



Policy Name: Advancing Equality for Offenders and Children in Custody Policy Framework

Reference: For Establishments, Secure Training Centres and Approved Premises

Re-Issue Date: 17 October 2024

Implementation Date: 1ST January 2025

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled: PSI 32/2011 Ensuring Equality

Introduces amendments to the following documents: N/A

Action required by:

<input checked="" type="checkbox"/>	HMPPS HQ	<input checked="" type="checkbox"/>	Governors
<input checked="" type="checkbox"/>	Public Sector Prisons	<input checked="" type="checkbox"/>	Heads of Group
<input checked="" type="checkbox"/>	Contracted Prisons	<input checked="" type="checkbox"/>	Under 18 Young Offender Institutions
<input checked="" type="checkbox"/>	Probation Service	<input checked="" type="checkbox"/>	HMPPS-run Immigration Removal Centres (IRCs)
<input checked="" type="checkbox"/>	HMPPS Rehabilitation Contract Services Team	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Other providers of Probation and Community Services		

Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

For Information: By the implementation date Governors¹ of Public Sector Prisons and Contracted Prisons must ensure that their local procedures do not contain the following: [Click here to enter text](#)

Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

Supporting guidance on how to implement the mandatory requirements set out in this Policy Framework will be available from the Diversity and Inclusion pages on the intranet - Diversity and inclusion (sharepoint.com). Whilst it will not be mandatory to follow what is set out in this guidance, clear reasons to depart from the guidance should be documented locally. Any questions concerning departure from the guidance can be sent to the contact details below.
HMPPSDiversity_Inclusion@justice.gov.uk

Audit/monitoring: Public Prisons and Youth Secure Settings – Prison Group Directors will monitor compliance of the requirements set out within the framework in their prisons.

Privately Managed Prisons - Monitoring of compliance will be through the standard contract management processes.

¹ In this document the term Governor also applies to Directors of Contracted Prisons.

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His Majesty's Prison and Probation Service – compliance is monitored by Area Executive Directors (AEDs) Prison Group Directors (PGDs), Regional Probation Directors (RPDs) in their area and region. Quality assurance is provided by the HMPPS Operation & System Assurance Group. An annual data collection exercise by MOJ Analytical Services is completed each year to inform the HMPPS Annual Equalities Offenders report published in November. HMPPS Disparities Unit will review and update this Policy Framework as required and provide further input to OSAG through supporting the review of HMIP recommendations outlined in Prison and Probation Equality Action plans.

Resource Impact

Advancing Equality for offenders and children in custody² is a duty that will be met locally through case management, access to regimes, programmes, regional/local action plans and obtaining better business outcomes. This will have an impact on local resources, in that it should provide greater efficiency. Guidance materials to accompany this Policy Framework will be developed for staff, and training needs considered. Further staff support is available through regular training and support sessions provided by relevant HMPPS Departments. Staff should make use of the guidance provided by the HMPPS Disparities Unit to apply this policy locally and contact the functional mailbox below for any additional advice.

Contact: HMPPSDiversity_Inclusion@justice.gov.uk

Deputy/Group Director sign-off: Sam Clifton, Deputy Director, Professional Standards and Behaviour.

Approved by OPS for publication: Sarah Coccia and Ian Barrow, Chairs, Operational Policy Sub-board, September 2023

Review

Date	Action
17 October 2024	<ul style="list-style-type: none">• Title change• Removal of references to some external research• Strengthening of our legal basis - Equality Act / Public Sector Equality Duty• Replaced references to the 'D&I Team' with 'Disparities Unit'• Links updated.

² The term 'offenders' includes prisoners and those on probation. Children are mentioned separately by exception

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1 **Purpose**

- 1.1 The HMPPS Business Strategy³ sets out HMPPS' vision and principles as an organisation, showing how we will deliver our services to achieve positive outcomes. Our vision is: *working together to protect the public and help people to live law-abiding, positive lives*. Advancing equality is essential to achieving this. We need to develop and deliver effective services to create an environment where we treat one another and those in our care with decency, respect and humanity; empowering us to make HMPPS a more respectful, inclusive and fair place to work and to rehabilitate our cohorts of people helping to strengthen the frontline and deliver the best services possible to help reduce reoffending.
- 1.2 This framework sets out how best to manage offenders and children in custody in line with the Equality Act 2010. It also ensures that our obligations under the Public Sector Equality Duty are met, in respect of our care and management of offenders and children in custody. This framework replaces the previous policy 'Ensuring Equality' PSI 32/2011.
- 1.3 This framework applies to all custodial establishments including prisons, contracted establishments, Immigration Removal Centres and Youth Custody establishments as well as the Probation Service regions, services delivered on behalf of the Probation Service and Approved Premises.
- 1.4 This document is purposefully brief and contains links to comprehensive guidance material to provide further information on specific areas. This will be updated as necessary to reflect the legislative position and give examples of best practice during the lifetime of this framework.
- 1.5 The aim of this framework is to provide HMPPS staff with structures and activities to ensure that our obligations to the Equality Act 2010 and Public Sector Equality Duty are embedded across all areas of the organisation. It also provides direction and guidance in the implementation and monitoring of measures associated with Diversity and Inclusion for all offenders and children in custody.

2 **Evidence**

- 2.1 This framework has been informed by consultation with stakeholders across the organisation and developed using offender equalities data. It has also been aligned to other relevant policy areas.

We will continue to build up our evidence base to test our methods. Evidence sources will include:

- Ongoing equality analysis – see section 4.4
- Offender equalities data, both published by MoJ and unpublished internal management information i.e. <https://www.gov.uk/government/collections/hmpps-annual-offender-equalities-report>
- Feedback from staff and offenders
- Results from people surveys (Including staff networks)
- Independent monitoring (i.e. HMIP, IMB)
- Internal audit and assurance procedures
- Quarterly Workforce Statistics
- Trade Unions

³ HMPPS strategy (sharepoint.com)

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In line with the recommendations of the 2017 Lammy Review⁴, HMPPS has adopted the “explain or reform” principle to help understand the causes of and tackle disproportionate outcomes identified by monitoring of equalities data. The Equalities Monitoring Tool is the primary source of this data; see Section 7 for more information.

2.2 Research suggests that when people in our care are treated in a way that feels procedurally just, they are less likely to break the rules, report better emotional and psychological health, lower rates of self-harm, more positive beliefs about rehabilitation and lower rates of reoffending on release. When people feel fairly treated, they feel better and they do better. There are four key principles of procedural justice:

- **Respect.** People feel they are treated respectfully and courteously in the way that they are dealt with by people in authority. They need to feel that their dignity and their rights are respected in the decision-making process.
- **Neutrality.** People need to believe that when decisions are made about them, the decision maker is neutral, and not biased against them. They need to feel that rules are being interpreted and applied consistently and transparently.
- **Voice.** People need to have a voice if they are to feel they are being treated fairly. They need to believe they have been given a proper chance to give their side of the story and that their concerns and experiences have been heard.
- **Trustworthy motives.** People need to trust that those in authority are sincere and authentic, that they care and are acting in everybody’s best interests, and that what they say can be trusted.

Procedural Justice is an integral part of creating a fair and inclusive organisation, and we are more likely to achieve positive outcomes by observing these principles.

More information can be found here: [HMPPS Intranet - Evidence summary - procedural justice.pdf - All Documents \(sharepoint.com\)](#) alongside the wider [Procedural justice \(sharepoint.com\)](#) Intranet page, which includes top tips for applying procedural justice in practice.

2.3 A rapid review of good quality research into decision-making by the HMPPS Evidence Based Practice Team concluded that we use two decision-making systems; system one, which enables us to make fast, reflexive decisions, and system two, which enables more considered, effortful reasoning. Research suggests that as human beings we can rely too heavily on automatic, intuitive judgement which relies on mental shortcuts and is very vulnerable to bias. Even when we do think things through our reasoning can often be affected by narrow thinking (considering only one or two options/interpretations of information) or a focus on the wrong things⁵.

2.4 In order to reduce the impact of unwanted bias on decisions in HMPPS, the evidence review suggests that there are some key things we can do to make our decisions fair and effective:

- Use carefully developed checklists to encourage people to slow down their thinking and consider all relevant information when making a decision

⁴ <https://www.gov.uk/government/publications/lammy-review-final-report>

⁵ HMPPS (2018). *Evidence Summary: What Works To Debias Decision-Making?* HMPPS (for internal use only).

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- Consider the opposite of our initial judgement, ask ourselves, “what’s the best argument for the opposite decision to the one I’ve come to?” This is particularly effective for reducing confirmation and social group biases
- Ask someone else to review our decision; we pay more attention and give more effort to decisions we know will be scrutinised by someone else
- Managers or supervisors can ask decision makers to make an argument for an alternative judgement, make sure they have the time and information they need to make important decisions, and encourage people to check that, for example, confirmation bias, hasn’t played a role in their decision.

2.5 As an organisation, there are other things we can do to reduce the impact of bias on decision making. These include:

- Making sure people have the information they need in a form that makes sense to them, and the time they need, to make the decision
- Focusing on staff well-being, as stress impairs decision making and makes us more vulnerable to bias
- Having a more diverse workforce at all levels of the organisation
- Having policies and/or tested checklists in place to make sure people consult all the relevant evidence prior to making decisions
- Using review panels to make important decisions

2.6 All staff can find further support on the Equality / Diversity and Inclusion via the Disparities Unit at HMPPSDiversity_Inclusion@justice.gov.uk and through the pages on the HMPPS intranet site⁶.

3 **Outcomes**

This policy aims to ensure that:

- We are meeting our legal obligations under the Equality Act 2010 and Public Sector Equality Duty;
- Appropriate Diversity and Inclusion Action Plans⁷ are created and followed in each Region, prison establishment and PDU⁸. For Youth Secure Settings one central Diversity and Inclusion Action Plan will be in place and each establishment will have its own bespoke plan (see section 6 for more details).
- All Offenders and children in custody are able to access services.
- We have a strong evidence base in place to inform the needs of our those in our care across the nine characteristics protected by the Equality Act, and other priority areas.
- We are enabling our staff to be their best by addressing disproportionate outcomes for underrepresented groups.
- Prison Governors, Directors of contracted establishments (both prisons and STCs), Regional Probation Directors and Heads of Probation Delivery Units (PDUs) are accountable for ensuring those in their care are treated fairly and their needs are identified and, where possible addressed. It will be the responsibility of AEDs, PGDs and RPDs to monitor performance in their respective settings.

⁶ [Diversity and Inclusion - HMPPS Intranet \(gsi.gov.uk\)](#) Diversity and inclusion (sharepoint.com)

⁷ Previously ‘Equality Action Plans’

⁸ See section 6

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- Ensure that mitigating actions are considered⁹ and appropriate actions taken where there are negative disproportionate outcomes.
- Governors and Heads of PDUs to monitor and review outcomes, using the “explain or reform” principle; an approach to identify and objectively assess disparities, and then decide whether and how changes need to be applied.
- Governors and Heads of PDUs to ensure time and opportunity is provided for appropriate staff to be trained in and understand Diversity and Inclusion.

4 **Requirements**

HMPPS are required to follow and abide by relevant equality legislation, including the Equality Act 2010 (Equality Act 2010: guidance - GOV.UK (www.gov.uk)) and Gender Recognition Act 2004 ([Gender Recognition Act 2004 \(legislation.gov.uk\)](http://legislation.gov.uk)).

4.1 The HMPPS Diversity and Inclusion Statement stipulates that:

“HMPPS is committed to Diversity and Inclusion for all. We treat our staff with respect and ensure equality of opportunity. We deliver our services fairly and respond to individual needs. We insist on respectful and decent behaviour from staff, prisoners, children, people on probation, and others with whom we work. We do not tolerate discrimination, harassment or bullying and we take prompt and appropriate action whenever we discover them. This is underpinned by our adherence to the Public Sector Equalities Duties as outlined in the Equality Act 2010.”

This should be displayed in Establishments in the normal manner.

4.2 **Equality Act 2010**

Subject to certain exceptions, section 29 of the Equality Act 2010 requires that providers of services and public functions do not discriminate, harass or victimise people in delivery of that service or public functions. All staff are personally responsible for their conduct. Failure to maintain the required standards can lead to disciplinary action and may result in dismissal from the Service.

There are nine protected characteristics defined under the Equality Act:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation

4.3 **Public Sector Equality Duty**

The Public Sector Equality Duty (PSED) was created under the Equality Act 2010. Under the duty, a public body must, in the exercise of its functions, have due regard to the following:

⁹ Where actions are considered but not taken the considerations must be recorded

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- **Eliminate discrimination, harassment, victimisation** and any other conduct prohibited under the 2010 Act.
- **Advance equality of opportunity** between those who share a protected characteristic and those who do not.
- **Foster good relations** between those who share a protected characteristic and those who do not.

4.4 Equality Analysis

We must ensure the PSED is considered when a new policy, protocol, procedure or project is developed or amended. We do this by undertaking Equality Analysis (EA) – a mandated requirement which provides the opportunity to analyse the potential for negative or positive impact on those with the protected characteristics listed above.

The EA framework aims to provide consistency in approach by clearly defining roles and responsibilities and provides a wealth of information to support completion of equality analyses. It also outlines how equality analysis should be part of the ‘business as usual’ and not seen as a separate task to be carried out. Equality analysis is the responsibility of the person or team developing or amending any policy, protocol, procedure or project.

It is the responsibility of everyone in the organisation to promote equality of opportunity and eliminate discrimination by conducting equality analysis when developing new policy, procedure or protocol.

Additional information about how to conduct an EA can be found in an extended range of support documentation, via the following links:

[The Equality Act and equality analysis \(sharepoint.com\)](#)

[Equality Analysis Policy Framework.docx \(sharepoint.com\)](#)

4.5 Welsh Language scheme

In line with the Welsh Language Act 1993 and subsequent Welsh Language (Wales) Measure 2011, Her Majesty’s Prison and Probation Service (HMPPS) continues to adopt the principle that in the conduct of public business and the administration of justice in Wales, it will treat the English and Welsh languages on a basis of equality; to continue our aim to deliver a high quality Welsh language service and, in keeping with the requirements of the Welsh Language Act 1993, to adopt the best possible practice with regard to the use of Welsh. HMPPS has a Welsh Language Scheme which specifies expectations around the Welsh language within England and Wales. The Welsh Language Scheme and further resources can be found here:

HMPPS Welsh Language Scheme 2020 to 2023 - GOV.UK (www.gov.uk)

Further resources and guides are available via Welsh Language Scheme: Do you know what we need to do? - HMPPS Intranet, or please contact cymraeghmpps@justice.gov.uk.

4.6 Related Policies

[The National Partnership Framework with Faith Based Communities](#) sets out HMPPS’ commitment to the overarching principles in relation to future work between the National

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Probation Service (NPS) and all faith-based communities (including Prison Chaplaincy Services) and is to be adopted by all HMPPS sites in England and Wales.

5 Summary of Management requirements¹⁰

- 5.1 As an organisation, we are determined to develop and deliver services tailored to the diverse range of people in our care and create inclusive workplaces where everyone is treated fairly and with respect. This can be achieved through Area Executive Directors (AEDs), Prison Group Directors (PGDs), Governors, Regional Probation Directors (RPDs) and Heads of Probation Delivery Units providing personal leadership and accountability.
- 5.2 PGDs and RPDs must ensure that every establishment / delivery unit in their group has the appropriate staff identified to provide oversight of Diversity and Inclusion activity, that they are suitably trained and have sufficient time¹¹ to undertake all the appropriate duties. Diversity and Inclusion training should be identified including how to collect and present the necessary data that will be discussed regularly at Senior Management Meetings. For available D&I learning, see Diversity and inclusion learning and development hub (sharepoint.com). See also section 10 'Discrimination Incident Reporting'.
- 5.3 PGDs and RPDs must ensure that local and regional management information on Diversity and Inclusion is analysed, and that an adequate local Diversity and Inclusion Action Plan is produced, published and regularly updated. More information can be found in Section 6 of this Policy Framework.
- 5.4 Governors and Heads of PDUs must ensure that Diversity and Inclusion Meetings are held regularly with the necessary staff¹² so that they can identify any areas of disproportionality across the protected characteristics and can work to understand the issues and provide viable solutions for addressing the issues. Opportunities to have a representative¹³ from community organisations to add value must be explored.
- 5.5 Governors and Heads of PDUs must ensure that offenders, children in custody and visitors from underrepresented groups are consulted and involved appropriately in the management of Diversity and Inclusion issues. This may be via partial or full attendance at existing forums such as the Use of Force and the Incentives forums, Probation User forums and councils, new forums, or other specific meetings. Further advice is available in the accompanying guidance documents.
- 5.6 The Disparities Unit at HMPPS HQ will provide support and guidance to those responsible for oversight of Diversity and Inclusion in prisons and probation services, such as the Diversity and Inclusion Lead, any supporting Diversity and Inclusion Officers, SMT Members responsible for a protected characteristic, Regional Diversity and Inclusion Advisors and Regional Equality Managers in the Probation Service. Questions on Implementation of

¹⁰ Third party providers are expected to sign up to this policy and set out their expectations for fulfilling D&I

¹¹ This is to include Key workers under OMiC

¹² See Guidance for more information.

¹³ This could be the External Advice and Scrutiny Panel (EASP), Independent Monitoring Board (IMB) or other community groups which represent offenders

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Diversity and Inclusion policy should also be submitted to the HQ team through the national Functional Mailbox address HMPPSDiversity_Inclusion@justice.gov.uk.

6 Diversity and Inclusion Action Plans

6.1 Prison Group Directors and Regional Probation Directors must have a regional Diversity and Inclusion Action Plan that reflects the needs of their responsible area, which is communicated well, with clear lines of accountability and expectations. The plan must contain qualitative and quantitative information from across the area, and contain a list of activities to address emerging issues with measurable outcomes. It must also contain the priorities for each establishment / Region which links to the HMPPS Diversity and Inclusion priorities.

6.2 Governors and Head of PDUs must set out the Diversity and Inclusion priorities in a local Diversity and Inclusion Action Plan. A senior manager must be responsible for the plan which should be open for scrutiny by the assurance function and external partners including HMI Prison/Probation.

It must include information on:

- a) Identification of the needs of offenders, children in custody and visitors with protected characteristics;
- b) Mitigating actions to reduce / eliminate disadvantage and any unexplained disproportionate outcomes;
- c) Monitoring procedures and how the collected information will be used to improve practice under the explain or reform principal. This should include use of external partners where possible to ensure a community perspective is given due regard.

6.3 Responsibility for actions on the plan must be clear and managers and staff must be held to account for progress through relevant management checks. Progress must be tracked, and an update report must be submitted regularly (for example at the Diversity and Inclusion meetings chaired by the SMT) for discussion by the Senior Management Team, copied to the Prison Group Director / Regional Probation Director.

Further information on Diversity and Inclusion Action Plans can be found in the guidance accompanying this framework.

7. Monitoring and Data

7.1 Diversity & Inclusion Form

Details pertaining to protected characteristics must be collected and recorded at the earliest opportunity and for every new event. At Court; first Probation appointment or induction into custody via the Diversity & Inclusion Form (DIF¹⁴). This information is self-disclosed and as new protected characteristic information is given, the appropriate data collection management information system must be updated.

7.2 Staff responsible for collecting, handling and publishing personal data must be aware of their responsibilities under the Data Protection Act and through the General Data Protection

¹⁴ Consent is sought via the Diversity & Inclusion Form (DIF) in two parts. Gender Recognition Act 2004.

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Regulation (GDPR)¹⁵. Such data will usually constitute sensitive personal data and must be handled fairly and lawfully.

Please refer to the Information security policy framework (sharepoint.com)

- 7.3 Offenders and children in custody must be informed of the reasons for the collection of personal information relating to them and assured that it will not be used inappropriately. Those who do not wish to share personal data or wish to have such data removed from the system should be given the opportunity to not disclose or withdraw consent for that piece of information being held. This decision must be recorded. The data must normally not be published except in an anonymised format. For more information on the Data Protection Act and HMPPS policy see PSI 04/ 2018.
- 7.4 Monitoring data must be examined on a regular basis for evidence of disproportionality to identify potential areas of discrimination or disadvantage. This should be analysed by dedicated Diversity and Inclusion staff and reviewed regularly by senior management. Information on the Equalities Monitoring Tool (EMT) and other data collection systems used in HMPPS and how to analyse this type of data can be found here: HMPPS Performance Hub (justice.gov.uk) Where disproportionality cannot be explained objectively, this must be used as evidence to change the approach, practice or procedure to ensure fair treatment. This is the “explain or change” principle.
- 7.5 The absence of monitoring data is not a justifiable reason not to examine potential areas of discrimination or disadvantage for certain groups. Where data is unattainable, or there are too few cases to undertake robust statistical analysis (as set out in 7.4), other sources of evidence must be sought, for example, qualitative information gained through existing sources i.e. HMIP inspection reports, IMB reports, MQPL/SQL, OSAG audits. Other evidence obtained by internal consultation methods may also be useful i.e. the Use of Force and Incentives forums (see accompanying guidance for more information).

8 Equality Analysis

- 8.1 The Equality Analysis Policy Framework sets out the mandatory actions and gives guidance for the completion of an Equality Analysis whenever a new policy, protocol, procedure, or project is developed by staff within HMPPS. Diversity and Inclusion considerations must be factored into the start of any policy, protocol, procedure or project and any aspect of service design, and continued throughout.
- 8.2 An Equality Analysis requires Governors and Heads of Probation Delivery Units to consider each of the areas of the Public Sector Equality Duty (PSED) against each of the protected characteristics; to explain actions taken to mitigate any disproportionate outcomes, to monitor considerations on a continued basis to ensure that the PSED is applicable during the life of the policy, procedure or action. See guidance on the support available for Equality Analysis. Details can be found in section 4.4.

¹⁵ Information security policy framework (sharepoint.com)

9 **Disability and Reasonable Adjustments**

- 9.1 Governors, Heads of PDU and staff must ensure that appropriate effort is made to identify whether an offender or child in custody has a mental or physical impairment of any form or a neurodiverse condition such as autism¹⁶. Offenders and children in custody must be informed of the benefits of disclosing their disability status, what support can be offered, and that procedures are in place to record this information (both on reception /at induction/at court and subsequently).
- 9.2 Governors and Heads of PDUs must ensure this information is treated confidentially and permission must be sought from the offender or child in custody if this data is to be used or shared externally. Not all people will be aware of their disabled status and staff must be proactive in identifying needs.
- 9.3 Governors and Heads of PDUs must consider on an ongoing basis what requirements or adjustments offenders, children in custody and visitors with a disability might require and ensure that reasonable adjustments are made.
- 9.4 If a request for reasonable adjustments is made by an offender, child in custody, or visitor, it must be considered, and the outcome documented. Any adjustments arising from someone with a disability need to be fed into sentence plans, for example. Interventions may need to be adapted to ensure that they are appropriate. Activities and accessibility to activities should not exclude anyone with a disability.

Transfers

- 9.5 Offenders and children in custody with a disability must normally be located within the establishment or catered for by a PDU which best fulfils their reasonable adjustment requirements and best promotes their safety and security. In the case of children and young people, their bespoke needs will be supported through the SECURE STAIRS and Cusp Models that support the youth estate. Governors must ensure that where it is not possible to provide the necessary reasonable adjustments to enable the individual's sentence progression, the individual is transferred to an appropriate establishment or approved premises or alternative arrangements¹⁷ are made to support them in the community.
- 9.6 An offender or child in custody with a disability must not be prevented from accessing their best sentence plan or services, such as being transferred to a new establishment or Approved Premises, because of their disability. Where there is a dispute about meeting the needs of a disabled person the PGD or Head of PDU must be contacted.
- 9.7 The transfer of a disabled offender or disabled child in custody must not be delayed or prevented based on their disability (unless the proposed receiving establishment cannot provide appropriate facilities).
- 9.8 Governors/Heads of PDUs must ensure that where a disabled person is required at court, the escort contractor and Clerk of Court are informed of the specifics of the disability and the reasonable adjustments in good time to ensure they can be met.

¹⁶ See autism guidance [National strategy for autistic children, young people and adults: 2021 to 2026 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/national-strategy-for-autistic-children-young-people-and-adults-2021-to-2026)

¹⁷ See guidance for more details; to be issued in due course

Children and Young Adults

- 9.9 Governors and prison staff must ensure that appropriate effort is made to identify the learning capacity of the child or young person to ensure appropriate purposeful activity, classes and training opportunities are assigned. This includes access to a physical education provision that has considered diversity issues and individual ability to participate.
- 9.10 Governors and Heads of PDU must ensure that children and young people have access to services that are age appropriate and diversity considered, and the children and young people are fully aware of how to access these services.
- 9.11 All children and young people will be supported by an appropriate care model e.g. SECURE STAIRS and their individual needs will be assessed, with appropriate support given, dependant on need and complexity e.g. Custody Support Plan (CuSP).
- 9.12 Children or young people who have been identified as particularly vulnerable, or who have displayed challenging behaviour, must have an individual care plan based on a shared understanding of their needs across the Secure Setting and should receive related support to meet their assessed needs. These must be developed with the child or young person's active engagement and take in to account their levels of understanding. The YCS Complex Case Review Panel will assist in supporting these children and young people and ensure their individual protected characteristics and needs are being considered. (Building Bridges: a positive behaviour framework for the Children and Young People Secure Estate (sharepoint.com))
- 9.13 Any reasonable adjustment required to support a child or young person to participate in activities, classes, training and purposeful activity in a Youth Secure Setting will be supported where possible, or alternatives sought, to ensure equity of opportunity.
- 9.14 For young offenders who have Looked After status or, on entering custody, meet the requirements under section 15 of the Children and Young Persons Act 2008 or section 23A of the Children Act 1989: The local authority should be encouraged to prepare a pathway plan that addresses any support and accommodation issues that the young person will face on release, including provision for those young people aged under 16 who will re-attain Looked After status on release. The representative should be invited to attend all relevant sentence planning meetings and be enabled to conduct their statutory LAC reviews. (Caring for young people in custody: PSI 08/2012.
- 9.15 Governors and Directors must ensure there is an appropriate provision to discuss with external providers the requirements of basic commodities needed by the children and young people in their establishments. The range of items must take account of any specific needs of the population of the establishment, including toiletries and other products that cater for Black, Asian and other discrete groups of young people. There should be a system of reviewing available items to take account of changes in the population or requirements of the establishment which engages with the children and young people to establish their needs.
- 9.16 Governors and Directors must consider how a high intake of children or young people with particular protected characteristics will affect the activities at the establishment. This may be ensuring that effective methods for rehabilitation for this cohort are considered and new evidence for effective management is measured.

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Older Offenders & Visitors ¹⁸

- 9.17 Governors and prison staff must ensure that appropriate effort is made to identify the capacity of the offenders for work.
- 9.18 Governors/Heads of PDU's must ensure that older¹⁹ individuals are fully aware of how to access services that are age appropriate and specific to their needs, such as retirement pay.
- 9.19 Any reasonable adjustments needed by older visitors to custody must be provided for, where possible. Where it is not possible, governors must ensure older visitors have other means of accessing physical visits with a resident and are not disproportionately disadvantaged.
- 9.20 Governors must pay due regards to the appropriate mix of ages within an establishment and where possible, ensure that that mix does not cause a detriment to older offenders or younger offenders by decreasing the level of safety felt by the older population. This can take the form of bullying, such as younger and fitter individuals taking older individuals' medication or pushing them out of mealtime queues. It can also take the form of perceived harassment, such as an older prisoner believing that leaving their room is unsafe, due to their own frailty and younger offenders grouping in communal areas. Further details are available in the accompanying guidance.

Young Adults

- 9.21 Governors from establishments receiving young adults from the YCS must ensure that their Diversity and Inclusion needs are met in an appropriate manner. There must be consideration for age-appropriate activities that facilitate effective rehabilitation²⁰.
- 9.22 Governors must consider how an influx of young offenders with particular protected characteristics will affect the activities at the establishment. It may be necessary to tailor activities based on the most effective rehabilitative engagement for these groups. ²¹.

10 Discrimination Incident Reporting in Prisons, YOIs ad STCs

- 10.1 Staff must actively encourage offenders and children in custody to report any discrimination they face from peers or staff. Staff have a duty to report any incident of discrimination that they witness in relation to offenders, children or visitors, whether it be perpetrated by

¹⁸ Further information for supporting older offenders can be found in Adult social care: PSI 03/2016, PI 06/2016: Adult safeguarding in prison: PSI 16/2015 and Prisoners assisting other prisoners: PSI 17/2015.

¹⁹ Older prisoners are considered 50 plus years

²⁰ Models for Operational Delivery (MOD): young adult males (18 to 25) (sharepoint.com)

²¹ The maturity screening tool is embedded within OASys and automatically generates a score for all men aged 18 to 25 with a full OASys assessment. Supporting staff to identify those young men with low psycho-social maturity who may benefit from tailored support such as the Choices and Consequences resource pack.

The Choices and Changes resource pack can help colleagues in prison and the community support young adult men (aged 18 to 25) identified with low psycho-social maturity. It contains activities to develop maturity and encourage engagement.

In prisons, the pack can be used flexibly in one-to-one sessions between key workers or prison offender managers and young adult men or a mixture of both.

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offenders or by fellow staff. Mandatory elements are set out below. Guidance on applying these instructions can be found here [Discrimination Incident Reporting Form \(DIRF\) guidance \(sharepoint.com\)](#) .

- 10.2 The DIRF process is to be used to report incidents against offenders, children and visitors only. A member of staff may submit a DIRF to report an incident involving an offender or child, but not another member of staff. A contractor or another person working within HMPPS, but not employed directly by HMPPS, may also submit a DIRF, irrespective of who is involved. Incidents involving staff members only, i.e. staff to staff discrimination, should be handled through the Grievance Procedure and / or Conduct and Discipline policy including the Tackling Unacceptable Behaviour Unit (TUBU), as appropriate. Serious physical assaults must be managed in line with the Staff Assaults 8 Point Plan²². Further details in relation to staff matters can be found in the Staff Diversity & Inclusion Policy Framework.
- 10.3 All incidents of discrimination must be reported using the specific Discrimination Incident Reporting Form (DIRF) which is available in the guidance.
- 10.4 All incidents of discrimination that are reported must go through the initial screen process as described in section 5 of the DIRF guidance.
- 10.5 Complaints that are made via the COMP 1, 1A forms in prisons and YOI's and on STC equivalent complaint forms that have a discriminatory element, must be referred back through this DIRF process, as set out in the Prisoner Complaints Policy Framework ([sharepoint.com](#))
- 10.6 Governors and Directors must ensure that offenders and visitors are aware of the process for reporting incidents of discrimination. Leaflets and posters are provided in the DIRF guidance here and should be displayed in the prison / Youth Secure setting.

Accessibility

- 10.7 DIRF forms and information on the DIRF process must be readily available in Welsh in Wales, the Women's estate, Long Term High-Security estate and Secure Training Centers in England²³.
- 10.8 The youth estate will have a bespoke child friendly version of the DIRF and associated documents to ensure that it takes into consideration the difference between child and adult language.
- 10.9 The DIRF process must be accessible in terms of literacy, foreign language and understanding. Efforts must be made locally to provide and promote the support available.
- 10.10 Forms must be made clearly available in all areas of the prison / Youth Secure Setting (including the visitors' centre) with envelopes provided to ensure privacy. Confidential boxes for submitting DIRFs must be available in an area accessible without the need for staff to gain access on every wing and in the visitors' centre. The boxes should be checked regularly by a member of the local Equalities Team.

²² https://intranet.noms.gsi.gov.uk/__data/assets/word_doc/0005/917294/Staff-Assaults-8-Point-Plan.docx

²³ In the absence of those prisons in Wales, additional effort should be made for women, young people and category A prisoners. For more information, refer to the HMPPS Welsh Language Scheme HMPPS Welsh Language Scheme 2020 to 2023 - GOV.UK (www.gov.uk)

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Responding to and Recording Incidents of Discrimination

- 10.11 All DIRFs received must be acknowledged within 2 days of receipt. This is also a requirement when DIRFs are extracted from the complaints procedure (DIRFs resulting from information in the Comp 1, Comp 1a and/or Comp 2 forms).
- 10.12 Responses to DIRFs must be given within 14 days of receipt. This can be extended to 28 days under exceptional circumstances i.e. absence of staff involved. When this is to be extended, this must be approved by a Governor and the individual who has submitted the DIRF must be informed of the new timescale. A letter template is available in the guidance here. Responses to DIRFs must be authorised by a senior manager.
- 10.13 All detail provided in the DIRF must be recorded in a local DIRF log, using the DIRF guidance. The log must be sharable for monitoring purposes and available on request.
- 10.14 Data from the DIRF log must be reviewed and analysed locally regularly, to identify any trends. Governors should use SMT and Diversity and Inclusion meetings to discuss this data and report to Prison Group Directors for consideration and any necessary action.
- 10.15 For more information on the DIRF process, please refer to the Discrimination Incident Reporting Form (DIRF) guidance (sharepoint.com).

Reporting incidents of discrimination in a Probation setting

- 10.16 All bodies providing public services are required to have a fair and robust complaints procedure. PI 51/2014 sets out minimum requirements with which the Probation Service must comply when handling complaints regarding the delivery of probation services.
- 10.17 RPDs, Heads of PDUs and providers of probation services must ensure that staff, offenders and visitors are aware of the systems and protocols for reporting Diversity and Inclusion related incidents. Complaint forms must be actively promoted, available and accessible to offenders. The system for submitting and responding to incidents of discrimination must be confidential and secure.
- 10.18 Complaints involving wider people accessing probation services, for example stakeholders and visitors, must be reported in all instances via the Complaints Scheme outlined in Handling complaints: PI 51/2014.
- 10.19 RPDs must ensure all people with protected characteristics have been considered throughout the process as indicated in the Probation Instruction. Where an offender has difficulty reading and writing, the framework allows offenders to make a formal complaint orally to the appropriate manager.
- 10.20 The Probation Instruction Handling complaints: PI 51/2014 allows offenders for whom English is not their first language to submit a complaint in their own language if they wish. Complaint forms should be made available in different languages where requested.

11 Approved Premises

- 11.1 Approved Premises (APs) must have strategies in place for managing vulnerable people and to ensure no person in an AP is discriminated against, harassed or victimised because of their protected characteristics.
- 11.2 Approved Premises must ensure that there are a range of activities that are practically accessible to all. They must consider how learning styles impact upon what people learn when planning activities. This will need to take into consideration any literacy or learning difficulties experienced by People in the AP. Further consideration will be needed in respect of how foreign nationals, or people in APs for whom English is not their first language, can engage with various activities.
- 11.3 Further information on policies, procedures, regime activity, and inductions with regard to Diversity and Inclusion can be found in the AP Instruction and associated manual which is available Approved premises: PI 32/2014.

12 Victim Liaison

- 12.1 The Victim Contact Service (VCS) must be fully and equally accessible to all groups regardless of their protected characteristics. Specific requirements must be ascertained and considered before any initial visit. Every effort must be made to follow good practice including, but not limited to:
- Addressing language barriers;
 - Catering for disabled or vulnerable victims;
 - Considering sex, cultural, religious and gender related needs.
- 12.2 Equality related information can be captured via the Victims Diversity & Inclusion Form which can be obtained from VCSpolicy@justice.gov.uk

13 Victim Contact Scheme (VCS) Complaints

- 13.1 The VCS must ensure that they recognise and treat victims in a respectful, sensitive and professional manner without discrimination of any kind. If a victim is dissatisfied with the level of service provided by the Probation Service, they have the right to complain under the normal process as stipulated in Handling complaints: PI 51/2014.

14 Courts/Sentencing

- 14.1 Pre-sentence reports (PSRs) are written to assist the court to determine the most suitable method of dealing with an offender and should represent the personal circumstances of each offender, considering their protected characteristics to help inform sentencing plans and delivery of sentence.
- 14.2 The Diversity & Inclusion Form (DIF) must be completed at the earliest opportunity, usually at Court, capturing the nine protected characteristics. Diversity and Inclusion related information is important to help inform responses in delivering the best and most effective offender management.
- 14.3 Where an offender is sentenced without a pre-sentence report and is sentenced to either custody or statutory supervision in the community, equality information data must be

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requested and recorded at the first point of contact post-sentence. This information must be analysed effectively to support effective rehabilitation.

15 Sentence Management

- 15.1 The Assessment, Induction and the Offender Management processes take into consideration, where appropriate, the protected characteristics of services users to help inform assessments and sentencing plans.
- 15.2 All service users must be given access to appropriate interventions in the community and not be refused based on their protected characteristic. Where this is not achievable, an alternative intervention must be sought. Equally, where dedicated provision for protected groups is available and appropriate, which would advance equality of opportunity, this should be utilised.

16 Translations and Interpretation Services

- 16.1 Translations and interpretation services must be procured in accordance with the Ministry of Justice Language Services Framework Agreement. See Ministry of Justice | Home (thebigword.com) for full details.
- 16.2 For more information on working with Foreign National Offenders, please visit the FNO Information Hub Page: [Working with foreign national offenders \(sharepoint.com\)](#).