

The Young Review

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Improving outcomes for young black and/or Muslim men in the Criminal Justice System

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Final report

Acknowledgements

Thank you

Special thanks to the Barrow Cadbury Trust for their support of this review from the beginning.

Whilst the Black Training and Enterprise Group (BTEG) and Clinks have formed the core of the Young Review, the Task Group has proved an invaluable resource. Thank you to them all for the time and effort they have put into this project and for the many ways in which they kept us true. Along with all the people we met through visits, roundtables, focus groups and so on, they have greatly enhanced our understanding of this subject.

The Young Review

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Final report

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Foreword

from Baroness Lola Young



Let me start with two questions. First: during the past year, what have my colleagues and I learnt from meeting young black and Muslim men in the Criminal Justice System and those who aim to provide services for them? The second, linked question, is concerned with policy and politics: why does this topic matter? A response to both is contained in the report that follows.

One of the most important points made to us was that the significance of the ways in which young black and/or Muslim men experience and perceive the intensity of negative stereotyping and its impact on outcomes for this group is yet to be fully grasped. The lack of deep understanding on the part of politicians and policy-makers of the multiple ways that cultural difference is played out in institutions and agencies needs urgently to be addressed.

Understanding the predicaments of young black and Muslim men is not a question of making excuses for criminal behaviour and the devastating effect it has on communities and society as a whole – indeed, the necessity for offenders to face up to the havoc wreaked by their crimes against people and property is a challenge for the offender population in general. The point is actually the inverse: in order to continue to reduce the number of crimes committed, we have to find better ways of ensuring that the drivers that contribute to repeated patterns of offending behaviour are reduced.

When asked what they found most discouraging in their efforts to change their lives, offenders' and ex-offenders' responses were remarkably consistent. All were intensely aware of the ways in which pernicious stereotyping affected the way they and their communities were perceived and the effect of such attitudes on their own perceptions and behaviour.

So imagine this scenario: you are sitting on a train, going through notes for a presentation. You register that no one sits close to you, other passengers preferring to stand for several stops. You reach your destination. You give your speech, and answer probing questions. Afterwards, a member of the audience approaches you and apologises: she had seen you, she admitted, from a station platform sitting with your computer and your rucksack, and declined to board the train, thinking you might be a suicide bomber.

Or imagine you are with your younger brother, walking to the bus stop, aware that an elderly woman has made a wide detour around you both, almost stepping into the path of a bus. You both laugh and next thing you know, you are up against a wall, several police in attendance, radios crackling, notebooks out, claiming the right to search you and the frightened ten year old boy in your care.

Consider the impact of these incidents replayed with variations for you, your friends, your family, until you are left with the conclusion that you can never be part of decent society.

Some of you reading this will not have to use your imagination, as it will resonate with your own experiences. For those of you for whom this is an alien world, ask yourselves what kinds of mental toughness, what resources would you be able to summon to combat the feeling that all you will ever be is the embodiment of someone's nightmares?

These experiences and the feelings they give rise to do not serve as justification for or – on their own – an explanation of, offending behaviour. However, it would seem obvious that the intensity of the alienation and disaffection fostered by this social and institutional context is not conducive to effective rehabilitation and desistance.

That brings me to the second question – why does this topic matter?

Many of the problems encountered by the black and Muslim offenders with whom we have spoken were, by their own account, similar to those experienced by the general offender population. The key difference is the ways in which the backdrop of racism and discrimination to which I have alluded play out both in terms of perception and reality. For example, it is notoriously difficult for any former offender to find employment: when there is also discrimination on the basis of race and ethnicity, the task of securing a job may be even harder.

One of the compelling reasons for conducting this review has been the introduction of the Transforming Rehabilitation (TR) agenda. If the programme itself is hotly debated and characterised as 'challenging', then the task of addressing the negative outcomes for so many young black and/or Muslim men in the Criminal Justice System (CJS) under this initiative is even more so.

At the time of writing it is not clear what the government agencies' and independent providers' plans are for working on these issues. We wait with interest to see how they intend to ensure equality and diversity, their strategies for partnering voluntary sector organisations with demonstrable experience in the field and how outcomes will be monitored and measured.

What we do know is that agencies are increasingly assessing offenders on the basis of the risk that they pose, rather than on their needs. Yet if we think

“ There is an absolute necessity for the agencies, organisations and companies involved in implementing Transforming Rehabilitation to acknowledge the role of racism and discrimination in their structures and institutions and to address it effectively.”

about the complex interaction of the multiple factors that are likely in many cases to lead to offending behaviour, then the idea that assessment based on a systematised notion of risk will work is surely a false one. These are not the kind of problems that are necessarily susceptible to conventional interventions that depend on seeing an individual as an object defined by the risk they pose.

There is no getting away from the reality: the task of addressing multiple factors, which require effective inter-agency, cross-departmental strategies and initiatives, and a recognition of the individual human being, is a daunting one. In addition, there is an absolute necessity for the agencies, organisations and companies involved in implementing TR to acknowledge the role of racism and discrimination in their structures and institutions and to address it effectively.

The poorer outcomes experienced at each stage of the CJS, as is evidenced in the report, suggest that we still have a long way to go to make real progress on this matter. Of course we support the government’s goal of reducing reoffending rates, particularly as the results for this group of young men are so disappointing. A system that establishes processes on the basis of equality and fairness will surely make more progress than we have so far.

During the course of the review, we felt a keen sense of disappointment with the (lack of) effectiveness of previous efforts to address the challenge of discrimination and its impact on the chances of rehabilitation for these young men. The Young Review partners and the Task Group were keen not to rake over the past for the sake of it, but we all felt it was crucial to acknowledge how much work there is to do as a result of a lack of committed leadership and inadequate strategies.

Many times over we heard that offenders were too often treated as objects in a system rather than as individual human beings and that where rehabilitation programmes did exist, they rarely took into account the racially and culturally specific reality to which these young men might return. There seem to be too few prison-based programmes working with local community-based organisations that have the knowledge and capacity to engage these young men.

If, as was reported to us, the Criminal Justice System’s approach to young black men of African Caribbean descent is based on the supposition that they belong to a gang, and that young Muslim men are, or soon will be, engaged in terrorist activity, then that is troubling. Such attitudes on the part of police, probation officers, prison staff and so on, lead to risk assessments that take little account of the individual’s vulnerabilities.

After a lengthy discussion with a group of prisoners during one of the visits, P, one of the participants, put it like this:

“Many of us accept responsibility for our actions, which brought us here. We wish to be able to serve our sentences in a humane environment and to be able to return back into our communities and contribute to society. But if we leave prison disillusioned, downtrodden and mentally abused then all that occurs is the creation of angry men.”

The damage to individual victims and whole communities, the obvious waste of human talent, and the significant social and economic costs should be enough of an explanation as to why this subject matters. It is also true, however, that improving the system for black, Asian and minority ethnic (BAME) offenders would lead to an improvement for the general prison population and society at large.

Our interim report recommended that a group be established to advise the Ministry of Justice on the issues raised by the report. We very much hope that the Ministry of Justice will fulfil its commitment to set up such a body and ensure that the recommendations in the Young Review report will be considered, and that action plans and strategies incorporating our recommendations will be developed, implemented and the results monitored and shared.

Executive summary

Background

The disproportionately high numbers of black, Asian and minority ethnic (BAME) offenders and the poor outcomes they face in the Criminal Justice System (CJS) have been drawn to the attention of successive governments, voluntary and public sector agencies for decades. The situation has frequently been the subject of independent scrutiny and attempted institutional reform. Yet despite this, poor results persist; arguably, we have now reached a critical point.

The figures should be of great concern to all those with an interest in crime prevention and reduction and the rehabilitation of offenders. For example:

- There is greater disproportionality in the number of black people in prisons in the UK than in the United States.¹
- 13.1% of prisoners self identify as black, compared with approximately 2.9% of the over 18 population recorded in the 2011 Census.²
- Similarly Muslim prisoners account for 13.4% of the prison population compared with 4.2 % in the 2011 Census.³
- This figure has risen sharply since 2002 when Muslim prisoners were 7.7% of the prison population.⁴

Starting its work in October 2013, one of the main aims of the Young Review has been to consider how existing knowledge regarding the disproportionately negative outcomes experienced by black and Muslim male offenders⁵ may be applied in the significantly changed environment introduced under the Transforming Rehabilitation (TR) reforms.

We convened a Task Group comprising ex-offenders and representatives from the voluntary, statutory, private and academic sectors to advise and help shape the Young Review. We set up discussion groups with service users, in prison and community settings, along with organisations that provide services to them. We also met with a range of representatives from statutory agencies and independent providers in the CJS. Our findings and recommendations are based on these discussions and meetings, and an examination of the available literature and data relating to young black and/or Muslim offenders.

In focusing on this particular demographic, we are immediately presented with the challenge of current methodologies employed in collecting and analysing information. Most existing data and research focuses on *all* people of BAME origin and of all ages and/or faiths. Where data is disaggregated, broad categories such as 'mixed origin' or Muslim are used, when neither group is culturally or ethnically homogeneous. In addition, not all criminal justice agencies use the same categories for ethnic origin data.

BAME representation in the prison population is heavily influenced by age with many more young BAME male prisoners than older ones. In addition in the youth estate BAME disproportionality is even starker with 43% of 15-17 year olds coming from such backgrounds;⁶ this is a concerning sign for the potential future make up of the adult prison population.

Whatever the shortcomings of the data, there is ample evidence demonstrating the high proportions⁷ of young black and/or Muslim men at all stages of the CJS compared to all other groups reporting the least positive perceptions of prison life⁸ and referring to the negative impact of being perceived through racialised stereotypes.

The poorer outcomes we highlight for these young men exist within a wider context of over representation for this group at the earlier stages of the CJS and a pattern of multiple disadvantage in other areas of social policy.

Conclusions and recommendations

The Task Group advising the review raised concerns about the drivers that result in these young people entering the CJS in the first place. The disproportionate use of stop and search and the risk driven nature of policing, in the context of gang and anti-terrorism policies in particular, were highlighted.

Nearly all of the offenders we met with said that they experienced differential treatment, either in decisions made about their regimes while in prison or as a result of the attitudes of staff and other prisoners, due to their race, ethnicity or faith. Black prisoners felt that they were stereotyped as drug dealers, and Muslim prisoners stigmatised as extremists. Such experiences of discrimination and racism, actual and perceived, must be addressed in order to ensure that prisons become places that are conducive to supporting desistance, rehabilitation and reducing reoffending amongst this group.

An examination of the desistance process for young black and/or Muslim men pointed to the importance of focusing on offenders as individuals and providing opportunities for them to build positive identities that support their long term desistance, particularly in the context of the multiple disadvantage they often experience.

It is clear that disadvantage in BAME communities alongside assumptions based on crude stereotyping impacts on the ability of this group of offenders to resettle successfully. But politicians, policy-makers and agencies in the CJS insufficiently understand the implications. Thus the role of voluntary sector organisations in supporting the development of social capital that can in turn facilitate positive resettlement outcomes in this context must be vigorously emphasised. New providers under Transforming Rehabilitation will need to establish clear mechanisms for the involvement of the voluntary sector and service users, if they are to effectively address the disproportionately negative outcomes with which we are concerned.

Given that the criminal justice workforce does not reflect the diverse backgrounds of offenders, there are important benefits to involving service users to plan and deliver interventions informed by individuals with similar lived experiences to those that need support. On the evidence of our wide ranging discussions we concluded that the involvement of organisations and representatives from offenders' own communities and faiths can play a substantial role in improving experiences and confidence in decision making processes and other procedures.

Partnership working will be vital. As we outline in the report, the disparities in results do not exist in isolation from other unequal outcomes at earlier stages of the CJS and in other sectors such as health, education and so on. Therefore they cannot be addressed in isolation. To lead change on this issue, the Ministry of Justice, National Offender Management Service and independent providers will need to engage local criminal justice partners and other government departments to ensure that disproportionality at the earlier stages of the CJS and in other areas of social policy is also effectively tackled.

The Ministry of Justice and NOMS in their policy making and commissioning roles and the new independent providers as they take on Transforming Rehabilitation contracts will need to develop a much clearer understanding of what leadership means in this context. Our proposal for an advisory group on the issue, which the Ministry of Justice has agreed to establish, will support them to do this.

Beyond these observations, there are a number of clear actions that can be taken specifically to address the disparities in experience of young black and/or Muslim men. The recommendations we set out below are largely consistent with those of previous initiatives to address unequal outcomes for BAME offenders.

Some progress has been made in addressing the specific issues women offenders face. Our intention is that the recommendations in this report will provide the impetus for concerted action to be taken now to address inequalities of outcomes related to race, ethnicity and faith in the CJS. We cannot afford another report on the subject to gather dust: we need vigorous, committed leadership to drive this agenda forward.

The Young Review Report recommends that:

1. Rigorously monitored mechanisms need to be developed and implemented to ensure that independent providers address the specific needs of BAME offenders (this recommendation appears at paragraph 60 of the report):

- Independent providers under Transforming Rehabilitation should examine the diversity of their staff and supply chain, and evaluate how their own policies reflect previous learning (paragraph 101)
- Independent providers should be incentivised beyond the scope of Transforming Rehabilitation contracts to address disproportionate outcomes for young black and/or Muslim men (paragraph 159)
- The Ministry of Justice fulfils its commitment to establish an advisory group on improving outcomes for young black and/or Muslim which can act as a critical friend and provide support to government and new providers in the implementation of strategies and interventions to address unequal outcomes for this group (paragraph 88).

2. NOMS publishes its Equality Strategy in order to a) provide transparency for all stakeholders and b) form the basis for action, to include a stringent overhaul of the approach to services for young black and/or Muslim men in the CJS (paragraph 87):

- Training for prison officers should be reviewed so that the perceived and actual problems associated with cultural competence of staff are overcome (paragraph 97).
- The process for downgrading prisoners' status, particularly while an incident is under investigation, should be reviewed. Checks and balances are needed to ensure that status reviews are conducted fairly for all prisoners, but specifically for BAME prisoners in the context of continued discrimination and unequal outcomes for black and/or Muslim men (paragraph 86).
- Data collection and monitoring should be standardised across the whole CJS, governed by a minimum set of data which includes not just ethnicity but also faith, language and age (paragraph 180).
- There should be rigorous scrutiny of the actions taken in response to monitoring data collected that reveals disparities in outcomes for young black and/or Muslim men (paragraph 181).

3. Individuals who understand the lived experience of young black and/or Muslim male offenders should play an integral part in the planning and delivery of programmes and interventions to support desistance (paragraph 168):

- Commitment to the importance of service user involvement should be emphasised through communications with prison governors and new providers that ensure they correctly understand the policy enabling ex-service users to volunteer or work in prison and community settings (paragraph 169).

- Data relating to ethnicity and faith should be collected and analysed as a matter of course for all ex-offenders applying for security clearance to work in prisons or community settings through the standard plus route (paragraph 170).

4. The emphasis should be on dedicated resources for community engagement and partnership working models in prisons, rather than commissioning frameworks and supply chains (paragraph 110):

- Independent providers should work in partnership with and grant fund community led organisations that are able to build social capital within communities and support families experiencing the stigma of offending to facilitate successful resettlement of offenders, and provide through the gate support to offenders themselves (paragraph 158)
- This should ensure effective engagement, at strategic and delivery levels, of voluntary sector organisations with relevant cultural knowledge that can demonstrably meet the needs of 18-24 year old black and Muslim offenders in prison and the community (paragraph 111)
- There should be a concerted effort to establish partnerships with employers across all sectors to set up employment schemes for ex-offenders (paragraph 148).

5. Ministry of Justice should give consideration to potential future opportunities for legislation in regards to BAME offenders similar to that which exists to ensure that provision meets the specific needs of women offenders under the Public Sector Equality Duty [Equality Act] (paragraph 61).



Introduction

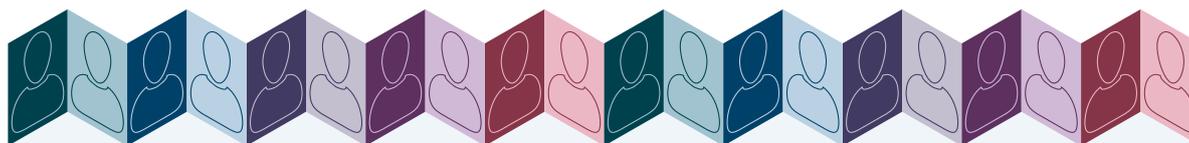
Prioritising race, ethnicity and faith within criminal justice

1. The position of people from black, Asian and minority ethnic (BAME) backgrounds as both victims and offenders has been the subject of independent scrutiny and institutional reform on numerous occasions over previous decades. Despite this, disproportionate numbers of black and/or Muslim men remain at every stage of the Criminal Justice System (CJS). In addition black and/or Muslim offenders face significantly poorer outcomes than their white counterparts.
2. There is recognition across government, statutory agencies, the voluntary sector and, in particular, in communities, that these disproportionate outcomes, experienced by young black and/or Muslim men, represent a serious and substantial challenge for our Criminal Justice System. Considerable data and evidence relating to these inequalities is available but there is far less evidence, across all sectors (voluntary, statutory and private), of effective leadership or successful action to reverse them.⁹
3. The Young Review's aim has been, therefore, not to undertake new research, or to find new solutions to these issues. Instead it is to consider how existing knowledge and data can be applied in the significantly reformed commissioning and service delivery environment introduced by the Transforming Rehabilitation (TR) reforms;
4. Our focus is outcomes for young black and/or Muslim men once they have entered the CJS; in prison and on release. However we acknowledge that over representation of, and poorer results experienced by, these young men at the earlier stages are key drivers and portents for the outcomes at these subsequent stages.

Background and context

Establishment of the Young Review

5. In March 2013 Baroness Young chaired a roundtable with key stakeholders and convened by the Black Training and Enterprise Group (BTEG) and Clinks to discuss how the commissioning process could improve outcomes for young black men in the CJS. A key action from the roundtable was the establishment of the Young Review.
6. The Young Review aims to influence the development and delivery of new commissioning frameworks and ensure that they have at their core effective measures to improve outcomes for young black and/or Muslim men.
7. Our objectives are to:
 - Contribute to the commissioning design to ensure the needs of young black or Muslim service users are addressed effectively
 - Provide examples of best practice in service delivery to young black and/or Muslim offenders
 - Improve understanding of the evidence relating to young black and/or Muslim men in the CJS
 - Assist in the development of an effective shared approach that addresses the disproportionately poorer outcomes experienced by young black and/or Muslim men across the Criminal Justice System.
8. In summer 2013 we met with Secretary of State for Justice Chris Grayling, who requested that we include young Muslim men in our remit, which had originally intended to focus on young black and mixed heritage men.
9. Starting in October 2013, the Young Review convened a Task Group of representatives from the government, statutory agencies, academics, private providers, voluntary sector and community representatives as well as ex-offenders. This Task Group has provided invaluable expert advice to Baroness Young and to BTEG and Clinks who formed the secretariat for the review.
10. Between October 2013 and July 2014 we held a series of consultative, expert group meetings of the Task Group, met with officials and representatives from a range of criminal justice agencies including the National Offender Management Service (NOMS) and Youth Justice Board (YJB) and undertook desk research.
11. In January 2014 the Young Review submitted its interim report to the Secretary of State for Justice and subsequently met with the Minister of State for Justice, Simon Hughes.
12. The interim report identified five guiding principles for improving outcomes among young black and/or Muslim offenders:



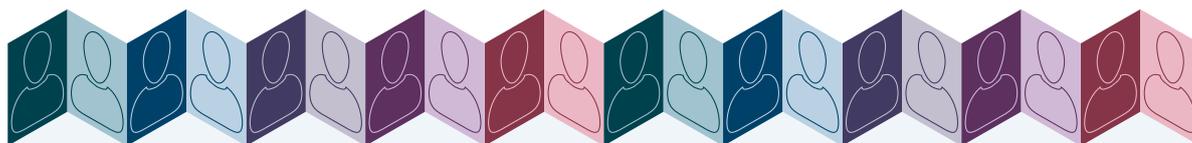
There is greater disproportionality in the number of black people in prisons in the UK than in the United States.¹⁰

13.1% of prisoners self identify as black, compared with approximately 2.9% of the over 18 population recorded in the 2011 Census.¹¹

- **Ethnicity, faith and culture** has a key role in promoting sustained desistance from crime
 - **Leadership from government and statutory agencies is essential** to ensure a proactive approach to diversity, inclusion and cultural competence and in the delivery of criminal justice services
 - **The experience, understanding and knowledge that resides in communities is crucial** in supporting offenders to desist in prison and through the gate
 - **Commissioning frameworks must identify and address specific needs** associated with young black and/or Muslim men
 - **Systematic and meaningful consultation with service users** that provides evidence of the reasons for and solutions to the disproportionate numbers of young black and/or Muslim males in the CJS.
13. We have since undertaken further consultative meetings and a variety of visits to voluntary sector organisations and prisons in England and Wales, where we have talked with staff and service users. A full list can be found in Appendix B.

Disproportionality faced by young black and/or Muslim men

14. The Young Review has focused its attention on improving outcomes for young black and/or Muslim men. We use the term 'young black and/or Muslim' to refer to men aged 18-24 who identify as black British; black African; black Caribbean; Muslim or mixed heritage/origin where it includes one or more of the above.
15. Both black and Muslim people are significantly over represented in the prison population, with this disproportionality rising significantly for Muslims since 2002. Black and Muslim prisoners both report being perceived through racialised stereotypes; black prisoners through the lens of gangs and drugs and Muslim offenders through the lens of extremism and terrorism.¹²
16. Young black and/or Muslim men are far from a homogenous group and the intersection of ethnicity, faith, culture and age makes these social



Muslim prisoners account for 13.4% of the prison population compared with 4.2 % in the 2011 Census.¹³

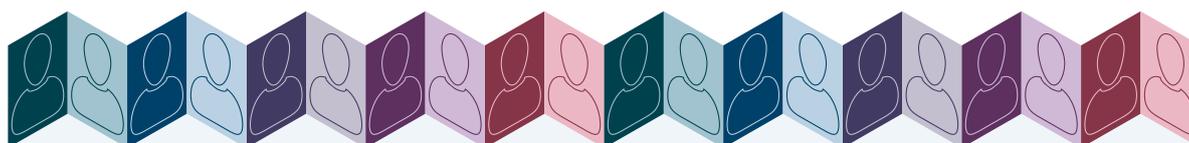
This figure has risen sharply since 2002 when Muslim prisoners were 7.7% of the prison population.¹⁴

identities multi-faceted and shifting: the experiences of individuals within these groups will vary. In addition most existing data does not disaggregate different ethnicities or cross reference them with age and gender.

17. Nonetheless, in spite of the challenges of assessing sufficiently nuanced empirical research, we are confident that in referring to data gathered from the wider categories to which black and/or Muslim young men belong, we are able to capture the relevant significant experiences of this group.

The influence of age and transition to adulthood

18. BAME representation in the prison population is heavily influenced by age; there are many more young BAME male prisoners than older ones, with the numbers, in the adult estate, being highest for 18-20 year olds and 21-24 year olds.
19. 18-24 year olds of all ethnicities and faiths are over represented in the Criminal Justice System as a whole¹⁵ and there are even higher levels of over representation of BAME offenders within this age group.
20. In the youth estate BAME disproportionality is starker still, with 43% of 15-17 year olds coming from BAME backgrounds¹⁶ and while youth offending has dropped for the population as a whole it has increased for BAME young people. Unless these young people are diverted away from the CJS this rising disproportionality is likely to transfer into the adult system.¹⁷ This gives an added urgency to our recommendations.
21. The Ministry of Justice has constructed three distinct categories for offenders within the 18-24 age group:
 - 18-20 year olds who are categorised by Ministry of Justice as 'young adults' and held in Young Offending Institutions (YOIs)
 - 21-24 year olds who are treated as adults
 - Those who begin their sentences in the youth estate (under 18) but who, on their 18th birthday, transition into the adult estate.

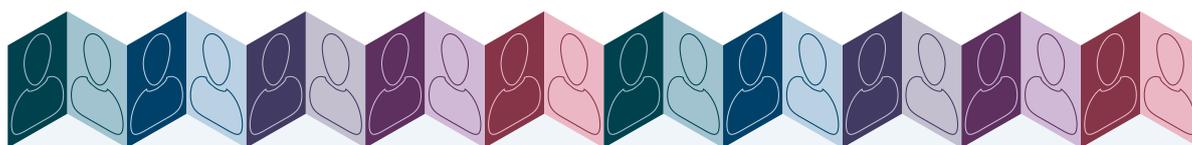


The proportion of offenders in the community under probation supervision from BAME backgrounds is 15.4%, with black offenders representing 6% and Asians representing 4.8%.¹⁸

22. The Transition to Adulthood Alliance (T2A) evidences and promotes a distinct approach to 18-24 year olds throughout the CJS and has argued that the Ministry of Justice categories as outlined above impose false distinctions within this age group.
23. They point to evidence from desistance research that 18-24 year olds are the age group most likely to desist and 'grow out of crime', while the wrong intervention at this time can slow desistance and extend the period that a young adult is involved in crime. They argue that the transition to adulthood is a process, not an event, and does not begin and end on a person's 18th birthday. This means that developmental maturity is a better guide to someone's stage in reaching adulthood.
24. The 18th birthday can be a time of maximum risk and vulnerability for many young people. Nineteen is the peak age of offending and neuroscience has identified that the functions linked to 'temperance' (impulse control, rational thinking, empathy) are not fully developed in most adults until the mid 20s.
25. However it is at this time when young people encounter changes to legislative frameworks and statutory expectations with youth focused services ending and the more punitive and less supportive responses of the adult justice system beginning. This can exacerbate the vulnerability experienced at this age.
26. The specific impact of racism, discrimination and other unequal outcomes and experiences of young BAME men in relation to the experiences of young adults more generally, is yet to be determined. In parallel to the work of the Young Review, BTEG, as a member of the T2A Alliance is undertaking an analysis of T2A's work to date to draw out lessons from its existing research and publications with regard to young BAME adults.

A wider context of disadvantage

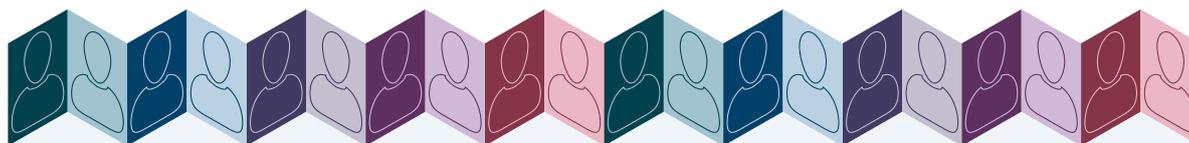
27. The Young Review focuses on outcomes for young black and/or Muslim men once they have entered the CJS, having been convicted of an offence. It is important, though, to recognise their over representation at the earlier stages. They are more likely to be stopped and searched,¹⁹ more likely to



BAME representation in the prison population is heavily influenced by age; there are proportionately many more young BAME male prisoners than older ones, with BAME representation in the 15-17 age group the highest at 43.7%.²⁰

plead not guilty and more likely to be tried.²¹ These disparities throughout the CJS are often part of a complex mix of educational, employment, health and social inequalities that have characterised many of their lives.

28. Young black men have the highest unemployment rate of any group of young people in the UK. For the 12 month period ending June 2013, the unemployment rate for young black men was 48 per cent.²² In recent research conducted by BTEG young black men identified 'racism, discrimination and negative stereotypes' as the three main reasons for the high unemployment rate.²³ Similarly, Her Majesty's Inspectorate of Prisons (HMIP) has noted the very high rates of social and economic deprivation among Muslims – including particularly high rates of unemployment, low income, low educational attainment and poor health.²⁴ These figures combine with poor employment outcomes for all prisoners²⁵ compounding the disadvantage experienced by black and Muslim offenders.
29. In 2007, the Home Affairs Committee comprehensively reviewed the complex web of causes that impact on young black people in the CJS, highlighting particularly low educational attainment for boys and a school system that too often does not 'accept, respect or expect much of' young black people.²⁶
30. According to a report published by Department for Education, black Caribbean pupils were nearly four times more likely to receive a permanent exclusion than the school population as a whole and were twice as likely to receive a fixed period exclusion.²⁷ It has been argued that this is one potential driver into the CJS.²⁸
31. The Bradley Commission notes that people from BAME communities tend to follow unduly 'coercive pathways' into mental health services via a CJS gateway.²⁹ African and Caribbean men experience the greatest disparities and often have a 'deep mistrust' of mental health services, which researchers have attributed to fraught relationships between black men, the police and other institutions.³⁰ The Centre for Mental Health believes it to be highly likely that people from BAME communities with learning disabilities are also over represented within the CJS, and the T2A Alliance point to the fact that young people involved in the CJS are very likely to have mental health problems.³¹
32. BAME young people, and those of mixed heritage in particular, are also over represented in the care system;³² and care leavers in turn are over represented



18-24 year olds have the highest reoffending rates of any group and the highest breach rates of those serving community sentences.³³

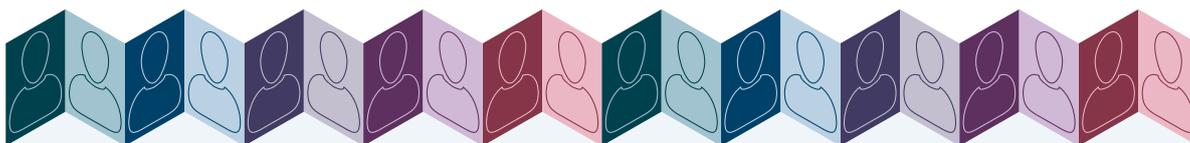
in prison, with former looked after children making up 33% of boys in custody.³⁴ This therefore represents a further area of combined disadvantage and a potential factor in driving people from BAME backgrounds towards the CJS.

33. A study on the resettlement experiences of BAME service users, 'Double Trouble?', observed that 'social disadvantage can combine to reinforce and mediate any impact of ethnicity', a process described as 'amplification'.³⁵
34. Against this backdrop of multiple inequalities it is perhaps unsurprising that experiences of the CJS for the groups with which we are concerned are mediated through, and influenced by, experiences linked to race, ethnicity, gender, culture and faith in other areas of social policy.
35. This points to a need for Ministry of Justice and criminal justice agencies to work in partnership with other government departments in order to properly understand the inequalities experienced by young black and/or Muslim men and make a concerted effort to address them.

Past initiatives to address disproportionate outcomes for BAME offenders and the legislative framework

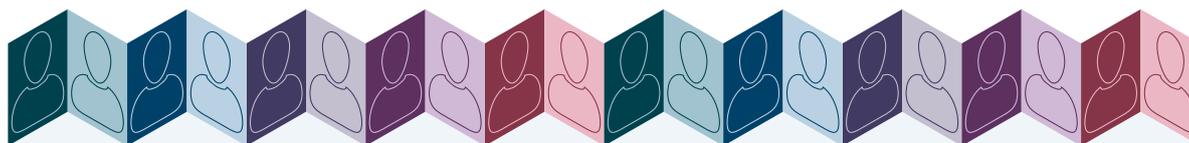
36. The first ethnic monitoring of the prison population took place in 1984-85 and there has been evidence of racial disparity ever since.³⁶
37. Criminologists Neil Chakraborti and Coretta Phillips credit the prison service for developing much stronger race equality policies but point to the deficit when it comes to implementation:

*... there are significant problems associated with minority groups' lived experiences of the prison environment, and these have yet to be fully explored, contextualised or addressed.*³⁷
38. NOMS conducted a Race Review in 2008 to follow up the recommendations of the Commission for Race Equality that responded to the murder of Zahid Mubarek by his cellmate in 2000. Amongst its conclusions, the Race Review pointed to the intractable difficulties of tackling discrimination that takes 'subtle, hidden forms'.³⁸



People from BAME backgrounds are more likely to plead not guilty and to be tried.³⁹

39. Concurrently, the Race Review noted that the concept of ‘institutional racism’ risked being perceived as too theoretical and sometimes too threatening thereby failing to make a substantive impact on attitudes and behaviour.⁴⁰ A key lesson from the Race Review was the importance of activity to address unfair outcomes being rooted in a practical context – looking at specific situations – in order to overcome this.⁴¹
40. The Race Review highlighted that there had been considerable investment in procedural changes but that the experiences of BAME prisoners had not been transformed.⁴²
41. Indeed the Equality and Human Right’s Commission (EHRC)’s 2010 report, *How Fair is Britain?* noted that the levels of disproportionality with regards to black prisoners were even greater than those in the US system.⁴³
42. The Public Sector Equality Duty 2010 requires public bodies to have due regard to the need to eliminate discrimination; advance equality of opportunity; and foster good relations between different people when carrying out their activities.
43. In line with this, following the Race Review and in advance of the introduction of the Equality Act 2010, NOMS published a single equality scheme for 2009-2012 and now publishes equalities objectives in its business plan. These objectives relate to all protected characteristics rather than focusing on race, ethnicity or faith specifically. There was a general feeling amongst those we have consulted with that this has led to issues related to race slipping down the agenda.
44. One of the key areas pointed to in this regard was the existence of race equality action teams, led by governors, and designated race equality officers. Prison service order 2800 on race relations, introduced in 2006, made these teams and roles mandatory requirements. However in 2011 a new prison service instruction, covering all protected characteristics, replaced this and removed the mandatory nature of these mechanisms. Concern was raised by members of our Task Group that this had resulted in a reduction of the influence of these mechanisms with regard to race equality.
45. Baroness Young tabled a written parliamentary question with regard to the number of race relations posts in prisons. The Ministry of Justice responded that they do not centrally collate this information.



In prison, black or mixed origin service users are subject to higher rates of adjudication, spend more days than average in segregation and are more frequently subject to the use of force.⁴⁴

18-20 year olds are more than twice as likely to be subject to adjudication and 21-24 year olds slightly more likely.⁴⁵

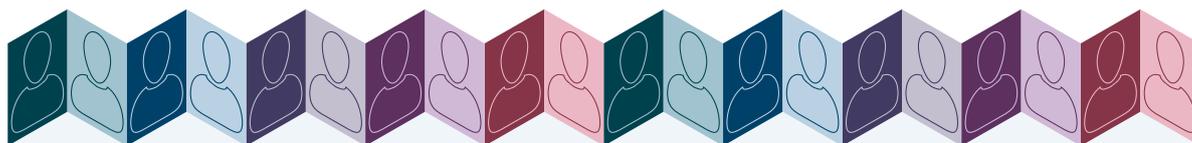
It is disappointing that, due to the lack of this data, policy makers are effectively unable to assess the impact of this policy shift.

46. During the life of the Review there have been further policy developments. The NOMS Commissioning Intentions for 2014 include a principle of 'responsivity'. This means that services are expected to be responsive to individual offenders' specific needs including the protected characteristics as defined by the Equality Act (2010) and there is an intention to use the commissioning process to address disproportionate outcomes.⁴⁶
47. In 2013 the Criminal Justice Board held a series of consultative meetings on equalities, including one on race, chaired by the Minister for Policing, Criminal Justice and Victims Damian Green. This has since been followed with a range of activity to feed into an action plan to understand the decision making processes that lead to disproportionate outcomes for BAME offenders.
48. These steps are in the right direction. However concerns have been raised about the speed of that movement. In his review of the implementation of the recommendations of the Zahid Mubarek Inquiry, the Chief Inspector of Prisons, Nick Hardwick, stated:

Although consultation with prisoners about equality has improved, using consultation findings to shape strategies and action plans remains a weakness.⁴⁷
49. The Young Review met with NOMS in summer 2014 to discuss the future direction of action in this area and learnt that they have recently drafted a new equalities strategy with the aim of ensuring that prisons have the necessary tools to address disproportionality when it is highlighted by the data. We explore this further in the findings section.

Current related initiatives

50. Since the Young Review began its work in autumn 2013 a number of related independent initiatives have also been established. These include



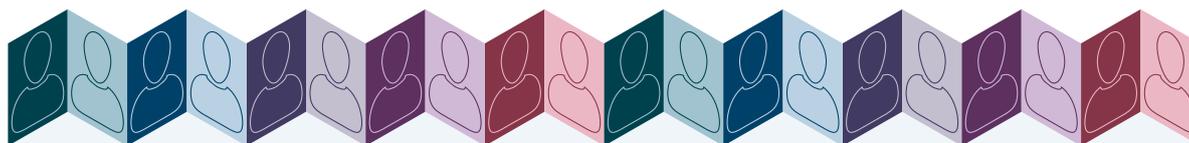
BAME prisoners are less likely to have enhanced status in the context of the incentives and earned privileges scheme.⁴⁸

the work of Lord Bradley to examine the situation for people with mental health needs in the CJS, five years after the publication of his commission's report; Lord Harris' independent review into self inflicted deaths in custody; the work of the Equality and Human Rights Commission into non-natural deaths of people with mental health conditions in state detention and continued work by Lord Ramsbotham with the Zahid Mubarek Trust.

51. Due to the combined disadvantages experienced by young black and Muslim men in the Criminal Justice System the issues the Young Review has explored overlap in some way with the focus of all of these initiatives. We therefore intend to identify where we can usefully add value to each other's work.

Current policy context

52. The policy context for this Review includes proposed changes to the configuration of the youth custody estate for young adults which will have a renewed focus on education, and proposals for the management of young adults in mixed institutions. These changes are currently on hold while Lord Harris conducts his review into self inflicted deaths in custody. However a significant degree of evidence for treating young adults the same as older adults indicates that it leads to poorer outcomes.⁴⁹ Given the preponderance of negative outcomes experienced by young black and Muslim men we have seen no evidence to suggest that these proposals will lead to improved outcomes that will prevent these young people moving on to the adult estate.
53. In the adult estate the introduction of a new environment under Transforming Rehabilitation represents a fundamental change in the way probation services will be delivered.
54. The previous 35 probation trusts have recently become 21 community rehabilitation companies (CRCs) that will have responsibility for providing supervision, resettlement and rehabilitation services to all low and medium risk offenders. From 1 April 2015 the management of these companies will be awarded to independent providers who will begin providing these services to all offenders sentenced to less than 12 months, a group that previously has not received mandatory supervision or rehabilitation support. The CRCs will also be responsible for providing some resettlement services in prisons prior to release and will therefore provide a through the gate service.



Black offenders are more likely to reoffend than their white or Asian counterparts.^{50/51}

55. This may represent a new opportunity to mobilise individuals and resources to come together and provide leadership to ensure that the disproportionate outcomes for young black and/or Muslim men in the CJS are addressed.
56. However, the development and implementation of these reforms has taken place at a rapid pace and this has presented some challenges to ensuring that our findings and recommendations can feed into them.
57. The Consideration of Equality Impacts report on Transforming Rehabilitation⁵² does not make reference to addressing the particular and significant disproportionate outcomes for the young men with whom we are concerned.
58. This is in contrast to the response to the needs of women offenders which has involved an amendment to the Offender Management Act through the Offender Rehabilitation Bill to introduce a requirement on the Secretary of State for Justice to ensure that contracts or arrangements for delivering rehabilitation and supervision services state how provision is intended to meet the particular needs of female offenders under the Public Sector Equality Duty.
59. Instead, for BAME offenders, the principle of 'responsivity' is being relied upon to ensure that new providers meet the needs of offenders in their contract package areas. We learnt from our discussions with Ministry of Justice officials that the equalities section of the tender document received only a 5% weighting: thus scoring nil on this section would not be enough to prevent a bid from winning, a situation we find regrettable.



Muslims from all ethnic groups are more negative about prison life than non-Muslims. Black and mixed origin Muslims, in particular, report the least positive perceptions compared to all other groups.⁵³

Conclusions and recommendations

60. Rigorously monitored mechanisms need to be developed and implemented to ensure that independent providers address the specific needs of BAME offenders.
61. Ministry of Justice should give consideration to potential future opportunities for legislation in regards to BAME offenders similar to that which exists to ensure that provision meets the specific needs of women offenders under the Public Sector Equality duty [Equalities Act].



Findings

62. The Young Review has examined the available literature and data relating to young black and/or Muslim offenders, held discussion groups with service users in prisons and the community; visited voluntary sector organisations and projects that work with young black and/or Muslim men in the CJS across England and Wales; and met with a range of agencies, organisations and individuals with expertise in this area. A full list of those we have visited and met with can be found in Appendices A and B.
63. In what follows we draw on the contributions of the Task Group members and all those we have met with, as well as existing research and evidence, to inform and shape our recommendations.
64. Everyone we have spoken with has acknowledged the urgent and serious nature of the disproportionately negative experiences of young black and/or Muslim men in the CJS. Little of what we have found through our discussions is particularly new or surprising and on the whole it supports the academic literature on the subject and recommendations of past reviews. Differences between our analysis and that of earlier reports reflect the complexity of the issues and the rapid pace of change within the CJS rather than a contradiction of previous research findings.
65. This consensus points us towards the conclusion that despite the existence of knowledge and understanding of what the problem is, there has not previously been the level of leadership or sufficiently sustained effort to find solutions. Even within academia, eight years ago despite the significant data and statistics available, Cheliotis and Liebling acknowledged that on the whole criminology had failed to address itself to issues of inter-racial conflict and racism in prisons⁵⁴ and there remains limited research on this.
66. Similarly in a report for the Bradley Commission on BAME communities, mental health and criminal justice, the Centre for Mental Health found a lack of evaluative research and policy initiatives which show what works for these client groups.⁵⁵
67. Our recommendations are therefore aimed at ensuring action now takes place to address disproportionate outcomes for young black and/or Muslim men in the CJS, from prison to resettlement and desistance.

Drivers for the disproportionate number of young black and/or Muslim men in the CJS

68. The Young Review has focused its attention on outcomes for these young men once they have entered the CJS. However, as outlined earlier these outcomes exist in a wider context of multiple disadvantage at earlier stages in their lives. During the review a number of issues have been raised regarding the drivers for these young men to enter the system in the first place: we outline these below.

69. The Task Group and other respondents raised concerns that policing and criminal justice is dominated by a risk based operating model, which particularly impacts on individuals whose behaviour is too often understood by society on the basis of stereotypical and prejudiced perceptions. As a result young BAME men are often assessed to be of a higher level of risk than their white counterparts.
70. Stop and search is used disproportionately on BAME children and young people;⁵⁶ black people are more likely to be arrested,⁵⁷ more likely to deny an offence and therefore less likely to be cautioned.⁵⁸ Thus more BAME young people enter the system in the first place.
71. Patrick Williams' research has shown that the gang agenda focuses disproportionately on BAME young people.⁵⁹ In our discussions with community based organisations we heard concerns about gang policy and the resulting police response which identifies young BAME people as a risk rather than in need. There were indications that this focus on risk has led to more young BAME people entering the CJS, including those who are only on the periphery of gang activity.
72. These drivers into the CJS take on added significance in the context of the points outlined earlier regarding 18-24 year olds being the age group most likely to 'grow out of crime'. The wrong intervention at this time can actually extend the period that a young adult is involved in criminal activity.
73. In this context partnership working is required between Ministry of Justice, Home Office, independent providers and other local criminal justice commissioners and agencies to ensure that disproportionality at the earlier stages of the CJS is eliminated. We welcome the work of the Criminal Justice and Youth Justice Boards in exploring the reasons for some of these disparities further.

Prison

74. Most of the prisoners we met with all said that they experienced differential treatment as a result of their race, ethnicity or faith. Black prisoners felt that they were stereotyped as drug dealers and Muslim prisoners as terrorists.
75. The impact of this is noted by academics who point out how the continued presence of discrimination within our prisons has a significant effect; the way inmates define their relation with the prison as an institution rests heavily on the perceived quality of day-to-day interaction with staff.⁶⁰ During the course of our visits and discussions, several prisoners cited examples to illustrate how they reacted to the situation and their ways of trying to deal with it.
76. In one establishment where we met with a mixed group of prisoners, including black British, black African and Muslim, they expressed a sense of beleaguered acceptance of poorer outcomes defining their experiences in prison and referred to what they experienced as non-existent attempts to develop effective rehabilitation.

Findings

77. This supports Phillips' position that being the victim of racism inside is part of the wider painful experience of imprisonment and societal exclusion. Add to this the experience of racism in BAME offenders' lives generally and, she claims, prison can come to be regarded as an extension of their entire life experience.⁶¹
78. Such experiences of discrimination and racism, real and perceived, must be addressed in order to ensure that our prisons are places that are conducive to supporting desistance, rehabilitation and reducing reoffending.

Discrimination in decision making

79. The evidence is clear that racism in custody can take different forms; directly from other inmates; directly from staff; and less overt discrimination in decision making.⁶²
80. The prisoners we spoke to highlighted the disproportionate numbers of BAME men on the basic regime (as part of the Incentives and Earned Privilege scheme [IEP]) compared to white inmates as an example of discrimination in decision-making.
81. They felt that BAME prisoners' statuses were often downgraded for trivial issues. This is supported by discussions with the Criminal Justice Board who told us that they found that BAME prisoners perceived that they were more likely to receive warnings and adjudications than their white counterparts, more likely to be found guilty than white prisoners even when they had been involved in the same incident, and that opportunities for purposeful activity that would allow them to work towards enhanced status were not equally distributed across prisoners of different ethnicities, with white prisoners being favoured.
82. NOMS data shows that these perceptions are borne out in reality; BAME prisoners' outcomes with regards to adjudications and IEP are poorer than those of white prisoners.⁶³
83. In addition, BAME prisoners reported to the Criminal Justice Board that they more regularly came under suspicion and that because downgrading takes place while an incident is under investigation, many of them no longer saw the point in pursuing enhanced status. The Prison Reform Trust's latest report on IEP points to the fact that status reviews can be conducted by a single member of staff, with an automatic review for single incidents of bad behaviour and a presumption of downgrading in such situations.
84. In summer 2014 NOMS drafted a new equalities strategy, which aims to drive forward the agenda for addressing these unequal outcomes. Its implementation will mean the piloting of past and new approaches to tackling disproportionality alongside rigorous and robust evaluation, which has previously been lacking, in order to develop a toolkit of interventions that prisons can use where monitoring identifies disparities in outcomes.
85. We welcome this strategy, in principle, but stress the need for urgent action to address these issues more vigorously than they have been in the past.

Conclusions and recommendations

86. The process for downgrading prisoners' status, particularly while an incident is under investigation, should be reviewed. Checks and balances are needed to ensure that status reviews are conducted fairly for all prisoners, but specifically for BAME prisoners in the context of continued discrimination and unequal outcomes for black and/or Muslim men in our prisons.
87. The publication of NOMS Equality Strategy in order to a) provide transparency for all stakeholders and b) form the basis for action, to include a stringent overhaul of the approach to services for young black and/or Muslim men in the CJS.
88. The Ministry of Justice fulfils its commitment to establish an advisory group on improving outcomes for young black and/or Muslim which can act as a critical friend and provide support to government and new providers in the implementation of strategies and interventions to address unequal outcomes for this group.

Cultural competence

89. It is frequently unclear whether differential treatment is due to deliberate discrimination or unwitting prejudice, ignorance, thoughtlessness and racist stereotyping.⁶⁴ Muslim prisoners we spoke to highlighted experiences that were clearly the result of, at best, a lack of cultural competence and at worst prejudice and racist stereotyping.
90. In more than one case we heard concerns regarding cultural sensitivity to religious customs around food.

"I asked an officer when the post Ramadan food would be distributed, the officer replied 'I don't care, I am not a Muslim'."

Prisoner who took part in our discussions

91. Cheliotis and Liebling argue that the majority of prison officers fail to perceive racism when it presents itself in the form of attitudes (e.g. stereotyping) or appreciate its subjective dimension. Instead it is often defined only in manifest acts e.g. verbal abuse and the underlying causes are often ignored with more focus on immediate triggers.⁶⁵

Attitudes toward Islam

92. Muslim prisoners we met with were more likely than non-Muslims to cite the perceptions of other inmates as problematic and reported that converts,

Findings

in particular, were viewed with deep suspicion. Islam was highlighted by many of the Muslim prisoners and ex-offenders we spoke with, as a positive force in coping with prison and release. However it was described as something that the authorities and other prisoners viewed with suspicion and through the lens of terrorism and extremism. They felt that there was a need for better education about Islam for prisoners and staff.

93. Despite improvements in cultural and religious provision for Muslim prisoners with better access to religious leaders being reported in recent inspection findings,⁶⁶ Muslims still report the least positive perceptions of prison life⁶⁷ and Asian prisoners are more likely to be victims of other prisoners' racially motivated or aggravated incidents compared to other BAME groups.⁶⁸
94. Earle and Phillips found that non-Muslims and white prisoners sometimes viewed Muslim prisoners with suspicion and as a collective presence operating with a hidden agenda. They describe a situation whereby Muslims have become the undesirable, irredeemable, 'alien' in the prison environment, as black prisoners with 'chips on their shoulders' were in the 1980s.⁶⁹
95. The wider context of attitudes to Islam and security was also raised as a concern in our visits and discussion groups. We were told that security reports are frequently raised when 3-4 Muslims are seen praying together. Given that only 1% of Muslim prisoners are convicted for terrorist related offences⁷⁰ this is an alarming situation that needs to be tackled with some urgency.

"We are fighting for a basic human right to practise our religion without being labelled extremists."

Prisoner who took part in our discussions

96. In addition, members of the Task Group highlighted concerns around the transparency of security reports. There is a lack of transparency in the adjudication process with no opportunity to challenge the information contained within them, including any racial or ethnic bias.

Conclusions and recommendations

97. Training for prison officers should be reviewed so that the perceived and actual problems associated with cultural competence of staff is overcome.

Diversity of the prison population and staff

98. A related issue is how the over representation of young black and/or Muslim men compares with the staff complement of criminal justice organisations.

At the end of the year 2011/12, the percentage of staff recorded as being from a BAME background in the NOMS Headquarters and public sector prisons was 6.4%.⁷¹ However, this figure varies greatly across different regions, so that while 22% of staff are from BAME backgrounds in Greater London establishments, the proportion is only 3.8% in others.⁷²

99. In 2008, the NOMS Race Review registered concerns about the potential impact in this context:

*Research on the prevalence of unconscious race bias in society, as well as the facts about the contrasting composition of the prison officer and prisoner populations in terms of ethnicity would suggest that a level of discrimination is a predictable result.*⁷³

100. Task group members also emphasised the importance of examining the ethnic and cultural make up of the prison estate and how this might change with the introduction of resettlement prisons. We heard many concerns about the current situation, in which some prisons hold disproportionately high numbers of black and/or Muslim men while in others individual service users find themselves in very isolated positions.

Conclusions and recommendations

101. Independent providers under Transforming Rehabilitation should examine the diversity of their staff and supply chain, and evaluate how their own policies reflect previous learning.

The role of voluntary, community and faith organisations in supporting prisons

102. Accumulated bias, whether conscious or not can have a dramatic effect on an offender's experience of prison life. Glynn's research points out black prisoners at times can and do suppress features of their cultural identity in response to being stigmatised as 'yardie', 'gangster' or 'thug'.⁷⁴ Such responses are implied by the young adults across all BAME groups who are less likely to report feeling respected than their white counterparts.⁷⁵ In addition, BAME prisoners have a poorer perception of how complaints are dealt with.
103. This research also points to a need to ensure that these young men are enabled to satisfactorily and confidently engage with their individual cultures so that on release they develop a sense of self that is a positive aid to them on their journey to desistance.⁷⁶
104. In discussions with our Task Group members and through our visits and meetings we found that the involvement of community and faith organisations

and representatives improved prisoners' experiences and provided confidence in the outcome of decision making processes and other procedures.

105. In particular, the work of Imams in prisons was highlighted as having the potential to ensure that the regime better understands Islam and that Islamophobic incidents were resolved constructively. We were told of one incident where non-Muslim prisoners had defaced a Koran. Working closely together, the well-regarded Imam and the prison governor resolved a difficult situation, by ensuring that Muslim prisoners were made aware of the steps taken to deal with the issue. The action taken by the authorities was prompt and transparent. The inmates comments to us clearly stated they appreciated the way the situation was dealt with and it was acknowledged as an example of good practice.
106. The importance of transparency in decision making is also evident in good practice examples of prisons working in partnership with community organisations to quality assure complaints procedures.⁷⁷ Such practices could be consolidated, improved and rolled out to other establishments.
107. However in visiting community organisations that work with offenders both in prisons and in the community, we heard of the difficulties they often had in accessing prisons initially and of the persistence needed to establish partnership working.
108. In contrast, we heard that the introduction and increase in Imams in the Prison Chaplaincy Service over the last decade is an example of community engagement working well.
109. The enshrinement in the 1952 Prison Act that every prison should have a chaplain (albeit based on the assumption that this would be a representative of the Church of England) provided a vehicle through which the officially sanctioned presence of Imams could be realised. The Chaplaincy Council now includes representatives from all major faiths and those representatives are able to act as advisors to engage with the Muslim community and recruit appropriately qualified Imams.

Conclusions and recommendations

110. The emphasis should be on dedicated resources for community engagement and partnership working models, rather than commissioning frameworks and supply chains.
111. This should ensure effective engagement, at strategic and delivery levels, of voluntary organisations with relevant cultural knowledge that can demonstrably meet the needs of 18-24 year old black and Muslim offenders in prison and the community.

Desistance

112. Desistance focuses on the offender making a commitment to cease offending and sustain this in the long term, although it is acknowledged that it's not always a straightforward linear journey. Interventions can support this process when they focus on the person's strengths and promote the individual's acceptance by the community.⁷⁸
113. The path to desistance is highly individualised but there are a range of internal and external factors that may influence it. The principles of self-determination and responsibility are central, as desistance involves making an individual choice. Therefore desistance cannot be 'done to' a person: support for desistance must be flexible, holistic and individually tailored.
114. The desistance process is produced by the interface between individual choices and wider social factors/structures.⁷⁹ These social factors include maturation, positive relationships, employment, faith and identity, and self-belief. In addition, as Calverley points out for BAME offenders

... processes of desistance reflect a cultural, as well as structural component.⁸⁰

115. The community organisations and projects in prisons we visited talked about the importance of the known factors that influence desistance. Consistent with the academic research they described the need for a holistic response that could be adapted to the individual, taking into account their needs across all of these factors as well as that person's cultural, social and structural context.
116. The community-based organisations we visited also recognised desistance as a process rather than an event and as such showed a long term commitment to supporting service users. Examples of this included working with individuals not just on their offending behaviour or immediate resettlement needs or drug and alcohol addictions but also on the underlying issues. In one case this included supporting an individual to re-establish access to his children; in another it involved support in resolving immigration problems.

Maturation

117. As outlined in our introductory remarks, age has been identified as an important factor in influencing individuals to desist from crime. Research suggests that for most individuals, participation in street crime (such as burglary, robbery and drug sales) often begins when they are in their early teens and peaks when they reach late adolescence or early adulthood. By the time the majority of these individuals have reached their thirties, they have stopped committing crime.⁸¹
118. The concentration of BAME offenders in younger age brackets supports this. However BAME offenders continue to be over represented at older ages too. This may suggest that maturation does not have as much of

an insulating effect for BAME offenders and given the other, negative experiences indicated elsewhere in this report, this may not be surprising.

Identity, self-belief and desistance

119. Central to desistance theory is the idea that an individual's identity is fluid and changeable. Desistance tells us that if someone has committed a crime and as a result found themselves labelled as an 'offender', it is possible for them to subsequently view themselves differently, reintegrate back into society and shed the 'offender' label.

120. Glynn's research demonstrates that the construction of black men's 'self concept' and their loss of identity as a result of feelings of disempowerment and oppression has significant consequences for a desistance process that is reliant on the relationship between the individual and society.⁸²

121. This is reinforced by the words of one prisoner we met,

"One of the main issues that afflict BME in prison; how misunderstanding of our identity leaves us in crisis."

Prisoner who took part in our discussions

122. Similarly Anderson argues that the cumulative impact of poverty, race, and social isolation pushes young black men into a subculture of violence and criminality to achieve respect and acquire 'street manhood'.⁸³

123. We visited a prison project tailored specifically to supporting black men to overcome these challenges. It was clear through talking to participants and the prison staff involved in the programme that interventions aimed at increasing black men's social capital through building confidence in their identity and understanding of the structural factors that have influenced their lives have great potential.

124. There was a general feeling that for those who had undertaken the course, it had positively impacted their behaviour, reduced the amount they were disciplined and provided motivation and a positive direction. In addition, it helped them to understand the relationships between their perceptions of themselves, wider society's perceptions of them and their response to the ways in which they were positioned. It helped them to recognise and address their offending behaviour and to look to their responsibilities as members of families, communities and society.

125. In discussions with participants it was highlighted that all other courses available to prisoners focus on offending behaviour whereas this course took a different approach 'covering aspects of life itself' and focusing on the men as individuals and their experiences. This supports the case Glynn makes for providing opportunities for black men to change their value systems.

126. At another project we visited, male former offenders were supported to address their mental health, and drug and alcohol addiction. They were provided

with a calm, shared space where participants were given the opportunity to explore how society sees black masculinity and their response to it.

127. In various discussions with representatives from agencies, the prison-based course was highlighted as an example of good practice but we found little evidence of it being extended to meet the needs of a greater number of prisoners in other establishments. In addition, a more rigorous, sustained approach to monitoring the impact would be helpful to other practitioners developing and delivering such programmes.
128. The implementation of NOMS' equality strategy will, we hope, mean that this can now take place so that such interventions that focus on black and/or Muslim offenders as individuals and that provide opportunities for them to build a positive self concept in support of long term desistance become more widespread. The new advisory group should have a role to play in terms of monitoring the impact of NOMS' equality strategy.

Young black and Muslim men's families, faith, employment and desistance

129. Recent research by Calverley explored the factors and processes associated with desistance from crime amongst the UK's principle minority populations. His work concentrates on desistance factors for black, Indian and Bangladeshi offenders. He distinguishes between these groups based on ethnicity rather than faith but with caution, we feel it is fair to include his findings regarding Bangladeshi offenders as possibly having some applicability to Muslim offenders more generally.
130. Calverley found that variations in access to employment networks and family networks and structures across ethnicities produced variations in social capital.⁸⁴
131. For Bangladeshis, families were a key factor in their experiences of desistance. In particular it was the forgiveness from and acceptance back into the family, which offered offenders key choices.⁸⁵ Religion also featured prominently as providing access to positive social networks.⁸⁶
132. For black and dual heritage offenders, relationships with their families did not produce the same high levels of social capital. This meant they had fewer options to structure their time via family and familial routes to employment and were instead compelled to use their own resources.⁸⁷
133. In our visits and discussions, the importance of faith and family relations as a vehicle for offenders to change their attitudes, thinking and behaviour was highlighted but our findings potentially added further layers to Calverley's findings about Bangladeshis' desistance.
134. We heard about the stigma attached to offending behaviour and drug and alcohol use within some Muslim communities where it is viewed as un-Islamic. As a result families and the wider faith community may reject offenders upon their release. This was described to us as a kind of triple isolation; within wider

Findings

society because of ethnicity and faith; within their community and their own family because of their offending history. This isolation can lead to mental health and wellbeing needs, which in turn may present a further barrier to desistance.

135. This stigma does not just exist within Muslim communities. In interviews undertaken for Clinks in 2011 one service user stated that in his black Caribbean culture, alcoholism was not fully recognised as an illness, and therefore that a counselling or addiction service tended to be heavily stigmatised in the eyes of his community.⁸⁸
136. Research undertaken by POPS highlights the need for support to families experiencing these situations so that they can provide the support offenders need to desist.⁸⁹

The role of ethnicity, faith and culture in desistance

137. It is clear from the literature that as highlighted in our interim report, ethnicity, faith and culture play a key role in promoting sustained desistance.
138. However it is important to recognise the individualised way in which these factors will affect each person's own desistance path. As Calverley states:

*Ethnicity must not be seen as an essential entity responsible in itself for producing differences. Instead, ethnicity is arguably best understood as an interactive factor with other determinants of desistance, as a significant co-variant.*⁹⁰

139. Therefore, whilst there is a need to tailor services to the distinct experiences of young black and/or Muslim men, it should not be assumed that all individuals from these backgrounds have experienced these factors or that such experiences assume equal significance. Instead interventions must be flexible and respond to the way in which cultural factors mediate the desistance process for each individual.

Resettlement

140. The desistance process of forming a pro-social identity that enables positive choices to be taken must continue to be supported upon re-entry and resettlement into the community. Calverley states that:

*Community is a central influence upon the lives of desisters of all ethnicities because it structures the social and physical milieu where key processes associated with desistance operate.*⁹¹

The effect of deprivation in communities on resettlement opportunities

141. Our Task Group highlighted the importance of social capital in creating resilient communities and the challenges social deprivation presents to the development of this. It is a key factor in facilitating resettlement and

desistance, both in providing communities with the resources to support ex-offenders and in providing positive opportunities for ex-offenders.⁹²

142. For BAME ex-offenders these structural issues can be exacerbated as they often come from communities that are concentrated in areas of crime, ill health and general deprivation. This poses challenges for those who have committed crimes and wish to leave offending behaviour behind, yet wish to return 'home'.⁹³
143. This is illustrated by research, which found that black offenders had longer criminal careers than white offenders and were more likely to be involved in violence. However when employment and living arrangements were controlled for, the difference ceased to exist suggesting that social inequality plays a significant role.⁹⁴
144. The T2A Alliance also point to housing as a key factor in reducing reoffending by young adults. It provides stability and moves people away from negative influences. However T2A have highlighted that its availability is becoming scarcer and young people with criminal convictions are placed in lower priority or sometimes considered to have made themselves intentionally homeless.⁹⁵
145. Although NOMS figures show high levels of positive settled accommodation outcomes for young people and no significant difference for those from black and/or Muslim backgrounds,⁹⁶ prisoners we spoke to highlighted concerns about returning to areas of high deprivation where it is difficult to move away from potentially criminal networks. In particular concerns echoed those about gang policy and risk with prisoners feeling that on release associating with other community members would automatically put them at risk of breaching their license conditions.
146. Employment outcomes are not encouraging for young men released from prison, in general. Overall only 24.4% had a 'positive employment outcome' in 2012/13, for black offenders the figure was 22.6% and for Asian offenders it was 31.2%.⁹⁷ This is compounded by low levels of employment for young black men in the general population, as outlined previously.
147. In our meetings with ex-offenders and organisations working to support them we heard about the importance of employment to support resettlement and the challenges faced by organisations seeking to facilitate employment opportunities. We discussed private sector initiatives such the schemes run by National Grid⁹⁸ and Timpsons⁹⁹ that provide employment for offenders.

Conclusions and recommendations

148. There should be a concerted effort to establish partnerships with employers across all sectors to set up employment schemes for ex-offenders.

Working with community based organisations to build social capital and support resettlement

149. In a context of social deprivation it is vital that the new community rehabilitation companies engage with community organisations and support the development of social capital which in turn can facilitate positive resettlement outcomes for young black and Muslim men and their communities. This was highlighted by all our visits and discussions where we heard about the need for role models within the community and alternative opportunities for success.
150. One organisation we visited whose main client group was Muslim offenders, was addressing the stigma attached to offending and the resulting rejection of offenders. They are working with the local mosques, communities and families to remind them of the importance of forgiveness as an Islamic concept. They organised visits for groups of Imams to the local prisons and in so doing challenged the underlying assumptions about the offenders and contributed towards building the capacity of the local community to support resettlement and rehabilitation.
151. Based on these examples it is difficult to see how an organisation from outside that is not based and rooted within the community would be able to undertake such a role. For such vital activities to continue in the newly configured environment under Transforming Rehabilitation, community rehabilitation companies will need to work in close partnership with such organisations.
152. In our discussions with those bidding to run these companies there was generally an acknowledgement and understanding of the need to address the disparity in outcomes faced by young black and/or Muslim men. However most independent providers are unlikely to have staff with the lived experience and/or skill set to be able to address this and will therefore need to ensure that such knowledge and skills exists within their supply chains.
153. Some private providers expressed optimism that Transforming Rehabilitation might offer an opportunity for the private sector to take risks that the public sector previously has not in order to address disproportionate outcomes. In many instances the public sector response to these issues has been about compliance with legislative equalities frameworks rather than improving high quality outcomes.
154. It may be the case that Transforming Rehabilitation provides an opportunity to focus on holistic needs assessments on an individualised basis, which be able to achieve such progress through empowering and working with community partners.
155. NOMS segmentation and evidence summary acknowledges the difficulty of addressing structural issues, which are often outside of the immediate control of service providers, and can:

... lead to the problems caused by labelling and social exclusion, being ignored or seen as the responsibility of the offender to address. It is therefore important to recognise these obstacles to reintegration and work to help overcome these through both practical help and assistance.¹⁰⁰

156. However, the particular impact of this for BAME offenders is not noted and the available Transforming Rehabilitation documents do not specify anywhere the importance of meeting the specific needs of black and/or Muslim offenders or of working with communities to do so. Instead the new independent providers are required to show that they understand and are responding to the needs of the population in their contract package area. Given the disproportionately high numbers of BAME prisoners, the negative outcomes and the general concern expressed on the subject, this represents a weakness in the programme that needs to be urgently addressed.
157. A significant number of the potential bidders we spoke to highlighted that payment by results – the mechanism through which providers will receive the maximum payment for these contracts – is not an appropriate tool to encourage such responsiveness. Even if it were, the way the payment mechanism is structured means providers will not be paid for any reduction in offending until 2-3 years after contracts have begun – this is too long to wait to address the disparities experienced by these young men. Therefore addressing this issue must involve working beyond the scope of the contract, but there is currently no incentive for independent providers to do this.

Conclusions and recommendations

158. Independent providers should work in partnership with and grant fund community led organisations that are able to build social capital within communities and support families experiencing the stigma of offending to facilitate successful resettlement of offenders, and provide through the gate support to offenders themselves.

159. Independent providers should be incentivised beyond the scope of Transforming Rehabilitation contracts to address disproportionate outcomes for young black and/or Muslim men.

Cross cutting themes

160. Thus far we have outlined our findings and recommendations in relation to each stage of the criminal justice pathway for young black and/or Muslim men. In addition there are a number of cross cutting themes we have identified in each of these stages. Below we outline our conclusions regarding each of these.

Service user involvement

161. Service user involvement is increasingly recognised as an essential means of assessing quality and stimulating innovation across the health, education, social care and drug and alcohol services. In the health sector this is now accepted as good practice. Over recent years there have been various efforts to promote and develop the involvement of offenders in the research, design and delivery of criminal justice services.
162. Present and former offenders are a crucial source of knowledge on 'what works' and can also offer a unique contribution as mentors or peer mentors in the CJS. In discussions with the Task Group and with offenders and ex-offenders, the unique credibility and insight that someone with a similar set of experiences can bring to a relationship with young black and/or Muslim men, and which is vital at the transitional stage of life into adulthood was highlighted. This points to a need to incorporate 'who works' into 'what works'.
163. In our discussions with potential independent providers and voluntary sector organisations, the challenge of engaging with young black and/or Muslim male offenders was raised. There was a feeling that this group had lost trust in the CJS and its institutions suggesting that there is a need to work through individuals who could restore trust.
164. However, members of our Task Group and others expressed frustration with the process of gaining access to the custodial estate for former offenders. Prison Service Instruction 31/2012 sets out procedures and guidance for prisons to enable ex-offenders to be vetted to work or volunteer in prisons. This policy is also soon to be extended to cover community settings under the Transforming Rehabilitation reforms.
165. While this policy is intended to facilitate the involvement of ex-offenders, we heard from members of the Task Group and voluntary sector organisations that governors and prison staff are often not aware of, or do not adequately understand, the policy. We also heard anecdotal evidence that the vetting procedure takes longer when an individual has what appears to be a Muslim name.
166. NOMS presented to the Task Group on this subject and highlighted that there is no ethnic monitoring of those who apply for vetting via this policy and therefore no way of verifying whether there is or is not a disparity in outcomes for black and/or Muslim ex-offenders. We suggest that such monitoring is conducted on a regular basis in order to ascertain if discrimination is embedded in the system.
167. Finally we would stress that the role of service users should not be limited to that of volunteering as mentors. In other services, such as mental health, we have seen that devolving power to service users by involving them in the design and delivery of services can lead to improved results.

Conclusions and recommendations

168. Individuals who understand the lived experience of young black and/or Muslim male offenders should play an integral part in the planning and delivery of programmes and interventions to support their desistance.
169. Commitment to the importance of service user involvement should be emphasised through communications with prison governors and new providers that ensure they correctly understand the policy enabling ex-service users to volunteer and work in prison and community settings.
170. Data relating to ethnicity and faith should be collected and analysed as a matter of course for all ex-offenders applying for security clearance to work in prisons or community settings through the standard plus route.

Data

171. The prison system collects data about ethnicity using the 2001 census 16 category coding. Earle and Phillips describe this as reflecting a:
- ... curious combination of racial markers, continental and national identities and proxies for ethnicity.¹⁰¹*
172. The coding also has limitations in its ability to reflect new and changing ethnicities and their experiences. For instance a number of inner city boroughs and community groups have raised concern about increasing disproportionate entry into the CJS for young Somali men and for young men from Traveller communities, but these significant demographic developments are not reflected in the data as they are 'hidden' in the black African/BAME categories respectively and therefore their specific needs may be missed.
173. In addition, as described earlier, the available official data on black and/or Muslim offenders is often hidden within the wider BAME category and not always available to analyse across other characteristics such as age and gender.
174. NOMS have recently introduced a new monitoring tool that collects data on all protected characteristics and in the future this may be able to provide disaggregated and cross-referenced data for prisons.
175. However, data collection is not consistent throughout the CJS. Police data, which is used to measure reoffending, does not use the same codes as prisons, and instead relies on intelligence categories limited to black, Asian and white.

Findings

176. Similarly service providers in the community do not always monitor and evaluate the impacts of interventions across all ethnic and faith groups and therefore there is a need for commissioners and providers to improve this practice.¹⁰²
177. This will be a key issue for the newly established community rehabilitation companies and in order to build a full national picture and address issues adequately there will need to be consistency in data collection across the contract package areas.
178. Without adequate data collection the NOMS commissioning intentions' principle of responsiveness can never to be fully operationalised.
179. Data collection should be an area of cooperation between community rehabilitation companies and other criminal justice partners. As highlighted in our discussions with potential independent providers the competition will bring new technologies and systems, which will have the potential to make this easier. This opportunity must not be missed.

Conclusions and recommendations

180. Data collection and monitoring should be standardised across the whole CJS, governed by a minimum set of data which includes not just ethnicity but also faith, language and age.
181. There should be rigorous scrutiny of the actions taken in response to monitoring data collected that reveals disparities in outcomes for young black and/or Muslim men.

Beyond this review

182. The evidence reviewed clearly demonstrates that despite decades of concern expressed by black and Muslim communities, researchers and academics and policy-makers: and despite various official reviews and investigations, the issue of disproportionately negative outcomes for young black and/or Muslim men in the CJS remain. Although there have been some small improvements, on the whole previous actions to address the situation have been ineffective.
183. The position of young black and Muslim men in society is amplified by their experiences of actual and perceived discrimination in prison, which then impact upon their self image and the process of achieving desistance. On release the continued inequalities they face in wider society and the deprivation which exists in many of the communities they return to further compounds this.
184. Solutions can be found, as we have outlined in our recommendations. They lie in improved data collection and analysis, which is acted upon; greater cultural competency of staff; increased community engagement and partnership working; robust monitoring to ensure new providers meet the needs of young black and Muslim men; service user involvement at all levels and, most importantly, leadership from government and agencies across different government departments to drive these solutions forward.
185. With renewed leadership and energy we believe that the implementation of our recommendations can provide a starting point to reversing this situation and bringing about a change in practice and outcomes.
186. In our interim report we recommended that an advisory group be set up to act as a critical friend to government and providers in ensuring that this issue is tackled. We have since met with Minister for Justice, Simon Hughes, to discuss this further and with the input of the Task Group have drafted a terms of reference for this group (see Appendix C). We will continue to work with Ministry of Justice to establish this within a few months of the publishing this report.
187. We hope that in doing so the efforts and energy of the Young Review's Task Group and all those we have met with will be sustained and that the advisory group is able to support the implementation of our recommendations. It is vital that this issue is regarded as a matter of urgency and placed at the top of the criminal justice agenda.

Glossary of terms

| | |
|-------------|-----------------------------------------|
| BAME | Black, Asian and minority ethnic |
| BTEG | Black Training and Enterprise Group |
| CJB | Criminal Justice Board |
| CJS | Criminal Justice System |
| CRC | Community rehabilitation company |
| IEP | Incentives and Earned Privileges scheme |
| MoJ | Ministry of Justice |
| NOMS | National Offender Management Service |
| T2A | Transition to Adulthood Alliance |
| YJB | Youth Justice Board |

Basic status

The lowest level of entitlement which prisoners can attain under the Incentives and Earned Privileges scheme.

Commissioning

Commissioning is the process by which government bodies decide how to spend their money to get the best possible services for people. Commissioning is a cycle which involves the review, planning and procurement of services.

Community rehabilitation company

The 21 companies which replaced Probation Trusts in June 2014 and which independent providers will bid to run.

Cultural competence

An ability to interact effectively with people of different cultures and socio-economic backgrounds. Cultural competence comprises four components: (a) Awareness of one's own cultural worldview, (b) Attitude towards cultural differences, (c) Knowledge of different cultural practices and worldviews, and (d) Cross-cultural skills.

Desistance

The gradual and individual process of ceasing and refraining from offending, which often leads to the person's integration back into the community.

Incentives and Earned Privileges Scheme

In prisons this scheme is intended to encourage responsible behaviour and constructive engagement by prisoners. It has three levels, which prisoners move between, depending on their behaviour, and upon which the right to certain entitlements depend.

Enhanced status

The highest level of entitlement which prisoners can attain under the Incentives and Earned Privileges scheme.

Independent Providers

The, mainly private sector, organisations who will bid to run the community rehabilitation companies which will have responsibility for the management and supervision of all low to medium risk offenders under Transforming Rehabilitation.

Maturation

The process of becoming mature; desistance theorists have linked this with desisting from offending behaviour.

Payment by results

A form of financing that makes payments contingent on the independent verification of results.

Pro social networks

Networks which support non offending behaviour and continued desistance.

Protected characteristics

Under the Equality Act 2010 it is unlawful to discriminate against a person with one or more of the nine protected characteristics. These are age, disability, gender reassignment, marital status, pregnancy and maternity, race, religion or faith, sex and sexual orientation.

Service user involvement

Service user involvement is the processes by which the people using a service become involved in the planning, development and delivery of that service to help make changes and improvements.

Social capital

The benefit for individuals and communities derived from 'networks, together with shared norms, values and understandings that facilitate co-operation within or among groups'.¹⁰³

Stop and search

The power of the police to stop and search an individual, for example if they have reasonable grounds to suspect that an individual is carrying illegal drugs, a weapon, stolen property or something which could be used to commit a crime.

Through the gate

Services which provide sustained and continued support while an individual is in prison and after their release.

Transforming Rehabilitation

The Government's plans to change the way in which offenders are managed through the outsourcing of a large portion of the probation service in England and Wales.

Appendix A: Task Group members

The Young Review Task Group included the following individuals who have contributed to this report through a series of Task Group meetings and expert group meetings on institutional responses, commissioning, resettlement and Muslim prisoners.

| Name | Organisation |
|--------------------|---------------------------------------|
| Tahir Abbasi | Pakistani Resource Centre |
| Maneer Afsar | Her Majesty's Inspectorate of Prisons |
| Imtiaz Amin | The Zahid Mubarek Trust (ZMT) |
| George Barrow | Ministry of Justice |
| Jane Becker | Ministry of Justice |
| Sab Bham | Salaam Peace |
| Mark Blake | Black Training and Enterprise Group |
| Angela Christopher | National Offender Management Service |
| Jeremy Crook | Black Training and Enterprise Group |
| Peter Dawson | Sodexo Justice Services |
| Bilal Dunn | The Noor Initiative |
| Kimmett Edgar | Prison Reform Trust |
| Nicholas Faraday | Independent Academic Research Studies |
| Martin Glynn | University of Wolverhampton |
| Mohammad Hanif | Arooj |
| Clare Hayes | Clinks |
| Sarah Hobbs | Maslaha |
| Norma Hoyte | PLIAS Resettlement |
| Saeedi Iqbal | Emtep |
| Jasber Jittlar | National Offender Management Service |
| Edward Kellman | Nilaari |
| Sara Llewelin | Barrow Cadbury Trust |
| Nicola Lowit | National Offender Management Service |
| Clive Martin | Clinks |
| Sue McQuinn | The Mount |
| Raheel Mohammed | Maslaha |
| Steven Muirs | Ministry of Justice |
| Jess Mullen | Clinks |
| Abu Mumin | Osmani Trust |

| | |
|---------------------------|-------------------------------------------------|
| Heather Munro | London Probation |
| Phanuel Mutumburi | Ipswich and Suffolk Council for Racial Equality |
| Henry Ngawoofah | GIFT |
| Sikander Pathan | Feltham Community Chaplaincy |
| Jamie Paul | Ministry of Justice |
| Coretta Phillips | London School of Economics |
| Shafiur Rahman | The Osmani Trust |
| Steve Rawlins | Penrose |
| Max Rutherford | Barrow Cadbury Trust |
| Neena Samota | Black Training and Enterprise Group |
| Angela Sarkis | Youth Justice Board |
| Khatuna Tsintsadze | The Zahid Mubarek Trust |
| Dena Tyler | The Mount |
| Mark Woodruff | The Monument Trust |

Appendix B: Contributors

The Young Review would like to thank all Task Group members and the following individuals and organisations who we have met with to inform this interim report or who have provided financial or in kind support to us.

- Barrow Cadbury Trust
- The black prisoners self development project at HMP The Mount
- The Care Forum
- Capita
- Centre for Mental Health
- EOS
- Equality and Human Rights Commission
- EYES Wolverhampton
- Geo Delta
- Her Majesty’s Inspectorate of Prisons
- HMP Pentonville
- HMP Buckley Hall
- Iqbal Wahaab
- Ingeus UK
- Issa Wales
- Lankelly Chase Foundation
- MITIE
- Mosaic
- MTC Amey
- National Offender Management Service
- Nilaari
- The Osmani Trust
- Partners of Prisoners Families (POPS)
- Prospects
- The Rt Hon. the Lord Adebowale
- The Rt Hon. the Lord Bradley
- The Rt Hon. the Lord Harris
- The Rt Hon. the Lord Ramsbotham
- William Noblett

Appendix C: Proposed advisory group on young black and Muslim offenders – Draft Terms of Reference

The *Young Review into Improved Outcomes for Young Black and Muslim men in the Criminal Justice System (CJS)* submitted its interim report to the Secretary of State for the Ministry of Justice in January 2014. One of its guiding principles is that “the experience, understanding and knowledge that resides in communities is crucial in supporting offenders to desist in prison and through the gate.”

The interim report recommends that Ministry of Justice (Ministry of Justice) work with the Young Review Task Group members to explore mechanisms for actively engaging with representatives from the black, Asian and minority ethnic (BAME) voluntary sector and others with relevant expertise, in order to support the development of policy and commissioning strategies that address the needs of young black and Muslim men.

Background

Young black and Muslim men face disproportionate outcomes at every stage of the Criminal Justice System. In prison they are more likely to be subject to adjudication, be on the basic regime, and less likely to be granted Release on Temporary Leave. Black offenders are also more likely to reoffend than their white counterparts.

The Young Review was set up to influence the development and delivery of new commissioning frameworks to ensure they incorporate effective measures to improve outcomes for young black and/or Muslim offenders aged 18-24. To this end, it is working to support and promote the development and dissemination of a range of practical and powerful tools for policy makers and CJS providers.

Members of the Task Group have met with representatives and officials from a range of government agencies and voluntary and private sector providers. All have acknowledged that the disproportionate outcomes experienced by young black and/or Muslim men represent a serious and substantial challenge for criminal justice policy and commissioning.

Alongside this recognition there are a number of internal initiatives taking place within the Youth Justice Board and the Criminal Justice Board to explore and address this issue further. However, acknowledgement of the urgency of improving outcomes for this group and any direction or guidance to providers on how to do this is absent from recent policy documents, in particular those relating to the Transforming Rehabilitation reforms which will lead to unprecedented changes to our CJS.

The *Consideration of Equality Impacts* report on Transforming Rehabilitation does not make reference to the particular and significant disproportionate outcomes for young black and Muslim men outlined above. This is in contrast to the response to the needs of women offenders which has involved an amendment to the Offender Management Act through the Offender Rehabilitation Bill to introduce a requirement on the Secretary of State for Justice to ensure that contracts or arrangements for delivering rehabilitation and supervision services must state what provision is intended to meet the particular needs of female offenders.

Despite this and despite an absence of leadership, across all sectors (voluntary, statutory and private), to address this issue there is some precedent for engagement mechanisms between Ministry of Justice/NOMS and the BAME voluntary sector and other individuals with relevant expertise to address these issues. However the form of this engagement has been inconsistent and intermittent. Examples include:

- Between 2003 and 2008 an Independent Advisory Group (IAG) was established to provide advice and guidance to NOMS, co-chaired by Lord Richard Rosser, non-executive member of the NOMS Management Board, and Farida Anderson MBE, Chief Executive of Partners of Prisoners Families (POPS). The group comprised 20 individuals from voluntary sector organisations, as well as academics and policy-makers in related fields. The Group's members were openly recruited and came from a broad range of backgrounds, experiences and communities including voluntary sector organisations, as well as academics and policy makers in related fields. It was set up to act as a critical friend, supporting and challenging NOMS. As well as meeting regularly to advise on policy developments, members visited establishments to observe and feedback on progress and scrutinised data with regards to staff recruitment and incidents of discrimination in prisons. The Independent Advisory Group was disbanded after the publication of the NOMS Race Review in 2008.
- Following this, and prior to the 2010 Equalities Act which introduced a single equalities framework, NOMS published a single equality scheme for 2009-2012, consultation with external stakeholders took place to develop this but there was no independent advisory group. Since then equalities objectives have been published in the NOMS business plan.
- In 2013 the Criminal Justice Board held a series of consultative meetings on equalities including one on race chaired by Damian Green. This is feeding into their wider work on equalities across the whole Criminal Justice System.
- BTEG facilitates a national BAME criminal justice network. The network provides mutual support to member organisations to aid sustainability and provide a voice into government and policy makers. BTEG use the intelligence from the network in their policy and influencing work with the Ministry of Justice.

The shared recognition of the serious nature of this issue and the imminent introduction of a newly configured environment under Transforming Rehabilitation provide a new opportunity to mobilise individuals and resources to come together and provide leadership to ensure that the disproportionate outcomes of young black and Muslim men in the CJS are addressed.

Purpose

To provide leadership and advice to government (Ministry of Justice and NOMS) and providers (statutory, private and voluntary) to support improved outcomes for young black and Muslim men in the Criminal Justice System over the course of service delivery throughout the life of the new 10 year Transforming Rehabilitation contracts.

Remit

The advisory group will maintain a clear focus on improving outcomes for young black and Muslim men in the Criminal Justice System. This includes men aged 18-24 who identify as black British; black African;

black Caribbean; Muslim or mixed heritage/origin where it includes one or more of above. The rationale for this focus is that:

- This is the fastest growing group of BAME prisoners
- While much data collected covers all prisoners of Black, Asian and minority ethnic origin we know that this wider category results in outcomes for one group masking those of another, therefore a narrow focus is more helpful
- The issues for this group are complex and therefore the focus needs to be narrow to ensure that improvements can be achieved – this will then provide learning which can be built upon for other groups in the future
- The needs of women offenders and girls at risk of offending are currently being addressed by other groups for instance the Alliance for Young Women and Girls at risk.
- The needs of black and Muslim under 18 year olds are currently being addressed by a piece of working carried out by the Youth Justice Board.

However the group will establish strong structural links with other bodies focusing on these other demographic groups in order to support each other and share learning.

Outcomes for young black and Muslim men in the Criminal Justice System cannot be understood or improved in isolation from the outcomes this group faces across other areas of social policy. Therefore while the groups key audience will be MoJ, NOMs and the providers they commission to deliver services, the group will also seek to engage where appropriate representatives from other government departments and to establish reciprocal relationships with other groups working to influence government in these policy areas:

- Health
- Business Innovation and Skills
- Policing
- Department of Work and Pensions

Roles and responsibilities

- To support the identification of key priorities and feed into MoJ and NOMS equalities objectives in relation to young black and Muslim men
- To review information from Government and providers about resource allocation to meet the needs of young black and Muslim offenders
- To monitor and review data on outcomes for young Black and Muslim men and progress against equalities objectives and help identify good practice and make recommendations to providers for sustaining/improving practice in relation to young black and Muslim men
- To provide robust challenge to Government and providers by identifying gaps, raising issues and scrutinising specific priorities and programmes
- To act as a critical friend to MoJ and NOMS in the development of policy to address the needs of young black and Muslim men
- To act as a critical friend to MoJ and NOMS in the development of commissioning strategies that address the needs of young black and Muslim men and ensure that the expertise and knowledge that resides in communities can be drawn upon
- To provide knowledge and expertise to Government and providers, including from other areas of social policy, that are relevant to the experiences of and outcomes for young black and Muslim men in criminal justice

- To help identify areas that require coordination with other areas of government policy, both nationally and locally, including identifying key stakeholders in other departments and policy areas
- To provide intelligence to MoJ and NOMS on the needs of black and Muslim offenders and feedback on the effects of policies on this service user group and organisations that work with them.

Membership and leadership

- The Advisory Group will consist of up to 12 representatives, openly recruited, from key voluntary sector organisations or academics and individuals from civil society that have an appropriate set of competencies to contribute to addressing this issue. They will be based in different parts of England and Wales and be able to provide expertise to contribute to one or more of the areas, identified as guiding principles in the Young Review interim report:
 - » Ethnicity, faith and culture has a key role in promoting sustained desistance from crime
 - » Leadership from government and statutory agencies is essential to ensure a proactive approach to diversity, inclusion and cultural competence and in the delivery of criminal justice services
 - » The experience, understanding and knowledge that resides in communities is crucial in supporting offenders to desist in prison and through the gate
 - » Commissioning frameworks must identify and address specific needs associated with young black and/or Muslim men
 - » Systematic and meaningful consultation with service users that provides evidence of the reasons for and solutions to the disproportionate numbers of young black and/or Muslim males in the CJS.
- The group will be chaired by a senior external representative, who along with the Vice Chair is elected by the group members from amongst the members of the group. The Chair and the Vice Chair will serve a maximum term of two years with members electing their successor from within the group. It is anticipated that members will provide a three to four year commitment in the role.
- The personal commitment, knowledge and authority of members will be important in the operation and influence of the group. The group will operate under Chatham House Rules whereby comments made in the meeting can be shared but will not be attributed to individuals/organisations.
- Members will not be paid but reasonable out-of-pocket expenses can be reimbursed if required.
- The external representatives will form the group. The group will meet quarterly, with senior officials attending meetings on a bi annual basis.
- Relevant Directors, Deputy Directors, other officials from relevant government departments (MOJ, NOMS, HO, BIS) and representatives from CRCs will join the group where relevant on a permanent or time limited basis.

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2. NOMS (2013) Offender Equalities Annual Report 2012 – 2013, p.7. Online: <https://www.gov.uk/government/statistics/noms-offender-equalities-annual-report-2012-2013> [last accessed: 29.09.2014].
3. Ibid., p.9.
4. Ibid.
5. In this report, we use the term 'young black and/or Muslim' to refer to men aged 18-24 who identify as black British; black African; black Caribbean; Muslim or mixed heritage/origin where it includes one or more of above.
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