

Stakeholder Hearing 15 The Young Review Baroness Lola Young of Hornsey OBE with Jessica Mullen

30th October 2014, 102 Petty France, London

BACKGROUND

The Young Review launched its final report and recommendations in the House of Lords on 10th December 2014. The Review report highlights the specific experiences and needs of black and Muslim men aged 18-24 in the Criminal Justice System, and sets out a series of recommendations that aim to ensure that action takes place to address disproportionately negative outcomes.

The Review was supported by the Black Training and Enterprise Group (BTEG) and Clinks and with a grant from Barrow Cadbury Trust, who will be working with MoJ to take forward the recommendations. The Review was made up of a core group, comprising Baroness Young, two people from Clinks and two from BTEG, as well as a wider Task Group comprising members of the voluntary, statutory, private, academic sectors and ex-offenders. The Review started in the autumn of 2013 ago looking particularly at how the knowledge and experience gained regarding outcomes for black and Muslim offenders in the 18 – 24 age group could be maximised under the Transforming Rehabilitation reforms. The Justice Secretary requested that the Young Review included Muslim offenders, and given the significant growth in numbers of young Muslim men being imprisoned, and some of the similarities regarding negative outcomes, the group agreed.

CHARACTERISTICS OF 18-24 YEAR OLDS

The Young Review identified that many young Black and Muslim offenders felt discriminated against and stereotyped as either a gang member or terrorist respectively. The Review was struck by how many young people experienced other people's attitudes towards them – particularly the criminal justice system, politicians and the media – as akin to an assault on their identity. Their perception and the reality of constant demonisation impacts on their relationships with staff and the CJS more broadly. For example, when a group of Muslim prisoners gather together in prison they are often thought to be engaged in plotting. The Review also heard reports of dismissive and offensive comments from staff towards Muslim offenders during Ramadan. For Black prisoners, their experience in prison tends to be one of the basic regime of IEP, adjudications and a perception of disproportionate punishment. Such issues may reinforce the negative situations they have experienced outside of the criminal justice system, which exacerbates their sense of injustice, leaving them less amenable to rehabilitation and desistance. As this group of young people is more likely to have left school without qualifications, had a difficult family life or been in the care system, assumptions based on habitual stereotypes increase their sense of vulnerability.

The Young Review is not aware of any formal evidence about how the size of a minority ethnic group impacts on its relationship with staff.

The Review found that for Muslim prisoners, access to Halal food, prayer facilities and other faith needs could be an issue and Muslim Chaplains were helpful in addressing this.

Chaplains can play an important role in supporting these young adults. It is important for the respective faith chaplains to be respected by staff and prisoners. Relationships and trust need to be built so that open questions on religious matters may be raised and addressed.

The Review did not look in depth at the rate of conversion to Islam in prisons, but no examples of ulterior motives for these conversions were given. Alliances in prison that make someone part of a group are common and in the circumstances, understandable. Although not a focus for the Review, there is some research that suggests that white English converts to Islam are treated with some suspicion and not taken seriously whilst in prison. These are complex areas and the Review did not examine them in any depth.

BAME OFFENDERS

Young men who self-identify as black of African/Caribbean descent, are over represented in the CJS. It is a very diverse group so making generalisations is fraught with difficulty. Many of the black male offenders with whom the Young Review spoke acknowledged that they had had difficult or non-existent relationships with their fathers. For many of them, this raises the issue of how to construct a positive black male identity in the face of negative stereotyping and a lack of 'role models'. Some voluntary sector organisations addressed this by establishing groups for men with previous offending/addiction problems and/or mental health issues where they could discuss their feelings about their families. This is a really important service; a young adult may find this support more accessible and may trust it more than the typical health agency approach to mental health. The Review found that whilst there were several examples of good practice in this area, the BAME voluntary sector in particular is chronically under-resourced.

'The Black Self-Development Programme' has been running at HMP The Mount, supported by a private sector organisation and attempts to address and challenge how participants relate to authority, to society, to their families, to spouses and partners and to themselves. The programme is generally perceived to have had a positive impact on its participants but a formal, independent evaluation report has not been published and as far as the Review is aware, it has not been rolled out to other establishments.

The Young Review is aware of the statistics on the disproportionate use of force on BAME prisoners, but there was not much discussion of this during their research, which may be a reflection of to whom the Review spoke. Prisoners who are subject to this form of punishment were unlikely to form a part of the groups of prisoners that were available to speak to the Review.

SELF-INFLICTED DEATHS

Baroness Young did not know why BAME prisoners in this age group appear to be under-represented in the numbers of self-inflicted deaths, and the Review was not aware, at the time, of publicly available data on whether self-harm incidents were correspondingly low. She thought that disaggregating the groups comprising BAME

within the statistics might give a more detailed picture, as it may be that some ethnic categories are masking outcomes for others. More detailed research in this area is needed in order to obtain a more nuanced view. In particular, migrants and Foreign National Offenders who may be awaiting deportation might be more vulnerable and this should be explored.

A prisoner's level on the Incentives and Earned Privileges scheme, if it is at the lower levels, may affect self-harm and self-inflicted death and this is an area that should also be explored, especially given the over representation of BAME prisoners in this group.

STAFF AND CULTURE IN PRISONS

The backgrounds of prison staff do not reflect the ethnic and cultural mix of prisoners. Like everyone else, offenders need to feel they are understood by the people responsible for their welfare. Such understanding might arise from a sense of shared identity, but can also be achieved by people demonstrating care. For this to happen, there needs to be increased levels of 'cultural competence' within staff across the criminal justice system.

The Young Review recommends a change in attitudes and behaviours as well as a greater diversity of staff across the system, including NOMS. The Review recognises that BAME staff, particularly where there are only one or two, may not necessarily have a substantial impact in an institution. However, the current mix of staff means that sometimes black and/or Muslim offenders will assume that white prison staff are behaving in a racist manner or being deliberately culturally insensitive when that it is not always the case. Full implementation of equality and anti-discrimination measures must be put in place and implemented.

More status and pride should be accorded to prison staff professionals and to equalities work within the system: a review of training and continual professional development, as has taken place in other professions, might go some way towards changing the situation for the better. At the same time, there are risks in pursuing an 'all graduate profession' as this could exclude those from the very backgrounds that the Service needs to recruit.

Voluntary sector involvement with minority groups in prisons is, according to Clinks, variable. In some establishments it is becoming more difficult as the regime is now more restricted and their visits and work may be harder to facilitate. This tends to be inconsistent across the prison estate and may depend on the individual Governor's decisions. The voluntary sector may experience trouble with access to, or within, the prison and prisoners.

Some of the Trusts and Foundations who have traditionally worked with offenders are waiting to see how Transforming Rehabilitation is played out, and which services are included as statutory provision before making decisions about future funding for voluntary sector work with offenders.

The Young Review discovered inconsistencies between the stated policy of vetting offenders to come back into prisons as volunteers and the experience of members of the Young Review Task Group. NOMS had presented to the Review on this subject and stated that the policy was theoretically 'colour blind'. However as a result of the experiences cited, the Review has been told that NOMS is reviewing how policies are working in this area.

Prisons are no longer required to have a senior level Officer responsible for Race Relations and many people the Young Review spoke to felt that this represented a de-prioritisation of race equality issues. It appears from correspondence with Baroness Young that the impact of the loss of Race Relations Officers is not being monitored.

BAME prisoners who are moved out of prisons in the South East to, for instance, some parts of the north of England may find themselves in prisons where there is no corresponding community outside the prison from which to recruit staff or to provide culturally specific support where needed. This can present a challenge to Release on Temporary Licence (ROTL) as part of the offender's preparation for release as community continuity is lost.

As previously suggested, the community and prison chaplaincy can have a role to play: in two examples, prison-based Imams were able to ameliorate this situation to an extent by providing a link with a faith group in the community.

There should be input into the delivery of prison programmes and other interventions from service users, because this could lead to more BAME-led effective initiatives to encourage and support rehabilitation. Affirmation of a positive, self-defined cultural identity is thought to support desistance, but it is not known if it affects self-harm and that is something which should be investigated.

HEALTH AND MENTAL HEALTH

The Young Review found that the approach to young Black men and Muslim men's behaviour is often intelligence and risk-led with assumptions being made about gang or terrorist activity seemingly influential in these assessments. Mistrust then builds because funding is directed to anti-gang and anti-terror programmes and activities.

Greater transparency regarding some of the intelligence held and reported on an individual, with the opportunity to challenge this may help with attitudes to sharing health and mental health information, especially in the prison context. Transparency and the ability to challenge assessments could be particularly important for BAME prisoners because it could lead to another layer of discrimination. For example, information about their mental health could result in an increase in their perceived level of risk/threat under the PREVENT strategy. If it was likely to do so, it is understandable that a patient may refuse to share their feelings about their mental health with the authorities and thereby lose the opportunity for treatment.

FAMILY ENGAGEMENT

Language barriers and the jargon rife in the criminal justice system may be an issue for families of BAME prisoners and this can lead to information being inaccessible.