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## **Race equality in probation - still waiting**

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Prompted by the terrible murder of George Floyd, and the consequent resurgence of the global Black Lives Matter movement, HM Inspectorate of Probation recently undertook a thematic inspection of race equality in probation services as experienced by people on probation and by staff. We had previously examined race equality in 2000 and 2004 - prompted at that time by the murder of Stephen Lawrence and the consequent Macpherson Inquiry.

### Previous inspections of race equality

The 2000 inspection found that Black people on probation received a poorer service than other people. Black people were less likely to receive a comprehensive pre-sentence report (PSR). This is important as the PSR is a key influence on sentencing, including the likelihood of a prison sentence (Morgan, 2006). Black people on probation were also less likely to benefit from sufficient multi-agency work, potentially making enforcement action more likely as early intervention and rehabilitative services were not made available to these people.

Many ethnic minority probation staff at that time felt isolated and poorly managed. There was insufficient ethnic monitoring of services and staff, and a poor understanding of racism. White staff reported avoiding talking about race equality issues because they felt apprehensive about being called racist. The inspectors concluded that there was a failure of probation leadership on racial equality, which was in part driven by a naïve view of equality as simply 'treating everyone alike'.



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The follow-up report in 2004 found some progress in the diversity of representation on probation boards, and in official policy and guidance on diversity and equality. However, inspectors found that the casework undertaken with ethnic minorities was still of poorer quality. In addition, there was an abiding sense of disadvantage amongst ethnic minority staff, who were by that time well-represented in frontline delivery, but not in senior management. Staff were wary of reporting their concerns about discrimination and racism for fear of negative consequences to themselves and their careers.

As we will see below, these findings are still relevant nearly two decades on.

## Background and methodology for the 2021 inspection

In planning the 2021 inspection, we were mindful of the Lammy Review (2017) which outlined the stark racial disparities evident throughout the criminal justice system, and the need to 'explain or reform' these differential results. Lammy criticised the former Community Rehabilitation Companies (CRCs) for their 'superficial, tick-box approach' to the equality duty, and their lack of transparency in monitoring diversity.

Our intention for this thematic inspection was to drive improvements where required, for example influencing the newly unified Probation Service to improve monitoring of racial disparity, provide better and tailored services for ethnic minorities, and improve the development and progression of ethnic minorities working in probation.

We followed the [Office for National Statistics guidance](#) in excluding white minority groups from our definition of 'ethnic minority'. We were of course aware of the discrimination faced by some white groups, in particular the Gypsy, Roma and Traveller community, but this topic would require a separate project to cover the many issues involved.

The inspection was conducted towards the end of the *Transforming Rehabilitation* era; thus we inspected both CRCs and the National Probation Service (NPS). We 'visited' five urban areas - the inspection was conducted remotely due to the COVID-19 pandemic.

Our inspectors examined 100 cases of black, Asian, and minority ethnic people on probation, 20 from each 'local delivery unit'. We tried to speak to the probation worker managing the case, and managed to interview 84 members of staff. In addition, we held focus groups in each area with ethnic minority staff and managers - we spoke to a total of 47 frontline officers and

41 middle managers to get their perspectives on service delivery and workplace issues. Inspectors read 51 PSRs for ethnic minority people, we held a focus group with nine PSR writers, and interviewed senior managers about court work.

An online confidential survey of ethnic minority staff was conducted. 100 out of at least 313 staff responded, although the latter figure is likely to be higher as much staff data is missing. 19 respondents agreed to a follow-up telephone interview.

Finally, and importantly, we commissioned Empowering People: Inspiring Change (EP:IC) to interview ethnic minority people on probation. 81 people gave their time to share their lived experience.

We are grateful to all those who participated in the inspection, and hope that their bravery in sharing their often painful experiences will contribute to improving probation as a service and a workplace.

## Our key findings

Overall, HM Chief Inspector of Probation Justin Russell described the findings of this inspection as 'concerning'. We found that the quality of assessment and sentence planning for the thematic sample was of lower quality than for white people on probation in our main programme sample. Diversity was rarely considered, and this deficiency reduced the engagement scores considerably.

Inspector case reviews found scant evidence that probation officers had discussed key identity issues around race, culture, religion, nor experiences of racism. Ethnic minority people on probation interviewed by EP:IC confirmed this reluctance to engage in conversations about ethnicity and culture was commonly the case.

One probation officer commented, "If I had asked [the person on probation] about his experiences in relation to race and ethnicity, I would not have been equipped or prepared for whatever he would have said."

Echoing this mutual lack of understanding and connection, a woman on probation told us, "I don't feel comfortable to talk about race with my probation officer as she is white, and my experiences of racism are from white people." The PSRs we examined failed to fully relay the experiences of ethnic minority people at court to the sentencer. Nearly half of the PSRs assessed (21 of 51) were of poor quality, lacked analytical nuance, and failed to capture all relevant information in the case. Only four PSRs considered diversity at all. In five cases the name of the client was misspelt. Poor PSR work is concerning as the court needs to be aware of all relevant factors for an appropriate and safe sentence, and to give all a fair chance of having all sentencing options considered, including non-custodial sentences.

We found that community services available for ethnic minority people on probation have declined in the last decade or so, as CRCs and the NPS were commissioning few culturally appropriate services tailored to ethnic minority people. Probation services had fewer links to community organisations. Years of austerity has seen the demise of many ethnic minority-led community services; even some iconic institutions, such as the Liverpool 8 Law Centre, have been lost.

While ethnic minority staff are proportionately represented at the frontline, too few are working at the management level. Many ethnic minority staff had experienced discrimination in supervision and recruitment and advancement, and harassment and incivility in the workplace.

Moreover, most did not have the confidence to report their concerns about unfair treatment at work to their supervisors or senior managers. A temporary worker explained her reluctance to make a complaint: "I would not feel confident regarding raising issues of racism against existing permanent members of staff. I have heard racist comments being made which I have just suffered because I have had to weigh up whether I keep my job or raise the injustice I have experience."

### A better future?

HM Prison and Probation Service have since launched a Race Action Programme to address the issues identified by the inspection. HM Inspectorate of Probation have pledged to reinspect this subject by at least 2023. The inspectorate will also introduce stronger local inspection standards to ensure that race equality remains at the top of the probation agenda. We also reflected upon our own underrepresentation of black, Asian and minority ethnic people in our inspection staff, and have launched a shadowing scheme to encourage applications, as well as a mentoring scheme to support applicants in the recruitment process.

Much work needs to be done to gain the trust of ethnic minority people on probation and staff. There is reasonable cynicism about whether the current upsurge in interest about racial discrimination and disparity will have long-term positive effects. As one probation worker told us, "... the current drive has only been influenced by the Black Lives Matter agenda, which I expect to fade once the agenda is no longer politically correct."

It is incumbent on all in probation to make sure this does not happen.