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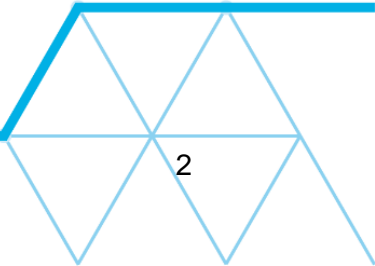
HM Prison &
Probation Service

Transforming Security: Categorisation Pilot Evaluation Report

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Contents

Executive summary	3
Introduction	5
Quality of assessments	8
Data and information sharing	13
Service performance and user experience	15
Population distribution implications	18
Equalities Impact Assessment	26



1. Executive summary

A pilot of an updated security categorisation process has been running since May 2019. Evidence gathered so far suggests the new process is a significant improvement, and feedback from staff has been overwhelmingly positive. It does not automatically solve every issue with the current categorisation system; assessments are only ever as good as the available information, and staff need the right skills to produce appropriately considered assessments. But these are existing problems rather than new ones, and overall the new process is a clear positive. **We therefore recommend rolling out the process to the wider estate, but accompanying the roll-out with sufficient support for staff to properly embed cultural change.**

“A brilliant step forwards” (OMU manager)

“Makes it much easier to evidence defensible decision making” (re-categorisation reviewer)

In the majority of cases, use of the digital service and application of the revised policy has led to **robust categorisation decisions**. These were taken in line with the broader definition of risk set out in the Policy Framework and evidenced legally defensible decision making. There is scope for some improvement in explaining why a particular decision was taken, but the quality of completed assessments has improved during the course of the pilot as staff have become more used to the digital system and the new processes.

Whilst the pilot has exposed some difficulties in gathering sensitive information (where relationships between prisons, Regional Intelligence Units, and law enforcement agencies are still relatively new) the new process has been, on the whole, well received. Security teams confirmed the numbers of cases referred to them were generally manageable. This work is being completed by trained analysts who should be competent in this line of work. The Service provides an effective, efficient and user-friendly platform, to share relevant intelligence appropriately and sensitively, to stakeholders. Therefore, when utilised correctly, the new process can only improve the decision-making process relating to categorisation.

Staff report that the Digital Categorisation Service is **easy to understand** and makes the categorisation process **more efficient**. We have continued to add functionality to the Service over time based on feedback from staff, and over the course of the pilot it has improved substantially. There are a small number of extensions necessary to support wide scale use of the Service, and many potential further additions we could make to improve the process, but staff now consistently say if they were not in a pilot prison they would want the Service rolled out to them immediately.

We expected the policy changes introduced in the pilot to have mixed effects in terms of the numbers in each category, because at present some prisoners are over- and others under-categorised. In general, the data suggests the pilot has had a **negligible overall impact on proportions**, with the exception of a modest increase in the number of category B prisoners being downgraded when their category was reviewed. Further modelling is required to predict the longer-term implications in terms of the number of required prison places.

There is significant disproportionality in the prison system (both estate wide and in our pilot prisons) in relation to ethnicity and religion. Prisoners from a BAME and/or Muslim background are over-represented in prisons by a factor of two to three as compared to their representation in the wider UK population. Whilst prison staff responsible for categorising are on average older and less racially diverse than the prisoner population, there is no evidence of them using the categorisation process in a disproportionate way: during the pilot outcomes in terms of the proportions of prisoners assessed as each category have been broadly in line with their frequency in the population being assessed. BAME

prisoners who were initially categorised consistently appeared to be made category B at a slightly higher rate than White British prisoners, but this was not a statistically significant difference. The fact that BAME prisoners were also more likely than White British prisoners to be downgraded from Category B to Category C, and Muslim prisoners slightly less likely to be initially categorised to B than Christian and non-religious ones suggests that there is naturally some variation in outcomes. Overall it seems that at the least **the new process has not increased disproportionality in the system, and potentially has lessened it**. Digitisation of the process also means our **ability to monitor outcomes on an ongoing basis is much improved**.

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2. Introduction

Background on current categorisation policy

The basic principles of the prison categorisation system were put in place following a series of high profile escapes from prison in the 1960s. The current categorisation policy is set out in a series of Prison Service Instructions produced in 2011. Prisoners receive an 'initial categorisation' when first sentenced, and this is then reviewed at regular intervals ('re-categorisation').

Historically, the greatest risk in the prison context has been escape; as a result, a prisoner's initial category has generally been determined by offence and sentence length as an indicator of risk. But technological progress means even prisoners who do not escape can continue to run criminal networks from prison if not managed in the right security conditions. As a result, sentence length is an increasingly imperfect indicator of risk in prison. In recent years we have seen an increase in highly capable and sophisticated individuals being convicted of relatively minor crimes; in parallel there has also been an increase in historic convictions where prisoners have committed a serious offence years ago but may now be relatively low-risk while in custody. In addition, the current categorisation process is paper-based and time consuming for staff who have to re-enter information across different systems. We can now take advantage of better technology to make the process more efficient, make better use of our resources, and ensure that we strike the right balance between public protection and supportive rehabilitation.

Intended changes

1. **Introducing a more sophisticated attitude to risk**, with less reliance on sentence length as an indicator and more emphasis on the risk of continuing to engage in criminal behaviour while in custody. We have updated the definitions of the security categories, and there is now an explicit set of risks that are explored.
2. **Enabling better access to information for those making categorisation decisions**, particularly by taking advantage of data from partners and making more use of information known by prison security teams.
3. **Improving the staff experience** involved in categorisation. By digitising the process and pre-populating forms wherever possible we can reduce the amount of time staff spend looking up data, typing information from one system into another, and filing paper forms.

Live pilot of the new process

In light of these objectives, we launched a pilot to trial ways of better informing the security categorisation decisions which are made to ensure prisoners are held in security conditions that are appropriate and commensurate to the risk they pose.

The pilot began in May 2019 and there are currently 9 prisons taking part: HMP Aylesbury, HMP Belmarsh, HMP Elmley, HMP Lowdham Grange, HMP Maidstone, HMP Pentonville, HMP Rochester, HMP Stanford Hill and HMP Thameside. The table below sets out when each prison joined the pilot:

	Initial categorisation go-live	Re-categorisation go-live
HMP Belmarsh	10 th May	8 th July
HMP Pentonville	29 th May	30 th July
HMP Thameside	6 th June	31 st July

HMP Elmley	11 th June	17 th July
HMP/YOI Rochester	N/A	25 th July
HMP Lowdham Grange	N/A	1 st August
HMYOI Aylesbury	N/A	6 th August
HMP Maidstone	N/A	14 th August
HMP Stanford Hill	N/A	16 th September

Throughout the pilot, staff responsible for carrying out categorisations have been required to consider a wide range of risks before making their decisions. Under the new policy, we determine a security category based on an assessment of five key risks:

- Escape or abscond from prison
- Harm to the public
- Continuing to engage in criminality while in prison
- Violent or other behaviour that impacts the safety of those within the prison
- Control issues which disrupt the security and good order of the prison

At the heart of the pilot is a new Digital Categorisation Service. The Service is a tool to support staff in identifying relevant risk factors and decide on the most appropriate category – but is not an Artificial Intelligence that automatically makes categorisation decisions. It is designed to:

- Provide a consistent framework for staff to record information about a prisoner's risks
- Automatically pre-populate data wherever possible to free up staff time
- Highlight warnings to staff to reduce the amount of manual checks required, and incorporate additional datasets that would be difficult for them to access at present
- Enable easy access to previous assessments and ensure files cannot be lost
- Track and monitor trends at both national and local level

As well as the reduction in emphasis on sentence length and a broader definition of risk already discussed, the pilot has introduced some specific changes to how categorisations are *reviewed*:

- Changing the structure of the assessment to require explicit evidence both for and against a change, rather than simply asking staff to justify the decision.
- Triggering consideration for an extra review whenever the digital system picks up that a risk level may have changed rather than waiting for the next scheduled review.
- Instead of a generic assessment for all prisoners, adapting the questions asked based on the specific circumstances of the case.

Our intention with the new approach is to better target our security resources by holding prisoners in the most appropriate category. This will improve rehabilitative outcomes by reducing the capacity of difficult prisoners to disrupt prison regimes, as well as reducing the depth of imprisonment for those who are currently over-categorised. Improved categorisation means wider investment in security countermeasures will deliver better value for money because they will be focused on higher-risk prisoners.

Methodology and limitations

The data and findings used to support this evaluation have been drawn directly from HMPPS administrative data, information recorded by the Digital Categorisation Service itself, as well as feedback from prisons taking part in the pilot. The administrative data in particular is drawn from large IT systems and may contain errors. The other key limitation is that we do not have the counter-factual for any prisoner of how they *would* have been categorised under the old categorisation processes, because resourcing limitations in prisons mean running the two processes side by side was not practical. Instead of comparing at an individual level we look at aggregate comparisons in trends between the prisons inside and outside the pilot, as well as the pilot prisons before and after they began the new process.

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3. Quality of assessments

Does the digital service and accompanying guidance lead to better categorisation decisions?

The quality of decision making has been assessed in several ways. Completed assessments have been reviewed during the course of the pilot: panels of subject-matter experts including MoJ legal, National Intelligence Unit (NIU) and former heads of OMU have reviewed examples both of specific cohorts and a selection of random cases, and staff in the pilot sites have been asked to comment on whether they believed the category outcome was more appropriate.

Our assessment concluded that in the majority of cases, the digital service and accompanying guidance led to better categorisation decisions in line with the broader definition of risk set out in the Categorisation Framework. Shorter sentence prisoners presenting a serious risk of ongoing criminality in custody were categorised to B and a small number of longer sentenced prisoners categorised to C at the outset of sentence, where there was no evidence that Category B was necessary to manage risk. There is scope for further improvement as the revised processes become embedded and staff become more confident using the digital service.

MoJ Legal considered that the assessed cases evidenced, for the most part, legally defensible decision making although in some cases a small amount of additional information would have made the rationale for the decision more robust.

There is however, some evidence of over-reliance on the provisional category produced by the service at initial categorisation without an assessment of whether this is the most appropriate category. For determinate sentence prisoners, this is mainly in relation to cases where the service suggests a provisional category of C but where Category D possibly should have been *considered*. The service is not designed to pro-actively suggest open conditions (an assessment for D has to be started by the categoriser where there is nothing to suggest this is inappropriate) and in some cases it is not apparent why the Category D assessment was not completed. Staff have been encouraged to complete the assessment where appropriate, and an improvement in this regard has been noticed. We will continue to emphasise this in future training.

We conducted a short survey of staff at the pilot sites. Half of respondents felt that the new process meant prisoners were more likely to end up in the right category, with 40% neutral and 10% thinking they were less likely. Based on the comments provided, the negative views are linked to staff underestimating their own role in using their judgement to determine the category. For example:

"I think the new system is too quick to give a CAT C. In some cases I feel a period in CAT B when they have a very long sentence and depending on the nature of the offence is appropriate."

Whilst the service will give a provisional category at initial categorisation, this is only a suggestion based on limited information, and it remains the responsibility of the categoriser to recommend a different category if appropriate, based on all the information available. In the cases described in this quote, the categoriser should be making a recommendation of Category B if they feel that is appropriate. This is one of the key points we are reinforcing with staff.

In some cases staff are amending the category suggested by the service. Of the 2,300 initial categorisation cases, 101 were amended by the categoriser. The majority of these (70) were from category C to B and

mostly based on the fact that the prisoner had a long or life sentence/had been convicted of serious offences. A small number of cases referred to serious further charges/previous serious convictions.

There is also the opportunity for the supervisor to amend the category suggested by the categoriser. At initial categorisation, 64 cases were amended by the supervisor – 29 cases C-B and 29 cases B-C. Six were amended from D-C. In 15 cases, the supervisor reverted to Category C suggested by the service – 6 where the categoriser had proposed B and 6 where Category D had been proposed. In the remaining 3 cases, the supervisor amended the category to B – which had been suggested by the service.

In the case of life sentenced prisoners, categorisers in some sites have been content to accept a provisional category of C suggested by the service without any evidenced consideration that Category B might be necessary. In all such cases, the supervisor amended the category to B.

Out of 1,500 re-categorisation cases, the category proposed by the categoriser was amended by the supervisor in 35 cases, with roughly the same numbers being amended B-C/C-B. The greatest number of amendments (15) was from D-C. This is an underestimate of the total number of revisions, because managers can also return cases to categorisers for further work rather than directly changing the decision.

The policy changes have for the most part, been understood and actioned by staff. The expansion of the Category D eligibility period has been applied and there is evidence that staff are taking a balanced and reasoned approach to data around violence, disorder and the risk of ongoing criminality in custody. There is still a need to further embed the removal of sentence length as determinative of category in practice. There have been cases where this has been relied upon without other risk factors being recorded.

There does appear to be a relatively widespread misunderstanding of policy around the categorisation of Foreign National Offenders (FNOs) to Category D despite policy not changing for this cohort beyond the extension of the eligibility period for consideration to the open estate. More details on prisoners being assessed as category D is available in the Population section.

Does the digital service and accompanying guidance support better recording and disclosure of the justification for categorisation decisions?

The digital service evidences that the individual has been assessed against the broader understanding of risk set out in the Categorisation Framework. Every section of the service must be completed in order to process the case, so the individual must be assessed against all of the five key risks set out in policy. However, there is scope for improvement in completion of the assessments in terms both of the type of information recorded and to enable the individual to better understand why he is in a particular category.

In some re-categorisation cases, staff are copying and pasting lengthy NOMIS case notes into the service. This level of detail about individual incidents is too granular, makes it difficult to quickly comprehend the overall picture, and at worst can risk revealing information which staff did not intend to be seen by the individual. We have reinforced the need for staff to summarise the key points from each source used, rather than copying and pasting, and there are some very good examples of this.

Are there any areas where the guidance needs to be adjusted so staff are confident in the interpretation and use of the new process?

A range of guidance has been provided to staff, including: a document walking staff through completion of and considerations in the assessment process; on site 1:1 training; embedded advice within the service itself; short weekly update emails giving advice on most common queries, reminders of key points and

notification of improved functionality of the service and a dedicated mailbox to respond to queries from individual staff. Feedback from staff is that these have been very helpful, but there is scope to review the content and format of training material to best support any wider roll out.

Is there an increase or reduction in challenges and appeals for categorisation decisions within the pilot prisons?

The distribution of appeals is quite varied across the pilot sites. One site had not seen any appeals or challenges since starting the pilot; another that there had been a modest increase, possibly due to the greater use of information from security teams. Overall, however, most reported no noticeable change in appeal rates, so the net impact appears to be neutral.

On balance, do we think the set of decisions informed by the Digital Categorisation Service gives us a better distribution of prisoners across the estate, according to the risk they pose, than the status quo?

The decisions informed by the Digital Categorisation Service more appropriately distribute prisoners across the estate based on the risks they pose than currently. It provides a clear process to enable security to identify prisoners about whom there is intelligence of ongoing criminality to OMU. It enables prisoners who may have a long sentence but do not pose a custodial risk or a risk of escape to be managed in Category C, thereby reducing the depth of imprisonment. It also includes a pro-active assessment for Category D/Open which assesses more robustly the prisoner's suitability for the open estate.

Do external pressures, e.g. population pressures, have an impact on the decisions staff make?

There is no evidence that external pressures – including population pressures – have had an impact on the categorisation decisions made by staff. In a small number of cases however, individuals have been placed in Category B *in order* to access specific Offender Behaviour work or due to complex medical needs.

Recommendation: the roll-out involves the provision of ongoing support and monitoring to ensure that good practice is maintained and that establishments receive consistent messaging about use of the Service.

The pilot has highlighted changes necessary to the draft Security Categorisation Policy Framework which replaced the relevant PSIs in the pilot sites. Some of these reflect changes to other relevant policies; some are the result of cases which have arisen and where policy was absent or inappropriate. A list of proposed changes is included below:

Section	Summary	Proposed Amendment
4.2	No requirement to re-categorise Fixed Term Recalls is under an initial categorisation heading	Move to re-categorisation section of Framework
4.2.3	Framework advises that Civil Prisoners are not normally categorised.	PSO 4600 states that Civil Prisoners should be categorised unless their sentence is so short (within <28 days to serve cohort) to make this unnecessary. This change aligns also with the National Allocation Protocol.
4.9	Framework states that individuals held in Category D/Open conditions do not have a regular review of category.	Be explicit that those Category Ds held in the closed estate (awaiting allocation or on a transfer hold) have a re-categorisation review at the usual time to reconfirm ongoing suitability for D. These cases appear on the digital work list and have had reviews at the pilot sites.

5.6.4	Provisional category decisions	Clarify that the DCS generates a provisional category at <i>initial</i> categorisation and that it will not generate a category of D which must be initiated and completed by the categoriser.
7.9	Consideration for Category D includes assessment of any outstanding proceedings such as Confiscation Orders and Serious Crime Prevention Orders.	Amend reference to Confiscation Orders to ongoing proceeds of crime matters.
7.11 (& 16.4)	Restriction on categorisation to Category D with an abscond or attempted abscond in the current sentence.	Amend in line with ROTL Policy Framework published May 2019, to allow an individual with an abscond history (if it occurred more than 2 years previously or only once during the current sentence) to be considered for Category D and ROTL.
7.16	Event-driven re-categorisation for open to closed estate requires the sending prison to complete the categorisation review within 48 hours of transfer.	Once the individual is transferred, the sending prison may no longer access them on the digital service, depending on their level of permissions. Amend to – within 48 hours provide the receiving prison with all necessary information to enable that prison to approve/complete the re-categorisation.
9.4/9.5	Paragraphs on restrictions around movement to open conditions of FNOS.	Switch paragraphs around for clarity.
9.5	Reference to purpose of CCD3 form when considering an FNO for open conditions.	Clarify that the purpose of this form is not simply to obtain updated information regarding the individual's immigration status but any information relevant to the categorisation decision (both positive and negative).
11.2	In line with existing policy, this paragraph states that determinate sentence standard recalls should not normally be categorised until completion of the first recall review.	This can take some months, and, in line with the National Allocation Protocol, it is proposed that re-categorisation takes place within 10 days of recall. The individual might then be reallocated if there are no further charges. A further review might be necessary depending on the outcome of the recall review which may significantly affect time to serve. Clearly state that categorisation to D will not however, normally be appropriate at this point. Remove 11.4.6 which requires time left to serve to be taken into account as part of the review as it will not be known at this point.
13.1	Categorisation of Individuals who are Transgender.	Reference The Care & Management of Individuals who Transgender Framework – published in August 2019 and implemented in October.
14	Returns from High & Medium Secure Hospitals	The Framework retains the current position whereby patients remit to the nearest reception prison, but we are aware of and involved in, the ongoing pilot of alternative arrangements and will amend this policy in the light of any future decision about the management of remitted individuals. Any pilot of revised proposals

		around remittance will replace the Policy Framework in the relevant sites.
<i>Additions</i>		
The initial categorisation process is to be used for individuals repatriated from abroad.		
The prison is responsible for the categorisation of EDS individuals. They can be considered for open <3 years before their PED. Any parole knock-back should trigger a category review but not an automatic return to the closed estate.		
IS91 individuals will revert to “U” and return to the reception prison unless they sign a waiver to remain in the training/resettlement estate. They will not have ongoing re-categorisation reviews but cannot be held in the open estate.		
Input required from Cat A team in HQ if it is proposed to categorise a prisoner B → C where he has been confirmed Category A in the previous 5 years. Governing Governor to authorise any such decision.		
Amend references to time to serve to time left to serve to align the language with the National Allocation Protocol.		
Encourage staff wherever possible to seek representations from prisoners in advance of their re-categorisation.		

Recommendation: Amend the Policy Framework with these proposed changes.

The Digital Service has been continually refined and improved during the course of the pilot following feedback from the pilot sites. There is one further change that would assist appropriate decision-making:

Recommendation: amend the logic in the Service so category B is the starting point for life sentenced individuals at initial categorisation. Staff would still be able to amend the Category to C in appropriate cases. This would shift the onus to justifying why Category C is appropriate at the outset of sentence, rather than why Category B is necessary.

4. Data and information sharing

Are the additional datasets providing useful information to OMU staff making categorisation decisions?

The additional datasets which are now available appear to be proving useful for OMU staff in making categorisation decisions. The completion of a very simple survey was requested of all users involved in the Pilot (Categorisers, Re-categorisers, Security Analysts and Approvers), and the answers received were very much in line with the feedback gathered on site visits. There were very few negative responses with regard to data in the Service and those were limited to one or two users, who had particular issues at that time. A few neutral responses were received to questions across the board, however this was mainly because participants either felt it was too early to tell whether the Service made a significant difference, or that it was deemed as being neither better nor worse. That said, Categorisers, Re-categorisers and Approvers on the whole agreed that the Service was easier to use, saves time and that Security input was useful. Pre-population of data from NOMIS was also a popular feature. Participants did make suggestions for improvement, such as spell check, search facility and caseload lists. Some suggested improvements were implemented live, during the pilot.

How many cases are referred to security teams, and by which routes? Is this number of referrals operationally manageable and have we set the right threshold for automatic referrals?

Since the introduction of the Digital Categorisation Service Pilot, the cases that have been referred to Security Departments have totalled only **3%** of those initially categorised and **16%** of the total re-categorised. This equates to **72** referrals to Security Departments during the initial categorisation process, against **2282** prisoners undergoing initial categorisation. In re-categorisation assessments, **16%** have been referred to Security, equating to **240** of the **1470** that have been assessed.

Statistics for those referred to Security are as follows:

Initial Categorisation:

22% automatically.

78% manually by OMU/ Security

Re-categorisation:

13% automatically

87% manually by OMU/ Security

(Functionality to allow Security to refer their own cases has only been available for the latter part of the pilot).

Based on these figures, the task is more than manageable. It therefore should also be feasible to complete those referrals presented to a high standard, as the workload is less than many establishments have been accustomed to. Going forward, Security Departments should be explicitly encouraged only to make (and OMU Departments only to request) contributions when they feel they have something of value to add to the process. Such contributions should also only be made when the information requested is not available through any other data sources. The resulting spare capacity could be drawn on to further drive up quality of the submissions that are necessary, adding real value to the process.

Are security teams able to access relevant information when needed from law enforcement partners? Have law enforcement partners encountered any challenges in providing relevant and timely information?

Security teams have suitable access to their relevant Regional Intelligence Units, who in turn forge working relationships with law enforcement partners. Although the evolution of these Units and the resultant relationships with their establishments are mostly in their infancy, the RIUs consulted are more than happy to transmit information onwards to prisons. What is not clear at present, is the extent that establishments are requesting this information. It appears likely that in some cases, this relationship is not being utilised to its full potential. Additionally, some establishments and RIUs have reported difficulties obtaining information through the OPT request process to the Police. We need this to be a reliable route so all relevant information is considered in the categorisation process.

Are security teams able to provide useful input to the process which can be interpreted by OMU staff and can be disclosed to prisoners?

Security teams should be well versed in sharing relevant sensitive information into the categorisation. The sharing of such information is not a new task to them, just a different, more effective and efficient method of delivering relevant intelligence. Most pilot establishments are utilising the services of their analysts to provide data, who should be fully trained and suitably experienced in both seeking and disclosing sensitive information. Analysts have the skills to make judgements on what can or indeed should be disclosed and the methods of sanitising such intelligence. Analysts should also be conversant with what information cannot be disclosed.

Does referral to security teams have any impact on the prison's ability to complete categorisations within the expected timeframe?

The fact that not all categorisation and re-categorisation decisions are referred for a security assessment makes the process more manageable. Some OMU staff, however, have tended to send every case "to be on the safe side". Equally security teams need to be mindful that the comparatively few cases referred should be completed to the required standard, in a timely manner, as there are clear identified grounds for referral. Overall the assessments are straightforward to complete within the mandated timeframe, although we discovered a few cases where delays had been caused by OMU staff not realising a case had been returned to them.

How well is the disclosure process balancing the need to protect sensitive information and our legal duty of transparency?

The disclosure process is an adequate method of balancing the need to protect sensitive information and our legal duty of transparency. This process is not new, is generally well managed in most cases and appears fit for purpose. However, we have observed some examples of poor practice during the pilot phase, where sensitive information has been unnecessarily disclosed. It is not clear whether the identified poor practice is limited to categorisation submissions or if it is a common error in general disclosure by analysts. Continued support and development of local and regional Security Intelligence Teams should be prioritised to further embed the good practice we have seen.

Does the new process enable staff to consult and include additional sources of information where appropriate? Is there reason to explore any additional structure to support this? (E.g. representations from prisoners)

The new process provides functionality to enable staff to consult and include additional information where appropriate and relevant. Feedback from pilot sites indicates that it does not seem necessary to over complicate the system and be too prescriptive in this objective. There are already sufficient opportunities to record additional or miscellaneous information in the Service. We are proposing steering staff towards collecting representations from prisoners in the amended version of the Policy Framework.

Does the storage of completed forms in the Categorisation Service support proper record-keeping? How effectively does it enable auditing and information sharing?

The storage of the completed forms electronically through the Service is a distinct improvement to the current paper based practice. Currently we rely on a copy of a categorisation form to be placed in a core record and the decision recorded digitally. The digitalisation of the service aids accurate record keeping and make both auditing and sharing a great deal easier. The only issues occur where staff accidentally mix the old and new categorisation systems, which can result in completed forms not being stored (see Service Performance and User Experience section).

5. Service performance and user experience

The development model for the Digital Categorisation Service was deliberately to begin the pilot with only the core features necessary for categorisation in place, and continue to develop and add features over time based on feedback from the pilot prisons. This allowed us to begin testing and gathering data sooner, while also minimising wasted development time building functionality that is not in practice helpful for prisons.

Do OMU staff have a clear and accurate work list of prisoners to be categorised?

At the start of the pilot there were some unusual varieties of cases that were not correctly being identified on the to-do list, or included unnecessarily. By comparing the to-do lists with existing ad hoc processes to identify and manage prisoners needing to be categorised we were able to resolve these issues and the to-do lists are now reliable. Since these fixes, we have not had any reports from prisons that anyone is missing or appearing inappropriately. Staff are also able to manually start a review for anyone needing an ad hoc assessment ahead of their scheduled date.

The to-do lists are still dependent on information about prisoners being correct in PNOMIS, such as the correct main offence being identified, and prisoners not being recorded as unsentenced when returning on a recall. Additionally, where prisoners are returned to custody shortly after being released their previous categorisation assessment may still be 'in date', and so staff manually need to trigger an early review.

Is the user interface clear and easy to navigate? Do staff understand the language used?

In general staff have needed only brief training to understand the user interface of the Service, which has been designed on gov.uk principles. In our survey of staff at the pilot sites, 80% agreed that the process was easy to use compared to the previous one, with the majority of the remainder feeling that it was similar. Only 3% of staff felt that it was more difficult.

"Easy to use and I'm not technical" (re-categorisation reviewer)

"Would just like to say I am enjoying using the new Categorisation system. It is much easier to use and more directly to the point" (re-categorisation reviewer)

Prison staff have very different levels of familiarity with digital systems. Knowledge of shortcuts and other functionality built into Firefox (which staff use to access the DCS) makes their work faster and easier. Some staff have therefore asked for additional guidance around simple digital tips.

Recommendation: produce guidance on a range of easy-to-understand digital tips that can be embedded in the system for easy access.

One advantage of the digital system is that we can embed prompts for staff directly next to the relevant question, and we have updated these throughout the pilot in response to staff feedback and to clarify particular points. Our panel reviews of completed assessments identified a few areas where we should add guidance for staff or tweak the language of questions to steer them in the right direction.

Recommendation: update the language in prompts for staff on:

1. Information to include when justifying a move to a higher category
2. How to treat ongoing proceeds of crime matters (e.g. outstanding confiscation orders) and prisoners' risk of harm in considering eligibility for open conditions
3. The level of detail required in summarising previous offences

The DCS is designed to work alongside the Digital Prison Service (DPS; previously known as 'New NOMIS'). The DPS draws on the same underlying data as the existing PNOMIS system, but gives access to it in a clearer and more user-friendly way. Much of the information relevant to a categorisation

assessment, including case notes, adjudications, alerts and so on is now available on the DPS. Testing during the pilot has found some areas where navigation between the categorisation service and the wider DPS could be improved so staff can easily switch between the two rather than needing to start afresh.

Recommendation: review links between the services and adjust ‘home’ buttons to return staff to a logical starting point.

How long does the new categorisation process take?

Interviews with staff suggest that the amount of time required for a categorisation varies hugely between different cases depending on the quantity of relevant information. There is a consensus, however, that the new process is substantially faster than the existing one. In our survey of staff at pilot sites all supervisors and 82% of categorisers agreed or strongly agreed that the new process saved them time.

“As a whole, I really like the system. I’ve certainly found it easier to [approve] large numbers of re-cats in this format (have been able to do 20 in a day whereas would probably peak at about 10-12 on paper before I lost the will to live).” (OMU head)

“It has cut down drastically the amount of time and there is no need to print out every assessment” (re-categorisation reviewer)

“Some of the information we had to previously gather is now already on the system which saves time. More user friendly” (initial categoriser)

Does the Service cater for all scenarios where staff need to categorise an individual?

The pilot sites were chosen to cover a wide range of types of establishment, including local prisons, a category B trainer, a category C trainer, a YOI establishment, an FNO specialist prison, and a category D prison. All normal categorisations at these establishments can be carried out through the Service.

Currently there is no direct functionality to categorise anyone outside of the ‘expected’ categories of B/C/D/YOI Closed/YOI Open. Changes in categories outside this list either do not require an assessment (for example where a prisoner’s current sentence expires but they are held on remand facing further charges and they return to being an unsentenced prisoner) or are justified by a separate process (for example category A moves which are considered centrally, or moves to open conditions for indeterminate prisoners, which are considered by the Parole Board). In these cases, the pilot sites record the change in category manually on PNOMIS. In future to reduce reliance on PNOMIS it would be beneficial to be able to carry out these moves via the DCS.

Recommendation: the DCS should include basic functionality to record a change of category for cases where the assessment is out-of-scope of the DCS or no assessment is required.

Does the service deliver the required functionality to roll out more widely across the estate, as agreed in the Product Specification?

The Service has improved substantially over the course of the pilot. As part of our follow-up visits with staff, we have asked them whether – if they were outside the pilot – they think it would be best to stick with the current process, to implement the updated process after further development, or to roll it out now. They have consistently recommended the last option, indicating that from their perspective it is ready for wider use.

Compared to the original specification, the most important area that has not yet been developed is around the dashboard functionality to monitor and audit decisions. In particular, at present the dashboard for re-categorisation reviews is limited to only capturing those who have been previously categorised on the DCS. Additionally, the Policy Framework puts a duty on governors to track and rectify any

disproportionality (“to collect and analyse data in terms of protected characteristics alongside other equalities data to ensure that there is a complete picture of any disproportionality, and to implement change where necessary”); being able to do this directly via the dashboard will be a major step forward in our ability to advance equality of outcome.

Recommendation: the dashboard of statistics about completed cases should be expanded to track all cases, and enable tracking by protected characteristics.

DRAFT

6. Population distribution implications

How many prisoners are assigned to each security category? How does that compare to current figures, and to PETP plans?

To assess the population impact of the pilot so far, we collected data on the number of individuals in each category in each of the 9 pilot sites, as well as category breakdowns across the estate as a whole. This data covered the period April – October 2019. The tables below set out the categorisation results as of 1 November 2019 across the nine pilot sites, for initial categorisations and for re-categorisations.

Initial Categorisations (local prisons only)						
Establishment	Cat B	Cat C	Cat D	YOI Closed (Cat I)	YOI Open (Cat J)	Totals
Belmarsh	84	336	3	66	0	489
Pentonville	20	575	7	72	0	674
Thameside	13	534	0	25	0	572
Elmley	38	457	9	42	1	547
Totals	155	1902	19	205	1	2,282

Re-categorisations												
Establishment	B-B	B-C	C-B	C-C	C-D	D-C	D-D	YOI C-B	YOI C-C	YOI C-D	YOI C-YOI O	YOI C-YOI C
Belmarsh	51	32	2	53	7	2	2	4	5	0	0	0
Pentonville	13	8	4	120	1	6	1	3	10	0	0	2
Thameside	4	5	0	75	5	3	1	0	1	0	0	1
Elmley	27	13	6	199	28	14	0	2	3	0	0	2
Rochester	0	0	5	182	55	6	11	0	13	1	2	2
Lowdham Grange	182	58	1	4	0	0	0	0	0	0	0	0
Aylesbury	0	1	0	1	0	0	0	13	11	0	0	0
Maidstone	0	0	0	200	3	0	0	0	0	0	0	0
Standford Hill	0	0	0	0	0	3	0	0	0	0	0	0
Totals	277	117	18	834	99	34	15	22	43	1	2	7

NB: These figures include manual updates in 19 cases where there was an administrative correction (e.g. where a recalled prisoner was briefly treated as unsentenced, his category might have gone from C->U->C. For ease of interpretation, this is reported in the table above as C->C).

The proportion of prisoners in each category has remained broadly stable throughout each month of the pilot so far, in both the pilot sites and the wider estate. Although not conclusive as prisoners continually transfer in and out of the pilot sites, this suggests the new process does not lead to a direct shift in the total numbers in each category.

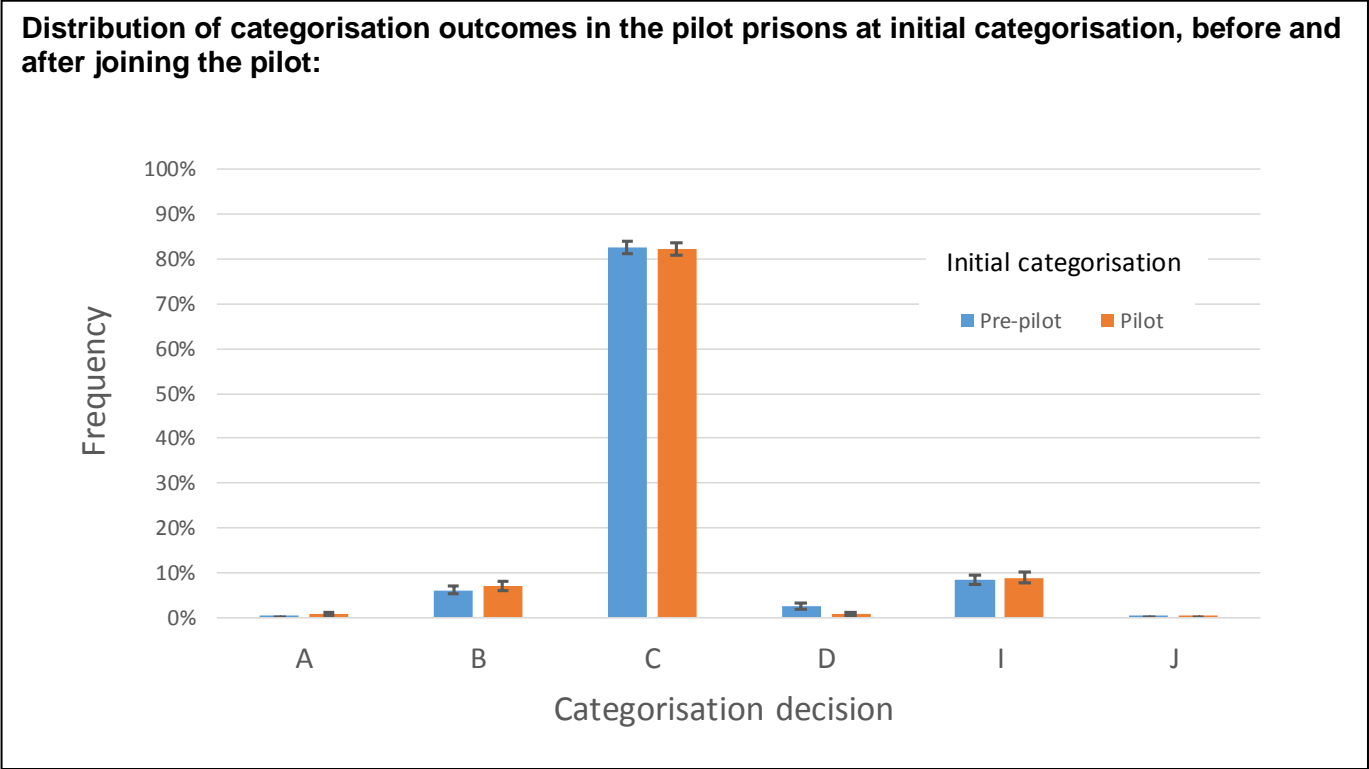
Month End	Cat B Pilot	% of Pilot Group	Cat B Non-Pilot	Cat B Total	Cat C Pilot	% of Pilot Group	Cat C Non-Pilot	Cat C Total	Cat D Pilot	% of Pilot Group	Cat D Non-Pilot	Cat D Total
May 2019	1,440	20%	9,660	11,100	3,080	43%	42,420	45,500	620	9%	6,660	7,280
Jun 2019	1,430	20%	9,670	11,100	3,040	43%	42,640	45,680	610	9%	6,680	7,300
Jul 2019	1,420	20%	9,690	11,100	2,960	42%	42,760	45,720	610	9%	6,700	7,310
Aug 2019	1,370	19%	9,650	11,010	3,090	44%	42,730	45,820	610	9%	6,750	7,360
Sep 2019	1,380	19%	9,600	10,970	3,080	43%	43,120	46,200	610	9%	6,790	7,400

Oct 2019	1,380	19%	9,610	11,000	3,030	43%	42,840	45,880	630	9%	6,820	7,440
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We anticipated that the greatest shifts, if any, would be found between categories B and C, however we discovered that the proportions of both category B and C individuals had remained stable in the pilot prisons throughout each month of the pilot so far. This is further evidence that the updated categorisation process does not have a substantial impact on the overall numbers of prisoners in each category.

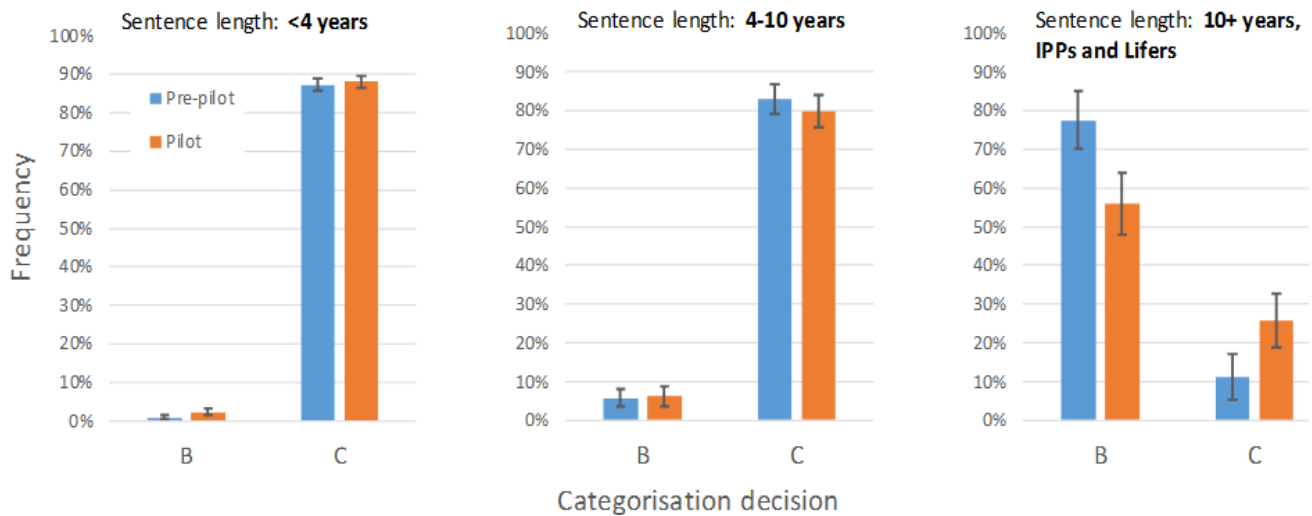
We expected the policy changes introduced in the pilot to have mixed effects in terms of the numbers in each category, because at present some prisoners are over- and others under-categorised. In general, the data suggests the pilot has had a negligible overall impact on proportions, with the exception of a modest increase in the number of category B prisoners being downgraded when their category was reviewed. Further modelling is required to predict the longer-term implications in terms of the number of required prison places.

At initial categorisation, there are no statistically significant changes in categorisation proportions:



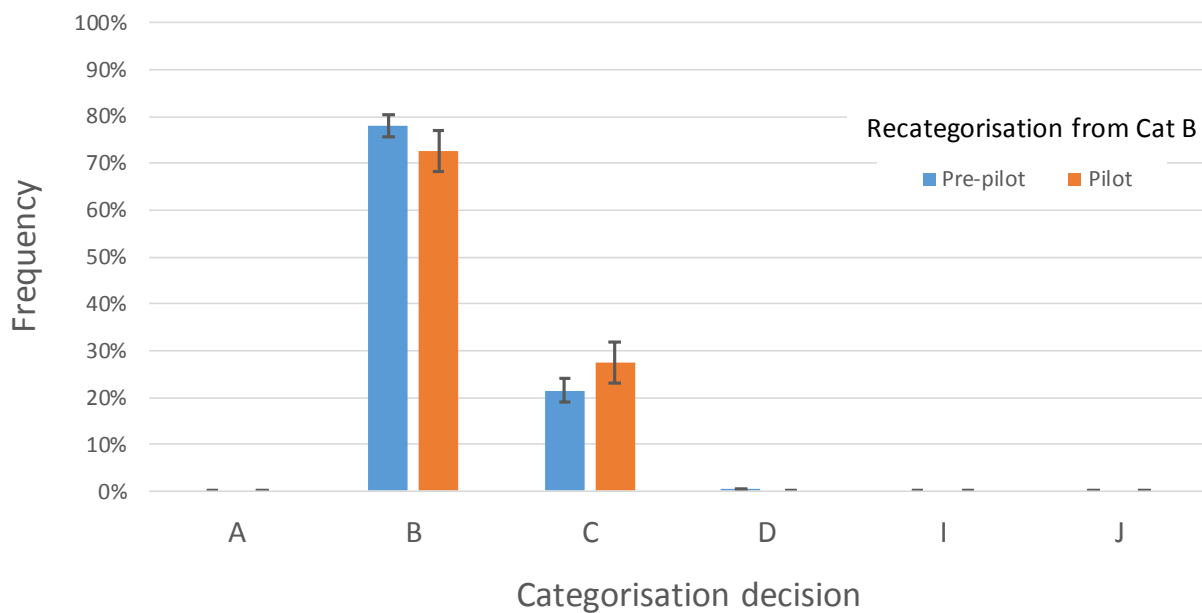
When broken down by sentence length, however, a clearer pattern emerges. At the longest sentence length, prisoners were less likely to be categorised as Category B under the pilot than before and more likely to be categorised as Category C; prisoners with the shortest sentences were (marginally) more likely to be categorised as Category B under the pilot:

Distribution of initial categorisation outcomes in the pilot prisons for Category B and C prisoners, before and after joining the pilot, broken down by sentence length:

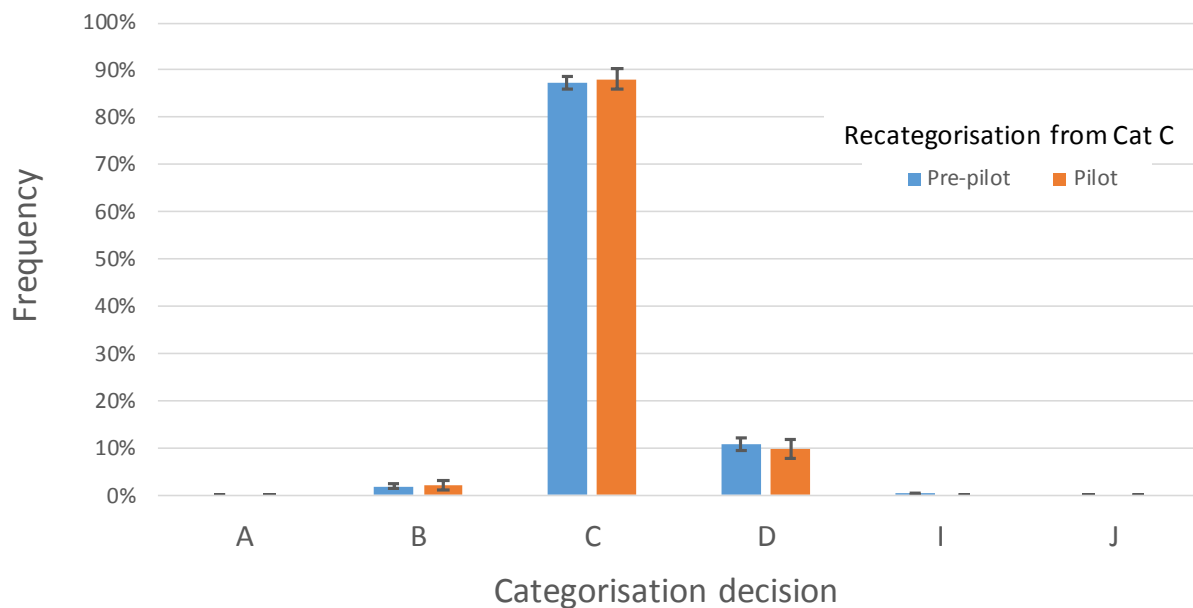


At re-categorisation, we saw a statistically significant difference in the likelihood of moving from Category B to Category C, but no other significant changes. Unlike at initial categorisation, there was no clear interaction with sentence length.

Distribution of categorisation outcomes in the pilot prisons for Category B prisoners, before and after joining the pilot:



Distribution of categorisation outcomes in the pilot prisons for Category C prisoners, before and after joining the pilot:



Categorisation outcomes for particular groups:

Long sentences

- Under the current PSIs, anyone sentenced to 10 years or more defaults to Category B. Of 147 individuals sentenced to 10 or more years and initially categorised in the pilot, 49 have been assigned to Category C across a range of offence types. 15 of these cases are in fact recalled prisoners serving indeterminate sentences¹, who are serving long sentences but have often been released from category C or D and returned to custody for breaches of their license conditions that do not indicate a substantial increase in custodial risk.
- It is impossible to say for certain what category the other 35 individuals would have been given under the old process, but historically most prisons have followed the default in the PSI so in practice few of these cases would likely have been assessed as Category C. They have been sentenced for a wide range of offences, but the most common reasons are violence against the person, sexual offences, robbery, and drug offences. They are not generally serving the longest sorts of determinate sentences; the average across all 35 is 12 years and only 5 have been sentenced to more than 15. The longest is a prisoner in their 70s sentenced to over 17 years in custody for a historic sexual offence, and the prison felt this could be managed outside of the Category B estate. In some cases, the assessor could do more to justify whether the decision has been based on an absence of risk indicators or proactively about the characteristics of the individual (see 'Quality of assessments' section).
- 36 life sentence prisoners had an initial categorisation. 31 were categorised to B and 5 to YOI Closed. Of the 31 adults, the digital service suggested a provisional category of C in 24 cases. This was amended in all cases to Category B, in most cases on the basis of the nature of the offence and the sentence. The service suggested a provisional category of YOI Closed in all 5 cases involving a young adult, and this was confirmed. In the 7 adult cases where the digital

¹ In general, recalled prisoners should be assessed against their previous category, rather than receiving an initial categorisation. In practice if it has been a long time since the individual was in custody staff may start an initial categorisation, or one may be carried out due to administrative error.

service suggested a provisional category of B, the determining features included two having previously been held as Provisional Category A in respect of the index offence; serious previous convictions of a violent nature; security intelligence around involvement in gang culture; and violence in custody.

Short-sentenced Category Bs

- There have been 40 prisoners sentenced to less than four years and initially categorised to Category B (of 1690 individuals sentenced to less than four years initially categorised so far). This indicates that staff in the pilot are identifying a very small number of those on short sentences as posing an elevated risk, though there is some variation between prisons. We are continuing to work with staff in all pilot prisons to ensure they are confident in recommending Category B when appropriate.

Men convicted of sexual offences

- There have been 79 individuals convicted of sexual offences initially categorised in the pilot sites. Of these, 22 were sentenced to 10 or more years (and would therefore have most likely been categorised to Cat B under the previous policy). 10 of these individuals were categorised to Cat C. 11 cases were categorised to Cat B and are evenly split between those where the decision was based on clearly identified risk factors (e.g. further pending charges, violent behaviour in custody) and those where the decision was based on the length of sentence and the serious nature of the offence. Although 22 cases is too small a number on which to base any reliable conclusions, it is encouraging that at least in some cases staff are considering this cohort to be suitable for Cat C.

Extremist prisoners

- Only 4 prisoners at initial categorisation, and one prisoner at re-categorisation, have been identified as being at increased risk of extremism. These men received a variety of categorisation outcomes; while the number is far too small to draw reliable conclusions from, it is encouraging that, in two cases, staff took the decision to categorise the prisoner to C, despite the extremism link. One of these individuals has received positive case note entries, as well as attending educational classes and engaging with psychology services; in the other, the prisoner had an extensive previous custodial history of being successfully managed in category C conditions.

Category Ds at initial categorisation

- As expected, only a small number of individuals (19 out of 2282 initial categorisations) were considered suitable for Category D/Open at initial categorisation, despite extending the normal eligibility period for consideration to D to those with three years or less to serve (which applies also at the initial categorisation stage).
- Those categorised to D had a range of index offences including fraud, intent to supply drugs, causing serious injury by dangerous driving. Of those categorised, as of October 31st the majority had not been allocated to the open estate and remained in the categorising prison, from where some were released. A significant percentage were subject to a transfer hold (e.g. due to HDC in progress; Confiscation Order proceedings underway; attending accredited programme; medical reasons).

Category Ds serving more than 3 years (initial categorisation and re-categorisation)

- At initial categorisation, only one prisoner with more than two years to go has been categorised to D. At re-categorisation, 12 prisoners with more than 2 years to serve have been re-categorised to D.

What are the changes to prisoners assigned to each category in terms of sentence length, and what impact does this have on the number of places required over time?

Given that the categorisation policy trialled throughout the pilot does not use sentence length as one of its key indicators of risk, we expected to see some changes in the numbers of prisoners assigned to each category in terms of sentence length. Historically, and under the existing policy, we would expect those prisoners serving long sentences to be more likely to be assigned to Category B than those serving shorter sentences. After assessing the data in this area, we found that:

- At initial categorisation, 155 men whose suggested category was B or C have ultimately been ultimately assigned to Category B – 18 of these have been sentenced to less than 12 months.
- At re-categorisation, 276 men whose current category was B have remained in that category, while 16 Category C prisoners have been re-assigned to Category B. None of these 16 had a sentence of less than 12 months, and only one had a sentence between 12 months and 4 years.
- Comparatively, at initial categorisation 1,902 men whose suggested category was B or C have been assigned to Category C (1,870 Cs and 32 Bs). Of these, 296 were sentenced to 4 years or more, of which 7 have over 10 years to serve on their sentence.
- At re-categorisation, 936 men whose classification was already B or C have been assigned to Category C. Of these, 22 are serving life or IPP sentences, 8 of whom have moved from Category B.
- While these figures are too small at this stage to draw any reliable conclusions, it is encouraging that at least in some cases staff are categorising prisoners who are serving long sentences to C, as well as categorising short sentenced prisoners to B.

What is the impact on the establishments receiving prisoners categorised under the new process, in terms of numbers, characteristics (and resulting risks and needs) and impact on the regime?

It is too early to say what impact the new categorisation process would have on establishments receiving prisoners were it to be rolled out across the entire estate. None of the pilot prisons have reported any undue burden as a result of the new process. We are continuing to gather evidence on this question, including via feedback from wing staff.

For Category D in particular: what are the impacts of the increased eligibility for those with less than 3 years to serve? (Number of Category D prisoners compared to places; suitability of the regime for prisoners who are transferred with more than two years to serve; impact on abscond rates)

Throughout the pilot, the threshold for **eligibility for open conditions has moved from no more than two years to serve to no more than three**, to allow appropriately low-risk prisoners to move earlier. While we recognise the benefits open conditions can have in appropriate cases (such as supporting community reintegration and employment prospects), clearly this needs to be balanced against the potential risks of incorrectly moving a prisoner to this category. At initial categorisation, only one individual has so far been assessed as suitable for cat D with a sentence of 2-3 years left to serve; he has a non-violent offence, no previous convictions, and positive reports from his time in custody while on remand. We do not therefore see any indications at this stage that a large number of individuals will be newly sent to cat D at initial categorisation.

At re-categorisation, nine individuals of approximately 60 potentially suitable cases (excluding those just recalled to custody etc.), have been assigned to Category D with more than two years left to serve in custody. This indicates that staff have taken on board the expansion of the general criteria for open conditions from two years to serve to three years to serve, but we have not yet seen a large increase in the total number of individuals assigned to Category D.

None of these prisoners have absconded from prison since being assigned to Category D, although as of the end of October only some had actually transferred to an open prison. The tables below show the movements of the 134 prisoners (19 at initial categorisation, 115 at re-categorisation) who have been assigned to Category D in the pilot, as of the end of October. For both, the overall number of prisoners remaining in the prison where they were initially categorised or re-categorised heavily outweighs those that were transferred to other prisons.

Initial categorisations (local prisons only)					
Establishment	Remained	Moved to other pilot site	Moved to non-pilot site	Released	Totals
Belmarsh	1	0	1	1	3
Pentonville	6	0	0	1	7
Thameside	0	0	0	0	0
Elmley	4	3	1	1	9
Totals	11	3	2	3	19

Re-categorisations					
Establishment	Remained	Moved to other pilot site	Moved to non-pilot site	Released	Totals
Belmarsh	9	0	0	0	9
Pentonville	1	0	1	0	2
Thameside	6	0	0	0	6
Elmley	20	3	3	2	28
Rochester	49	4	9	5	67
Lowdham Grange	0	0	0	0	0
Aylesbury	0	0	0	0	0
Maidstone	3	0	0	0	3
Standford Hill	0	0	0	0	0
Totals	88	7	13	7	115

Overall, we therefore expect any changes to the characteristics of prisoners assigned to each category to be limited, and outweighed by the natural variation in the prison population over time. Further detail on the demographics (particularly in terms of age, race, and religion) broken down by category are given in the accompanying Equalities Impact Assessment.

Security Categorisation - Equalities Impact Assessment

1. Overview of Current Categorisation Policy:

Security categorisation is the process by which prisoners are assessed on the security risks they pose, and assigned to the appropriate conditions to manage those risks. Prisoners receive an initial categorisation when first sentenced, which is then reviewed at regular intervals ('re-categorisation').

The current categorisation process has been in place, largely unchanged, for approximately 20 years. Its core principle is that prisoners should be held in the lowest security condition consistent with the management of their risks. It has several issues in practice, however, which our proposed changes aim to resolve. These issues include:

- An over-reliance on sentence length as the determining factor in categorisation decisions
- insufficient consideration of the risk of ongoing criminality while in custody
- important data that should feed into the categorisation assessment is difficult or impossible to access, partly due to the inefficient paper-based administrative process

2. Proposed Changes to Categorisation Policy:

We are replacing the existing PSIs on the categorisation of adult and young adult men with a new **Policy Framework**. Prisoners will now be assessed based on their risk of:

- escape or abscond
- harm to the public
- ongoing criminality in custody
- violent or other behaviour that impacts the safety of those within the prison
- control issues which disrupt the security and good order of the prison

In parallel, we have developed a **Digital Categorisation Service (DCS)** that Offender Management staff will use to carry out categorisations, replacing the current paper forms. This new service will enable better data sharing, increase efficiency by pre-populating data wherever possible, and improve consistency in the completion and storage of categorisation forms. As in current practice, all categorisation decisions will remain subject to an individual assessment of the risk indicators by Offender Management staff.

In scope for these changes are adult men (Categories B, C, and D) and young adults (closed and open). Category A decisions are taken centrally and are subject to a different PSI. We intend to review the categorisation of women in line with these same principles, but will consider this policy separately to reflect the particular circumstances of women prisoners and women's prisons. Closed conditions for young adults are known as Category I, and Open conditions category J. In the current prison estate, due to the offending patterns of young adults only a small number are considered suitable for open conditions; this report therefore primarily considers categories B, C, D, and I.

An early version of our reformed categorisation process was tested in a shadow pilot in summer 2018, which helped us to understand the implications of our proposed changes, including a full Equalities Impact Assessment.

Overall we found no evidence of discrimination, but the relatively small sample sized involved meant we could not draw firm conclusions.

The live pilot, which succeeded the shadow pilot, tested the service’s effectiveness in informing categorisation decisions and enabling a more efficient process in nine prisons across the male and young adult estate.

The pilot prisons were:

- Belmarsh
- Pentonville
- Elmley
- Thameside
- Stanford Hill
- Lowdham Grange
- Rochester
- Maidstone
- Aylesbury

3. Justification, Protected Characteristics and Objectives:

The **justification** for this analysis comes from the public-sector duty for policy makers to undertake an equalities impact assessment whenever they propose a substantial policy change. This is in line with the stipulations of the 2010 Equality Act.² Section 149 of the Act requires policy makers to pay ‘due regard’ to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct on the basis of ‘protected characteristics’;
- Advance equality of opportunity between those who share such characteristics and those who do not; and
- Foster good relations between those who share such a characteristic and those who do not.

In addition to this general legal imperative, previous analysis has highlighted a specific need for such assessment in relation to the categorisation process. The current policy is clear that categorisation decisions should be “reached without bias in respect of race, age, religion, nationality, disability, sexual orientation or any other factor irrelevant to the categorisation process.”

The 2017 ‘*Lammy Review*’, however, argued that BAME prisoners frequently encounter bias in the categorisation process.³ It found that BAME male prisoners are more likely to be placed in high security prisons than white male prisoners committing similar types of offences. Other influential commentaries, such as the 2014 ‘*Young Review*’

² For more detail, the Equality Act can be found by following this link: <http://www.legislation.gov.uk/ukpga/2010/15/contents>.

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf.

into outcomes for young BAME and/or Muslim prisoners, have come to similar conclusions.⁴ These reports warrant further equalities based analysis of categorisation, which this impact assessment will contribute to (in relation to the B-D and young adult estate).

The Act recognizes nine **protected characteristics**, which are:

- Age
- Disability
- Gender reassignment
- Marriage and Civil partnership
- Pregnancy and maternity
- Race
- Religion or Belief
- Sex
- Sexual orientation

The categorisation pilot occurred in men's prisons, meaning that neither sex nor pregnancy and maternity are relevant considerations for this analysis. Ideally, all other characteristics would be included. Unfortunately, for many of them data is either not collected or not of sufficient quality for meaningful analysis.

When considering **age**, we grouped those aged 18-21 together to reflect the make-up of the young adult estate, and then grouped prisoners into decade age bands (i.e 22-30, 31-40 and 41-50). Those aged 51 or over we grouped together, as the older prisoner population is relatively small.

Following the evidence of possible disproportionality in our initial analysis of PNOMIS data, and pre-existing literature on the subject, we decided to focus our analysis of **race** on BAME prisoners, and our analysis of **religion** on Muslims. We compared the representation and outcomes of BAME prisoners to the White British majority of the prison population (when grouped by race). We compared Muslim prisoners to Christian and Non-religious prisoners, who combined make up the significant majority of prisoners (when grouped by religion).

As we develop our analysis in the future, we hope to look at the components of BAME – for instance, the distinctive profile of Black British prisoners – as well as smaller minorities such as Irish Travellers. We also hope to extend our analysis of religion beyond Islam, Christianity and Non-religion to other major world faith identifications i.e. Buddhism, Sikhism and Hinduism.

Whilst we have excellent data on age, and relatively good data on race and religion, our data on sexual orientation currently suffers from a low declaration rate, as does our data on disability. With disability, the problem is not only low declaration, but also uncertainty as to how many prisoners have undiagnosed hidden disabilities, particularly learning difficulties. Should our data on either sexual orientation or disability improve, we will seek to integrate these protected characteristics into our analysis. Our data on gender reassignment is relates to a very small population of prisoners (there were only 163 transgender prisoners across the entire prison estate

⁴ https://www.equalcsj.org.uk/sites/default/files/articles/clinks_young-review_report_dec2014.pdf.

in 2019).⁵⁵ We did not focus on this protected characteristic in our evaluation of the pilot, given the difficulty of detecting statistically significant trends when looking at such a small population across only nine prisons.

For these reason, this evaluation focuses on:

- Age
- Race
- Religion

The equality **objectives** of this assessment are:

- To understand the representation and spread of protected characteristics amongst prison staff responsible for categorisation assessments.
- To understand the representation and spread of protected characteristics across the entire B-D male and young adult estate.
- To understand the representation and spread of protected characteristics specifically in the pilot prisons.
- Based on the pilot results, to assess whether the new categorisation policy and associated operational practice would positively or negatively impact prisoners with protected characteristics.
- If either the current or new policy do disproportionately affect groups of people with protected characteristics, to determine whether there is there a justifiable reason for this.
- If there is not justifiable reason for disproportionality, to establish how to improve safeguards and outcome.

4. Relevant sources of information:

People:

- Meetings and interviews. Feedback has been sought from staff, including prison staff and security managers at a range of grades. Feedback has also been sought from external commentators, such as the Prison Reform Trust

⁵⁵ See 'Her Majesty's Prison and Probation Service Offender Equalities Annual Report' at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/848759/hmpps-offender-equalities-2018-19.pdf

- Published sources:
- Lammy Review 2017
 - Young Review 2014
 - HMIP Annual Report 2017/18
 - HMPPS Offender Equalities Annual Report 2018/19
 - HMPPS Staff Equalities Report 2018/19
 - HMPPS Business Plan 2018/19
 - PSI 40/2011 Categorisation and Re-categorisation of Adult Male Prisoners
 - PSI 41/2011 Categorisation and Re-categorisation of Young Adult Male Prisoners
 - PSI 37/2014 Eligibility for Open Conditions and for ROTL of Prisoners Subject to Deportation Proceedings
 - PSI 20/2016 Implementation of Equality Analysis
 - National Offender Management Service Annual Offender Equalities Report 2016/17
 - National Offender Management Service Annual Staff Equalities Report 2016/17
- Internal data sources:
- Internal PNOMIS data for November 2019 on the representation of prisoners with protected characteristics across the prison estate
 - Internal PNOMIS data on prisoner initial categorisations and re-categorisations in pilot prisons for January-November 2019
 - 2018 Shadow Pilot

5. Opportunities to embed equalities as the categorisation policy is implemented:

Activity	Dates
Initial indicative review of policy's impact on equalities in 2018 Shadow Pilot	Spring 2019
A more comprehensive review of national databases, together with assessment of the results of the Pilot	Autumn 2019
Develop improved categorisation training for prison staff	Winter 2019
Roll-out of new policy to wider prison estate, including equalities analysis during and after roll-out.	2020

6. Gaps in information

In addition to those gaps in information already discussed in relation to our limited data on prisoner disabilities and sexual orientation, a few other possible areas of concern are:

i) Historical Trends

- We have analysed results from the categorisation in pilot prisons both before and during the pilot, and have compared these results to those of non-pilot prisons. We have not attempted to analyse long-term trends well before the start of the pilot.
- We consider, however, this report a good starting point for an ongoing monitoring of the presence and treatment of groups with protected characteristics.

ii) Non-Directly Employed Staff

- These make up about half of HMPPS' workforce but information about their characteristics is not recorded in HMPPS' held data.
- This issue is relatively small, however, as the majority of staff involved in categorisations and re-categorisations (security staff, OMU staff, key workers, other prison officers working on residential units) are directly employed.
- The majority of non-directly employed staff are healthcare and education workers. As such, they could have some indirect effect on categorisation (e.g. information about how a prisoner is progressing in prisoner progress reports in education classes. In general, this would only form a small part of the overall categorisation assessment.

iii) Intersectionality

- Whilst this report presents analysis by individual characteristic, it should be remembered that in many cases, more than one factor may have an effect on an outcome.
- The majority of Muslim prisoners are also BAME, for instance.

iv) Administrative Errors

- Data used in this report has been carefully processed and analysed, but was drawn from large-scale administrative systems which may contain errors.
- Where we have come across such errors, or in the small number of cases where information on the characteristic in question is missing, the cases have been excluded from the analysis.

7. Prison Staff Responsible for Categorisation and Re-categorisations:

This report's main focus is on categorisation outcomes for prisoners, however to provide context we include below some headline data on the representation of protected characteristics amongst staff responsible for

categorisation assessments. Further details are available in the HMPPS Annual Staff Equalities Report 2018/19,⁶ and also the previous 2017/18 report.⁷

Under categorisation policy, the governor has responsibility for putting a categorisation team in place. For this reason, the type of staff responsible for categorisations varies somewhat from prison to prison, meaning that it is not currently possible to get exact figures for the identity profiles staff involved in categorisation assessments, although most commonly these are carried out by Offender Management Unit staff at grade 3-5 level. The following data is drawn from records of the entire pool of HMPPS grade 3-5 staff, the majority of which will not currently be responsible for categorisations. It accordingly should only be taken as indicative of the pool of staff carrying out categorisation assessments.

The key points from this analysis are:

Age:

- The 50-59 age band is proportionately the most represented age group at nearly all staff levels.
- One of the few exceptions is officers at grade 3-5. The largest age band for this group is 'under 30' (27% of grade 3-5 staff are under 30, whereas 24% are aged 50-59).
- The prison population is relatively young: 31% of in-scope prisoners are aged 22-30 (see next section), whilst 17% are aged 51 or over.

Race:

- BAME representation at grade 3-5 is only 6%.
- This is lower than the prison staff average of 10%.
- According to the ONS, 13% of the general England and Wales population are BAME.⁸
- BAME representation amongst prisoners is 26%.

Religion:

- In 2018-19, less than 50% of staff declared their religion. It is not meaningful to consider representation rates while declaration rates remain so low.

Summary:

Despite a greater proportion of grade 3-5 prison officers being over 50 than is the case for the prisoner population, it reflects the young prison population (63% of which is under 40) more than other staff grades. This also appears to be a consolidating trend: in 2017/18, 60% of those who joined the prison service at grade 3-5 were under 30 years old.

In relation to race, there is a more significant disparity between the profile of the average member of staff responsible for categorisation assessments (6% of which are BAME) and the prison population (26% of which are

⁶ <https://www.gov.uk/government/statistics/hm-prison-and-probation-service-staff-equalities-report-2018-to-2019>

⁷ <https://www.gov.uk/government/statistics/hm-prison-and-probation-service-staff-equalities-report-2017-to-2018>

⁸ For explanation of the 2011 census, see:

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/ethnicityandnationalidentityinenglandandwales/2012-12-11>

BAME). It is impossible to say what, if any, the exact impact of this is on prisoners. It must, however, be considered as a possible contributor to race-related disproportionality in the prisoner estate. It is also a cause for concern in itself, regardless of its impact on prisoners. Addressing the breadth of representation of prison staff is beyond the scope of categorisation policy, but should be a continued priority for HMPPS in the longer term.

8. Prison Estate: Breakdown of Protected Characteristics

Overview:

Our analysis of **race** across the in-scope prison estate (Categories B, C, D, I and J), found that BAME prisoners make up 26% of the population. Since ONS data from the 2011 census shows that BAME people account for 13% of the general England and Wales population, it appears BAME prisoners are over-represented in the prison system by a factor of 2.⁹ BAME representation was particularly high in Category B, where they made up 30% of its population. In comparison, White British prisoners accounted for 65% of prisoners overall and 61% of Category B prisoners. This is significantly lower than White British representation across the general England and Wales population, which comes to 81% according to the 2011 census. If we look at the BAME prisoner population in isolation, 19% are Category B. This is 4 percentage points more than the 15% of White British prisoners who are Category B.

We also found apparent disproportionality when we looked at the prison population from the perspective of **religion**. Muslims make up 16% of the total prison population. According to the 2011 census, Muslims account for 5% of the overall England and Wales population. They are thus over-represented in the prison system by just over a factor of 3. This rises to a factor of 4 when looking specifically at Category B, where 21% of the prisoner population is Muslim. When the Muslim population is looked at in isolation, 21% of Muslim prisoners are Category B, as compared to 15% of Christian and Non-religious prisoners.

There are two significant issues here. First, there is the overall disproportionate representation of BAME and Muslim prisoners in the general prison population. This reflects the make-up of prisoners who have come, over a number of decades, into the custody of the prison service. Second, there is the concern that BAME and Muslim prisoners are disproportionately represented in higher security categories.

We did not find such obvious suggestions of disproportionality when we looked at the prisoner population from the perspective of **age**. The most obvious trend was that a greater percentage of older prisoners are Category B than younger prisoners. If the population of prisoners aged 51 or over is looked at in isolation, 21% are Category B. This compares to only 10% of 21-year-olds.¹⁰

This is likely explained, in large part, by the fact that older prisoners in the estate are often on long-term sentences. As outlined in the beginning of this analysis, one of the purposes of DCS is to help move away from over-reliance on sentence-length as a determining factor in categorisation. The high percentage of older prisoners in category B is indicative of this problem. The other noteworthy age-related point is that the

⁹ Feeding into this is a high rate of proven adjudications. In 2017, Mixed ethnicity prisoners had the most, with 212 proven adjudications per 1000 prisoners. They were followed by Black or Black British prisoners, who had 171 per 1000 prisoners. Accordingly, Black and Mixed ethnicity prisoners also have the highest proportion of prisoners on basic IEP status, 9% and 10% respectively, at 31 March 2018. This was higher than White prisoners (6%) at the same point in time. See HMPPS Annual Offenders Equalities Report 2017/18.

¹⁰ It should also be noted here that younger prisoners are more prone than average to self-harm, inter-prisoner violence, receiving adjudications and being on a lower IEP status (HMPPS Annual Offenders Equalities Report 2017/18)

percentage of 21-year-olds at Category D is only 4%, which is significantly less than is the case for all other ages groups.

Most of the statistics referenced above relate to our analysis of internal PNOMIS data on prisoner profile. They are laid out in more detail in the tables below, rounded to the nearest 10 prisoners.

Race Across the Prison Estate in May 2019:

This table breaks down prisoner security categories according to race, explaining what percentage of each security group is made up by BAME and/or White British prisoners. For instance, 28% of Category D prisoners in the prison estate are BAME.

	Percentage of Cat B-D & I-J population (total = 67,920)	Percentage of Cat B population (11,000)	Percentage of Cat C population (45,880)	Percentage of Cat D population (7,440)	Percentage of Cat I population (3,570)	Percentage of Cat J population (30)
BAME	26% (17,380)	30% (3,310)	23% (10,480)	28% (2,060)	43% (1,530)	25% (10)
White British	65% (44,170)	61% (6,670)	67% (30,930)	65% (4,830)	48% (1,710)	72% (20)

If the last table broke down security categories according to the race of prisoners in them, this table breaks down race according to prisoner security categories. If we consider all BAME prisoner across the estate, 19% of them are in Category B.

Percentage of BAME prisoners who are Category B	19%
Percentage of White British prisoners who are Category B	15%

Religion Across the Prison Estate:

This table breaks down prisoner security categories according to religion.

	Percentage of Cat B-D & I-J population (total = 67,920)	Percentage of Cat B population (11,000)	Percentage of Cat C population (45,880)	Percentage of Cat D population (7,440)	Percentage of Cat I population (3,570)	Percentage of Cat J population (30)
Muslim	16% (10,990)	21% (2,330)	14% (6,590)	16% (1,180)	25% (890)	13% (0)
Christian and Non-Religious	79% (53,860)	73% (8,050)	81% (37,350)	78% (5,800)	74% (2,630)	84% (30)

This table breaks down religion according to prisoner security categories:

Percentage of Muslim prisoners who are Category B	21%
Percentage of Christian and/or Non-religious prisoners who are Category B	15%

Age Across the Prison Estate:

This table breaks down security categories according to the age of the prisoners in them. For instance, it shows that 33% of category C prisoners are aged between 22-30. In practice, the 18-21 row refers only to 21-year-olds, as those younger are not eligible for categories B-D.

	Percentage of overall prisoner population in B-D categories (total = 64,310)	Percentage of Cat B made up by each age group (11,000)	Percentage of Cat C made up by each age group (45,880)	Percentage of Cat D made up by each age group (7,440)
18-21 (21)	2% (1,420)	2% (170)	3% (1,170)	1% (80)
22-30	31% (20,080)	30% (3,320)	33% (14,970)	24% (1,780)
31-40	32% (20,370)	30% (3,330)	32% (14,560)	33% (2,480)
41-50	18% (11,380)	17% (1,900)	17% (7,920)	21% (1,560)
51+	17% (11,070)	21% (2,270)	16% (7,250)	21% (1,540)

This table breaks down age according to prisoner security categories. For instance, 16% of prisoners aged 31-40 are Category B.

	Percentage of prisoners in each age group in Cat B	Percentage of prisoners in each age group in Cat C	Percentage of prisoners in each age group in Cat D
18-21	10% (160)	72% (1,130)	4% (60)
22-30	17% (3,320)	75% (14,970)	9% (1,780)
31-40	16% (3,330)	71% (14,560)	12% (2,480)
41-50	17% (1,900)	70% (7,920)	14% (1,560)
51+	21% (2,270)	66% (7,250)	14% (1,540)

9. Pilot Prisons: Breakdown of Protected Characteristics

Overview:

The nine pilot prisons were chosen with the aim of covering all prison types and based on operational availability, rather than providing a statistically representative sample of the national population. As a result, there are some differences between the population in the pilot prisons and the population in the wider prison estate. Category J prisoners (those under 21 deemed suitable for open conditions) have not been included in the figures below, as there are only 2 Category J prisoners across the pilot prisons.

In relation to **race** and **religion**, the overall prisoner populations of the pilot prisons show the same trends as national Category B-D and I populations. The disproportionate representation of BAME and Muslim prisoners in Categories B,C,D and I taken together is, however, more stark than the national situation. Indeed, the average over-representation of BAME prisoners increases from a factor of two nationally to a factor of three in pilot prisons (39% across all categories; 42% in Category B), and from a factor of three to almost a factor of five for Muslim prisoners (24% across all categories; 27% in Category B).

The pilot prisons reiterate the tendency for a higher proportion of Muslim prisoners (29%) to be at category B, as opposed to C or D, than of their Christian or non-religious counterparts (24%). Unlike the wider estate, however, a higher percentage of White British prisoners in the pilot were Category B (29%) than BAME prisoners (27%).

Whilst disproportionality averaged across the pilot is generally more intense than is the case nationally, this is to be expected given that the pilot prisons were disproportionately located in London and the South East. Consequently, the pilot prisons receive a large number of individuals from London, where the UK-wide Muslim and BAME population disproportionately lives. Indeed, there are four times as many BAME people living in London (41%) as in the rest of England (10%), and over twice as many Muslims (12% vs 5%).¹¹

In relation to **age**, the national trend of older age groups containing higher proportions of Category B prisoners is not reiterated in the pilot population. Indeed, prisoners aged 22-30 in the pilot had the highest proportion of people in category B (31%). The percentage of 21-year-olds in Category D is even lower in the pilot prisons (only 2%) than it is nationally (4%). In contrast, the percentage of those aged over 51 in Category D was higher in the pilot than it is nationally (20% vs 14%).

Race in the Pilot Prisons during the 2019 Scheme:

This table breaks down prisoner security categories in pilot prisons according to race, explaining what percentage of each security group is made up by BAME and/or White British prisoners. For instance, 37% of Category D prisoners in the pilot prisons are BAME.

	Percentage of Cat B-D & I pilot prisons' population (total = 5,440)	Percentage of Cat B pilot prisons' population (1,380)	Percentage of Cat C pilot prisons' population (3,030)	Percentage of Cat D pilot prisons' population (630)	Percentage of Cat I pilot prisons' population (400)
BAME	39% (2,130)	42% (580)	36% (1,100)	37% (230)	56% (220)
White British	42% (2,310)	48% (670)	40% (1,210)	49% (300)	30% (120)

This table breaks down race according to prisoner security categories:

Percentage of BAME prisoners who are Category B	27%
Percentage of White British prisoners who are Category B	29%

¹¹ See <https://www.trustforlondon.org.uk/data/topics/population-geography/>

Religion in Pilot Prisons during the 2019 Scheme:

	Percentage of Cat B-D & I pilot prisons' population (total = 5,440)	Percentage of Cat B pilot prisons' population (380)	Percentage of Cat C pilot prisons' population (3,030)	Percentage of Cat D pilot prisons' population (630)	Percentage of Cat I pilot prisons' population (400)
Muslim	24% (1,330)	27% (380)	23% (690)	21% (130)	33% (130)
Christian and Non-Religious	71% (3,890)	67% (930)	74% (2,240)	74% (460)	64% (260)

Percentage of Muslim prisoners who are Category B	29%
Percentage of Christian and/or Non-religious prisoners who are Category B	24%

Age in Pilot Prisons during the 2019 Scheme:

This table breaks down security categories in pilot prisons according to the age of the prisoners in them. For instance, it shows that 37% of Category C prisoners are aged between 22-30. Again, the 18-21 row refers effectively only to 21-year-olds, as those younger are not eligible for categories B-D.

	Percentage of overall prisoner population in B-D prisons (total = 5,040)	Percentage of cat B made up by each age group (1,380)	Percentage of cat C made up by each age group (3,030)	Percentage of cat D made up by each age group (630)
18-21	11% (550)	3% (40)	4% (120)	0% (10)
22-30	36% (1830)	41% (560)	37% (1120)	22% (150)
31-40	32% (1610)	31% (430)	2% (970)	33% (210)
41-50	17% (850)	15% (200)	17% (510)	24% (140)
51+	12% (600)	11% (150)	6% (330)	11% (120)

This table breaks down age according to prisoner security categories. For instance, 27% of prisoners aged 31-40 in pilot prisons are Category B:

	% prisoners in each age group going to cat B	% prisoners in each age group going to cat C	% prisoners in each age group going to cat D
18-21	19% (30)	70% (110)	2% (0)
22-30	31% (560)	61% (1120)	8% (150)
31-40	27% (430)	60% (970)	13% (210)
41-50	24% (200)	60% (510)	17% (140)
51+	25% (150)	54% (330)	20% (120)

10. Outcomes at Initial Categorisation

Overview:

In relation to **race** and **religion**, the number of individuals receiving an initial categorisation reiterated the disproportionate representation of BAME and Muslim prisoners found in our analysis of the pilot prison populations. BAME prisoners were over-represented by almost a factor of three at the initial categorisation stage compared to their share of the UK population, (accounting for 36% of initial categorisations), and Muslim prisoners by almost a factor of five (accounting for 23%). This compares to BAME prisoners representing 18% of initial categorisations in non-pilot prisons.

Given the over-representation of Muslims in the pilot prisons' Category B populations, one might expect a disproportionate number of Muslims to be made Category B in initial categorisations. In fact, the percentage of Muslims made category B (7%) was marginally less than the percentage of Christian and Non-religious prisoners made Category B (8%). The percentage of Muslim prisoners made category B in pilot prisons before the prison was very similar, at 8%.

In relation to BAME prisoners, the analysis of the pilot prison population found that a lower percentage of BAME prisoners were in Category B than is the case for White British prisoners. In initial categorisations during the pilot, however, slightly more BAME prisoners were initially categorised as Category B (10%) than White British prisoners (7%), albeit with a relatively small sample size. This is similar to the split in pilot prisons before the

launch of the pilot, where the figures were 8% and 6% respectively. It is also similar to the proportions in the non-pilot prisons (6% and 4% respectively).

BAME prisoners were, then, very significantly over-represented in initial categorisations compared to their prevalence in the UK population, and consistently initially categorised as B at a slightly higher rate than White British prisoners. Muslim prisoners were also very significantly over-represented in initial categorisations, but were not initially categorised at B at a higher rate than White British prisoners.

In relation to **age**, older prisoners were more likely than their younger counterparts to be made Category D and less likely to be made Category B. The numbers are so low for categories B and D, however, that it is difficult to make meaningful interpretations; only five prisoners over 51 were made category D.

The Race of Prisoners Initially Categorised in Pilot Prisons during the live pilot

This table breaks down initial categorisations in the pilot prisons by race and outcome. For example, 89% of initial categorisations of BAME prisoners resulted in a category C decision against 91% of decisions for White British prisoners:

	Percentage of All Initial Categorisations (total = 2,280)	Percentage made Cat B	Percentage made Cat C	Percentage made Cat D
BAME	36% (810)	10% (70)	89% (630)	0% (0)
White British	36% (810)	7% (50)	91% (700)	2% (10)

The Ethnicity of Prisoners Initially Categorised in Pilot Prisons Prior to the pilot (in 2019):

	Percentage of All Initial Categorisations (total = 2,730)	Percentage made Cat B	Percentage made Cat C	Percentage made Cat D
BAME	40% (1,090)	8% (80)	89% (870)	3% (30)
White British	38% (1,050)	6% (60)	91% (890)	3% (30)

The Race of Prisoners Initially Categorised in Non-Pilot Prisons¹²:

	Percentage of All Initial Categorisations (total = 39920)	Percentage made Cat B	Percentage made Cat C	Percentage made Cat D
BAME	18% (7,230)	6% (400)	91% (5,850)	3% (170)
White British	70% (28,010)	4% (960)	93% (24,580)	3% (900)

The Religion of Prisoners Initially Categorised in Pilot Prisons during the live pilot:

	Percentage of All Initial Categorisations (total = 2,280)	Percentage made Cat B	Percentage made Cat C	Percentage made Cat D
Muslim	23% (520)	7% (30)	92% (420)	0% (0)
Non-Religious and Christian	72% (1,650)	8% (120)	91% (1,380)	1% (20)

¹² This data is for non-pilot prisons in 2019 in the months prior to the scheme.

The Religion of Prisoners Initially Categorised in Pilot Prisons Prior to the Pilot:

	Percentage of All Initial Categorisations (total = 2,730)	Percentage made Cat B	Percentage made Cat C	Percentage made Cat D
Muslim	21% (560)	8% (40)	90% (460)	2% (10)
Non-Religious and Christian	67% (1,820)	7% (110)	91% (1,520)	2% (40)

The Religion of Prisoners Initially Categorised in Non-Pilot Prisons:

	Percentage of All Initial Categorisations (total = 39,920)	Percentage made Cat B	Percentage made Cat C	Percentage made Cat D
Muslim	9% (3,630)	7% (220)	91% (2,940)	3% (90)
Non-Religious and Christian	72% (28,770)	4% (1,090)	93% (25,200)	3% (750)

The Age of Prisoners Initially Categorised in Pilot Prisons during the 2019 Scheme:

	Percentage of All Initial Categorisations (Total = 2,280)	Percentage made cat B	Percentage made cat C	Percentage made cat D
18-21¹³	13% (300)	6% (20)	94% (90)	0% (0)
22-30	34% (770)	10% (80)	89% (690)	1% (10)
31-40	28% (650)	7% (50)	92% (600)	1% (0)
41-50	15% (350)	5% (20)	94% (330)	1% (0)
51+	9% (200)	5% (10)	93% (910)	3% (10)

11. Outcomes at Re-categorisation Reviews

Overview:

In relation to **ethnicity** and **religion**, re-categorisations again reiterated the disproportionate representation of BAME and Muslim prisoners in the pilot prisons compared to the general UK population. For instance, 34% of re-categorisation cases in pilot prisons during the scheme were of BAME prisoners. In general, however, this did not translate into a disproportionate number of re-categorisations upwards to higher security categories for these groups. The vast majority of BAME and Muslim (roughly 90%) Category C prisoners remained as C in pilot prisons, before and during the scheme, and in non-pilot prisons; only 2% on average were moved up to B (similar to the outcome for White British and Christian/Non-religious Category C prisoners).

Two points of possible concern in relation to BAME prisoners are first that a higher proportion of BAME prisoners are re-categorised from i) D to C and ii) I to B, than is the case for White British prisoners. This is case before and during the pilot and in non-pilot prisons. This trend is replicated for Muslims in pilot prisons, but not in the non-pilot prisons. It is also worth noting, however, that BAME prisoners were consistently more likely to be moved down from Category B to C than White British prisoners in pilot prisons before and during the pilot, and also in non-pilot prisons. Muslim prisoners were also more likely to be moved down from Category B to C than Christian and Non-religious prisoners in pilot prisons during the scheme.

¹³ Note that the majority of the 18-21 age group will count as young adults, who are not generally eligible for category B-D

In relation to **age**, the majority of Category B and C prisoners stayed in their category when reviewed, regardless of age. Younger prisoners (especially those aged 22-30) were more likely to be moved up from Category D to C than older prisoners. The numbers in question are so small, however, that they are not statistically significant.

The Race of Prisoners Re-categorised in Pilot Prisons during the 2019 Scheme

	Percentage of All Re-categorisations (total number of re-categorisations = 1,470)
BAME	34% (500)
White British	40% (590)

This table shows the security categorisation changes of BAME and White British prisoners who had a re-categorisation review during the pilot prisons during the scheme. For example, of those Category B BAME prisoners who had a re-categorisation review, 66% remained in B:

	% B>B	% C>C	% D>D	% B>C	% C>D	% C>B	% D>C	% I>B	% I>C	% I>D
BAME	65% (110)	89% (240)	29% (10)	35% (60)	8% (20)	2% (10)	71% (10)	38% (10)	53% (20)	0% (0)
White British	72% (120)	83% (310)	32% (10)	28% (50)	15% (60)	2% (10)	68% (20)	16% (0)	60% (20)	4% (0)

The Race of Prisoners Re-categorised in Pilot Prisons Prior to the Pilot:

	Percentage of All Re-categorisations (total number of Re-categorisations = 3,700)
BAME	40% (1,470)
White British	41% (1,530)

	% B>B	% C>C	% D>D	% B>C	% C>D	% C>B	% D>C	% I>B	% I>C	% I>D
BAME	76% (360)	88% (790)	46% (20)	24% (110)	9% (80)	2% (20)	54% (20)	33% (20)	67% (40)	0% (0)
White British	80% (420)	84% (760)	44% (20)	19% (100)	14% (130)	2% (20)	54% (30)	22% (10)	74% (40)	4% (0)

The Race of Prisoners Re-Categorised in Non-Pilot Prisons:

	Percentage of All Re-categorisations (total number of re-categorisations = 63,600)
BAME	23% (14,930)
White British	69% (43,600)

	% B>B	% C>C	% D>D	% B>C	% C>D	% C>B	% D>C	% I>B	% I>C	% I>D
BAME	76%	88%	46%	24%	9%	2%	54%	33%	67%	5%
	(2,180)	(9,100)	(930)	(500)	(1,370)	(170)	(390)	(40)	(220)	(10)
White British	80%	90%	66%	19%	9%	1%	33%	5%	89%	6%
	(5,160)	(30,100)	(2,130)	(1,250)	(3,060)	(310)	(1,070)	(30)	(440)	(30)

The Religion of Prisoners Re-Categorised in Pilot Prisons during the 2019 Scheme:

	Percentage of All Re-categorisations (total number of re-categorisations = 1,470)
Muslim	25% (3,670)
Non-Religious and Christian	69% (1,010)

This table shows the security categorisation changes of Muslim and Christian/Non-religious prisoners who had a re-categorisation review during the pilot. For example, of those Category B Muslim prisoners who had a re-categorisation review, 69% remained in B:

	% B>B	% C>C	% D>D	% B>C	% C>D	% C>B	% D>C	% I>B	% I>C	% I>D
Muslim	69%	90%	18%	31%	12%	1%	82%	39%	57%	0%
	(80)	(190)	(0)	(40)	(80)	(0)	(10)	(10)	(10)	(0)
Non-Religious and Christian	71%	86%	33%	29%	12%	2%	67%	24%	59%	2%
	(180)	(570)	(10)	(70)	(80)	(10)	(20)	(10)	(30)	(0)

The Religion of Prisoners Re-Categorised in Pilot Prisons Prior to the Pilot:

	Percentage of All Re-categorisations (3,690)
Muslim	14% (880)
Non-Religious and Christian	(2,580)

	% B>B	% C>C	% D>D	% B>C	% C>D	% C>B	% D>C	% I>B	% I>C	% I>D
Muslim	77% (230)	90% (460)	45% (10)	22% (70)	9% (40)	2% (10)	55% (10)	30% (10)	70% (30)	0% (0)
Non-Religious and Christian	78% (570)	87% (1,460)	45% (30)	22% (160)	12% (190)	2% (30)	54% (40)	28% (30)	70% (70)	2% (0)

The Religion of Prisoners Re-Categorised in Non-Pilot Prisons:

	Percentage of All Re-categorisations (63,600)
Muslim	14% (8,840)
Non-Religious and Christian	78% (49,850)

	% B>B	% C>C	% D>D	% B>C	% C>D	% C>B	% D>C	% I>B	% I>C	% I>D
Muslim	83%	86%	71%	17%	12%	2%	28%	11%	86%	3%
	(1,370)	(5,400)	(530)	(290)	(740)	(120)	(210)	(20)	(150)	(10)
Non-Religious and Christian	80%	89%	66%	20%	10%	1%	33%	9%	85%	6%
	(5,700)	(34,350)	(2,380)	(1,440)	(3,700)	(390)	(1,200)	(60)	(570)	(40)

The Age of Prisoners Re-Categorised in Pilot Prisons during the 2019 Scheme

This table shows the breakdown of categorisation changes by age. For example, of the Category B 22-30 year-old prisoners who had a re-categorisation review, 73% remained in Category B:

	% B>B	% C>C	% D>D	% B>C	% C>D	% C>B	% D>C	% I>B	% I>C	% I>D
Overall	70%	88%	31%	30%	11%	2%	69%	29%	57%	1%
	(280)	(820)	(20)	(120)	(100)	(20)	(30)	(20)	(40)	(0)
18-21¹⁴	80%	83%	0%	20%	13%	0%	0%	30%	58%	1%
	(0)	(20)	(0)	(0)	(0)	(0)	(0)	(20)	(40)	(0)
22-30	73%	89%	10%	27%	9%	3%	90%	/	/	/
	(120)	(320)	(0)	(50)	(30)	(10)	(10)			
31-40	67%	88%	25%	33%	11%	1%	75%	/	/	/
	(80)	(250)	(0)	(40)	(30)	(0)	(10)			
41-50	67%	84%	33%	33%	14%	1%	66%	/	/	/
	(40)	(130)	(0)	(20)	(20)	(0)	(10)			
51+	74%	88%	54%	26%	11%	1%	46%	/	/	/
	(30)	(80)	(10)	(10)	(10)	(0)	(10)			

¹⁴ Note that the majority of the 18-21 age group will count as young adults, who are not generally eligible for category B-D

12. Conclusions and Recommendations:

Our analysis of population stock data has shown that there is significant disproportionality in the prison system (both estate wide and in the pilot prisons) in relation to race and religion. Prisoners from a BAME and/or Muslim background are over-represented in prisons by a factor of two to three as compared to their representation in the wider UK population. This is especially marked in the higher security categories. It is also clear that a slightly disproportionate percentage of older prisoners are in Category B prisons across the estate as a whole, albeit not in pilot prisons. These different forms of disproportionality may be due partly to historic issues with the categorisation process, which is something categorisers should be aware of when reviewing the category of longer-term prisoners.

Our analysis of the flow of prisoners being categorised in pilot prisons, before and during the scheme, and in non-pilot prisons, also found consistent disproportionality in the numbers of BAME and/or Muslim prisoners coming through the system compared to the UK population (i.e. a disproportionately large percentage of categorisation cases related to BAME and Muslim prisoners).

What our analysis of the flow did not uncover (in either pilot prisons or non-pilot prisons), however, was significant disproportionality in outcomes for BAME and/or Muslim prisoners being categorised and re-categorised. BAME prisoners who were initially categorised consistently appeared to be made category B at a slightly higher rate than White British prisoners. It should, however, be noted again that the difference in outcomes only amounts to three percentage points, not a statistically significant difference. The fact that they are also more likely than White British prisoners to be downgraded from Category B to Category C suggests there is not systematic discrimination against BAME prisoners, and the fact that Muslims were slightly *less* likely to be initially categorised to B indicates that there is naturally some variation in outcomes. It might be that some BAME prisoners are over-categorised (and this needs continual monitoring), but it does not appear from our analysis that systematic over-categorisation is currently occurring.

In general, it seems that the new process has not increased disproportionality in the system. Whilst there is no strong evidence yet that they have dramatically improved equality of outcomes for prisoners with protected characteristics, this report does indicate the enhanced depth of analysis data digitisation of the process allows. By continuing to monitor and act on equalities data, the new policy and digital system will contribute to a fairer and more transparent categorisation system over time.

Short term recommendations

- i) Staff interviewed at pilot prisons did not tend to consider potential bias in relation to protected characteristics a significant issue. Whilst their work does not show any obvious disproportionality of outcome, more broadly it seems worth increasing staff awareness of protected characteristics and possible bias. We will emphasise the importance of making unbiased decisions in the Policy Framework and associated guidance, as well as the need for managers to monitor outcomes for any signs of discrimination. We will also embed the importance of equalities in any wider roll-out of the new process.
- ii) Staff had greatly varying opinions regarding the place and usefulness of representations, which allow prisoners to contribute to the assessment and justify their desired categorisation outcome. We will be clear in the Policy Framework that representations should be sought wherever possible, to give greater voice to prisoners.

Long term recommendations

- i) Where representations are made by prisoners about their assessments, they are paper based and typically destroyed when the categorisation has been completed. Further digitisation would allow

their voices greater permanence and the possibility of more accurate research into prisoner perspectives on categorisation and bias.

- ii) Continue efforts to increase the diversity of the prison workforce, especially at grade 3-5 level.

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