



HM Inspectorate
of Probation

Race equality in probation follow-up: A work in progress

A thematic inspection by HM Inspectorate of Probation
September 2023

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Foreword

When I published my previous thematic report on race equality in probation (HM Inspectorate of Probation, 2021), I indicated that we would reinspect this subject in two years to see what progress had been made in implementing the findings and recommendations. While senior leaders have demonstrated a clear commitment to taking these recommendations forward, and there has been a lot of activity to do so, there has not been as much progress as I would have wished in embedding effective practice or improving the satisfaction of minority ethnic staff.

Although we specifically asked managers to identify cases where there was good practice, in the 50 cases we inspected there was still little evidence that probation staff had spoken with minority ethnic people on probation about their ethnicity, culture, religion, and experiences of discrimination, or planned interventions that were responsive to these diversity factors. People on probation confirmed this reluctance by probation practitioners to ask them about matters of faith and culture. Data from our wider local probation inspection programme showed that assessment, planning, and implementation and delivery were worse for minority ethnic people on probation than for white people, and fewer services were delivered for them. However, there was no evidence of any disproportionality in the use of enforcement and breach. There are few training programmes that enable practitioners to work effectively with people from different backgrounds and it is rare for this to feature in reflective supervision with line managers.

There is currently no national strategy that sets out expectations and plans for service delivery to minority ethnic people on probation. There has been a delay in commissioning services specifically for this group and it is unclear whether the reduced funding now available will meet the need to provide a service in all localities. Probation practitioners' knowledge of the services available in minority ethnic communities is limited, and probation premises frequently fail to provide information or images that would make people of different ethnicities feel welcome.

The levels of dissatisfaction we found among many minority ethnic staff were concerning, although there were some improvements in the scores on our staff survey. The reasons why minority ethnic probation staff, according to the Civil Service staff survey, are less satisfied than white staff need exploring with them. As with our previous thematic, we continued to hear some distressing accounts from individuals of poor management, discrimination, concerns ignored, and lack of encouragement to progress. Our survey found that few minority ethnic staff were consulted or provided with support when they were allocated cases of racially motivated offenders, which was worse than previously. HMPPS has yet to agree revised grievance procedures. A significant minority of the minority ethnic staff responding to our survey were fearful of raising their concerns and those who had raised grievances were invariably dissatisfied with the outcome.

There have been improvements in the numbers of minority ethnic staff moving into middle management positions and there are positive examples of managers creating a more inclusive culture, which can be learned from. New training programmes have been developed for managers, which show promise. There is better data available on disproportionality in staffing and service delivery, which now needs to be turned into information for action. Addressing race equality is not a quick fix. I would encourage leaders and managers at all levels of the Probation Service to recommit to taking action to address race equality and to take forward the recommendations in this report.



HM Chief Inspector of Probation
September 2023

Contextual facts

240,431	Number of people under probation supervision as of 31 December 2022 ¹
18.3%	Percentage of the population of England and Wales that is non-white, from the 2021 census ²
28%	Percentage of the prison population in England and Wales that is non-white ³
19%	Percentage of those on court-ordered probation supervision ⁴ who are non-white ⁵
2.3%	Percentage of the national court-ordered probation caseload where data on ethnicity is missing ⁶
17.1%	Percentage of Probation Service staff who are non-white ⁷ (31 March 2023) ⁸
14.9%	Percentage of Probation Service staff in management grades who are non-white (31 March 2022) ⁹
18%	Percentage of Probation Service staff who have not declared their ethnicity (31 March 2023) ¹⁰
8.8%	Percentage of black/black British people in employment six months after release from prison, compared with 14.5% on average for white people in 2021/2022 ¹¹
57.9%	Percentage of black/black British people in settled accommodation three months after release from prison, compared with 64.8% on average for white people in 2021/2022 ¹²

¹ [Probation data - Justice Data](#) Accessed 12/05/2023

² [Population of England and Wales - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](#). Accessed 12/05/2023

³ [HM Prison and Probation Service Offender Equalities Service Annual Report – GOV.UK \(www.gov.uk\)](#). Accessed 12/05/2023

⁴ Community and suspended sentence orders with requirements supervised by probation.

⁵ [Offender Management Statistics quarterly: October to December 2022 - GOV.UK \(www.gov.uk\)](#)

Table 4.17. Accessed 12/05/2023

⁶ [Offender Management Statistics quarterly: October to December 2022 - GOV.UK \(www.gov.uk\)](#)

Table 4.17. Accessed 12/05/2023

⁷ Percentage of those who have declared their ethnicity.

⁸ <https://www.gov.uk/government/statistics/hm-prison-and-probation-service-workforce-quarterly-march-2023>. Table 5d. Accessed 24/05/2023

⁹ [HM Prison and Probation Service Staff Equalities Report: 2021 to 2022 - GOV.UK \(www.gov.uk\)](#)

Table 1b. Accessed 12/05/2023

¹⁰ <https://www.gov.uk/government/statistics/hm-prison-and-probation-service-workforce-quarterly-march-2023>. Table 5d. Accessed 24/05/2023

¹¹ [Community Performance Annual, update to March 2022 - GOV.UK \(www.gov.uk\)](#)

Employment at six months post release from custody. Table 6. Accessed 12/05/2023

¹² [Community Performance Annual, update to March 2022 - GOV.UK \(www.gov.uk\)](#)

Accommodation at three months post release. Table 6. Accessed 12/05/2023

Executive summary

The inspection in context

We published our previous thematic inspection, 'Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff' (HM Inspectorate of Probation, 2021), two years ago. That inspection was set against the background of the death of George Floyd in the United States, the rise of the Black Lives Matter movement worldwide and the Covid-19 pandemic from March 2020. For that inspection, we obtained the views of staff and people on probation about their experience of race equality in both the National Probation Service (NPS) and the Community Rehabilitation Companies (CRCs), and looked in detail at the quality of work undertaken with Black, Asian and minority ethnic people under probation supervision.

The results were concerning. In the 100 cases of minority ethnic people on probation inspected, there was little evidence that probation staff had spoken with them about their ethnicity, culture, religion, and experiences of discrimination, or planned interventions that were responsive to these diversity factors. While assessment and planning to address offending-related factors were good, engagement with minority ethnic people required improvement and was worse than was found on average in our core local probation inspections. Too few people on probation were engaged with services to support their rehabilitation and only half of the people on probation described a positive relationship with their responsible officers. We did not find much effective practice on race equality.

We found that probation services did not take a strategic approach to meeting the needs of minority ethnic people on probation. The number of services commissioned for black, Asian and minority ethnic people on probation had decreased, and probation practitioners had few links with organisations in the community that specifically support minority ethnic individuals' rehabilitation. There were few programmes to address racially motivated offending, and minority ethnic practitioners were frequently expected to take on these cases without support or consultation.

We found gaps in training for all grades in the organisation. While the proportion of minority ethnic staff was reasonably representative of the racial composition of England and Wales, minority ethnic staff were under-represented in management grades. Many minority ethnic staff surveyed lacked confidence in the ability or willingness of managers across probation to respond appropriately to their concerns. We found an urgent need to review complaint and grievance procedures and to train managers to deal confidentially and sensitively with issues of discrimination as they arise.

Given these concerning findings, the chief inspector gave notice that he intended to reinspect this work again in two years and has introduced a more robust set of standards around this issue in core local probation inspections. Our first inspection report included 15 recommendations for His Majesty's Prison and Probation Service (HMPPS) and the NPS. Shortly after the report was published, the NPS and the CRCs came together into a new organisation (June 2021), the Probation Service, as part of HMPPS. The Probation Service published a detailed action plan¹³ in response to the report, accepting 13 of the recommendations in full and the other two in part. It has provided a comprehensive report on progress, with some of the actions still ongoing.

A note on language

For this inspection, we have used the term 'minority ethnic' to describe all or a group of non-white people. We are also mindful of intersectionality (how more than one dimension of a person's identity can create discrimination or privilege). When referring to a particular ethnic group, we will say so, instead of using 'black, Asian and minority ethnic' or 'minority ethnic' as catch-all terms.

We recognise that the population of England and Wales is increasingly diverse, with considerable variance in ethnicity according to locality. Different ethnic groups have different needs and require

¹³ [Race Equality in Probation Action Plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/94444/race-equality-in-probation-action-plan)

different responses depending on their culture, language, heritage, religion, and social circumstances, and whether individuals have settled immigration status. While this report focuses mainly on the common experiences of racism and bias that individuals from ethnic minorities encounter, we will also look at how services respond to these different needs. However, due to the limitations of our data in this follow-up inspection, it has not been possible to fully address issues of gender and intersectionality in the experiences of minority ethnic people on probation.

Methodology

The intention of this inspection was to review the progress made since the previous inspection. To do this, we reviewed the actions taken in response to our previous recommendations, making a judgement as to whether 'sufficient', 'some' or 'no' progress had been made.¹⁴ We also looked at what practice is like now for both minority ethnic people on probation and minority ethnic staff. We used very similar question schedules and surveys to those administered previously, so that we could make a fair comparison.

This inspection looked at the work of the Probation Service in five probation delivery units (PDUs). Two were chosen from the areas we inspected previously: Bedfordshire, and Bradford and Calderdale. Two were chosen because we had inspected another area in their region previously: Southwark, and Walsall and Wolverhampton. The final area, Nottingham, was chosen because we had not been to that region previously. This inspection was conducted on site, unlike the previous one, which had been conducted remotely. We inspected 50 cases of black, Asian and minority ethnic people on probation that began in March and April 2022, and considered their supervision over the following 12 months. We were keen to identify effective practice, so if an area identified practice that they thought was effective, we included these cases in our sample. We interviewed 44 probation practitioners responsible for these cases. Using the wider data set from our core local inspection programme of 32 PDUs, we compared the quality of work with minority ethnic people on probation with the quality of work with white people.

In each area we interviewed the regional probation director (RPD), the head of the PDU, a human resources business partner, a senior commissioning manager, the regional equality manager, and a court senior probation officer (SPO). We had hoped to meet with providers of services commissioned for minority ethnic people on probation, and with representative members of partnership agencies from local minority ethnic communities. However, there was only one such service provider commissioned in one PDU at the time of the inspection, and there were few links with minority ethnic community organisations. Focus groups were held with a total of 26 probation practitioners and 22 middle managers drawn from staff in the five fieldwork areas and including white and minority ethnic staff.

Separately, we conducted focus groups with minority ethnic staff and managers, attended by 26 staff and 25 managers. We also sent an electronic survey to all minority ethnic staff in each of the five fieldwork PDUs and received 97 responses, with approximately one in two of all these staff responding. We undertook 25 follow-up interviews with individuals who requested them after answering this survey. User Voice was contracted to interview minority ethnic people on probation in each PDU. Its five lived experience peer researchers interviewed 82 individuals.

We spoke with 16 senior leaders from HMPPS and the Probation Service headquarters, including those responsible for the Race Action Programme and the Probation Workforce Programme, along with the previous and current chief probation officer. We also met with the national chair of the Racial Inclusion and Striving for Equality (RISE) staff network and the head of the Tackling

¹⁴ We judge that *sufficient progress* has been made where the work done in relation to the recommendation has moved sufficiently from the 2021 previous inspection. *Some progress* is where the work done in relation to the recommendation has moved from the previous inspection, but more work remains to be done. *No progress* is where the work done in relation to the recommended area has not moved or has worsened.

Unacceptable Behaviours Unit (TUBU). We were also given detailed information about progress with the action plan that was created in response to the previous inspection.

Leadership, staffing, services and information

There has been a clear commitment from leaders in HMPPS and the Probation Service to take forward the recommendations from our previous inspection. This is evidenced in the work of the Race Action Programme and the Probation Workforce Programme, and in particular in the initiatives that have followed from HMPPS's survey of minority ethnic staff in 2021, which sought to understand and address their concerns. As the Race Action Programme completes its work next year, there will be a continuing focus on race equality in the newly established HMPPS Race Disparity Unit. RPDs have also given a clear lead by setting out pledges to address race equality, linked to local action plans. However, there is currently no national race equality strategy for service delivery for minority ethnic people on probation that sets out what the Probation Service is aiming to achieve and how this would be delivered.

Awareness of centrally led initiatives, such as the TUBU, is variable, and local leaders do not always know the identity of the large number of race allies recruited by the Race Action Programme, limiting their involvement in initiatives to address race equality. There needs to be a continuing focus on dovetailing the initiatives from the centre with local activity. Only half of the practitioners interviewed said that probation managers in their area were effective in promoting an inclusive culture. While there were some good examples of local leaders translating the vision for race equality into practice, these messages have become more diluted the nearer they come to frontline staff, with some totally unaware of the pledges made, initiatives taken, and resources available. This is perhaps not surprising given the amount of change and disruption the service has experienced, with many staff suffering from information overload. Senior managers need to give more support to hard-pressed middle managers to enable them to model and communicate these expectations face to face with staff.

As regions begin to set benchmarks for local recruitment and the service becomes more representative of the local working-age population in all areas, there is an imperative for the Probation Workforce Programme to discover why minority ethnic applicants are less successful in receiving formal job offers, and to adjust selection processes. While acknowledging the progress that is being made in the number of minority ethnic staff progressing into middle management positions, there is further to go, especially for minority ethnic people to move into more senior assistant chief officer grade positions. Senior managers need to pay careful attention to the operation of the new performance framework to ensure that minority ethnic staff are given sufficient opportunities to develop.

There are few training programmes for probation practitioners and trainees to engage effectively with people from diverse cultures, ethnicities and religions, and to integrate diversity into their everyday practice, particularly for those who see it as an 'add on'. This impacts on practitioners' confidence in addressing these issues. Some regions have tried to fill this gap with locally devised programmes, but this is inconsistent, and it is particularly important for service leaders to build in time for people to reflect on their practice as they start their careers. There is a need to provide the many new middle managers with appropriate training and support in managing people and diversity, including new minority ethnic managers who may feel added pressure to get difficult decisions right. The Immersive Learning and Everyday Inclusion programmes look promising but will require considerable time and commitment to take them to scale and implement them consistently.

It is concerning that minority ethnic staff have lower levels of engagement and satisfaction than white staff, as evidenced in the Civil Service staff survey. RPDs will need to explore the reasons for this with them, especially in the areas where there are lower levels of satisfaction, in order to inform actions that will result in tangible improvements in feelings of inclusion, and reductions in discrimination, bullying and harassment.

We only saw one organisation commissioned to deliver services for minority ethnic people at the time of the inspection, as there had been a delay in procurement while funding levels were agreed. The reduced amount of grant funding now available for commissioning services for minority ethnic people on probation may reveal gaps in services in some areas that will need to be filled. Commissioners will need to put in place a rigorous evaluation strategy to discover which services are proving most effective in meeting need and providing a culturally appropriate service in the local community.

Practitioners' knowledge of available services and resources in minority ethnic communities is fragmented; it would help if heads of community integration, along with heads of PDUs, make arrangements to systematise such information and make it readily available to assist with the reintegration of people on probation. Most waiting areas visited were bare and functional. Managers should ensure that the images and information available in communal areas in offices are representative of the diversity of the local community and the languages spoken and provide an atmosphere where diverse groups of people feel welcome, respected, and inspired.

The pre-sentence report (PSR) court pilots have just finished. The learning about improvements in the quality of PSRs on minority ethnic people now needs to be disseminated widely, along with the associated training programmes, to provide a more consistent service across the country. The proportion of reports completed on minority ethnic people still varies widely from area to area, and while management information is produced, there are currently no agreed measures in the Equality Monitoring Tool that enable any disproportionality in recommendations in PSRs and resulting disposals to be compared by ethnicity.

Considerable amounts of data are now collected and available to monitor the outcomes of services for people on probation by ethnicity, including a recently revised Equality Monitoring Tool. Data on human resources (HR) processes segmented by protected characteristics is also available, and published at a national level. However, many staff and managers are unaware of this information and how it can be used to identify and address any disproportionality in outcomes. RPDs should ensure that this data is analysed sufficiently to inform the work of practitioners and managers.

Quality of case supervision

There has been minimal improvement over the past two years in the extent to which assessments of minority ethnic people on probation take into account issues of ethnicity, culture, faith and experience of discrimination. As a consequence, too many assessments are insufficiently personalised and do not provide a sound basis for engaging effectively with individuals from minority ethnic communities. There has been minimal improvement in the quality of planning to engage minority ethnic people on probation, which remains inadequate. Our adult probation core inspection programme data also shows that the quality of assessments and plans for minority ethnic people on average is lower than the quality of those completed for white people.

RPDs need to drive improvement in the quality of these assessments and plans to ensure that minority ethnic people have an equal chance of successful rehabilitation. Those responsible for producing any new assessment and planning tool should ensure that it includes clear guidance on how to address issues of discrimination and racial disadvantage in assessing offending-related need, and how to factor in the aspects of culture and faith that are strengths that may protect against reoffending.

We found that implementation and delivery of services were better; however, not enough people on probation had an effective, trusting relationship with their probation practitioner, though in a reasonable majority of cases enforcement was appropriate and proportionate. Levels of engagement and the delivery of services were worse than for white individuals, as judged by data from our adult inspection programme. We found few examples of effective practice in working with minority ethnic individuals.

Managers' supervision with practitioners rarely focused on work with minority ethnic people. Practitioners need time and space to reflect on their practice if there is to be a substantial

improvement in quality. Middle managers have a key role here in modelling expectations in the way they structure supervision. The implementation of the revised Skills for Effective Engagement, Development and Supervision (SEEDS) programme could assist if it includes such a focus on the quality of work with minority ethnic people on probation.

Perspectives of minority ethnic staff

Although the step-change we had hoped to see in the perceptions of minority ethnic staff has not occurred, there are some grounds for optimism, as the scores for most of the questions in our staff survey have improved, even if these changes are not statistically significant. Although there have been improvements in producing a more inclusive culture in some localities, this is not true everywhere. It cannot simply be about what leaders say; it has to be backed by actions. Only when staff see specific actions embedded in the way leaders at all levels behave, and the processes they have put in place to embed race equality, will staff come to believe that the Probation Service is truly inclusive. Such change takes time and needs to be continually modelled and reinforced by local and national leaders.

A substantial minority of minority ethnic staff still do not believe that leaders and managers understand the issues that they face and believe that the issues of different groups are lumped together without attempting to understand their different experiences. There have been some good listening events, but these now need to be put on a firmer footing. There is a need for consistent channels of communication and engagement between minority ethnic staff and leaders locally, continued acknowledgement of racism where it exists, and effective responses to the racial trauma that staff have experienced. Resources and training for working with racially motivated people on probation have yet to be made available. It remains rare for minority ethnic staff to be asked about taking on cases of racially motivated individuals. It should be a matter of policy that minority ethnic staff are not allocated racially motivated cases without prior consultation, and if agreed, they should be offered appropriate support.

While progress is being made in minority ethnic staff progressing into management positions, a substantial minority of minority ethnic staff do not believe that the recruitment process is fair and equal. The move to having diverse interview panels is welcome but needs to be more consistent. Temporary job roles are not always advertised and should be made known to those eligible to apply. There is no common national mentoring scheme available for minority ethnic staff seeking to progress that meets the needs of staff in different areas and job roles where there is under-representation. A substantial minority of staff have been with probation for many years and have not been encouraged to progress and feel left behind; local managers should pay particular attention to their development to ensure that their needs and aspirations are not overlooked.

It is concerning that some minority ethnic staff are still experiencing incidents of racism, discrimination, and poor behaviour. Almost half do not feel they will get a fair hearing or an appropriate response if they raise concerns. Those who raise concerns are almost invariably dissatisfied with the response. HMPPS needs to implement revisions to the grievance process in consultation with staff and representative organisations. The TUBU service needs continued publicity to ensure that minority ethnic staff are aware of the opportunities for mediation and dispute resolution.

Perspectives of minority ethnic people on probation

It has proved difficult to discern any significant improvement in the experience of minority ethnic people on probation since the previous inspection. Many people interviewed have only recently experienced probation, though some with a longer-term perspective can see improvements. However, we did find that a reasonable majority of people on probation considered that their story had been heard by probation practitioners, that probation does not discriminate against them and that they have an effective relationship with their probation practitioner.

These interviews have reinforced the conclusion from the cases inspected that probation practitioners are often reluctant to take the opportunity to speak to individuals about their religious beliefs and cultural heritage. Those with lived experience suggest that such topics need to be discussed during an open conversation, where the practitioner is able to get to know the person better and understand their needs, rather than in a 'tick-box style' way. What is learned during these conversations needs to be reaffirmed and acted upon during appointments.

Many practitioners appear to lack an understanding of the cultural background and religious beliefs of the people on their caseload. Those with lived experience suggest that more could be done to celebrate the cultural heritage of people on probation, through events, posters, and awareness sessions to foster knowledge among probation staff and other people on probation. This would result in those from a minority ethnic background feeling more welcomed and considered.

Foreign national people on probation, for whom English is not their first language, are sometimes left in the dark, with little means of accessing the support they need to aid their rehabilitation. Practitioners should make better use of interpretation and translation services and make sure courses and support are both accessible and suitable for non-English speakers.

There is more potential to involve people with lived experience of probation and of discrimination in the design and delivery of services, thus improving the cultural competency of probation services. There is also a need for local probation managers to improve links with minority ethnic support services to improve opportunities for rehabilitation for minority ethnic people on probation.

Recommendations

His Majesty's Prison and Probation Service should:

1. develop a national race equality strategy for service delivery (repeated recommendation)
2. develop learning programmes that enable probation staff to:
 - understand discrimination and its impact
 - provide culturally competent services
 - reflect on their anti-discriminatory practice
 - be confident in discussing racism and challenging discrimination
 - eradicate bias in decision-making
 - work effectively with interpreters (repeated recommendation)
3. improve the quality of assessment and planning for minority ethnic people on probation and incorporate guidance on addressing culture, faith, and experiences of discrimination into any future assessment and planning tools
4. provide materials for working with those convicted of racially motivated offences, supported with staff training, and consult with minority ethnic probation practitioners before allocating this type of case to them (repeated recommendation)
5. improve engagement with minority ethnic staff and seek to achieve parity of satisfaction with white staff
6. review formal and informal complaint and grievance procedures for staff, in consultation with minority ethnic staff, and make improvements to increase perceived fairness (repeated recommendation).

Regional probation directors should:

7. ensure that minority ethnic people on probation have access to appropriate services and interventions while on probation and in the community
8. provide a welcoming environment in probation premises that celebrates diversity.

1. Introduction

1.1. Why this thematic?

Our previous thematic report on race equality in probation (HM Inspectorate of Probation, 2021) acknowledged that since summer 2020 and the debates which followed the death of George Floyd, senior probation leaders had listened to the perspectives of minority ethnic staff and had launched HMPPS's Race Action Programme. Additional funding had been made available to support the development of organisations that provide specific support to minority ethnic people on probation, and work was starting to improve the quality of pre-sentence reports for this group and remove potential bias. However, the chief inspector took the view that this work needed to be taken forward at pace and real and rapid progress made to further race equality in probation. There was also a danger that the wholesale reorganisation of probation in 2021 might deflect attention away from making progress on this important issue, hence the decision to give notice that this reinspection would take place now, some two years later.

1.2. Background

The Probation Service is subject to the public sector equality duty under the *Equality Act 2010*. In the exercise of its functions, it must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

The Act explains that having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

It is not enough to ensure that people are not discriminated against or receive disproportionate treatment; attention must be paid to addressing their different needs with the aim of achieving equality of outcomes.

The 'Lammy Review' (2017) of the treatment of ethnic minorities in the criminal justice system (CJS) triggered a wide range of policy responses. The stark racial disparities in the rates of people in contact with the CJS and in the resultant outcomes were sobering, as were the disparities in the staff profiles of CJS institutions. David Lammy MP called on the government and all justice services to 'explain or reform' such disparities.

Staff

The 'Probation Workforce Strategy (2023-2025)' (HMPPS, 2023a) has as one of its five objectives, 'creating a more diverse workforce where everyone feels included'. It includes commitments to build an inclusive environment, to target under-represented groups and diversify entry pathways, and to embed a fairer and more inclusive approach to recruitment across the organisation.

Services for minority ethnic people on probation

In September 2022, following consultation with minority ethnic organisations, and with input on effective practice from the Effective Practice and Service Improvement Group, a grants programme for services to minority ethnic people on probation was launched in each probation region under the regional outcomes and innovation fund (ROIF). The intention was that services would start to be delivered in March 2023. However, this programme was paused while awaiting the conclusion of HM Treasury's efficiency and savings review. It was subsequently decided that the ROIF money allocated for 2023/2024 would stay at 2022/2023 levels and that the funds available over the three years of this grant programme would be scaled back to £9 million.

Court reports

As part of a Ministry of Justice (MoJ) strategy to de-bias the courts, a pilot programme on the preparation of pre-sentence reports has just been completed. The evaluation of this pilot is awaited. Staff in the pilot court sites received training on:

- the use of language and terminology
- improving confidence in talking about difference
- improving cultural competence
- stereotyping and de-biasing decision-making
- quality assurance.

Aims and objectives

The inspection sought to answer the following questions:

1. Has there been a vision and strategy for race equality that has driven the delivery of a high-quality service for minority ethnic people on probation across the regions since the previous inspection?
2. How has the operating model been developed and adapted since March 2021 to encourage personalised approaches with people on probation, taking account of race and ethnicity?
3. How has a strategy developed over the past two years to ensure that the regional workforce adequately reflects the ethnicity of the local population, and with what results?
4. Does the oversight of work support high-quality delivery to minority ethnic people on probation and professional development of minority ethnic staff? What improvements have staff seen in the past two years?
5. Do managers at all levels receive appropriate learning and development that equips them to address issues of race equality in their management of staff? What improvements have been made in the past two years?
6. Do staff now receive appropriate learning and development that equips them to work effectively with people on probation from different ethnicities? What improvements have been made?
7. Do managers pay sufficient attention to the engagement of minority ethnic staff? How is this now perceived by minority ethnic staff compared with 2020?
8. Do minority ethnic staff feel they now have more equitable access to promotion opportunities than they did in 2020?
9. How confident do minority ethnic staff feel that complaints of discrimination will be handled appropriately, from their recent experiences? Is there tangible evidence of improvements in the handling of complaints since the previous inspection?
10. Is a sufficiently comprehensive and up-to-date analysis of the profile of the race and ethnicity of people on probation, and any disproportionate outcomes, used by the regions to commission appropriate services for them?

11. Are the right services delivered to minority ethnic people on probation that take account of their diversity, and are the quality of these services reviewed and improvements made? Has the provision of services improved or got worse since the previous inspection?
12. Do service leaders now capture the data they need to scrutinise potential ethnic disproportionality in service delivery and fair treatment of staff? Where such data shows disproportionality, have they taken action to deal with it?
13. Does advice to court take into account the individual's ethnicity and experience of discrimination? Is it of sufficient quality and free from discrimination and bias, and does it support the court in making fair and objective decisions? How has this changed with the implementation of the court pilots?
14. Does assessment analyse the ethnicity and experience of discrimination of minority ethnic individuals on probation and consider the impact of these on their ability to comply and engage with service delivery? Has this improved or got worse since the previous inspection?
15. Does planning take sufficient account of the diversity factors of minority ethnic individuals that may affect engagement and compliance? Is this better or worse than in 2020?
16. Is sufficient focus given to maintaining an effective working relationship with minority ethnic people on probation, taking into account their diversity needs, and delivering services that support their desistance? How does this compare with the previous inspection?
17. In the individual cases inspected, were enforcement actions (for example, breach, recall and warning letters) applied appropriately and fairly? Is management information now collected on this routinely and used to improve practice?
18. Do minority ethnic people on probation feel that they have a chance to tell their story, that they are treated respectfully, and that probation staff are caring and make consistent, fair decisions? Has this improved or worsened since the previous inspection?
19. What recent examples are there of effective practice in engaging and working with minority ethnic people on probation, and effective engagement, support, development, and progression of minority ethnic staff?

Scope of the inspection

The scope of this inspection covers community sentences and post-release licences. We looked at work done with minority ethnic people on probation and the experiences of minority ethnic staff. In line with the Office for National Statistics (ONS) definition of ethnic minorities, we excluded white minorities, including those with Gypsy, Roma and Traveller heritage (who are over-represented in the CJS). In doing so, we do not dismiss the experiences of this group, but rather recognise that it requires a separate, more in-depth piece of work.

Our approach was to look at the needs of minority ethnic people on probation, and the quality and appropriateness of the services provided for them, and to compare this with the findings from the previous inspection. We scrutinised local management information on any disproportionate impact of the probation sentence management process, such as enforcement, recall and breach. As our inspection samples were restricted to minority ethnic cases, we are not able through our case data or interviews with staff to compare their experience to that of white service users. We did, however, compare the findings for the quality of work with minority ethnic people on probation with the findings for white people from the data collected from our current core local probation inspection programme up to May 2023.

Report outline

Chapter	Content
1. Leadership, staffing, services and information	Leadership, strategy, and resources Staff recruitment, progression, development, training, and engagement Services for minority ethnic people on probation Provision of pre-sentence reports Use of research and information
2. Quality of case supervision	Assessment Planning Implementation and delivery Supervision of probation practitioners
3. Perspectives of minority ethnic staff	Culture and inclusivity Understanding and support from managers Fairness, development, and progression Handling of complaints and grievances
4. Perspectives of minority ethnic people on probation	Experience of probation services Relationship with probation practitioners Suggestions for change

2. Leadership, staffing, services and information

In this chapter we will review the progress that HMPPS and the Probation Service have made against the recommendations in our previous report on race equality in probation, in as far as they relate to the development of strategy on race equality, the development and engagement of a diverse workforce, and the commissioning of services for minority ethnic people on probation. We will consider how far leaders have developed an inclusive culture in probation, and the training that supports this, along with initiatives to enable minority ethnic staff to progress. We will also review the progress made to improve the quality of reports to court and the extent to which information is used to address any disproportionality in service delivery or the impact of policy and practice on different groups of staff.

Leadership, strategy, and resources

Following the publication of the thematic report in March 2021, HMPPS, with the newly reformed Probation Service, produced a detailed action plan¹⁵ setting out how they would address each of the 15 recommendations, 13 of which were accepted in full, and two accepted in part. Progress against this plan was monitored by senior leaders in the HMPPS Race Action Programme and the Probation Workforce Programme. In light of the serious concerns of minority ethnic staff set out in the thematic report, HMPPS commissioned a survey of all minority ethnic probation staff, in conjunction with the RISE staff network and the trade unions. The subsequent report led to a comprehensive and detailed action plan to address the issues raised, published on the HMPPS intranet in August 2022 and championed by senior leaders in HMPPS through presentations and all-staff calls. The plan includes initiatives to develop a more diverse workforce, address unacceptable behaviour, support the progression of minority ethnic staff, and enable staff to tackle racism when it occurs. It also incorporated other work on race equality in response to the thematic inspection.

The HMPPS Race Action Programme, which began in autumn 2020 and runs until March 2024, is responsible for taking forward initiatives across prisons, probation and the youth custody service that address race disparity. This centrally driven unit has taken forward initiatives in relation to learning and development; recruitment, retention and talent management; support and safe spaces for staff and people on probation; developing inclusive policies; and partnership with the third sector. Following a review of race equality in HMPPS in response to the recently published HM Inspectorate of Prisons thematic review, 'The experiences of adult black male prisoners and black prison staff' (HM Inspectorate of Prisons, 2022),¹⁶ some of its work will be continued by a newly created Race Disparity Unit.

Outputs to date from the Race Action Programme have included the launch of an online diversity and inclusion learning hub, the recruitment of around 1,500 'race allies' across HMPPS to support diversity and inclusion initiatives, and access to 'progression buddies', who can provide individual guidance for minority ethnic staff seeking to progress. While all these initiatives are welcome, they require further development. The learning hub has few learning resources on race equality to date and the progression buddy initiative has only just begun in one or two probation regions, with low take-up so far. There is a need to refine the partnership between these centrally driven initiatives and local initiatives; for example, equality managers in most regions are not aware of who these race allies are, as the data is held centrally and, therefore, they are less able to engage them in local activity.

Since April 2021, the Probation Workforce Programme has taken forward an equality, diversity, inclusion and belonging action plan, which among other things has facilitated leadership sessions around culture, behavioural change, team cohesion, collaboration, and system-wide working. The current plan for 2023/2024 includes objectives and activities to 'attract and retain a diverse

¹⁵ [Race Equality in Probation Action Plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101444/race-equality-in-probation-action-plan.pdf)

¹⁶ [The experiences of adult black male prisoners and black prison staff \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmip/themes/the-experiences-of-adult-black-male-prisoners-and-black-prison-staff/)

workforce that reflects the communities served; to support and develop staff to reach their full potential; and to build an inclusive environment’.

The chief probation officer has encouraged RPDs to publish their own diversity pledges in response to the race equality thematic report. Each RPD interviewed accounted for the actions they were taking forward on race equality in conjunction with their regional equality managers and governance arrangements. Some regions have established cross-grade groups to drive these actions forward. However, many staff in most regions were unable to recall what these pledges were, which may reflect the considerable amount of information they were given overall. RPDs had been active in delivering all-staff calls on the subject, often badged as ‘Let’s Talk Discrimination’. Heads of PDUs and first-line managers play an important role in communicating these messages; where they are actively involved in taking forward initiatives, there was a stronger sense of ownership of the agenda and less of a sense that it was just managers ‘paying lip service’.

Of the 44 probation practitioners who were interviewed as part of the case inspections, 48 per cent said that probation managers in their area were effective at promoting an inclusive culture where the needs and concerns of people on probation and staff from ethnic minorities are identified and addressed. This is a similar figure to the 51 per cent who were positive in our previous inspection and demonstrates that more needs to be done to model an inclusive culture.

Good practice example

In the West Midlands, the RPD published her pledges widely, reviewing and revising them each year, and expecting to be held to account for their delivery. In addition to establishing an Equality, Diversity and Inclusion Board to take forward strategy in this area, she convenes and chairs a cross-grade Tackling Discrimination Council, which reviews equality experience forms submitted by staff, and receives reviews of anonymised grievances in order to share learning and make improvements.

Good practice example

In Southwark, the head of the PDU is passionate about race equality, bringing a diverse team together, and celebrating the diversity of ethnicities and cultures through events during Black History Month, with stories and pictures of individual staff displayed in the refreshment area. A trauma counsellor who attends the office is available to support staff who have experienced racial trauma. One practitioner commented, “our assistant chief officer is hot on diversity and inclusion and makes efforts to make that a part of our experience in the workplace”.

The majority of activity on race equality both nationally and regionally has focused on improving the experience of minority ethnic staff; there has been less of a focus on improving service delivery to minority ethnic people on probation. There have been some initiatives locally, for example to join up services for young black men involved in serious violence with services provided by Southwark Council through the Community Harm and Exploitation hub, and to address the concerns of black and mixed heritage young people transitioning from the Youth Offending Team in Walsall. However, the HMPPS policy framework, ‘Advancing diversity and inclusion for people on probation and people in prison’, which was due to be published in June 2022, has yet to appear, and there is no national strategy for service delivery for minority ethnic people on probation.

Previous recommendation

The National Probation Service should, by 31 March 2022:

develop a national race equality strategy for service delivery, which is supplemented by strategic needs assessments in each probation region, to ensure that ethnic minority service users are not disadvantaged and receive culturally appropriate services. **No progress**

HMPPS has committed considerable resources to taking forward initiatives on race equality and diversity through the Race Action Programme. The TUBU, which delivers a confidential helpline for HMPPS staff, provides mediation services and undertakes 'climate' assessments¹⁷ and investigations, currently has 30 staff and is expecting to increase in size. Resourcing of work on diversity and equality in the probation regions varies considerably. All the regions inspected now have as a minimum an enthusiastic and committed regional equality manager at middle management level, although some of these are stretched quite thinly. The London region by contrast has a recently created team of eight staff tackling an ambitious agenda with varying responsibilities, some covering initiatives to address diversity and equality in staffing and others focusing on service delivery.

The RISE staff network, which provides support for minority ethnic staff across prisons and probation, has one member of staff seconded from their day job in HMPPS, supported by local and regional RISE leads who are allocated facility time to carry out RISE activities. Although it has no allocated budget, RISE features in plans to provide safe spaces for staff to share their concerns and has developed a cultural intelligence learning toolkit.

Staff recruitment, progression, development, training and engagement

HMPPS's current overall national benchmark is to achieve 16 per cent minority ethnic representation in its senior civil service workforce by 2030, in line with the labour force survey. The 2021 census shows 19.3 per cent¹⁸ representation of minority ethnic people in the economically active population in England and Wales. The Probation Service has achieved 82 per cent self-declared ethnic monitoring of staff¹⁹ on its HR reporting systems and is now looking at regional and PDU population data from the 2021 census to identify relevant targets for recruitment to reflect the ethnicity of each locality. Of the total number of probation staff who have declared their ethnicity, 17.1 per cent are from minority ethnic communities (March 2023 data).²⁰ Job applicants from minority ethnic backgrounds do significantly worse than white applicants in the recruitment process. They account for 17.4 per cent of applicants accepting a formal offer, despite making up 26.8 per cent of the total number of applicants. Outreach activities have begun in some regions to try to attract more applicants that are representative of the local working-age population. Of the minority ethnic staff who completed our survey in the five PDUs inspected, 68 per cent now consider that the proportion of black, Asian and minority ethnic staff in their office reflects the diversity of the local community in which they work, compared with 58 per cent in the previous inspection.

Previous recommendation

The National Probation Service should, by 31 March 2022:

establish processes for local recruitment to ensure probation staff reflect the diversity of local communities served – as well as national census data. **Some progress**

HM Inspectorate of Probation's recommendation for the Probation Service to set targets for the progression of minority ethnic staff was only partly agreed, dependent on the evidence base for setting regional targets. Target-setting was delayed pending the local data from the 2021 census, which is now available. HMPPS now plans to set a national benchmark of 16 per cent for joiners and staff in post, in line with the labour force survey. We saw several examples of minority ethnic staff who had progressed into SPO posts in the PDUs visited. As of 31 March 2022, 17.4 per cent of staff

¹⁷ Assessments of equality and diversity in the working environment.

¹⁸ <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/working-age-population/latest#working>

¹⁹ <https://www.gov.uk/government/statistics/hm-prison-and-probation-service-workforce-quarterly-march-2023>. Table 5d.

²⁰ In 2020, 13.7 per cent of NPS staff were minority ethnic; however, there was no comparative data for the CRCs combined.

below management grade who declared their ethnicity were minority ethnic, compared with 14.7 per cent of middle managers and 12.9 per cent of senior managers.

Nationally, in 2021/2022, a higher proportion of minority ethnic staff progressed into middle management roles than white staff (3.1 per 100 staff compared with 2.8 per 100). The reverse was true for promotion to senior management positions (where 2.0 per 100 minority ethnic staff progressed compared with 4.2 per 100 white staff). However, in 2020/2021 more minority ethnic than white staff progressed at both levels. A 'progression buddy' pilot has begun in two probation regions to give minority ethnic staff seeking to progress four weekly sessions of tailored support. Mentoring schemes are available in some regions for minority ethnic staff, often with senior management involvement as mentors; however, there is no agreed national programme for this.

Previous recommendation

The National Probation Service should, by 31 March 2022:

set regional targets for progression of ethnic minority staff to management grades, supported by positive action programmes where appropriate. **Some progress**

A new performance management framework was introduced in April 2022, which includes an expectation that every quarter staff will have a review of how they are developing, identifying those who need extra support or who have the potential to progress. This is the first year of operation. Of the minority ethnic staff who completed our survey, only 23 per cent said they have a learning and development plan that supports them as a member of staff from a black, Asian and minority ethnic background (compared with 13 per cent last time). The previous framework had a grading system where the proportion of grades awarded to staff by ethnicity were published, providing visibility of any disproportionate outcomes. The new framework is welcomed in so far as it focuses more on developing staff; however, many minority ethnic staff have yet to see the benefit of this and it is important for senior managers to monitor how effective these developmental conversations are. HMPPS has recently developed a careers pathway guide that sets out progression routes, developmental opportunities and support available, though this does not appear to have been widely disseminated.

Previous recommendation

The National Probation Service should, by 31 March 2022:

ensure that all probation staff have individual development plans that consider possible future placements and potential for progression. **Some progress**

No new training programmes on race and diversity have been commissioned centrally for probation staff to assist them as practitioners. Of the practitioners interviewed, 45 per cent said that the service provides sufficient effective training on race equality, diversity and avoiding unconscious bias in decision-making, compared with 32 per cent previously. Those on the Professional Qualification in Probation (PQiP) programme were the most positive (63 per cent). Of the minority ethnic staff who responded to our survey, 58 per cent judged the equality and diversity training available to be insufficient or poor. Most staff and managers interviewed prefer face-to-face training that equips them to work with difference and across cultures. The only mandatory diversity training remains the Civil Service e-learning, which does not focus on engaging with people on probation from different cultures and ethnicities.

Some regions have taken the initiative to commission anti-racist training; others have not. Yorkshire and the Humber region contracted with an external organisation, Show Racism the Red Card, to deliver training to all managers to enable them to identify and challenge racism, which received very favourable evaluation by those attending. This training is now being rolled out to staff. A video on using interpreters has been produced by the Effective Practice and Service Improvement Group,

but it has yet to be deployed. While the academic modules of the PQiP provide input on race and diversity as an underlying theme, combined with a reflective practice journal, the trainees largely receive the same diversity training in the workplace as other staff members, which is often insufficient and a missed opportunity to develop effective practitioners.

Previous recommendation

The National Probation Service should, by 31 March 2022:

develop learning programmes that enable probation staff to:

- understand discrimination and its impact
- provide culturally competent services
- reflect on their anti-discriminatory practice
- be confident in discussing racism and challenging discrimination
- eradicate bias in decision-making
- work effectively with interpreters. **No progress**

The Race Action Programme has commissioned two leadership programmes for middle and senior managers on managing diversity in relation to staffing. The Everyday Inclusion training has just started piloting in the West Midlands, and the interactive Immersive Learning programme is due to be launched shortly. The latter programme enables teams to work together in an online environment to follow through scenarios and explore decision-making as it relates to their impact on members of staff experiencing discrimination. A significant amount of resource has gone into developing these programmes. Many new SPOs have not received their first-line managers training, which provides initial training in people management, due to a backlog resulting from restrictions on training during the Covid-19 period. Many of the 25 minority ethnic staff who asked for a follow-up interview after completing our survey had experienced poor management of HR and diversity issues.

Previous recommendation

The National Probation Service should, by 31 March 2022:

provide middle managers and senior leaders with training and ongoing support to manage diversity, complaints, grievance and discipline effectively. **Some progress**

Some RPDs and PDU heads have held events to listen to the concerns of minority ethnic staff, and a structure for these is being developed in London, to which RISE have been invited to participate. The percentage of minority ethnic staff surveyed who say that leaders fully understand the issues they face as a member of staff from a black, Asian and minority ethnic background has increased from 49 per cent last time to 60 per cent this time; the national survey of minority ethnic staff and the subsequent action plan may have contributed to this improvement, though this increase is not statistically significant.

Previous recommendation

The National Probation Service should, by 31 March 2022:

ensure ongoing engagement, listening to the needs of ethnic minority staff, and involving them in developing policy and practice. **Some progress**

The national 2022 Civil Service staff survey data shows that minority ethnic probation staff score lower than white staff on all measures of satisfaction: engagement, my work, my manager, my team, learning and development, inclusion, leadership and change, discrimination, and bullying and harassment. This is statistically significant in five of the eight dimensions and most pronounced in relation to inclusion, discrimination, and bullying and harassment. Comparing the 2022 survey with 2021, there has been a slight improvement in the score for 'My organisation is committed to creating a diverse and inclusive workplace' (up from 72 per cent to 74 per cent for all staff), and a slight reduction in counts of racial discrimination, from 1.6 per cent to 1.5 per cent of respondents. Neither is statistically significant.

The TUBU has undertaken climate assessments of equality and diversity in the working environment in some PDUs in most regions. These assessments are designed to lead to local action plans to improve staff satisfaction. However, this process is still in its infancy, with plans to deliver these assessments in most areas this year, collating intelligence about what improvements are needed and sharing the lessons learned.

Good practice example

The London region has seen a fall in the percentage of staff citing racial discrimination, from 5.1 per cent of staff who responded to the staff survey in 2021, to 3.3 per cent of respondents in 2022. This links to clear messages from leaders that racism is not acceptable and will be challenged. In order to improve staff satisfaction and inclusivity, the Equality, Diversity, Inclusion and Belonging Team has mapped the staff survey scores across each PDU and identified four units to undertake more detailed assessments with staff, developing action plans to address concerns. They have set targets for the region to improve the survey scores for discrimination, and bullying and harassment in 2023.

Services for minority ethnic people on probation

We had hoped to meet with local minority ethnic community organisations that were delivering services for people on probation as part of this inspection, as we had done previously. However, the only such organisations in the PDUs inspected that were currently in contract were Muslim Women in Prison and SHAFa, both in West Yorkshire. SHAFa is an organisation that has provided services predominantly for people of Asian origin for many years and had an extension to its funding through a co-financing arrangement with Wakefield Council. Just 11 per cent of practitioners interviewed across the five fieldwork PDUs said that appropriate services were commissioned or provided, either in-house or through other agencies, to meet the identified needs and risks of minority ethnic people on probation.

At the time of the previous inspection, the MoJ had given regions short-term funding to support small-scale initiatives with minority ethnic community organisations, along with funding to CLINKS to help such organisations prepare to bid to deliver services for people on probation. Regions issued a number of short-term contracts for a range of services up to a maximum value of £10,000, as that is the current government limit for purchasing services without undertaking a full-scale procurement exercise under a framework contract. Given this limited funding, evaluation of such initiatives was minimal.

As noted earlier, the ROIF money allocated for 2023/2024 remains at 2022/2023 levels, and the funding available over the three years of this grant programme has been scaled back to £9 million. Work is ongoing to agree grants with minority ethnic community organisations that have bid for this reduced funding. It is acknowledged that there will be gaps in services in some areas due to lack of bids or insufficient geographical coverage by bidders. The extent to which further bidding rounds will be able to fill these gaps will depend on the funding available. Some of the bids that are being progressed are not from minority ethnic community organisations, and some bidders are not local to the areas they are bidding for. How the services provided will be evaluated has yet to be decided.

Previous recommendation

His Majesty's Prison and Probation Service should, by 31 March 2022:

ensure that, in commissioning services for black, Asian and minority ethnic service users, small local community organisations can participate and provide interventions that are culturally informed and improve understanding between individuals and responsible officers with different ethnicities. **Some progress**

We had also hoped to speak in each PDU with representatives from local organisations in the black, Asian and minority ethnic communities that probation services work with, but none were identified to us. We asked probation practitioners whether there are effective relationships with minority ethnic community organisations that support desistance through access to services both during and after the sentence; just 32 per cent said there were. Knowledge of what services were available was anecdotal and not collated or shared in any systematic fashion in any area. In Nottingham they had identified 12-month pilot funding for a community engagement officer. They anticipated appointing a person with lived experience of probation who would seek out community resources and engage them in the work of probation services. In Walsall they had a social navigator whose role was to link people on probation with community resources.

Unlike the previous inspection, which was conducted remotely during the Covid-19 period, this time we went out on site and met people in the local offices. Inspectors were struck by how bare and formal the waiting areas and spaces where staff engaged with people on probation were. In Nottingham, however, we noted that attempts had been made to post positive images of people from different cultures on the walls, which reflected diversity and provided a more welcoming atmosphere for people of different ethnicities.

Provision of pre-sentence reports

The court pre-sentence report (PSR) pilot operating in 15 court centres was delayed by the pandemic and has just been completed in March 2023, with evaluation yet to occur. While minority ethnic individuals are not a priority group for increased take-up of PSRs in the pilot, management information is collected on whether there are increased numbers of reports for this group. PSR authors in these courts have received a package of training on addressing unconscious bias, race and trauma and how to recognise racial disparity in the criminal justice system. This training has not been made available more widely yet. The intention is eventually to roll out the learning from the pilots across all courts following the evaluation. In 2022 the pilot courts have achieved a higher rate of completion of PSRs on minority ethnic individuals than other courts.

The senior presiding judge has agreed that minority ethnic people should be a priority cohort for PSRs. However, in some probation regions, the proportion of minority ethnic individuals on whom a PSR is prepared is less than half that of other regions. Management information is being collected and analysed on the concurrence between PSR proposals and outcomes, compared with the outcomes in cases where PSRs are not prepared, to determine the extent to which the preparation of PSRs is having a beneficial effect in achieving appropriate sentencing. This information is segmented by ethnicity to identify whether there is any disproportionate effect for different ethnic groups. Currently, no measures of disproportionality in PSR provision or sentencing are included in the probation Equality Monitoring Tool. More analysis and research are required to determine appropriate measures. While the Effective Proposal Framework is designed to ensure that people are considered for suitable disposals, attempting to eliminate bias, it has not yet been possible to match the data in the tool with the nDelius record, other than manually, to see whether this is happening.

Several of the courts in the inspected areas were suffering from staff shortages. This meant that quality control of PSRs was rudimentary or lacking completely, making it more difficult for staff to learn how to improve quality in more complex cases and when working with difference and diversity. Training in understanding and addressing issues of racial trauma in reports was lacking in

most areas. An aide memoire designed to assist staff in producing better reports on minority ethnic people had been withdrawn and redrafted but has not yet been reissued.

Previous recommendation

The National Probation Service should, by 31 March 2022:

improve the quality of pre-sentence reports on ethnic minority individuals to:

- increase the proportion completed on adjournment
- ensure that the diversity of individuals is assessed and represented appropriately
- counter any conscious or unconscious bias
- present convincing proposals. **Some progress**

Use of research and information

The Correctional Services Advice and Accreditation Panel has met and has determined that it is not appropriate to provide specific programmes for minority ethnic people on probation. A rapid evidence assessment was commissioned from Dr Patrick Williams and Dr Katherine Graham, which concluded, with caveats, that matching people on probation with people from their ethnicity can have benefits, stating that:

“a shared understanding of racism, discrimination, culture and identity between probation practitioner and the person they are supervising seems central to improving the experience, and potentially outcomes, of probation, for people from ethnic minorities.”

However, this does not mean that the person on probation and the practitioner must always be of the same ethnicity. It is unclear what plans there are to develop policy and practice in light of this unpublished research.

Previous recommendation

Her Majesty’s Prison and Probation Service should, by 31 March 2022:

commission research into the effectiveness of interventions with black, Asian and minority ethnic service users who are subject to probation supervision in the community, including the potential impact of ethnic matching of responsible officers and service users. **Some progress**

Data on accommodation, employment and reoffending outcomes of people on probation by ethnicity is routinely published at a national level;²¹ however, data on successful sentence completions is not currently available due to changes in the probation performance framework. Data on breach by ethnicity is available,²² as is data on recalls;²³ however, the latter does not give the proportion of licences for each ethnicity.

Previous recommendation

Her Majesty’s Prison and Probation Service should, by 31 March 2022:

publish data on outcomes²⁴ of probation supervision, breach, and recall of service users, to identify any disproportionality across different ethnic groups. **Sufficient progress**

²¹ [Community Performance Annual, update to March 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/108422/Community_Performance_Annual_update_to_March_2022.pdf)

²² [HMPPS Offender Equalities Report 2021/22 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/108422/HMPPS_Offender_Equalities_Report_2021_22.pdf)

²³ [Offender management statistics quarterly: October to December 2022 and annual 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/108422/Offender_management_statistics_quarterly_October_to_December_2022_and_annual_2022.pdf)

²⁴ Outcomes to include settled accommodation, employment and training gained, re-offending rates and successful completion of orders and requirements.

The Probation Equality Monitoring Tool was launched in 2022. It includes a range of outcome measures, such as completions of unpaid work and accredited programmes, and the proportions of people in accommodation and employment at different stages in their supervision, along with breach and recall rates. The tool is due to be relaunched following adjustment to the statistical model for measuring disproportionality for groups of people on probation with different protected characteristics. Some information managers prefer to use their own management information systems for reporting on diversity, and there is work to be done to convince some of the usefulness of the tool. While the tool produces data, it requires analysts to turn this data into information for action that managers and staff can understand and that enables them to drill down into cases to identify the causes of any disproportionality and adjust practice accordingly. As one RPD commented:

“Everybody is good at giving you stats, but commentary is lacking. I want to know what these stats mean.”

There is now a wide range of national data published annually in the HMPPS staff equalities report²⁵ on staffing issues by grade and protected characteristics for the Probation Service. This includes data on staff in post, joiners, promotions, bonuses, grievances, discipline, sickness absences and leavers, among other measures. Managers in regions vary in the extent to which they use this information for action, and again some of the reports seen lack sufficient analysis of the information provided.

Conclusions and implications

While many positive actions have been taken in response to the previous thematic report, many still need to be seen through to conclusion to become firmly embedded in everyday practice. While much attention has been paid to addressing the concerns of minority ethnic staff, there remains a need to develop a clear vision and strategy for working with minority ethnic people on probation, led by policy-makers at the centre, in partnership with practitioners and people on probation.

As the service becomes more representative of the local working-age population, there is an imperative to discover why minority ethnic applicants are less successful in receiving formal job offers, and to adjust selection processes accordingly. While acknowledging the progress being made in minority ethnic staff progressing into middle management positions, there is further to go for minority ethnic people to move into more senior positions, which are too often filled by white candidates. There are few learning programmes for probation practitioners to engage effectively with people from diverse cultures, ethnicities and religions and to integrate diversity into their everyday practice, particularly for those who see it as an ‘add on’. There remains a need to provide the many new middle managers with appropriate training and support in managing people and diversity, including new minority ethnic managers, who may feel added pressure to get difficult decisions right. The Immersive Learning and Everyday Inclusion programmes look promising but will involve considerable time and commitment to take them to scale. It is concerning that minority ethnic staff have lower levels of engagement and satisfaction than white staff, as evidenced in the Civil Service staff survey.

The grant funding now available for commissioning services for minority ethnic people on probation may reveal gaps in services in some areas that will need to be filled. Commissioners will need to put a rigorous evaluation strategy in place to discover which services are proving most effective in meeting need and providing a culturally appropriate service in the local community. The learning about improvements in the quality of PSRs on minority ethnic people in the PSR court pilot needs to be disseminated widely, along with the associated training programmes, to provide a more consistent service across the country. Considerable amounts of data are now collected and available to monitor the outcomes of services for people on probation by ethnicity. Data on HR processes segmented by protected characteristics is also available. However, many staff and managers are unaware of this information and how it can be used to identify and address any disproportionality in outcomes.

²⁵ [HM Prison and Probation Service Staff Equalities Report: 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101111/HMPPS-Staff-Equalities-Report-2021-to-2022.pdf)

3. Quality of case supervision

In this chapter we will consider the quality of assessment, planning, and implementation and delivery of services in the 50 cases we inspected. We will also provide information on the quality of work as evidenced from our local probation inspection programme, comparing the work of practitioners with minority ethnic people on probation with work with white people. We will also consider the extent to which practitioners receive supervision that supports high-quality work with minority ethnic people on probation. We asked each of the five PDUs inspected to provide a long-list of all cases of minority ethnic individuals beginning supervision in March and April 2022 and to identify any cases that exemplified best practice in assessment, planning and/or service delivery. We selected 10 cases from each PDU to inspect, giving preference to those in the three areas that identified what they considered effective practice.

Assessment

The proportion of cases where inspectors judged that assessment sufficiently analysed the individual's diversity has increased, from 16 per cent in the previous thematic inspection to 22 per cent (11 cases) this time; however, this is still very low and is a major deficiency. We also judged that assessment sufficiently considered the impact of the person on probation's diversity on their ability to engage with service delivery in 26 per cent of cases (13), compared with 15 per cent previously. In the cases reviewed, most probation practitioners did not consider the individual's experience of discrimination, or their heritage or culture. Data from our adult probation inspection programme also shows that analysis of individuals' protected characteristics and consideration of the impact of these on their ability to comply and engage with service delivery are significantly worse for minority ethnic people than for white people.

In several cases practitioners were unclear about the person on probation's heritage and there was frequently inconsistent information about this in the records. In some cases, the individual's preferred language or need for an interpreter was unclear, and in seven cases their name was misspelt. The importance of protective factors such as faith and family were not always considered. The reasons for these shortcomings in practice were similar to those we found previously: some staff were afraid of asking difficult questions and making mistakes; others did not ask people about their experience of discrimination unless the individual raised it; many lacked professional curiosity. Some said they were too busy and saw issues of diversity as an additional task:

"We are so overwhelmed with cases and some people are not seen. I've written plans on cases of people I've not seen – equality is a luxury."

This lack of curiosity sometimes extended to failing to ask about people's journey to this country and their immigration status, as in this case:

Poor practice example

Hussain is a 30-year-old man of Iraqi nationality and Kurdish heritage. He has been waiting to hear the results of his application for leave to remain in the UK after fleeing Iraq five years ago. It is not clear from the records or the practitioner why Hussain fled Iraq and how he made the journey to the UK. There has been no exploration of his experiences of entering the UK, any trauma, or whether he has experienced any discrimination during immigration processes.

In contrast, some practitioners showed an interest in the individual's culture, religion and heritage, seeking to understand what is important to them.

The Probation Service has made improvements to the Assessment Quality Assurance Tool to increase the emphasis on the quality of assessments of diversity and experience of discrimination when cases are reviewed, and feedback is given to practitioners. Improvements have also been made to the help text in OASys to better consider diversity factors when staff complete their assessments, but these changes have had limited impact to date on improving quality.

In our 32 local PDU inspections to date, we have reviewed 1,550 cases, of which 376 were of minority ethnic people. Looking at the results, we see that the overall quality of assessments on minority ethnic people on probation is significantly worse in relation to both assessment of engagement and assessment of the factors linked to offending and desistance.

Summary questions (% 'yes')	White groups	Ethnic minorities	Statistically significant
Does assessment focus sufficiently on engaging the person on probation?	62%	53%	yes
Does assessment focus sufficiently on the factors linked to offending and desistance?	63%	50%	yes
Does assessment focus sufficiently on keeping other people safe?	33%	32%	no

Planning

The proportion of cases where inspectors judged that the practitioner's planning took sufficient account of the person on probation's diversity that might affect engagement and compliance has increased from 13 per cent in the previous inspection to 28 per cent (14 cases) in this reinspection. This is still too low. The person on probation was meaningfully involved in planning in less than half of cases. Data from our local probation inspections to date shows that the extent to which practitioners take sufficient account of diversity factors in planning is statistically worse for minority ethnic people than for white people.

Where diversity factors were not recognised in assessments, this often fed through into deficiencies in planning. In some cases, plans were prepared without discussion with the person on probation and in some the section concerning their experience of discrimination was left incomplete. These plans failed to provide a sound basis for forming a trusting and meaningful relationship with individuals, as in this case:

Poor practice example

Iqbal is a 43-year-old British male of Pakistani heritage. Planning was poor and failed to identify a personalised plan for Iqbal. While it is recognised that Iqbal is likely to have experienced discrimination by virtue of his heritage, this is not developed further by meaningful discussion or consideration of his previous offending, and the likely impact on Iqbal of the reporting on this in the area, which focused on the ethnicity of the perpetrators.

A minority of plans, however, took into account the person's religious observance, for example to make suitable adjustments to unpaid work during Ramadan, or provided for culturally informed supervision through a partnership agency such as SHAFa.

Previous recommendation

The National Probation Service should, by 31 March 2022:

improve the quality of OASys assessments on ethnic minority individuals, ensuring that:

- diversity factors and experience of discrimination and disadvantage are captured throughout
- the impact of discrimination and diversity factors are considered sufficiently in planning service delivery. **No progress**

Looking at the results from our adult inspections to date, we see that the overall quality of assessments on minority ethnic people on probation is significantly worse in relation to engaging people in planning, focusing sufficiently on reducing reoffending and supporting desistance.

Summary questions (% 'yes')	White groups	Ethnic minorities	Statistically significant
Does planning focus sufficiently on engaging the person on probation?	58%	49%	yes
Does planning focus sufficiently on reducing reoffending and supporting the person on probation's desistance?	61%	54%	yes
Does planning focus sufficiently on keeping other people safe?	42%	39%	no

Implementation and delivery

Inspectors judged that there was sufficient focus on maintaining an effective relationship with the person on probation, including addressing issues of difference and trust, in 64 per cent of cases (32) inspected, compared with 67 per cent last time. From our local probation inspections to date, we find that practitioners' focus on maintaining an effective relationship with people on probation is significantly worse for minority ethnic people than for white people and requires improvement.

In spite of the deficiencies inspectors found in assessment and planning in relation to engagement with minority ethnic people on probation, in the majority of cases we found some positive examples of engagement with people on probation leading to good outcomes, as in this case:

Good practice example

Sham was a young person who had been involved in county lines. The practitioner recognised that Sham was being exploited and was concerned about the trauma he had experienced. Due to his previous involvement with county lines, Sham was well known to the police. Recently he was followed by undercover police officers who were part of a county lines operation. He told them he was going for a job interview; however, the police took him to public toilets and conducted a strip search. The practitioner was incensed by their actions and advised Sham that he had rights and should have asked to be taken to a police station. The practitioner contacted the local police about the incident.

Due to his failure to keep appointments, the practitioner recalled Sham. She proposed a fixed-term recall as opposed to a standard recall, as she wanted the opportunity to re-engage him. While Sham was in prison, the practitioner arranged a video visit and saw him with a council employment officer. The employment officer worked with Sham to complete his CV and shortly after release he secured a job with a call centre.

In 81 per cent of cases (29) where enforcement was required, inspectors judged that enforcement actions (for example breach, recall and warning letters) were applied appropriately and fairly, with sufficient time for reflection and consideration of alternative actions. This compares with 84 per cent previously. In several cases enforcement was judged to be late, but in very few was it judged

to be inappropriate. Management information on breach and recall is available routinely. Some regions have undertaken exercises to examine in detail whether enforcement actions have been appropriate, to identify whether there is any disproportionality in how minority ethnic people on probation are treated and to make improvements.

Data from the 32 PDU inspections published since the summer of 2021 shows that minority ethnic individuals received fewer interventions where required for most needs compared with white people; however, this was only statistically significant in relation to the delivery of drug services.

Delivery of services (% 'yes')	White groups	Ethnic minorities	Statistically significant
Were sufficient services delivered for addressing accommodation needs?	54%	46%	No
Were sufficient services delivered for addressing education, employment and training needs?	49%	51%	No
Were sufficient services delivered for addressing finance, benefits and debts?	24%	21%	No
Were sufficient services delivered for addressing family factors?	23%	17%	No
Were sufficient services delivered for addressing lifestyle and associated factors?	19%	17%	No
Were sufficient services delivered for addressing alcohol issues?	29%	21%	No
Were sufficient services delivered for addressing drug issues?	35%	19%	Yes
Were sufficient services delivered for addressing thinking skills and behaviour issues?	32%	27%	No
Were sufficient services delivered for addressing attitudes to offending?	20%	19%	No

From local PDU inspections published to date, we find that the quality of implementation and delivery is significantly worse for minority ethnic people on probation than for white people on each of our key questions:

Summary questions (% 'yes')	White groups	Ethnic minorities	Statistically significant
Is the sentence or post-custody period implemented effectively with a focus on engaging the person on probation?	58%	51%	yes
Does the implementation and delivery of services effectively support the person on probation's desistance?	47%	39%	yes
Does the implementation and delivery of services effectively support the safety of other people?	37%	31%	yes

Supervision of probation practitioners

The percentage of practitioners who say they receive effective case-focused supervision that enhances and sustains the quality of work with people on probation from minority ethnic communities has reduced from 40 per cent last time to 25 per cent (11 people) now. Although most practitioners felt comfortable raising issues about cases in supervision, and equality and diversity were standing items on supervision agendas in some teams, issues of race and discrimination are rarely considered unless the practitioner raises them themselves. Although in one area middle managers will not sign off OASys assessments and plans on minority ethnic individuals unless the section about discrimination has been completed, it is rare for managers to focus supervision on such issues. This is a missed opportunity for modelling the importance of integrating race equality and diversity into probation practice.

As one practitioner commented:

"I guess it never comes up in supervision so I'm assuming it's not a priority."

Some practitioners valued the opportunity that the case inspections provided for considering these issues, as one commented:

"I appreciate this reflective conversation we've had today because I don't think that I've had this before."

On the other hand, there were a few positive examples where supervision included a conversation about aspects of ethnic diversity, faith, and barriers to engagement. This was more likely with some of the practitioners undertaking qualifying training to become a probation officer, as one commented:

"On the programme, diversity and inclusion is very much at the forefront. Even in essays. During supervision I make a point of mentioning it."

Some practitioners would welcome more guidance on integrating aspects of racial equality into their supervision of people on probation, as this person commented:

"There is a checklist on the diversity information form (DIF) but if someone identifies as minority ethnic what do we ask next? No support or guidance for us as practitioner. Would be great to have a toolkit like we have for women."

Good practice example

In Yorkshire and the Humber, quality development officers have recently devised a workshop on 'Cultural confidence when working with people on probation'. It aims to encourage staff to consider equality and diversity throughout the time that a person is in contact with the Probation Service. It includes suggested starter questions when interviewing individuals, case studies on how to address people's needs and experience of discrimination in sentence and risk management plans, and suggestions on how best to meet these needs through probation and community resources.

Conclusions and implications

There has been minimal improvement over the past two years in the extent to which assessments of minority ethnic people on probation take into account issues of ethnicity, culture, faith and experience of discrimination. As a consequence, too many assessments are insufficiently personalised and lack a sound basis for effective engagement with individuals from minority ethnic communities. There has been minimal improvement in the quality of planning to engage minority ethnic people on probation, which remains inadequate. Our local probation inspection programme

data also shows that the quality of assessments and plans for minority ethnic people is lower than the quality of those completed for white people.

RPDs need to drive improvement in the quality of these assessments and plans to ensure that minority ethnic people have an equal chance of successful rehabilitation, recognising that people from ethnic minorities who have experienced discrimination and disadvantage may not be starting from the same point and may need more help to access services such as employment and accommodation. Those responsible for producing any new assessment and planning tool should ensure that it includes clear guidance on how to address issues of discrimination and racial disadvantage in assessing offending-related need, and how to factor in those aspects of culture and faith that are strengths that may protect against reoffending.

We found that implementation and delivery of services were better; however, not enough people on probation had an effective, trusting relationship with their probation practitioner, though in a reasonable majority of cases enforcement was appropriate and proportionate. Levels of engagement and the delivery of services were worse for minority ethnic individuals than for white individuals, as judged by data from our local inspection programme. We found few examples of effective practice in working with minority ethnic individuals. Practitioners need time and space to reflect on their practice with minority ethnic individuals if there is to be a substantial improvement in the quality of practice. Middle managers have a key role here in modelling expectations in the way they structure supervision. The implementation of the revised SEEDS programme could assist if it includes such a focus on work with minority ethnic people on probation.

4. Perspectives of minority ethnic staff

In this chapter we will look at the extent to which progress has been made in improving race equality for minority ethnic staff, as evidenced through focus groups, a staff survey and follow-up interviews. We will consider their perspectives as to whether the Probation Service has become more inclusive, whether minority ethnic staff receive appropriate support, whether progression is fair, and how well complaints and grievances are handled.

Across the PDUs targeted in this inspection, we repeated the survey of minority ethnic staff that we issued for the previous inspection, and received 97 responses (compared with 100 last time). This was a response rate of approximately 50 per cent of the minority ethnic staff in the five PDUs we visited. Of these respondents, 25 requested an individual follow-up interview, which was facilitated by the inspectors. We also ran a focus group specifically for minority ethnic staff and one for minority ethnic managers in each area, with a total of 26 staff and 25 managers attending.

Culture and inclusivity

In our previous inspection, 59 per cent of the minority ethnic staff who responded to our survey said that they believe there is an inclusive culture in the Probation Service, which values difference either 'somewhat' or 'to a great extent'; this has now increased to 76 per cent in our more recent survey. The same proportion of staff as surveyed last time, 67 per cent, said that the Probation Service promoted equality and diversity policies and procedures 'quite' or 'very' well.

Comments from staff who had noticed a positive change included:

"Probation has been forced to change because of the last inspection."

"I see more non-white faces now and this gives me some hope."

"People are now more inclusive in my office."

The most favourable comments were made in areas where heads of PDUs or RPDs were seen to give a very active lead in promoting race equality and diversity for staff, as here:

"I've seen more in the last two years than all my time in the service. The focus is more apparent now. There is more engagement with black and Asian people now than there was when I first started. It is coming from top down and it feels embedded better now they get that there is a difference that ethnic minorities face." (Southwark).

However, this was not the experience of some minority ethnic staff in some areas. Some felt that managers were still only paying lip service or that the momentum for change had stalled:

"Following the death of George Floyd there was some excellent engagement as minority ethnic staff shared their experiences and gave testimonials of what had happened to them. This resulted in heightened empathy, but this has largely disappeared now."

For some people the negative experiences and sense of exclusion that had been present previously remained:

"I see white senior managers coming into the office now and again. They don't talk to me and tend to gravitate to white staff. Why? Do I smell? Am I going to hurt them?"

"The office is not welcoming; it has no diverse images. It is dull and boring. How much does it cost to put up some decent photos?"

“The culture here is terrible. People rarely mix and there are teams within teams. If it was not for the support and encouragement I receive from my friends and family I would leave. I certainly would not recommend to my friends that they join this service.”

When asked to be specific about the progress they had seen in the past two years in the way the Probation Service responds to the needs of black, Asian and minority ethnic staff, most respondents had difficulty in recalling specific initiatives, though a few mentioned specific training or briefing events.

Understanding and support from managers

While there has been some improvement in the percentage of minority ethnic staff who believe that their leaders fully understand the issues they face as a member of staff from a black, Asian and minority ethnic background, there remain a substantial minority, 41 per cent, who consider they have ‘little’ or ‘no’ understanding. The following is representative of the perspective of several staff:

“The organisation needs to better understand the cultural backgrounds of staff from different minority ethnic groups. I have made huge sacrifices, and cultural sacrifices are not understood.”

The comments of individual staff interviewed reflected the need to understand the range of different needs that staff might experience:

“The service still does not understand that black people, Asian people and those from mixed heritage backgrounds have different needs. They are all clumped together.”

The attitude of the immediate line manager is important, and some minority ethnic staff found that minority ethnic managers were more responsive because ‘they get it’ (racism). Some felt that their concerns would not be heard by white managers or other white staff:

“Black and Asian people can’t simply forget what they have experienced. I don’t feel they want me, that makes me feel like crap. It’s not right.”

The percentage who said that sufficient attention had been paid to their health and wellbeing has fallen from 79 to 73 per cent. It is important to recognise the needs of minority ethnic staff who have experienced racial trauma and to provide an appropriate response. Yorkshire and the Humber region piloted a Race Action Programme initiative, ‘Breaking Mad Therapeutic Healing’ workshops, on behalf of the Probation Service nationally. This enabled minority ethnic staff to spot and manage the effects of racialised trauma, to seek support and to become more confident in reporting experiences of racism. The workshops were seen as helpful but have not been taken up more widely. Of the staff surveyed, 72 per cent said that they had received information about staff networks that could offer mutual support, though they were not always seen as safe spaces to share experiences.

A resource pack for working with people committing hate crime has been developed but has yet to be signed off. It includes guidance on principles of allocation, which include consultation with staff who may have been affected by such crime. While SPOs are now routinely involved in making allocation decisions, only seven per cent (four) of minority ethnic staff completing the survey who had been allocated a racially motivated offender had been consulted beforehand. This is concerning, given the clear recommendation in the previous inspection that staff should be consulted, due to the risk to staff and because it might cause some of them to relive previous trauma. Staff may not have the confidence to challenge such allocation decisions:

“If I had to go back to a manager to say I can’t have a case it would concern me that I would be judged as being incompetent – goes back to history of trauma and judgement about being black and not competent – have to have confidence to raise issues ourselves.”

Previous recommendation

The National Probation Service should, by 31 March 2022:

provide programmes and materials for working with those convicted of racially motivated offences, supported with staff training, and consult with black, Asian and minority ethnic responsible officers before allocating this type of case to them. **No progress.**

Fairness, development, and progression

Although the latest data, reported previously, suggests that minority ethnic staff are at least as successful as white staff in progressing into management positions, there is still some catching up to do to ensure that management grades are fully reflective of the race and ethnicity of the local staff group and the local economically active population. Of the minority ethnic staff who completed our survey, 41 per cent said they did not believe that there is equal opportunity in staff recruitment in the Probation Service. Although this has reduced from 60 per cent when we last asked this question, this perception is concerning. We were given specific examples where staff considered this was the case, as one commented when a promotion opportunity was not advertised:

“I am so fed up and disgusted by my treatment. I will be leaving soon.”

Another said:

“I have to do extra to prove that I am good enough. That’s not fair.”

It was encouraging to see several examples of minority ethnic staff who had been promoted recently, although they could feel under the spotlight from colleagues:

“As non-white staff we must constantly prove ourselves. If we make a mistake, it is twice as bad compared to a white person making it.”

We heard about various initiatives to achieve diverse recruitment panels that were more likely to put candidates at ease and provide reassurance that the process was fair. This did not always extend to the process for recruiting trainee probation officers, as one commented:

“I had an all-white panel for my PQiP interview. This made me feel uncomfortable.”

Just 39 per cent of minority ethnic staff surveyed confirmed that they knew that the Probation Service offers mentoring or talent management schemes for staff from a black, Asian and minority ethnic background. For those that had heard of them, there were mixed views about the effectiveness of the various mentoring schemes for staff seeking to progress into management positions. There were positive examples of where they had supported individuals to achieve promotion, though it was important for individuals to be consulted about their preference for the ethnicity of the mentor.

Good practice example

The PRISM programme provided some useful insights for Shona, but it was the conversations with her mentor that gave her the confidence to apply for a management role. Having a ‘matched’ mentor was critical.

It is encouraging that minority ethnic staff are now at least as likely as white staff to achieve temporary promotions that attract temporary cover allowances.²⁶

²⁶ [HM Prison and Probation Service Staff Equalities Report: 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/103111/HM-Prison-and-Probation-Service-Staff-Equalities-Report-2021-to-2022-Table-2b.pdf) Table 2b.

The percentage of minority ethnic staff who said they are actively encouraged and supported to progress in probation has increased from 46 per cent last time to 58 per cent this time. The percentage who say that they have received appropriate supervision in the last 12 months to enable them to flourish in their role is 61 per cent. A substantial minority of staff, however, have been with probation for many years and have not been encouraged to progress and feel left behind.

One commented:

“No manager has ever talked to me about my development. I have been stuck in the same role for over a decade. White PSOs have joined and within four to five years they have become probation officers. Why can’t I have the same opportunities?”

It is a positive development, however, that a new route has been opened up for PSOs without a degree to be considered for training to become a probation officer, thus removing a hurdle for some minority ethnic staff. However, such staff still need encouragement and support if they are to succeed in applying. The latest data shows that 17.4 per cent of trainees recruited in 2022/2023²⁷ were from minority ethnic communities, which is in line with the percentage of the minority ethnic economically active population.

It is encouraging that 34 per cent of those responding to our survey said that since July 2021 they had received a reward or recognition for an exceptional piece of work they had done, an increase from 18 per cent previously. However, 42 per cent said they considered that the Probation Service did not provide reward and recognition fairly. This contrasts with HMPPS staff equalities data, which indicates that minority ethnic staff are at least as likely to receive a special bonus as white staff.²⁸

Such recognition can be important to encourage staff to progress, as one individual who had become an SPO commented:

“The recognition and reward I got was the first time I felt wanted. It put fire in my belly.”

Handling of complaints and grievances

Of the 25 individuals who asked for a follow-up interview, the large majority spoke of their negative experiences while working for probation. These include experiences of being marginalised by colleagues, insensitive behaviour and racist comments, being ignored or passed over for promotion or otherwise discriminated against. Some of these experiences were recent and some of those interviewed were very distressed by their experiences. Many had worked for probation for a long time, and the cumulative impact of these experiences should not be underestimated. As one SPO commented:

“I feel betrayed. I have given so much of my working life to probation and they have shown I don’t matter to them. I have now logged off.”

Poor practice example

Deepak has been an SPO for six years. He says that while things have marginally improved for him there have been incidents when he has been left in tears and upset. During a recent incident a member of staff was eating a bacon sandwich in front of him (Deepak is a Muslim) and saying how tasty it was and how he should try some, and surely he misses eating bacon. This offended him, and although he reported it to his line manager (who was white), no action was taken. He was told that the staff member “was having a laugh”.

²⁷ [HM Prison and Probation Service workforce quarterly: March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114444/hm-prison-and-probation-service-workforce-quarterly-march-2023-table-4.pdf) Probation officer recruitment annex: March 2023. Table 4.

²⁸ [HM Prison and Probation Service Staff Equalities Report: 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114444/hm-prison-and-probation-service-staff-equalities-report-2021-to-2022-table-6b-ii.pdf). Table 6b(ii).

Although TUBU is now available to hear staff's concerns and to undertake mediation if appropriate, many of the minority ethnic staff spoken with could not recollect hearing about it or its work. Of the staff responding to our survey, 45 per cent did not feel safe in raising issues of racial discrimination in their PDU or probation region. (This was 55 per cent in our last survey.) As one person commented:

"Black and Asian people are scared to report racism because they feel their card will be marked and they will never succeed."

In our last survey 39 per cent of respondents were 'fully' or 'somewhat' confident that issues of racial discrimination are dealt with appropriately in the Probation Service. This has increased to 52 per cent now; however, there is still considerable distrust in the process:

"If I were to take out a grievance, it would not be dealt with fairly. The service does not want to accept there is racism."

"The grievance process favours white people when allegations of race are made against them; the process is not fair."

This dissatisfaction with the process continues to be borne out by the experiences of those who have raised grievances since July 2021. Of the 17 individuals who had raised a grievance during this period, only two said it was dealt with to their satisfaction. There is a connection between people's confidence in the process and their confidence in the local management who will hear the process. In Southwark none of the minority ethnic staff attending the focus group dissented from this view:

"I think things are fairer. I haven't got an example, but it feels like we would be listened to. Compared to years ago. I heard some horror stories."

The most recent data on grievances in the Probation Service shows that, in 2021/2022, 29 minority ethnic staff raised more than twice the number of grievances as white staff, which is an important measure of dissatisfaction. However, they are now as likely to be upheld or partially upheld as grievances raised by white staff.

Grievance procedures have been reviewed, involving consultation with staff associations and trade unions; however, these revised procedures have yet to be formally agreed and put into practice. The role of the line manager in investigating grievances is not yet clear. Many minority ethnic staff feel that they should be heard independently of their line manager.

Previous recommendation

Her Majesty's Prison and Probation Service should, by 31 March 2022:

review formal and informal complaint and grievance procedures for staff, in consultation with ethnic minority staff, and make improvements to increase perceived fairness. **No progress.**

Conclusions and implications

Although the step-change we had hoped to see in minority ethnic staff's perceptions has not occurred, there are some grounds for optimism, as the scores for most of the questions in our staff survey have improved, even if these changes are not statistically significant. Although there have been improvements in producing a more inclusive culture in some localities, this is not true everywhere. It cannot simply be about what leaders say, it has to be backed by actions. Only when staff see specific actions embedded in the way leaders at all levels behave, and the processes they have put in place to embed race equality, will staff come to believe that the Probation Service is

²⁹ [HM Prison and Probation Service Staff Equalities Report: 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/103444/HM-Prison-and-Probation-Service-Staff-Equalities-Report-2021-to-2022.pdf) Table 7b(ii).

truly inclusive. Such change takes time and needs to be continually modelled and reinforced by local and national leaders.

A substantial minority of minority ethnic staff still do not believe that leaders and managers understand the issues that they face and believe that the issues of different groups are lumped together without attempting to understand their different experiences. There have been some good listening events, but these now need to be put on a firmer footing. There is a need for consistent channels of communication and engagement between minority ethnic staff and leaders locally; continued acknowledgement of racism where it exists, and effective responses to the racial trauma that staff have experienced. Resources and training for working with racially motivated people on probation should be made available. It should be a matter of policy that minority ethnic staff are not allocated racially motivated cases without prior consultation, and if agreed, they should be offered appropriate support.

While progress is being made in terms of minority ethnic staff progressing into management positions, a substantial minority of minority ethnic staff do not believe that the recruitment process is fair and equal. The move to having diverse interview panels is welcome but needs to be more consistent. Temporary job roles should always be advertised to those eligible to apply. Mentoring schemes should be reviewed to ensure that there is a common national model that meets the needs of staff in different areas and job roles where there is under-representation. Local managers should pay particular attention to the development of those who have been in their job roles for many years to ensure that their needs and aspirations are not overlooked.

Some minority ethnic staff are still experiencing incidents of racism, discrimination and poor behaviour. A substantial minority do not feel they will get a fair hearing or an appropriate response if they raise concerns. Those who raise concerns are almost invariably dissatisfied with the response. HMPPS needs to implement revisions to the grievance process in consultation with staff and representative organisations. The TUBU service needs continued publicity to ensure that minority ethnic staff are aware of the opportunities for mediation and dispute resolution.

5. Perspectives of minority ethnic people on probation

As in our previous inspection, we wanted to hear the perspectives of minority ethnic people on probation about their experiences of the service and the extent to which it meets their needs. We commissioned User Voice to undertake this work, and they interviewed 82 individuals currently serving a community sentence or on a prison licence in the community across the five PDUs. They have produced a report of their findings which will be available on their website.

The five lived experience peer researchers were from minority ethnic communities. They conducted the interviews either face to face on site or remotely by telephone or Microsoft Teams. Participants were recruited by text message, through third-party organisations or when attending a probation office. Of those recruited, 29 identified as black or black British, 35 as Asian or Asian British and 18 as mixed heritage; nine were female.

We wanted to understand whether their experience of probation services had changed over the past two and a half years. We also wanted to know what their current relationships with probation practitioners were like, and to hear their suggestions for changes to improve service delivery and any examples of good practice that they identified.

Experience of probation services

Of the 82 individuals who participated in the interviews, 58 (71 per cent) said they had not been discriminated against by probation on the grounds of their race and ethnicity and this had not affected their probation experience. They reported that they haven't experienced anything that made them pause for thought or question their probation practitioner's actions. As one commented:

"I've always felt like there's a lot of stigma in terms of probation being against 'us' and not willing to help when in fact what I've seen has been completely different. They generally want to help you. If you're not following the rules then of course you'll end up in trouble, but if you're doing everything by the book then probation can change your life."

Some minority ethnic people, however, feel they face discrimination due to their religious beliefs, ethnicity, or immigration status. Others feel they are treated differently to white people due to practitioners' subconscious bias against them. For some people this is felt quite keenly:

"The fact I am working and yet they're still keeping me on high risk. They have recalled me three times... I've come out of prison, the first thing I did was get a job and yet they're still harassing me. I've showed them my working contract. They send people to my workplace to make sure that I'm working there, and it's just made my life a living hell... It's a lot more than racism. They see me, and they assume I'm a gang member selling drugs. My relationships are destroyed, my career is destroyed."

Most of those interviewed considered that there was no discrimination in the way their pre-sentence report was prepared. However, a minority felt that the report had not fully considered their situation and background, perhaps focusing too much on the current offence:

"I was automatically judged based on my colour. I wasn't given a chance to tell my story. I don't know if that's how it works, but they only cared about the incident at hand and not about what brought me there [abuse from partner]. So, I feel like I was discriminated against."

A theme that emerged was about the extent to which practitioners take into account people's needs in relation to faith and religious observance. While some practitioners were understanding and made appropriate provision, some people felt discriminated against when appointments clashed with prayers or special religious holidays, or no allowance was made for other articles of faith, as here:

"I feel pressured about my faith. They wouldn't let me wear a special turban because it has metal in as well as traditional religious accessories, yet they let someone else wear boots that have metal."

There was evidence that some practitioners felt uncomfortable about discussing people's experience of religion, which was often seen as a 'no go' area for professionals. This meant that practitioners did not develop a good understanding of what was important to individuals.

"It's been difficult with probation as my probation officer is not able to talk about religion. I do think that probation should hear our experiences. I think people need to open up. Those working in the criminal justice system need to hear what everyone has experienced."

Sometimes this lack of understanding was seen as leading to prejudicial assumptions being made:

"Yes, as a Muslim I feel I am pre-judged and assumptions are made based on my religion. This has been the case since I started with probation, so no, there have been no changes over the last few years."

Most people were not able to report on how their probation experience has changed over the past couple of years due to the relatively short time they have been on their orders. Those that could offer their perspective often reported a positive change in their experience over time.

"I was on probation about 16 years ago, and my experience now and then is completely different. It was different many years ago. I had a bad experience before and had a really good experience this time. Last time I felt there was no understanding and that my race was a reason for that."

Relationship with probation practitioners

Of the participants interviewed, about two-thirds reported that they had an effective and trusting relationship with probation staff. People reported respectful relationships that make a positive difference to their rehabilitation, and they appreciated when the practitioner was flexible around their personal and cultural needs. Frequent changes of practitioner were seen as a hindrance.

Many commented about a lack of ethnic diversity among probation practitioners. People on probation from a minority ethnic background that attend offices where the staff are predominantly white feel it is difficult for their practitioners to understand them:

"It is important to have a mix of every culture. When you just have white race and no one knows any other background, who are they to judge you? it's not very diverse, mostly white I'd say."

This varied according to the office and the ethnic mix in the local area:

"Yes, there is ethnic diversity in the office. I was quite pleased. It's been a lot better compared to a few years ago."

Where the office is more diverse, people feel like there is more of an understanding and that the diversity of the office has an impact on everyone's knowledge. Similar to the previous inspection in 2021, it is still seen as difficult for white probation officers to truly understand and relate to the backgrounds of people on probation from minority ethnic groups. While some people on probation would be happy speaking about their experience of racism and discrimination, this was not always the case. It depends very much on the nature of the relationship with the practitioner:

"I don't think they care about me so I can't raise any issues about race, I've been insulted so much."

Just over three-fifths of participants reported a positive experience of their induction. Those individuals felt welcomed and reported that their induction was informative. There is inconsistency in whether people on probation are asked about their specific cultural needs and how far assessment and planning take account of diversity and people's experience of discrimination. Where the probation practitioner was aware and interested, this was a positive experience:

“I do think my cultural needs have been met. Also, they were aware that I was going to church and took that into consideration.”

Sometimes, however, practitioners showed limited understanding of the person’s situation or failed to ask the right questions:

“I was talked to about family but no questions on my background. They asked about upbringing, but they had little understanding of it and of the effect it had on me. They didn't ask the right questions, for example about religion and stuff.”

This finding concurs with the gaps in assessment and planning we found in the cases inspected.

Good practice example

George is mixed race and has experienced racism all his life, growing up in care and subsequently in the community. Although he has been interacting with probation most of his life, this time around it has had a positive impact on him. He attributed his positive experience mainly to his probation practitioner, with whom he became acquainted while he was still in prison. His practitioner made him feel that his experiences of discrimination had been heard and respected by taking time to get to know him and his heritage before his release. This created a foundation from which George is making positive strides in his rehabilitation.

Three-quarters of those who said that they have an effective relationship with their probation practitioner get what they need out of appointments. Others felt like appointments were needless ‘tick-box exercises’. There was inconsistency in whether religious observance was taken into account in arranging appointments. In some cases, interpreters were not used when they should have been when interviewing people on probation, as here:

Poor practice example

When Santosh arrived at the probation office, she had issues communicating due to her difficulties with speaking English. Her experience was profoundly shaped by this language barrier. She had a negative probation experience, as she couldn’t understand when probation tried to communicate with her. She was also unable to communicate her needs. No effort was made to provide her with a translator/interpreter.

Of those who said that they needed help accessing specific services, 57 per cent said that probation helped them access them. This is an improvement over the previous inspection, where only one quarter of those interviewed said that their resettlement needs were met. Where individuals had a good relationship with the probation practitioner, they were more likely to get help accessing the services they needed. Hardly any said that their cultural background was taken into account in identifying relevant services, which could lead to difficulties such as this:

“I got put into accommodation where people in the same house were cooking pork in front of me. This is obviously a difficult situation for a man of my faith.”

None of the 82 participants said that they had any support from probation in linking them to support groups in the community specifically regarding race, ethnicity or religion, which was worse than when we inspected this theme in 2021. This concurs with our findings about the paucity of links the Probation Service has with minority ethnic community organisations.

Suggestions for change

Two-thirds of participants on probation from a minority ethnic background feel that their story is heard by their practitioner. However, others believe that they either haven't had a chance to tell their story or that it is not respected. A common theme in the data was that people consider they weren't asked about their supervision and that they don't have a say in how probation is run. The majority of these people would like to have a say, and recognise the importance of the perspective of people with lived experience of probation and discrimination in designing services. As one commented:

"I can speak and feel my story is respected. I would like to have a say in how probation is run, and it would be more focused on rehabilitation if it was up to me."

"Lived experiences can help improve the service, more peer led. There's a lot of stigma around different cultures and ethnicities, it could break barriers."

Nationally there has been limited consultation with minority ethnic people on probation about the commissioning of services for them, although St Giles Trust has begun to do so in London. The Going Forward into Employment scheme, designed to open up routes into probation jobs for people previously on probation, is still in its infancy and is being piloted in four regions across the country.

Previous recommendation

The National Probation Service should, by 31 March 2022:

consult ethnic minority service users about the appropriateness and quality of services and provide opportunities for former ethnic minority service users to act as volunteer mentors and in paid roles. **Some progress.**

Those with lived experience suggest that more could be done to celebrate the cultural heritage of people on probation through events, posters, and awareness sessions to foster knowledge among probation staff and other people on probation. This would result in those from a minority ethnic background feeling more welcomed and considered.

Foreign national people on probation, for whom English is not their first language, are sometimes left in the dark, with little means of accessing the support they need to aid their rehabilitation. Practitioners should make better use of interpreting and translation services and make sure courses and support are both accessible and suitable for non-English speakers.

Conclusions and implications

It has proved difficult to establish whether there has been any significant improvement in the experience of minority ethnic people on probation since the previous inspection, given that many people interviewed have only recently experienced probation (though some with a longer-term perspective can see improvements). However, we did find that a reasonable majority of people on probation considered that their story had been heard by probation practitioners, that probation does not discriminate against them and that they have an effective relationship with their probation practitioner.

These interviews have reinforced the conclusion from our inspected cases that probation practitioners are often reluctant to take the opportunity to speak to individuals about their religious beliefs and cultural heritage. Those with lived experience suggest that such topics need to be discussed during an open conversation, where the practitioner is able to get to know the person better and understand their needs, rather than in a 'tick-box style' way. What is learned during these conversations needs to be reaffirmed and acted upon during appointments. There is more potential to involve people with lived experience of probation and of discrimination in the design and delivery of services, thus improving the cultural competency of probation services. There is also a need for local probation managers to improve links with minority ethnic support services to improve opportunities for rehabilitation for minority ethnic people on probation.

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Annexe 1: Glossary

Foreign national offender	A foreign national who has been convicted of a crime in the UK
His Majesty's Prison and Probation Service (HMPPS)	The single agency responsible for both prisons and probation services
PDU	Probation delivery unit
MoJ	Ministry of Justice
National Delius (nDelius)	The approved case management system used by the Probation Service in England and Wales
Probation Service (PS)	A single national service which came into being in June 2021
Offender assessment system (OASys)	Currently used in England and Wales by the Probation Service to measure the risks and needs of people under supervision
Partners	Partners include statutory and non-statutory organisations, working with the person on probation through a partnership agreement with the Probation Service
Providers	Providers deliver a service or input commissioned by and provided under contract to the Probation Service. This includes the staff and services provided under the contract, even when they are integrated or located within the Probation Service
Pre-sentence report (PSR)	This refers to any report prepared for a court, whether delivered orally or in a written format
Probation officer (PO)	This is the term for a qualified probation practitioner who has undertaken a higher-education-based course for two years. The name of the qualification and content of the training varies depending on when it was undertaken. They manage more complex cases
Probation services officer (PSO)	This is the term for a probation practitioner who was recruited with no qualification. They may manage all but the most complex cases, depending on their level of training and experience. Some PSOs work within the court setting, where their duties include writing pre-sentence reports
PQiP	Professional Qualification in Probation
Rehabilitation activity requirement (RAR)	From February 2015, when the Offender Rehabilitation Act was implemented, courts can specify a number of RAR days within an order; it is for probation services to decide on the precise work to be done during the RAR days awarded

Annexe 2: Methodology

Fieldwork

The fieldwork was completed between February and March 2023. Five PDUs were chosen for the inspection, taking account of the diversity of the population served:

National interviews	
Bedfordshire	Eastern region
Nottingham City	East Midlands region
Wolverhampton and Walsall	West Midlands region
Southwark	London region
Bradford and Calderdale	Yorkshire and the Humber region
Follow-up national interviews	

Each PDU provided us with a range of comprehensive evidence in advance against our inspection questions and standards. The Race Action Programme and Probation Workforce Programme provided us with details of the actions taken to implement the recommendations from the previous inspection.

Inspection of cases

We inspected a total of 50 cases of black, Asian and minority ethnic people on probation who had begun supervision 12 months previously, in March and April 2022. We tracked the work with these cases over the following 12 months up to the date of the fieldwork. We selected 10 cases from each PDU. These selections included a balance of cases that represented the different ethnic groups, including nine female cases, community orders and people supervised on prison release licences. We prioritised cases to inspect where the PDU had identified aspects of effective practice in the work with minority ethnic individuals. For each case we read the assessments and case records and interviewed the probation practitioner. In total, we spoke with 44 different probation practitioners who managed these cases. Using data from our core programme inspections of 32 PDUs, we compared the quality of work with minority ethnic people on probation with that of white people.

We used a similar schedule of questions in assessing cases and interviewing staff to that from the previous inspection so that we could make fair comparisons when assessing progress. Unlike the previous inspection, we did not review a sample of PSRs, but spoke instead with a court SPO in each area and interviewed senior managers responsible nationally for the development of court and report work.

Interviews and focus groups

In each region and PDU we inspected, we interviewed the RPD, the regional equality manager, the head of the PDU, HR business partners, and regional commissioning managers or heads of community integration.

We conducted focus groups with probation practitioners and with middle managers in each PDU. In total, the focus groups included 22 middle managers and 26 probation practitioners. As with the previous inspection, we arranged some groups with minority ethnic staff, and separate ones for minority ethnic managers. In total, these focus groups included 26 minority ethnic staff, and 25 minority ethnic managers.

Survey of minority ethnic staff

In each PDU inspected, we asked managers to distribute to their minority ethnic staff an electronic link to a confidential e-survey. As those distributing the link would not know everybody who falls into this category, as such information is confidential, in some areas the link was distributed to all staff in that area, for the attention of minority ethnic staff, to ensure that all minority ethnic staff received it. As not all staff in these areas have declared their ethnicity, we cannot be sure how many staff were eligible to complete the survey. Out of a total of at least 155 minority ethnic staff, we received 97 completed surveys. The schedule of questions was very similar to that used on the previous inspection, the main exception being that this time we also wanted to hear from people about what had changed in the intervening two years. We offered those who responded to the survey who wished to have an individual interview with a member of the inspection team the opportunity to have a follow-up interview. This resulted in 25 subsequent interviews.

Survey of minority ethnic people on probation

We contracted with User Voice to undertake interviews with minority ethnic people on probation. They provided a team of five minority ethnic peer researchers with lived experience of the criminal justice system to undertake these interviews. These interviews were conducted in the probation office or remotely by phone or Microsoft Teams. We asked managers in each PDU to send a text to minority ethnic people on the caseload, so that those who wished to could contact the peer researchers. They also recruited individuals through attendance at the office and through contacts with community organisations that partner with the Probation Service. In total they completed 82 interviews. The interviewees included nine women and 73 men; 35 were Asian or Asian/British, 28 were black or black/British and 18 were mixed heritage. The question schedule included questions about any changes that people had seen in the way services were delivered to minority ethnic people in the previous two years.

Other interviews

We conducted a range of other interviews with 16 individuals with national roles with responsibility for issues of race and diversity. These included, among others, senior managers from the Race Action Programme and the Probation Workforce Programme and both the current and previous chief probation officers. We also spoke with the chair of the RISE staff network, the manager responsible for the TUBU and a representative of CLINKS.

We commissioned the services of Inside Out Wellbeing to provide clinical supervision and support to the inspection team.