Developing Statistics that Drive Change

Future of the S95 Statistics on Race and the CJS: The Government’s Response to the Root and Branch Review

i. Introduction

1. The Root and Branch Review of S95 Statistics on Race and the CJS is the first time that there has been a fundamental look at the statistics and users’ needs since they were first published under the 1991 Criminal Justice Act. The review considers the S95 statistics in the light of developments since 1991 in both the CJS and race relations more generally, including the Race Relations Amendment Act 2000 and the creation of Local Criminal Justice Boards.

2. Since they were first published in 1992 the statistics have developed incrementally. Whilst their scope has expanded, there has been no clear strategy for either developing what statistics should be collected or maximising their use to tackle discrimination. The fundamental review provides an opportunity to move towards a strategic approach. This document sets out how the Government will develop this strategic approach taking account of the recommendations of the review. The specific response on each of the recommendations is at Annex A. If you have any comments on the approach set out in this strategic document, please send them to Sara Trikha, CJS Race Unit, Ground Floor, Fry, 2 Marsham Street, London SW1P 4DF (cjsrace@homeoffice.gsi.gov.uk) by Monday 27th November 2006.

ii. The fundamental review of S95 statistics

3. The CJS Race Unit was asked to make recommendations on the collection, analysis and publication of Race and the CJS Statistics. The review was commissioned to address this and was given the remit of developing proposals:

   - for an efficient, cost effective statistics system to meet identified needs;
   - to develop data collection systems that enable individuals to be tracked through the system;
   - recommend how data should be made available to users, in what regular outputs and in what form.

4. The review found that the statistics are a potentially powerful tool in improving performance on race issues in the CJS and consensus that the publication of national S95 statistics was desirable and should continue. The review also found examples of good practice in the collection and use of statistics but identified several weaknesses in meeting users’ needs; the most fundamental being a lack of recognition that S95 statistics are essentially the national publication of information gathered locally to enable agencies to fulfil their race equality responsibilities.
iii. Ownership of the statistics

5. A key recommendation of the review (recommendation 1) seeks to define the local and national agency responsibilities for Race and the CJS statistics and in particular suggests a new role for Local Criminal Justice Boards (LCJBs). The recommendation is that LCJBs should take a strategic role in promoting local statistics for example, by publishing local data and encouraging member agencies to take on board, own and use the statistics.

6. The Government fully accepts this recommendation, in so far as it concerns the role of local and national agency collection and use of statistics. However, it does not believe that in the current context LCJBs currently have the capacity to take on a significant and fundamentally new role in relation to the co-ordination, collation and publication of S95 statistics.

7. LCJBs face an important and challenging task to deliver the CJS PSA targets and making them responsible for the development of ethnicity statistics could divert their resources and focus. Even if additional resources were made available to LCJBs, the serious issues raised by the review about completeness and timeliness of the statistics will require significant effort and impetus from central departments to address.

8. The key CJS PSA measure on race forms part of the target to “Re-assure the public, reducing fear of crime and anti-social behaviour, and building confidence in the criminal justice system (CJS) without compromising fairness” in part by ensuring that:

   “the percentage of people from Black and Minority Ethnic communities who think that one or more CJS agency would treat them worse than people of other race is lower than the baseline year (2001)”.

9. This target is measured by the Home Office Citizenship Survey (HOCS), which is collected every two years. It is not possible to disaggregate the HOCS data to LCJB level, and therefore currently there are no local targets for BME trust and confidence. The review recommends that LCJBs should collect regular information, from household surveys, on public confidence in CJS services in their local areas, covering both the white and BME populations. The Government believes there are significant issues around the cost and methodology of asking all LCJBs to undertake such surveys, particularly in areas with small BME populations. For that reason we do not currently believe it would be cost effective for all LCJBs to be required to conduct surveys of their BME population but we do accept the fact that more needs to be done to deliver data on this issue and will therefore:

   - consider how HOCS could be expanded to provide more regular data and the possibility of analysing HOCS data at a smaller geographical level than is currently available;

   - develop local-level proxy measures that are indicative of performance on race issues;
- having previously worked with the LCJBs in the six areas with the largest BME populations in developing local baselines for measuring confidence – we will work with them to evaluate and take this forward and disseminate the lessons learned from this process to all LCJBs.

**Improving dissemination and use of statistics to drive performance**

**Locally**

10. Although there are limitations on local data available on BME confidence in the CJS system, there is a range of other data currently collected that provide information locally and nationally and give indications of the experience of BME people as victims, CJS employees and offenders. We agree with the review that it is critical in delivering the target around perceptions of fairness that agencies and Local Criminal Justice Boards understand and use the data in order to ensure the services they are delivering are fair and are seen to be fair. To achieve this, the Government has or will be undertaking the following measures:

- In November 2005 we circulated a “Race Information Pack” (RIPs) to all LCJBs alongside the existing “Performance Information Pack” (PIPs). These provide each area with data on race issues, and encourage them to consider why incidents or disproportion are occurring in their area, whether the information provided assists them in that process, and whether there is other information they would find it helpful to have disseminated.

- Having completed consultation on the RIPs we will look to incorporate this information in the PIPs as a matter of routine and, based on discussions with LCJBs, consider how the information contained in the pack might be used as a proxy measure for confidence locally. This information can be used, alongside qualitative information, to identify areas whose performance is giving rise to concern. These areas will be asked to provide reassurance and information to the Government about actions being taken to effect improvements. Depending on the outcome of these enquiries that may result in support from OCJR’s Performance Action Team (PAT) being arranged.

- This will be supported by the Joint Performance Information Tool which will include BME data as part of a performance information package which will allow LCJBs to compare themselves with other similar areas.

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1 In 2004 OCJR funded the six LCJBs with the largest BME populations for projects to ascertain what influences public confidence amongst BME people in their area. This work has been completed and is currently being evaluated.

2 The Joint Performance Information Tool is a performance management information tool, which has been developed for LCJBs and performance officers to:
   - enable LCJBs to analyse data and reduce reporting times;
   - allow comparison of local performance against local and central targets;
   - enable comparison against other areas;
   - allow boards to manage end-to-end performance.
- We have issued headline guidance to all LCJBs on what they should do to deliver the PSA targets. This includes high level advice on the need to make use of locally collated data and the importance of improving its quality and coverage. This headline guidance has been supported by a series of seminars including workshops on how data collection can inform local delivery. We will look to augment this work with a specific toolkit (which will include guidance on the minimum data set described below) offering technical advice on how the data can be interpreted locally.

- In support of this guidance we will collate and disseminate examples of good practice in the collation and use of statistics from local areas.

  - We will encourage agencies to publish, in association with their annual reports on Race Equality Schemes, their mechanisms for using the statistics to improve services to local communities. To support this OCJR-RDS will provide advice on research and evaluation methods for local projects to help LCJBs to better use and understand the statistics.

  - We will move from annual to quarterly monitoring of data on stops and searches, initially limited to those made under PACE for performance management purposes. In time this new approach will be expanded to cover other stop and search powers and consideration will be given to rolling it out for other ethnicity returns.

**Nationally**

11. The Government will continue to publish an annual volume of statistics, as required by legislation, and seek to make it more relevant and accessible to users. The annual publication needs to address a number of audiences including those who require the detailed data for further analysis and a more general audience that does not require the detailed numbers but wants information on trends and more contextual information. To do this the Government will:

  - continue to produce documents aimed at the lay audience presenting the key messages of the statistics primarily at a national level and a policy response to issues raised (we will consider whether an Overview report is the most appropriate format);

  - publish detailed tables on the web with data quality and timeliness improved;

  - in line with the recommendation of the review look creatively at the options for improving the dissemination to the broad range of audiences with an interest in the statistics including greater use of the web, although we will use existing and proposed web developments in the CJS for this purpose rather than a new dedicated website;

  - in line with the review’s observation of the need for a regular and consistent cycle of publication, an advance timetable for publication of the statistics will be developed
and publicised, starting with the 2004/05 statistics which will be published in early spring 2006 and at the same time in future years.

12. The move to centrally collated quarterly monitoring of stop and search (see paragraph 10) and consideration of taking a similar approach to other BME statistics will provide further opportunities to drive performance nationally as well as locally. This will build on existing developments within CJS agencies to better use ethnicity statistics as performance measurement tools including:
   - the Police Performance Assessment Framework indicator on disproportionality in the percentage of stops and searches resulting in arrests;
   - the CPS developing a Hate Crime Prosecution measure to improve the number of successful hate crime prosecutions.

We will continue to undertake research to help explain and understand the statistics – including research on the reasons for the disproportionate representation of people from BME communities at all stages of the CJS.

**Improving data quality and timeliness**

13. None of the above work will have value unless the S95 statistics are robust, complete and timely. The review has highlighted a number of problems in this area. There have already been improvements in the completeness of ethnicity data collected by some agencies, but there remain gaps in the provision of data supplied by most of the agencies using the 16+1 ethnicity classification system. The Government will continue to build on existing work on supporting the improving data quality and timeliness from agencies through the following:

   – For the first time we will look to formalise the requirement for expected levels of data quality and timeliness by issuing a minimum data set to CJS agencies. This will set out which statistical series need to be provided centrally; the quality and completeness which should be aimed for; frequency; and the use that should be made of such data by local agencies.

   – The review identified a number of areas that should be included in a minimum data set including stop and search, arrest, mode of remand decision, racist incidents, sentencing decisions, use of community service, pre-sentence reports, prison population, complaints and employment. In taking this recommendation forward the Government will build on those recommendations and look to work with agencies on developing the minimum data set and guidance on how it should be used.

   – As part of that we will focus on getting agencies to improve their use of 16+1 (the 16 point classification used in the 2001 Census – rather than the 4 point system that had been used in the past). The aim of this is to provide a single common system for collecting ethnicity data in all agencies, consistent with the demographic information available from the Census.
In the shorter term we have developed a spreadsheet to support police forces in providing quarterly stop and search monitoring data which will provide the user with in-built quality assurance checks.

- We will also encourage improved completion rates by including the completion of ethnicity returns in the management information to LCJBs and in the annual publication of S95 statistics to help agencies identify where and why there are gaps in data, and consider what remedial action is needed.

14. Further work is currently under way within the Home Office to improve statistical collections more generally including the Chief Scientist’s review of all statistical collections that are not National Statistics (this includes the race and criminal justice statistics). Our work to improve the consistency and completeness of the statistics will take into account the recommendations of these broader programmes of work.

Ensuring users’ needs for race and the CJS statistics are built into the CJS Management Information System

15. As the fundamental review of S95 statistics highlights, sufficient priority is not given to identifying management information requirements as part of the user requirement prior to designing and building IT systems. This work will need to take place in the context of the work on the comprehensiveness and robustness of the statistics as it is not simply a matter of IT, it is about ensuring the quality of data to populate management information systems.

16. The Criminal Justice Management Information System Programme aims to provide more consistent, coherent and timely management information on a joined-up CJS. As this system is designed we will work to ensure it includes ethnicity data and pursue the need to track cases through the CJS system.

Oversight of the statistics

17. A technical advisory group (TAG), chaired by Professor Stephen Shute, played an important role in guiding the shape of the review and development of the Overview report. To support the development of robust and useful data and the implementation of the programme of work set out above, the Government will establish a Development Advisory Group of internal and external stakeholders to oversee the work of developing the statistics. The Development Advisory Group will also comment and advise on the annual volume of statistics and other publications. It will be chaired by an independent chair of suitable technical expertise. Key elements of the review such as the development of the minimum dataset will also be underpinned by further consultation with key stakeholders including policymakers, practitioners, academics and other key interest groups to ensure we take into account the needs of the range of users of the statistics as we take forward our programme of work.