed. Re-accreditation may also not be sought if there has been a substantial drop in the need for a programme.

HMPPS has a range of accredited programmes, varying in length, complexity and mode of delivery. Programmes have been developed to target the particular risks and needs for different types of offending behaviour. To achieve accreditation, programmes must be assessed to make sure they are targeting the right people, focusing on the right things, and being delivered in a way that is most likely to reduce reoffending. All HMPPS accredited programmes are monitored to give programme integrity.

In this publication, programmes are grouped into one of five categories: Domestic Violence, General Offending, Sexual Offending, Substance Misuse or Violence:

- Domestic Violence programmes are targeted at males who have offended against an intimate partner within the context of a heterosexual relationship. The aim is to reduce violent behaviour in intimate relationships.
- General Offending programmes consist of a range of interventions based on life skills acquisition and cognitive behavioural theory. They are designed to address the link between thinking, attitudes, beliefs and offending. Participants are encouraged to learn and practice life skills, such as problem solving, social skills, self-control and positive relationships, that will help them on their journey towards desistance from offending.
- Sexual Offending programmes aim to reduce offending by men convicted of sexual offences. Sexual offending does not have a single cause, and so treatment needs to address a range of risk factors. HMPPS provides a range of programmes which are offered according to the level of risk and need of the offender. A treatment pathway for males with learning disabilities is also available. The current commissioning strategy including SOTPs, are set out in the NOMS Commissioning Intentions 2014, and companion documents.
- HMPPS accredited substance misuse interventions are recovery focused, and based on life skills acquisition, cognitive behavioural theory, and a programme which combines cognitive behavioural and educational approaches. All of the programmes are designed to address the link between substance misuse and offending. It should be noted that the HMPPS suite uses the umbrella term of 'substance misuse interventions' which covers both alcohol and drug treatment, with some programmes addressing both.
- HMPPS Violence programmes have expanded from moderate dose cognitive skills and anger management programmes to more specialised and high intensity programmes for high risk and personality disordered males and women. The current suite of programmes incorporates the most contemporary research and evidence in neuro-cognition and

desistance theories and methods. The programmes also target associated and contributory risk factors including weapons and peer/gang related behaviours as well as work on identity. For the purposes of this publication, a programme start is counted as attendance at the first session of the programme and a programme completion is counted on attendance at the last session of the programme.

Programmes may also have other components which do not form part of these statistics, for example, pre and post evaluation measures, post-programme reports and pre and/or post programme sessions with the Offender Manager.

This data should not be used for the purposes of attempting to calculate completion rates. Starts from one year may complete in a subsequent year, and completions in one year may have started in a previous year.

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, March and April 2019 and in April and May 2021. This collection did not take place in 2020 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 in 2017 and was then replaced with the current policy framework in 2019. It is possible that improved guidance may have contributed to subsequent increases in the number of transgender prisoners being recorded over time

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. female 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.

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.

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.

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:

³ Figures on Electronic monitoring (EM) for new orders and the number of monitored subjects were published in the HMPPS Annual Digest 2020/21 at:

<https://www.gov.uk/government/statistics/hmpps-annual-digest-april-2020-to-march-2021>

- 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.

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.

Alcohol monitoring tags were introduced in Wales on 21 October 2020 to support the new community sentencing option; the Alcohol Abstinence and Monitoring Requirement (AAMR). Individuals on an alcohol monitoring tag are not included in this report. For more information about alcohol monitoring visit:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028971/AAMR_publication_AdHoc_release_Final.pdf

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.

The reference point for the latest years' data is 31st March 2021. On the 23 March 2020, operational changes to the way prisons were run were enacted in response to the COVID-19 pandemic. This affected the Incentives regime and as certain regime mitigations were put into place to alleviate the impact of COVID restrictions, Basic Incentives were only used in exceptional circumstances. As such, the percentage of prisoners on Basic Incentives status is lower in the current reporting 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 local case board (as defined by ‘The Care and Management of Individuals who are Transgender’ policy framework⁴).

Those completing the returns were asked to exclude prisoners with GRCs from their data. This is because the Gender Recognition Act 2004 makes it a criminal offence to disclose that someone holds a GRC unless a relevant exemption within the Act applies. A count of the number of prisoners with a GRC was collected for the first time in 2021. The Gender Recognition Act 2004 makes it an offence to disclose that someone has a GRC, so it was necessary to ensure that prisoners’ anonymity was maintained. Therefore, no information on the prisoners’ other personal characteristics was collected, only the total number of these prisoners. 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.

⁴ This replaced PSI 17/2016 – The Care and Management of Transgender Offenders in August 2019.

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.

Completion of Community Orders and Suspended Sentence Orders

Description & Rationale

This is defined as the percentage of completions of Community Orders and Suspended Sentence Orders by offenders under probation service supervision in a given period where the reason for that completion of the Community Order or Suspended Sentence is positive.

This indicator is designed to give an overview of the offender's compliance over the life of the order and provide assurance that the sentence is delivered in its entirety

Technical Description

Negative completion means for each offender:

(a) that offender's Community Order is revoked as a result of a breach of the Community Order by that offender or as a result of that offender Person having been convicted of a further offence, or

(b) the original custodial sentence for that offender is activated for either the original term or a lesser term as a result of that offender being convicted of a further offence or a failure by that offender to comply with the community requirements of its Suspended Sentence Order;

Neutral completion means, for each offender:

(a) the death of that offender;

(b) the offender transfers to an Alternative Jurisdiction or is deported from England and Wales; or

(c) where the offender is subject to a Community Order or Suspended Sentence Order, the order is revoked by the court as a result of a change in circumstances of that offender (other than those change in circumstances that would constitute a Negative Completion); or

(d) the offender is subject to a Supervision Default Order (SDO)

Positive completion means:

For each offender, that offender's Community Order or Suspended Sentence Order (in each case as applicable) has ended and no Negative Completion or Neutral Completion has occurred in relation to that offender.

Breach

Breach in the context of this report means action being taken by the probation service in response an alleged breach of a Community Order or Suspended Sentence Order.

An unacceptable failure to comply defines the beginning of breach proceedings and can consist of unacceptable absences and/or unacceptable behaviour, including further offending, while on a relevant order. It is the supervising officer's responsibility to determine

the relevant unacceptable failure to comply and instigate breach proceedings. This involves the officer making an application for summons or warrant to return the offender to court for breach.

At court the breach hearing will determine whether the alleged breach is upheld or not proven. If upheld, the court may decide to allow the order to continue or revoke the original order and replace it with a new order or a custodial sentence. If the breach is not proven, the order will continue. In the case of a proven breach of a Suspended Sentence Order, the suspended sentence will be activated, and the offender will be sent to custody.