

Input into MoJ/HMPPS Recovery Planning Process

The collective voice of the BAME-led Charity Sector

This briefing represents collective feedback from BAME-led organisations delivering a range of support services to prisoners, including external scrutiny and advocacy work in prisons. These are small and specialist organisations representing black, Asian and minority ethnic communities, including Gypsy, Roma and Traveller people. Collectively, these organisations serve thousands of BAME individuals across the CJS in England and Wales. A full list of organisations which have contributed to this briefing is provided below.

BAME-led charities recognise the unprecedented challenges faced by the prison system during this pandemic, which still continues to affect countries across the world. The sector also recognises the disproportionate impact of Covid-19 on minority ethnic communities in the UK and globally. The emerging evidence is worrying:

- Black people are 4.2 times more likely to die from Covid-19
- 6 out of every 10 Covid-19 care worker deaths have been BAME
- Of the bus drivers who have died from Covid-19, more than 50% have been BAME
- Of the first 20 doctors who died from Covid-19, 90% were BAME

It has been twelve weeks since lockdown was introduced in prisons, with over 480 prisoners and over 945 staff having tested positive for Covid-19 across the majority of establishments. Still there is no ethnicity breakdown published of those affected by the virus.

There is a shared sense of anxiety among the organisations with regard to their staff returning to prisons, caused, in part, by the lack of official information from the MoJ / HMPPS. Assumptions are being made based on the experience of BAME communities in the UK and the US where the data collected on Covid-19-related deaths and infection rates portrays a worrying picture.

Whilst it may not yet be clear why the danger of contracting COVID-19 and subsequent mortality rates are higher for BAME people, it is clear that a bespoke health and wellbeing offer should be developed and rolled out for BAME staff, not just in the prison system, but also across other institutions to encourage and support more people back into face-to-face contact as we learn to co-exist with this pandemic.

The sector welcomes the action taken by other professional networks producing BAME staff-focused guidelines informing and assisting their response to Covid-19. For example, NHS England and NHS Improvement (NHSEI) guidelines¹ on 29th April, which, although not detailing any specific protections for BAME staff, do state that ‘employers should risk-assess staff at potentially greater risk and make appropriate arrangements accordingly’. However, this may change, thanks to a) more professional networks and organisations calling for specific measures to be put in place for BAME staff and b) the publication of findings from ongoing reviews² and inquiries³ into Covid-19 impact on BAME communities.

This briefing focuses on the challenges of BAME-led organisations in the CJS, the needs and challenges of their staff and service-users who come from minority ethnic backgrounds and therefore represent groups at higher risk from Covid-19.

The document identifies a number of areas for the MoJ / HMPPS to consider in its recovery planning process which would effectively identify and mitigate these risks and ensure the safe return of BAME-led charities into prisons.

The following are the top five areas of concern and calls to action the sector asks the MoJ / HMPPS to consider:

1. **Safeguarding measures**, which include risk assessments that specifically take into account the physical and mental health of BAME staff, are being developed by charities for their staff. This is in line with NHS guidance for employers on risk prioritisation and management, which includes ethnicity. There is a range of statutory requirements, including the PSED, which together form part of the duty of care that public institutions owe to their staff.

There are a number of specific issues that need to be considered to enable charities to resume services and return their staff to prisons:

- In order to resume its services, the sector would like to know what measures are being put in place for HMPPS staff, particularly those from BAME backgrounds, and to what extent these measures may be extended to BAME voluntary sector staff working in prisons.
- Charities would like to have more information about the availability of tests and protective equipment in prisons for HMPPS staff, including for partner organisations, and whether this could be extended to the charity sector. Otherwise, charities may need to prepare to supply masks and hand gels to their own staff. There is then the question of risk assessment and security processes in prisons in relation to charity staff bringing in their own masks and gels. BAME staff already feel they are subjected to greater security scrutiny than their white counterparts.
- Some charities have already developed risk assessment guidance documents and tools for their staff and are willing to share these with HMPPS. Amongst other measures, it might be necessary to consider redeployment of staff to lower-risk work areas and make working from home opportunities available to them. It is paramount that staff and charities should not face any repercussions for doing this. The sector recommends that such an approach be carefully and actively considered rather than BAME staff being made to feel guilty for not wishing to take up roles requiring face-to-face engagement and therefore exposing themselves to greater risk.

The sector feels that such measures would address anxiety caused by the current uncertainty and would ensure the safe return of their staff and specialist services, which are vital in engaging and supporting BAME individuals in the CJS.

2. **The financial sustainability** of the BAME sector in the CJS has been an ongoing challenge. The majority of BAME charities are *smaller and more vulnerable* than mainstream CJS charities. During Covid-19 many organisations have found that demand for their services has increased, including from families of prisoners from minority ethnic groups. BAME-led charities are trusted organisations within their communities, who often see them as the first port of call for support. Whilst the sector is keen to re-commence its work, not all organisations have the financial capacity to respond to increased demands on their services.

There are a number of specific issues that need to be considered for both the short-term and longer-term financial sustainability of the sector:

- Funding in the CJS is usually taken up by larger organisations who are better-equipped to be successful in bidding. The BAME-led sector consists mainly of smaller organisations which are more likely to be rejected or excluded from these opportunities. As noted by one of the participants, the sector often finds itself *'fighting over the crumbs'*.
- Organisations based outside London are more disadvantaged in accessing funding and other types of support. BAME-led regional charities are more likely to face financial difficulties than London-based organisations.
- Service users of BAME-led regional charities also have fewer opportunities to access the advice and support available to prisoners released in London and other major cities.
- Organisations based outside London are likely to feel more disconnected and isolated from established links, networks and opportunities.
- The sector would like to see more transparency around the funding opportunities across the CJS, including those in relation to Covid-19, and would like to see the list of successful organisations published more promptly and publicly.

In going forward, BAME-led charities would welcome extra support not only in the form of funding opportunities but also regular engagement with the MoJ / HMPPS.

- 3. Engagement with the BAME sector** is paramount and the sector would welcome the opportunity to work with HMPPS in informing its recovery planning process. However, many charities have found communication at both local and central level to be challenging during Covid-19. This has led to a feeling of further isolation from the MoJ / HMPPS. Organisations feel that communication should be strengthened through direct dialogue with the sector. For example, discussions can take place through the RR3 BAME cluster group as an already established communication channel.

There are a number of specific issues that need to be considered in terms of the engagement with the sector:

- It is critical to consider BAME charities as stakeholders in decisions that may have a disproportionately adverse effect on them, their staff and their communities, in prisons and across the CJS.
- Many BAME organisations have felt extremely isolated, with no communication from the prisons they have been working with for years, or from HMPPS, which has left them feeling *'over-used and under-valued'*.
- The sector suggests using the Clinks survey of members to reach out specifically to the BAME sector to identify good practice and seek their views.
- The sector would also welcome a more coordinated relationship with prisons through a designated point of contact, and clear guidance on what is expected from them and what are the responsibilities of the prison administration in terms of safety and security.

4. **The recovery process is critical to rehabilitation** and charities welcome a careful, thorough and inclusive planning process by the MoJ / HMPPS. Whilst charities recognise the importance of taking into consideration the needs and challenges faced by all prisoners during these difficult times, the specific needs of BAME prisoners and prison leavers must also be considered.

There are a number of specific issues to be considered as they relate to the needs of BAME prisoners and prison leavers:

- Pre-Covid-19, the data⁴ shows a greater disproportionality of BAME individuals across the CJS, along with disproportionately negative treatment and outcomes. With this in mind, the sector asks that these existing pre-conditions be given due consideration in the recovery planning process.
- The sector mostly serves individuals with multiple and complex needs who often experience additional disadvantages post-release due to the lack of specialist services available to them. BAME-led charities would welcome further conversations with Clinks and the MoJ / HMPPS about the importance of BAME specialist post-release services and how to incorporate them into mainstream services.
- Some organisations in the sector have already developed good practice models for engaging with and supporting BAME service-users which could be shared and replicated widely. It has been reported recently that self-harm incidents are occurring regularly⁵ and many families report the alarming deterioration of mental health in their loved ones in prison.
- The sector can offer bespoke and tailored wellbeing support throughout, and beyond, the crisis with many organisations now able to deliver their services to BAME prisoners and staff remotely. That said, some BAME-led charities report technical difficulties in making their services available to prisoners compared to non-BAME charities. For example, one organisation signed up to the 'email to prisoner' scheme more than a month ago and has yet to receive any response from HMPPS.

5. **Transparency and accountability during Covid-19** provide critical reassurance to both BAME charities and the communities they serve. This unprecedented time has created barriers for statutory organisations such as HMIP and IMB to carry out their duties of effective monitoring in prisons and reporting on treatment and conditions during Covid-19.

There are a number of specific issues that need to be considered in terms of legitimacy and procedural justice during the planning and implementing of local delivery models in prisons:

- The sector is concerned that trust and legitimacy will be undermined by lack of transparency and of accountability mechanisms, including those delivered by charities. The Lammy review⁶ highlighted the wider implications of the lack of trust among BAME individuals in the CJS; this is even more important during these challenging times, in securing compliance and achieving order.
- We would like to see the Recovery Planning process give relevant consideration and recognition to this issue as well as to the vital role of the BAME-led sector in building that trust and legitimacy.

- Charities that were providing external scrutiny and support around equalities in prisons are adapting to new realities, and are in the position to offer their services.

The disproportionate impact of COVID-19 on BAME communities is acute, both personally and professionally. As highlighted in this briefing, there are a number of challenges faced by small and grassroots organisations in terms of responding to Covid-19 and developing good practice in adaptation. However, BAME-led organisations collectively offer significant resources tailored for their service-users, including wellbeing and mentoring resources, which need to be considered in the recovery planning process.

Even before Covid-19, the sector felt it was not operating on a level playing field within the CJS, a situation likely to worsen once the system returns to a 'new normal' reality.

The BAME sector should be viewed as a vital resource for connecting and building trust with BAME communities. The sector, representing over 27% of individuals in the prison system, should be a valued partner and ally in improving the treatment of, and outcomes for, these groups. The lack of information and communication during these uncertain times could have a detrimental impact on the relationships with the sector and the communities both now, and in the future. This could be the start of long-awaited change.

Himaya Haven

Ipswich & Suffolk Council for Racial Equality

Khidmat Centres (Bradford)

Mary Magdalene CIC

Project 507

Spark 2 Life

The Traveller Movement

The Zahid Mubarek Trust

¹<https://www.nhsconfed.org/resources/2020/04/second-phase-of-the-nhs-response-to-covid19#protection>

²<https://www.gov.uk/government/news/review-into-factors-impacting-health-outcomes-from-covid-19>

³<https://labour.org.uk/review-into-the-impact-of-covid19-on-bame-communities/>

⁴<https://www.gov.uk/government/statistics/hm-prison-and-probation-service-offender-equalities-annual-report-2018-to-2019>

⁵<https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/06/Womens-prisons-SSV-2020.pdf>

⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf