

RACE FOR JUSTICE

COALITION FOR EQUALITY IN THE CRIMINAL JUSTICE SYSTEM



Posed by model

LESS EQUAL THAN OTHERS

Ethnic minorities and the criminal justice system

CLINKS
supporting voluntary organisations that
work with offenders and their families

nacro
changing lives
reducing crime

National Body of Black Prisoner Support Groups

rota

**SAINSBURY CENTRE
for MENTAL HEALTH**
removing barriers achieving change





SUPPORTING ORGANISATIONS

The following organisations have signed up to support Race for Justice (correct as of late October 2008). In addition, a large number of individuals have also pledged their support. Go to www.raceforjustice.net to support the campaign.

- | | | |
|---|---|---|
| 11 Million | Cultivations | Prison Link |
| 1990 Trust | Drugscope | Potential Mentoring |
| Action for Prisoners' Families | Eco-Actif Services CIC | Race Equality and Human Rights Service |
| Action Housing & Support | Escape Family Support | Race on the Agenda |
| Addaction | EDVSA (Devon LINK) | Rainer Crime Concern |
| Adfam | Fanon Care | Reallity |
| Adullam Homes Housing Association Ltd | Fata He | Refugee Action |
| Advocacy in Action | Fawcett Society | Regeneration Services |
| AFIM | Feltham Community Chaplaincy Trust | Rehabilitation of Addicted Prisoners Trust |
| Alcohol Concern | Forster | Re-start |
| Amal Trust | Foundation 4 Life | Respect |
| Anne Peaker | Foyer | Rethink |
| Apex Charitable Trust | Future HSC | Revolving Doors Agency |
| Awetu BME Mental Health Group | Futures Unlocked | Robert Barton Trust |
| Bath Churches Housing Association | Gigs for Charity | Saffron Blue |
| Barrow Cadbury Trust | Griffins Society | Sainsbury Centre for Mental Health |
| Bedford African Caribbean Forum | Herts Association for the Care
and Resettlement of Offenders | Sciences-Po |
| Black Development Agency | Hibiscus | Secure Care |
| Black Arts Alliance | History & Policy | Shannon Trust |
| Black Londoners Forum | Homemaker Southwest | Shelter |
| Black Police Association | Host Corporation | Shenkh Eternity |
| Black Neighbourhood Renewal
and Regeneration Network | Housing Management Solutions | Shian Housing |
| Black Training & Enterprise Group | Humbercare Ltd | Signpost & Rite Direkshon |
| Black Social Enterprise Coalition | Independent Academic Research Studies | Smart Justice |
| Black South West Network | IQRA Trust | South of England Advocacy Projects |
| Bradford Youth Development Partnership | IROKO Theatre Company | Southside Partnership |
| Bristol Mind | Kids VIP | Sova |
| British Black Anti Poverty Network | Leeds PCT | St Mungo's |
| BTM Life Light | Leo Campaign | Stonham Homegroup |
| Calderdale Women's Centre | Lewes Group in Support of Refugees
and Asylum Seekers | Suffolk YOS |
| Calm Meditation | Media Development | Target Housing |
| Cardiff & The Vale Mental Health
Development Project | MENTER | Theatre in Prisons and Probation |
| Central and North West London NHS
Foundation Trust | Midland Heart | The Baring Foundation |
| Chile SCDA | Move on East | The Prince's Trust |
| Choice FM | Nacro | The Trinity Centre |
| Citizens Advice Bureau | National Body of Black Prisoner Support
Groups | Vision Housing Services LTD |
| Clubs for Young People | Nigerian Students Society | Vista |
| Coalition of Ethnic Minority Voluntary
Organisations | Nilaari | Voice4Change |
| Commpowerment | One to One Mentoring | Wayahead Housing |
| Community Artworks | Operation Black Vote | West Yorkshire Community Chaplaincy |
| Community Service Volunteers | Outside Vision | Women in Prison |
| Community Support Network | Parity Associates | Working Chance Community Interest
Company |
| Confederation of Indian Organisations | PATRA, incorporating ACDA | YMCA |
| Contact Cheshire Support Group | Peace Alliance | York Racial Equality |
| Create Arts | Pecan | Young Foundation |
| Criminal Justice Alliance | PLIAS Resettlement | Wandsworth Voluntary Sector
Development Agency |
| Criminology in the Millennium | Prisoners Abroad | West Yorkshire Black Police Association |
| | Prisoners Education Trust | |

A number of organisations were interviewed to gain further insights, which have helped to shape this report. Examples of these points of view are given here.

“Government should aim to shift the focus from punishment to prevention. Prevention strategies addressing poverty, health, education and employment will go a long way in reducing disproportionality in the CJS as will the attitude and practices of individual police officers who are responsible for bringing people into the criminal justice process in the first place.”

Erimna Bell, Chief Executive, Carisma, Manchester

“We need better training and more effective monitoring of processes to enable a better understanding of disproportionality and consequently inform remedial action. The independent voice of small community based organisations is vital.”

Elena Noel, Hate Crimes Project Manager, Southwark Mediation Centre, London

“Sentence tariffs should be set by judges without knowing the defendants’ ethnicity.”

Shaheen Rasul, Saffar Project

“We need to improve our understanding and awareness of needs, which will allow appropriate remedies to be designed to meet those needs. Currently we lack specific activities to cater for different groups, for instance in the case of young people. If needs are not addressed the first time the probability and risk of remaining in the cycle of offending and re-offending increases.”

Kelly Oyebola, founder, Potential Mentoring

“Both sides, the police and young people in communities, need to work to build greater awareness and understanding of their respective points of view. Over time, this would help to reduce disproportionality.”

Abdi Hassan, Director, Ocean Somali Community Association, London

“Government should engage more effectively with the black voluntary and community sector as a whole, not just with well established organisations. The first step in this process would have to be investing more trust in our ability to deliver results.”

David Odunukwe, Chief Executive, ABCD Ltd, Bradford

“Disproportionality is rife in other sectors, not just criminal justice. Where successful outcomes and strategies have been applied to other fields, we should learn from them in criminal justice. Addressing disproportionate outcomes implies hard work and government must demonstrate a real desire to engage with communities most affected by it.”

Naz Koser, Director, Ulfah Arts, Birmingham

Other direct quotes, which are used throughout this report, are based on interviews with ethnic minority offenders and former offenders. These were carried out in July and August 2008 and a report of this research will be published in 2009.

FOREWORD

As over-representation of black and minority ethnic (BME) groups in prisons and the criminal justice system (CJS) increases year-on-year, this report draws attention to understanding and addressing this disproportionality. The report also acts as a reminder of the strength and value of voluntary and community-based organisations that challenge inequalities and provide a powerful network to address change. Such voluntary groups perform a vital function in delivering services and support to those who, already on the margins of society, face further discrimination when they enter the CJS.

The report pulls together information and research from a wide variety of sources. It shows that despite great strides to reduce racial inequalities, individuals from BME groups are over-represented at every stage of the CJS and face multiple layers of discrimination. Voluntary groups have a vital role to play in understanding, inspiring, supporting and providing essential services for BME groups that support those who are in conflict with the law. This report gives several examples of how a thriving voluntary and community sector can make a positive difference.

Key to tackling the disproportionality that is endemic in the CJS is trust. Statutory bodies need to recognise the value of the BME voluntary sector by consulting with it, commissioning it to provide services and working with it to change the climate of distrust and generate a more constructive attitude to reduce re-offending. But of course trust is a two way street, and BME groups need to be willing to engage with statutory organisations, putting aside the understandable suspicions that have grown over the years. This report's recommendations outline a number of ways in which trust can be built to help create a fairer and more equal CJS for everyone.

We hope that anyone working in criminal justice, the equalities and voluntary sectors will read this report and engage with us to make a difference.

Norma Hoyte

Director, PLIAS Resettlement
Board Member, Clinks

Farida Anderson MBE

Chair, National Body of Black
Prisoner Support Groups
Director, Partners of Prisoners
and Families Support Group



1955

Spontaneous campaign launched by black community organisations and some white individuals against the operation of a 'colour bar' introduced by white bus workers in Bristol.¹

Introduction – Why Race for Justice?

Race for Justice consists of a coalition of BME and other concerned voluntary and community-based organisations to challenge the increasing over-representation of BME men, women and young people in the CJS. While the organisations supporting Race for Justice are diverse, a common feature is that they bear witness to the persistent failure to address this disproportionality. People from BME groups, as suspects, defendants, victims or witnesses, often receive less equal treatment compared to their white counterparts.

To begin to redress the imbalance, this report shows how BME-led voluntary organisations can make a sustained impact upon criminal justice policy and practice. The campaign was established by Clinks, a membership body that supports and develops the work of voluntary organisations supporting offenders, former offenders and their families, together with the National Body of Black Prisoner Support Groups (NBBPSG) and Nacro, the crime reduction charity. The overall campaign aim is:

To end the inequalities faced by BME communities within the CJS

In addition to BME voluntary groups working in criminal justice, others have a part to play through the delivery of health, housing, education and employment services. The campaign is working with the BME voluntary sector to help it make a coherent and sustained impact on criminal justice services. This has not happened before and present failures are despite

government insistence on the value of the third sector and the need for criminal justice to be owned by communities.

Broader campaign objectives include:

- To build a sustainable coalition of voluntary groups that support BME offenders and make a difference in local communities
- To support and promote local voluntary groups campaigning for change
- To highlight initiatives that can and are making a difference
- To disseminate this report and its recommendations
- To publish research highlighting first hand experience of the CJS among BME groups.

The campaign is addressed to government and those with policy responsibilities for equality and the CJS, as well as leaders of BME communities. The campaign will also build the evidence needed to show how the sector is helping government to:

- Reduce the over-representation of people from BME groups in the CJS
- Reduce re-offending
- Provide alternatives to custody and imprisonment
- Improve prospects of meaningful resettlement.

In order to build the evidence for this report, Race for Justice held three regional seminars during May 2008 and conducted some in-depth interviews with organisations to understand the nature and range of work they were involved in. Further details on this can be found in the Appendix.

“I was born and grew up in East London and was regularly chased by skinheads. I accepted this as normal in East London and took it on the chin, so for me to complain about racism in prison goes to show how bad it was.”

Mid-1960s

Workers in the textile and foundry industries organised strikes to oppose the discriminatory practices of employers and trade unions.

1964-1965

Visits of Martin Luther King and Malcolm X to Britain.

Some are more equal than others

How the criminal justice system treats ethnic minorities

Disproportionality, or disproportionate representation based on ethnicity, is a core challenge for the CJS in England and Wales. The Home Affairs Select Committee (HASC) report on *Young Black People and the Criminal Justice System*, published in May 2007, concluded:

Until such a time as the number of young black people in the criminal justice system begins to mirror that of the population as a whole, we urge government to review, revise and redouble on its efforts to address over representation and its causes. A great deal depends on its success in doing so.²

Britain aspires to be a free, fair and just society but the persistent disadvantage of BME groups is by now well-documented,³ and extends beyond the CJS into other areas of social policy and practice.

Senior staff within the six criminal justice agencies⁴ may accept that disproportionality exists for BME groups as suspects, defendants, offenders, victims and witnesses. However, some of these agencies have failed to demonstrate a will to address and reduce it over time. The result of this failure is clear: more people from BME communities now enter the CJS and stay in it for longer than ever before.

In criminal justice, the concept of disproportionality refers to circumstances in which particular groups of people are represented at lower or higher levels relative to their representation in the general population. While analyses have shown unequal outcomes for certain groups, the data does not prove the existence of intentional discrimination from within criminal justice agencies.

These agencies, however, have failed to interpret and understand the data in a way that would ensure their own practices are not discriminatory. The seriousness of this can hardly be overstated: it means frequently missed opportunities for diverting BME groups, especially young people and first-time offenders, away from the CJS and ultimately from prison. Without a change in direction, disproportionality will never be redressed.

DISPROPORTIONALITY

The most recent figures show that BME groups account for 26% of the prison population, even though they constitute only 9% of the overall population in England and Wales.⁵ This is no aberration: similar patterns of disproportionality are apparent at all stages of the criminal justice process. Statistics and research verify that black people are seven times more likely (and Asian people twice as likely) as white people to be stopped and searched. People from BME groups are also more likely than their white counterparts to be arrested, less likely to be cautioned, more likely to be prosecuted, less likely to get bail and more likely to receive longer prison sentences for similar offences. For BME groups caught up in the CJS, this reality exacerbates their economic vulnerability and further contributes to their social marginalisation.

Over-representation of BME groups – especially young black people – in the CJS is frequently evidenced but poorly understood. For young people, risk factors for offending and for mental health problems overlap. These include low family income and poor housing,⁶ as well as academic failure and low self esteem.

“There was no accountability in my day, not like now when you have external agencies working within the prison environment. There’s more now to protect the inmates, even though they are looked on as not having many rights.”

“Some officers need urgent training in how to deal with Black and ethnic minority women – they don’t need to be Black, but they do need to be trained in diversity and equality.”

1965

Publication of first Race Relations Act and establishment of the Race Relations Board to deal with complaints of discrimination.

1968

The Act was further strengthened to make discrimination in other areas such as housing, employment and public services illegal.

“I never knew racism existed in England until I went to prison. They did not believe I was British and wanted to deport me. We were all treated like foreign nationals and this was 2003.”

Young black men are three times more likely to be excluded from schools than their white counterparts and five times less likely to be seen as gifted.⁷ The cumulative effects of these risk factors, coupled with experiences of racism and discrimination, increase the likelihood of coming into conflict with the law and of depression. Addressing disproportionality in the CJS should, therefore, also look to schools to provide support.

Over the last 16 years several reports have failed to identify the specific reasons for this over-representation at different stages of the criminal justice process.⁸ These studies presented evidence that was fragmented, focusing on individual constituents parts of the CJS but did not present a ‘whole system’ analysis of the impact of disproportionality in decision making. No study has tracked effectively the cumulative impact of decisions made throughout the criminal justice process. This has primarily been due to the lack of a joined-up IT system and the failure to record data on key factors, including ethnicity, making it impossible to track individual cases through the key decision-making stages in the system.⁹

policy

However, in addition to the application and delivery of CJS policy, it may be that policy itself contributes to disproportionality. For example, some have argued that proposed changes to stop and search could lead to greater victimisation or discrimination, particularly against young black men, in a bid to tackle gun and knife crime. The proposed changes would radically reduce the amount of paperwork required of police;

paperwork that was introduced following the MacPherson report in order to monitor whether ethnic minorities were being unfairly targeted.

The recent Home Affairs Select Committee (HASC) inquiry went to some lengths to investigate the conspicuous over-representation of young black people in the CJS. Disproportionality in London, home to 69% of all black people in England and Wales, appears very high. Although young black Londoners under 18 constitute 15% of the population they “...represent 37% of those stopped and searched, 31% of those accused of committing a crime, 26% of pre-court decisions, 49% of remand decisions, 43% of custodial decisions and 30% of those dealt with by Youth Offending Teams”.¹⁰ Evidence given to the inquiry also indicates that black people in London are 10 times more likely to be victims of racist attack, seven times more likely to be homicide victims and 2.6 times more likely to suffer violent crime compared to white people. Over-representation of young black men in gun crime figures for London was referred to as a “specific crisis in black communities”.¹¹

Youth justice statistics also show a disproportionate number of young black people entering the CJS. They are less likely to receive unconditional bail or pre-court disposals (reprimands and warnings) and receive longer custodial sentences for similar offences to their white counterparts.¹² This suggests that inequalities begin at the point of arrest and potentially amplify disadvantage for certain groups at subsequent stages of sentencing, prison, probation and resettlement. In prison, patterns of disadvantage persist. A thematic review

CASE STUDY

The Leo Campaign

Based in Lambeth, south west London, the Leo campaign aims to bring together ex-offenders with adults and young people involved in crime – or at risk of becoming involved.

Founded by Cecil Forest, the campaign flows from Leo’s Ark, the not-for-profit company he established to provide a range of services. The activity includes:

- Talks and workshops for police and prison officers
- Talks with children in Pupil Referral Units
- Workshops with ex-offenders
- Community projects to counter gang culture and gang-related crime.

Cecil said: “The focus is on grass roots, community work, to enable change to happen from the ground up. By building a strong base of supporters, we can show policy makers that changes are needed and desired.”

The campaign argues for reform of the Rehabilitation of Offenders Act to give ex-offenders a greater chance of gaining paid employment. It has plans to establish a community monitoring forum and act as a point of contact for people released from prison to help direct them to appropriate community-based services.

1968

The Community Relations Commission was established to promote harmonious community relations.

1968

Enoch Powell MP made his ‘Rivers of Blood’ speech.

1968

The Commonwealth Immigrants Act of 1968 further removed the right of entry from all British passport holders who did not have a parent or grandparent born in Britain.

Some are more equal than others

of race relations in prisons highlighted that Asian prisoners feel less safe in prison and that black prisoners feel disrespected by prison staff.¹⁵

Such patterns of over representation among black youths, in particular, highlight the potentially vital role that can be played by the BME youth sector. Strategies need to ensure that the third sector is engaged with and commissioned to provide services for young people in some of the country's most disadvantaged communities.

Similar patterns of disproportionality are evident in areas such as mental health, where admission rates of black people into the mental health system are three or more times higher than for all other groups. Young black men usually enter the psychiatric system via referrals made by prison establishments.¹⁴ In fact, BME groups are 40% more likely to access mental health services via a CJS gateway,¹⁵ with black people 44% more likely to be detained under the Mental Health Act than white people.¹⁶ This over representation is linked to higher rates of detention under the Mental Health Act, where a person is sent to hospital for treatment by court action as part of a restriction order by the Home Office.

inquiry

In February 2004, the David Bennett Inquiry concluded that the over representation of black men in the mental health system was due to institutional racism within mental health services. This followed the death of David 'Rocky' Bennett in October 1998 in a medium secure psychiatric unit in Norwich after being restrained by staff.

The government's response, *Delivering Race Equality in Mental Health Care*, was a five year action plan for reform inside and outside NHS mental health services.¹⁷ The then health minister described the "circle of fear" surrounding black men in particular, who as well as higher rates of diagnosis and detention were also more likely than white people to be prescribed drugs or ECT rather than psychotherapy or counselling. However, negative experiences and inequalities for BME groups continue in decisions about treatment, medication and restriction. The current review of court diversion, being led by Lord Bradley,¹⁸ may help to find solutions to address these issues.

POLICY IMPLICATIONS

Over representation and unequal outcomes experienced by BME groups have far-reaching policy implications for the CJS and beyond. Disproportionality is a product of several interrelated factors. The Equalities Review noted that "inequalities in one area can be linked directly to inequalities elsewhere".¹⁹ For instance, black men who offend are more likely to have had lower levels of attainment at school, more likely to have been excluded from mainstream education and in later years more likely to be diagnosed with psychotic illnesses.

In its vision statement for the CJS, the National Criminal Justice Board aspires to gain public confidence in an effective system that serves all communities fairly.²⁰ But the accompanying three-pronged target of reassuring the public, reducing the fear of crime and anti-social behaviour, and building confidence in the CJS is yet to be realised. There are many possible reasons for this.

■ Tough rhetoric by politicians:

Since the early 1990s, ministers and opposition politicians have sought to outbid each other in headline-grabbing rhetoric in response to public fear of crime. For example, the perception that young black men commit more violent crime and police stereotyping of young black people has made them subject to increased scrutiny through police stop and search powers.²¹

■ Competing policy priorities:

In *Narrowing the Justice Gap*, Local Criminal Justice Boards (LCJBs) in England and Wales have a performance target to increase the number of offences brought to justice.²² For another target – to address racial inequalities – LCJBs have to improve confidence in the fairness of the criminal justice system among BME groups. In practice, little is done to achieve the latter target, which would require changes in decision making within criminal justice agencies and greater investment in BME communities.

■ Social Exclusion and Disadvantage:

Socio-economic factors such as gender, age, class, poverty and geographic location can contribute to disproportionality. A more comprehensive strategy is therefore required to address a wider social policy agenda impacting on crime. The government has encouraged cross-departmental working, and numerous multi-agency panels have been established to address crime in local areas. But more needs to be done, especially in identifying the impact of racism and discrimination in the delivery of public services.

1976

Race Relations Amendment Act for the first time defined direct and indirect discrimination and founded the Commission for Racial Equality.

1979

Southall race riots.

“An inmate friend had a mental health problem. He was kept sedated in order to keep him under control. He was controlled rather than helped, because as a 6’2” black guy, they were afraid of him.”

CASE STUDY

The Makeda Weaver Project

Young men involved in gangs and gun-related violence are being supported out of crime by the Makeda Weaver project, set up by the Hackney-based Shian Housing Association

With a team including former probation, youth work and youth justice staff, ex-offenders are mentored and given intensive training and support in social and work skills, along with housing and relocation if required to help them move on from their former lifestyles.

Project Manager, Stephen Joseph, said: “We are in touch with the streets and are committed to improving conditions for BME communities. Black people are often the victims as well as the perpetrators of gun and gang crime; our project aims to work with these young men for the benefit and safety of the whole community.”

The project has so far supported around 75 people since its launch in 2006 and has housed 16 people over the past two years.

Potential clients are identified through outreach and street work and through referrals from police, social workers, teachers, probation officers and teachers. Where possible, clients are encouraged to put something back into their communities through voluntary work, which can include working with schools and youth groups.

Prison population:

The CJS is a ‘catalyst to lifetime disadvantages’²³ for offenders and ex-offenders from BME groups. The rate of custodial sentencing and the increasing length of time spent by prisoners in prison have a disproportionate effect on BME groups.

TARGET SETTING

By the mid 1980s BME prisoners made up a disproportionate 13% of all prisoners – more than twice that of the general population. Today it is worse: the BME prison population increased by 67% from 11,200 in 1997 to 18,753 in 2005. By 2006, BME prisoners accounted for 26% of the prison population of England and Wales, with just over a quarter of male prisoners and 28% of female prisoners from a minority ethnic group. Forty per cent of the total BME prison population were foreign nationals. For British nationals, the proportion of black prisoners was 7.3 per 1,000, compared to 1.3 per 1,000 for white people. People from mixed ethnic backgrounds had a rate of 3.4 per 1,000, although people from Chinese or other ethnic backgrounds were least likely to be in prison, with a rate of 0.4 per 1,000.²⁴

The establishment of the Equalities and Human Rights Commission (EHRC)²⁵ and the new Government Equalities Office²⁶ potentially signifies a fresh start and new opportunities for tackling inequalities. Central to this must be a determination to address disproportionality within the CJS. However, it remains to be seen how effective the EHRC will be in this area, following the merger of the Commission for Racial Equality, together with its various funding streams, into the new organisation.

A criminal justice system that aspires to be fair, effective and efficient needs to be challenged to innovate and to evaluate practices on a regular basis. Nacro's work for the Youth Justice Board between 2003 and 2005 found evidence of disproportionality by ethnicity at many stages in the CJS. Nacro recommended that local youth offending teams conduct detailed audits and develop action plans to address this. The YJB responded by setting up a corporate target and a key performance indicator for all youth offending teams to reduce, year on year, disproportionate outcomes on the basis of ethnicity and to improve the quality of services to young people.

At local level, disproportionality could be reduced further through a more joined-up approach. For example LCJBs could have specific, measurable targets to reduce disproportionality at each stage of the CJS; Youth Offending Teams could map local BME services providing prevention work in their areas. Other useful data could include an ethnic breakdown of access to mental health services in local areas, along with ethnicity and school exclusions. All of this would require a sustained commitment to collect and monitor data at key decision-making points and greater use of diversion schemes, conflict resolution and constructive alternatives to custody. Most importantly, there needs to be investment in services that meet the specific needs of BME offenders.

There is a clear role here for the BME voluntary sector in helping to develop effective crime prevention strategies involving families and communities. With all of this information, localities may be able to make a better case for doing things differently by identifying where disproportionality begins.

1981

Brixton and Liverpool (Toxteth) riots.

1981

The Scarman inquiry accepted that racial disadvantage was a fact of British life and made recommendations to improve trust and understanding between the police and BME communities.

Making change happen

How the BME voluntary sector can make a difference

The HASC report noted that voluntary sector groups already provide solutions to young black people's over-representation in the CJS.²⁷ It also noted that community organisations felt their contribution was undermined due to inadequate funding and failings by statutory agencies to engage effectively with them. It recommended that government identify the means to "adequately and consistently" fund small voluntary sector organisations and support larger charities that work to reduce the over-representation of young black people in the CJS. This was a significant acknowledgement of the role and potential of such organisations in shaping public policy and providing relevant services.

This chapter demonstrates, through evidence from research and campaigning activity, how the role and involvement of BME voluntary and community sector organisations has been shaped and how it can develop to support some of the most deprived and disadvantaged sections of society.

BACKGROUND

The breadth and diversity of voluntary and community-based organisations in this country is well documented.^{28,29} They have challenged, shaped and developed public policy and its delivery in key areas such as equal opportunities, discrimination, poverty and social exclusion.³⁰ The Commission on Integration and Cohesion noted that the key strength of the sector lies in its "closeness to communities and in its ability to respond quickly and flexibly to needs and opportunities".³¹ Recent government reports have expressed the need to

empower the 'third sector'³² to deliver criminal justice services in partnership³³ to obtain value for money.³⁴ There has also been discussion about how the voluntary and community sector can make the most of opportunities offered by government while maintaining its independence and integrity.³⁵

THE BME VOLUNTARY AND COMMUNITY SECTOR – WHAT IT IS AND WHAT IT DOES

Eliminating and reducing inequalities needs more than legislation; it needs sustained effort by community groups to organise and challenge for change. Over the years, the BME voluntary and community sector has delivered services such as housing, education, employment, criminal justice, health, and mental health. Unfortunately, there is little research that examines the true scope and state of the sector. Available evidence refers to the wider voluntary and community sector (865,000 'civil society' organisations);³⁶ of which BME organisations form a small part. There is no national or regional data to show what proportion of the sector is delivering services to the CJS. This is unsurprising, given that the voluntary sector has been subjected to repeated changes in funding regimes over the years.

A 2004 Joseph Rowntree report estimated that more than 3,000 black non-governmental voluntary organisations of all kinds operated in London alone.³⁷ However, evidence demonstrating the nature and activities of the BME voluntary and community sector is patchy and fragmented.³⁸ To address this gap, Voice4Change England³⁹ did research to establish the evidence on the state and

"My last experience in prison was positive as a turning point in my life. I did the drug rehabilitation programme and got proper treatment. I also did an Open University course in social sciences to diploma level. I decided to change myself and used everything that was available."

"Have BME-led agencies working within the prison system to bring about change – culturally specific agencies working in custody."

1985

Riots in Brixton, Peckham and Liverpool.

1993

Murder of Stephen Lawrence.

“Property went missing regularly – ‘it’s only black’ was how they treated property that went missing when your people brought you things. They disappeared and you can’t even talk.”

size of the BME third sector nationally and regionally. The findings showed that there were between 5,000 and 11,000 BME third sector organisations, with a national focus and 15,300 to 17,460⁴⁰ with a regional focus. The study also found that the data available was patchy, inconsistent or dated and could not establish the type of activity or service provided by organisations. It reported on some recurrent themes, such as the lack of influence and infrastructure, and made recommendations to provide a standardised and consistent definition of what the sector is delivering, who it represents and the evidence on how it influences policy.

sustainability

Past research has shown repeatedly the concerns about the sustainability of BME community organisations and the problems in engaging with statutory agencies. To address such gaps the *Compact* was established in 1998 between government and the voluntary and community sector. Although not legally binding, it set out guidelines of working together.⁴¹ Five Codes of Practice underpin the Compact, one of which relates to BME voluntary and community organisations. The BME Code came into effect in 2001, recognising the significant role of the BME voluntary sector in building stronger communities. It represented a broad range of faith, refugee and asylum seeker organisations. This Code supports investment in the BME voluntary and community sector and the development of capacity and infrastructure at local, regional and national levels⁴² and calls for the government to:

- Engage with the BME voluntary sector for mutual benefit
- Understand and respect the sector for its knowledge and experience
- Involve, consult and recognise the need for funding.

As a culture of awarding service delivery contracts to voluntary and community sector organisations grew, it became clear that compared to the majority white-led voluntary sector, BME organisations had neither the structure nor experience to negotiate successful contracts. A Joseph Rowntree study stated, “the contract culture has meant the black community and voluntary sector, despite being on the front lines in the fight against poverty and exclusion, is at risk of being overlooked by the very programmes that are supposed to address these issues”.⁴³

agenda

The *Modernising Government* agenda⁴⁴ had raised expectations of the voluntary sector, yet the expectation was disproportionate to the pace and desire at which the voluntary sector could adapt, understand or deal with new regimes,⁴⁵ a factor especially apparent in relation to BME groups.⁴⁶ Few organisations then, as now, knew about the Compact and the BME Code, with the sector overstretched and under-resourced. With this background, fresh calls were made to review what proportion of BME groups received funding from private, public and charitable sectors and to have specific targets to fund organisations engaged in anti-racist work.

Some voluntary sector organisations fear that recent policy places small, specialist BME-led organisations at risk. For

CASE STUDY

Re-start

Re-start offers intensive support for ex-offenders, substance users, sex workers and others on the margins of everyday life. Following an initial assessment, they are offered counselling, job search and interview techniques and motivational workshops.

Moinal Khaliq describes Re-Start as operating like “a mini social work department”, providing tailored care and support to those most in need. It uses solution based-therapy and a specially developed ‘motivation questionnaire’ to gauge a client’s state of mind and help them to engage with other services.

Mr Khaliq commented: “As well as the practical results, there are also the effects that cannot be so easily quantified, such as increased confidence and a greater sense of well being. If people are to really restart their lives on a more positive path, this is essential.”

1998

Human Rights Act – incorporating the rights contained in the European Convention on Human Rights into UK law, including the right not to be discriminated against in respect of the rights and freedoms in the Act.

1999

Sir William Macpherson’s report concluded that the police were “institutionally racist”.

example, the Single Group Funding recommendations contained in the Commission on Integration and Cohesion report.⁴⁷ While the government announced £50m over three years to support local authorities to “bring communities together”,⁴⁸ it questioned whether service provision for one particular community was “...automatically the right way forward”, stressing that the promotion of integration and cohesion was a responsibility for all organisations and not just the BME sector. However, concerns remain that some specialist groups within BME communities may be marginalised and deprived of funding as a result.

Another concern is whether Local Area Agreements, set up to give greater flexibility to fund according to local circumstances, will actually harm small BME groups because of LAA’s emphasis on big procurement contracts. More recently, within the context of commissioning frameworks, the Baring Foundation submitted a paper to the Public Administration Select Committee on commissioning public services.⁴⁹ This described the voluntary sector as “allies not servants” to government and emphasised the need to manage relationships between government and the voluntary sector in ways that maximise contributions from all sides. Maintaining the sector’s independence was also a key concern.

A recent report to the Department of Communities and Local Government listed the following challenges for BME voluntary organisations:

- Limited experience and expertise at bidding for grant funding

- Short term funding, requiring attention to be diverted from the core business to financial concerns
- Limited capacity for hearing or sharing good practice with others
- Limited capacity to engage with the statutory sector and influence decision-making
- A specialised focus, limiting the scope for expansion or franchising.⁵⁰

SUPPORTING THE RACE FOR JUSTICE

In May 2008 Race for Justice held three regional seminars attended by almost 60 organisations. Participants were involved in a very wide range of activities within the CJS, as well as related fields such as health and housing. Several reported common difficulties, including a focus on qualitative and anecdotal improvements rather than quantitative evidence. Ideas and recommendations from these groups can be found in the Appendix.

“Everything was more difficult if you were black. There were a lot of things that they wouldn’t do to Whites. For example, racial abuse by inmates was ignored, but white on white verbal abuse was dealt with. Even to go for home leave or to work outside prison was impossible for blacks, but now it’s beginning to change.”

CASE STUDY

PLIAS Resettlement

Working in partnership with other agencies, PLIAS offers support for employment, education and training to BME ex-offenders. It recently achieved the Matrix standard, which is a quality mark for information, advice and guidance services.

The charity also runs crime awareness and crime prevention workshops, community seminars and conferences. In 2008 it organised the ‘Positive Change’ Gun & Knife Crime Reduction Seminar and the ‘Victims Faith and Crime Reduction Seminar’. PLIAS does outreach work with schools and has partnerships with Greenwich University and Kensington and Chelsea College as well as Brent Youth Services.

Norma Hoyte insists that a ‘joined up’ approach should be the norm with crime prevention and social exclusion work. She said: “You can’t look at gun and knife crime in isolation. First, you need to look at the deprivation and exclusion that creates the situation in the first place. That is why the community-centred approach should be encouraged and integrated within the government’s plans rather than being seen as an add-on.”

2000

Amendments to the Race Relations Act to outlaw discrimination. All public authorities were required not only to address unlawful discrimination but to actively promote race equality.

2001

Publication of the Cantle Report, following race riots in Bradford, Oldham and Burnley highlighted a “depth of polarisation” between segregated communities.

A question of trust

Building confidence in the criminal justice system

Different ethnic groups have different experiences of the CJS. For example, the Home Office Citizenship Survey⁵¹ found that BME groups believe they would be treated worse than people from other races by the CJS, particularly the police. Their experience as victims, suspects, defendants and prisoners is different from white people, with other research⁵² suggesting that BME groups have less confidence that the CJS respects the rights of defendants. Another report showed that differences in the treatment of BME prisoners continue to exist.⁵³

Perception of discrimination is acknowledged as a key driver for lack of confidence in public services, which links with the issue of accountability. A study published by the Local Government Association (LGA) revealed that accountability of most criminal justice agencies, compared to most other public services, was hierarchical upwards, not downwards and outwards into local communities. At a local level, the report found, criminal justice agencies lacked not only structural linkages with local councils and crime and disorder reduction partnerships but also had limited local knowledge and accountability.⁵⁴ Additionally, the lack of trust in the police and in stop and search remain the key reasons for negative perceptions about how fair the CJS is to BME groups.⁵⁵

confidence

Public confidence in criminal justice varies depending on the local or national context. For instance, a MORI survey showed that a lower proportion of BME people were confident about how crime was dealt with in their local area, compared to white respondents. However, a higher proportion

of BME respondents were confident about the way crime was dealt with nationally.⁵⁶ Both BME and white respondents in the survey agreed that black people were not treated fairly. A range of factors influence such opinions and perceptions, including media coverage and personal experiences. Nationally, criminal justice agencies have focused on community engagement as a strategy to influence public opinion and improve perceptions of fairness in the CJS.

citizenship

The citizenship survey (2007-08) measures components of three public service agreement (PSA) targets across government departments.⁵⁷ The survey showed that people from BME groups were more likely than white people to think that they could influence decisions made at the local level.⁵⁸ It also found that 28% of people from BME groups in 2007 felt that they would be treated worse than others by at least one of the five criminal justice organisations, compared to 33% in 2001. Although the proportions have decreased, the recent survey also demonstrated the continued lack of trust in some criminal justice agencies. People from BME groups believe that the police (22%) and Prison Service (14%) discriminate on grounds of race. Key factors that can increase confidence are well documented⁵⁹ and are summarised below:

- The quality of personal experience of the CJS, particularly in relation to stop and search
- Improving accountability of criminal justice organisations to local communities
- Addressing the causes of disproportionate outcomes in sentencing for people from minority ethnic groups

- Improving perceptions of fairness through effective community engagement
- Making decision-making processes more transparent
- Improving employment and retention practices in criminal justice agencies
- The role of the media.

To address perceptions of racial discrimination in society, the labour market and in public services, the Department of Communities and Local Government report made several recommendations. One in particular states:

“To improve perceptions of fairness in the groups that, in this research, were most likely to perceive discrimination from public services (eg Muslim people, Black Caribbean people), there is a need for more targeted communications (eg community consultation events, campaigns in specialist media) to address the specific concerns of these groups.”⁶⁰

concern

Public concern about gun and knife crime may also hinder perceptions of fairness in BME communities if it is thought to be a ‘black’ problem. Unfair treatment is not just a perception but a reality and leads to persistent, low levels of confidence, which can be helped by effective community engagement by statutory agencies. Working with BME voluntary and community sector organisations to tackle disproportionality should, however, also help to reduce the perception of discrimination and unfair treatment. This sector can potentially provide lasting support networks to work with BME groups and deliver services to improve confidence in the system.

2006

Equality Act extended the duty of public authorities to promote racial equality.

2007

Establishment of the Equality and Human Rights Commission. Consultation begins on Single Equalities Bill to streamline legislation, with proposals that include a single equality duty on public bodies.

Recommendations

Race for Justice proposes a number of steps to support the BME voluntary sector and local communities to help create a more equitable CJS. These will help to reduce re-offending and reduce the number of victims of crime.

1

To make criminal justice agencies more accountable, the EHRC and the government's new Equalities Office should introduce and monitor specific targets to reduce disproportionality at each stage of the criminal justice process.

2

The Criminal Justice Group (part of the Ministry of Justice) should establish a baseline of current funding for the BME voluntary sector and other organisations working with BME offenders. It should set and monitor targets to ensure that these groups are adequately funded.

6

The Department for Communities and Local Government should identify and disseminate good practice by the BME voluntary sector. This will help to ensure that local and national government funding is effective in areas of greatest deprivation and highest crime.

7

Community sentences should be reviewed to ensure they are sensitive to the needs of BME groups to enhance their chances of success, ensure value for money and reduce the risk of re-offending. This is especially important in light of the growing numbers of young people from BME communities involved in the CJS.

8

The high levels of BME women prisoners has been noted with concern by Race for Justice, which calls on criminal justice agencies to review alternatives to custody and ensure that resettlement strategies take into account this group.

3

The Criminal Justice Group should establish a taskforce to develop, promote and monitor innovative services for BME offenders to support resettlement and rehabilitation. It should include government, equalities and CJS agencies alongside the BME voluntary sector working in mental health, education and the CJS.

4

The Office of the Third Sector should ensure that the review of its Compact and BME Code will enable BME voluntary organisations to receive an enforceable fair deal from funders and commissioners to help build capacity and deliver effective services.

5

Commissioners should involve the BME sector when planning and commissioning services to ensure they are effective. This will also build the capacity, expertise and knowledge of the sector.

9

Court diversion schemes to support BME offenders with mental health and drug problems should be properly resourced and appropriate in order to reduce pressure on prison health services, ensure better care and enhance rehabilitation.

10

Supporting BME ex-offenders into employment and appropriate training should be a priority to support effective resettlement after custody. In this context, the Rehabilitation of Offenders Act should be amended to support access to employment.

11

BME offenders, former offenders and their families – the users of CJS services – should be involved and consulted with by CJS agencies to help make provision more effective and appropriate.

Race for Justice Seminars and Consultation

Almost 60 organisations attended seminars to discuss ways in which the BME voluntary and community sector could strengthen racial equality in the CJS. The ideas included the following:

- Improving publicity to support service access for BME groups
- Monitoring outcomes in key areas
- Ensuring preventative services are being accessed by BME children and young people
- Encouraging more holistic, multi-agency working across social service areas, including preventing teenage pregnancy and drug and alcohol misuse
- Providing training to ensure that staff of statutory services take account of the needs and culture of BME groups
- Commissioning services to ensure they reflect the diversity of the populations they serve
- Focusing on the needs of service users and using their expertise to meet complex social needs through flexible service delivery and the ability to build users' trust
- Providing independent advocacy
- Building incentives and targets into the commissioning process to ensure that BME organisations are proportionately represented
- Sharing best practice and networking more effectively to improve effectiveness
- Establishing performance targets, monitoring systems, equality impact assessments and other tools to improve performance and focus on delivering race equality
- Improving and professionalising communications.

“My talking and telling about how I felt was seen as over the top behaviour and it took a suicide attempt to convince people that I needed help.”

Seminar delegates

Action for Black Community Development	Griffins Society	Stonham Housing
Action for Prisoners' Families	Herts Association for the Care and Resettlement of Offenders	Reallity
Adullam Homes Housing Association Limited	HMP Prison Service	Resettlement Centre
Advocacy in Action	Home Call	Rethink
AFIM	Home Group	Shelter
Awetu BME Mental Health Group	Host Corporation	Target Housing
Bath Churches Housing Association	Independent Complaints Advocacy Service	Theatre in Prisons and Probation
Black Development Agency	Leo Campaign	The Prince's Trust
Black Health Agency	Ministry of Justice	The Scarman Trust
Calderdale Women's Centre	Nacro	Wayahead Housing
Cardiff & Vale Coalition of Disabled People	National Offender Management Service	West Yorkshire Community Chaplaincy Project
Centre for Crime and Justice Studies	Nilaari	West Yorkshire Probation Board
Citizens Advice Bureau	Parity Associates	YMCA
Chile SCDA	Partners of Prisoners	Youth Inclusion Project, Washwood Heath
Contact Cheshire Support Group	PLIAS Resettlement	Youth Justice Board for England and Wales
Crescent Community Centre	Potential Mentoring	Youth Support Services
Derby Millennium Network	Prison Link	
Escape Family Support	South of England Advocacy Projects	
Foundation 4 Life	Sova	

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Race for Justice is made up of a coalition of organisations who work with BME offenders, ex-offenders and their families. It was set up by Clinks, the National Body of Black Prisoner Support Groups and the former Partners in Reducing Reoffending Race Group. The campaign is run in partnership with Nacro, which provided much of the research evidence for this report, helped by the Sainsbury Centre for Mental Health and Rota.

- Clinks is a membership body that supports and develops the work that voluntary organisations undertake within the criminal justice system in England and Wales.
- The National Body of Black Prisoner Support Groups represents organisations that work directly with BME offenders to tackle isolation and raise issues of concern.
- Nacro is the crime reduction charity that finds practical solutions to reducing crime.
- The Sainsbury Centre for Mental Health works to improve the quality of life for people with mental health problems by influencing policy and practice in mental health and related services.
- Rota works on social policy issues that have an impact on race equality in London.

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supporting voluntary organisations that
work with offenders and their families

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