

# HM Inspectorate of Prisons

## Equality Analysis

<b>Section one: screening for impact</b>	
Name of the proposed new or changed legislation, policy, strategy, project or service being assessed.	HM Inspectorate of Prisons Expectations: criteria for assessing the conditions in prisons and the treatment of prisoners.
Project lead responsible for the equality analysis:	Laura Nettleingham,
Position:	SRO
Division/directorate:	Research, development and thematic team
<p><i>1. What is the main aim or purpose of the proposed new or changed legislation, policy, strategy, project or service and what are the intended outcomes?</i></p> <p>To review and re-draft the Inspectorates current inspection criteria for adult prisons. The redrafted criteria will continue to provide a foundation of human rights principles and recognised best practice. The criteria is used to make a judgement under each of the four healthy prison tests: safety, respect, purposeful activity and resettlement.</p> <p>The re-draft will create more high level and outcome focused expectations, which will continue to improve outcomes for prisoners in all areas of prison life.</p> <p>All four prison tests cover equalities and diversity but a specific set of expectations is located within the 'respect' healthy prison test. The criterion identifies the distinct needs of each protected characteristic, promoting diversity and equality of opportunity and highlights the processes required to minimise and eliminate discrimination and disadvantage.</p> <p>The equality outcomes for detainees will be assessed and commented upon in all of our published inspection reports which will be accessible to the public.</p>	

*2. What existing sources of information will you use to help you identify and analyse the effects on equality on different groups of people?*

A wealth of existing inspection information is readily available and we have considerable knowledge in inspecting equality and diversity outcomes for prisoners all of which will feed in to the re-draft of our criteria. The criteria under review form part of a well established inspection framework which has produced vast amounts of inspection evidence.

There are several key sources of evidence for inspection; observation, prisoner surveys, discussions with prisoners, staff and relevant third parties and documentation. A mixed method approach to data gathering is used during inspections and all findings and judgements are triangulated.

1. Inspection evidence - interviews are conducted with a range of staff from all disciplines including designated equalities staff; interviews and focus groups are held with prisoners which cover equality and diversity issues and documentary analysis of a wide range of sources is conducted. This includes the assessment of prison service orders/ instructions, equality and diversity strategies, policies, committee meeting minutes, and any consultation exercises held with a range of multi-disciplinary staff, prisoners and external community representatives. Prisoner complaints, including racist incident forms are also assessed alongside SMART monitoring data, which facilitates the analysis of data on a wide range of processes, alerting us to a potentially disproportionate impact.

2. Prisoner survey - for every full inspection and full follow up inspection a random and representative proportion on the prisoner population is surveyed. The HMI Prisons survey covers all aspects of prison life, broadly corresponding to expectations. There is a section in the survey which covers demographics and includes all protected characteristics. Survey responses are broken down and analysed by protected characteristics to ascertain the perceptions of different groups and any perceived differential experiences.

3. Thematic reviews are carried out in areas that have, over the course of inspections, been highlighted as performing particularly poorly, in need of review or in need of assessment due to policy or legislative changes. Recent thematics have been conducted on race relations in the prison service, foreign nationals, older prisoners, disability, mental health, children and young people in custody, Muslim prisoners and women in prison. We are currently working on a briefing paper looking at Veterans in prison.

4. Regular monitoring and review of any briefing papers, research findings and reports produced by government and NGO's are used to inform and expand our knowledge base and have been utilised in the re-drafting process.

5. The inspectorate has strong links with NGO's, charities & external organisations, all of whom were sent the draft Expectations for comment as part of the formal consultation process.

*3. Are there gaps in information that make it difficult or impossible to form an opinion on how your proposals might affect different groups of people? If so what are the gaps in the information and how and when do you plan to collect additional information?*

There are several protected characteristics in prison which are underdeveloped. In part this is due to the small numbers of prisoners and also due to the nature of the custodial environment. Identification of minority groups relies heavily on self identification and declaration. This in itself can be fraught with problems as identification could lead to further perceived and/ or actual disadvantage or discrimination. Effective monitoring is required to understand the different groups within a prison population and the distinct needs of these groups to ensure that their needs are recognised and supported. The re-drafted criteria have acknowledged this and are designed to identify gaps and drive improvements in these areas. These areas will be flagged up as part of the formal consultation process with stakeholders. External organisations are assisting in the delivery of inspection methodology workshops and training sessions for the Inspectorate staff group.

*4. Who will be the main stakeholders/ users of the proposed new or changed legislation, policy, strategy, project or service?*

Prison service  
NOMS  
Prisoners  
Other registered providers delivering care and services to establishments/ prisoners  
NGO's such as the prison Reform Trust & the Howard League  
Other regulatory bodies such as HMI Probation, CQC, Ofsted.  
Inspectors  
Equality and Human Rights Commission

*5. How have/ will you engage stakeholders/ relevant parties?*

A formal consultation period took place in July 2011. The full draft was sent to stakeholders for comment.  
The Inspectorates internal diversity group has extensively reviewed the diversity and equality section of the draft.  
Existing structures, including the inspectorate's prisoner survey and prisoner groups has provided prisoner feedback on a range of diversity and equality issues.

6. Use the table to tick:

a) Where you think that the proposed new or changed legislation, policy, strategy, project or service could have a positive impact on any of the different groups of people and or promote equality of opportunity.

b) Where you think that the proposed new or changed legislation, policy, strategy, project or service could have a strategy/project/policy could have an adverse / negative impact on any of the different groups of people that could disadvantage them.

	Positive impact	Negative impact	No impact	Reason and evidence (provide details of specific groups affected)
Age	x			<p>HMIP anticipate a positive impact and will monitor responses during the formal consultation period. Expectations have always emphasised the importance of good equality and diversity practice. The emphasis of inspection is on the experiences of prisoners and improving outcomes for prisoners. The criteria will continue to ensure that inspectors consider in depth how prisoners' diverse needs are met. The criteria will encourage establishments to identify and address the individual needs of prisoners and to promote equality of opportunity. The criteria have been designed to give equal weighting to each protected characteristic and recognise the complexities of need, especially when individuals fall into a number of protected groups.</p>
Gender	x			
Sexual orientation	x			
Race	x			
Religion	x			
Nationality	x			
Disability	x			

7 c). If you have indicated there is a negative impact on any group, is that impact:  
Not applicable

Following the consultation, no negative impact was envisaged or raised. No further action required.

*8. Is there any feedback or evidence that additional work could be done to promote equality of opportunity?*

Based on two pilot inspections and consultation feedback, Expectations were further revised and finalised for publication.

*9. If there is no evidence that the strategy, project or policy promotes equality, equal opportunities or improved relations – could it be adapted so that it does? If so, explain how.*

Not applicable

*10. Could you improve the proposed new or changed legislation, policy, strategy, project or service? If so, explain how.*

Re-drafting the criteria to produce more outcome focused expectations takes account of prisoner's needs, and the draft ensures diversity and equality cuts across all areas of inspection. The criteria will help maintain a focus at inspection on promoting positive outcomes across all protected characteristics. Alongside the criteria, a number of supporting documents are in the process of being revised which will take these factors into account; these include the inspection manual, pre-inspection pack and prisoner survey.

*11. Please provide details of how you will monitor evaluate or review your analysis of equality and when the reviews will take place? How will you review implementation and the actual effects including unexpected equality impacts?*

An initial equality analysis was completed alongside the first draft of 'Expectations (Mar 11) – no adverse impact or issues identified.

The draft expectations were piloted in May 2011 on a full inspection.

Further review of both the expectations and the equality analysis will be undertaken following the pilot.

A second pilot followed by formal consultation with stakeholders took place in July 2011.

Following consultation and feedback both the expectations and the equality analysis were reviewed and finalised.

The implementation phase consisted of training inspectors using the new criteria and report format.

Expectations were published in Dec 2011 and were operational from 1st January 2012.

Following publication the impact will continue to be reviewed and evaluated using a variety of sources, including feedback from inspections, both from inspection teams and those inspected and stakeholders. This will include the use of: exit surveys; annual internal diversity survey; stakeholder survey; routine inspection findings and survey analysis on protected characteristics and the HMIP annual report.

**Approval - senior manager/ responsible owner**

Senior Manager      Date approved

Martin Lomas

Responsible Officer      Date approved

Nick Hardwick