

# Beyond a numbers game

Diversity and inclusion of Black, Asian and minoritised staff in the criminal justice workforce

June 2023



**Criminal  
Justice  
Alliance**

The Criminal Justice Alliance (CJA) is a network of over 180 organisations working towards a fair and effective criminal justice system. Our members include charities, social enterprises, think tanks, research institutions and staff associations, and individual academics. They work across the criminal justice system, from policing to prisons, probation to victims' services.

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# Foreword by Abimbola Johnson

Barrister, Doughty Street Chambers  
Chair of the Independent Scrutiny & Oversight Board for the Police Race Action Plan



## This is a poignant and timely report.

Repeatedly, we hear that there are lower levels of trust and confidence in the criminal justice system amongst racially minoritised communities when compared to our white counterparts. The reasons for this are multi-layered including: generations of disproportionate punishment and under protection of minoritised groups by the criminal justice system; a lack of meaningful engagement with and influence from our communities on the decision-making processes in the system; and an internal culture that fails to value and respect staff and practitioners from racially minoritised backgrounds.

Recent years have seen a resurgence in focus on issues relating to discrimination and more specifically racism in workplace environments. We've seen initiatives being rolled out, action plans published, and promises made. However, the reality is that much of the work in this area remains under resourced, under prioritised, undervalued and opaque.

Significant promises are made at launch events but the day-to-day work of tackling racism in organisations is detail oriented, requires dogged focus, long-term solutions and strong foundations that often require structural change in organisations to be truly embedded. Workforce reform requires buy in from all levels of seniority in organisations. It requires ownership by all, not just the enthusiastic volunteers who frequently come from racially minoritised backgrounds, or worse, individuals attracted by an opportunity for promotion who have no real grasp or connection with the principles and ethos of the work itself. Those who are in positions for the right reasons must be supported by administrative resource, given adequate training that looks at emotional intelligence, and proper remuneration for their work. Importantly, they need to be properly listened to and respected.

I've spent more than a decade working in the criminal justice system as a criminal defence then inquest and inquiries barrister, I also sit on the management committee of the Black Barristers' Network and I chair the Independent Scrutiny & Oversight Board which monitors the police's implementation of their National Race Action Plan which aims to eradicate anti-Black racism in policing.

Through each lens I have had, or witnessed, many of the experiences set out in this report: the disproportionate number of Black suspects, defendants and witnesses that come through the system; the burden of the unpaid work that rests on the shoulders of racially minoritised professionals to generate change; the exhaustion I experience at having to repeat over and over my experiences and to provide insight

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only for it frequently to lead nowhere; the misconception that speaking to people in my position satisfies the need to engage with our multi-faceted communities; and frustration at seeing talented colleagues of colour overlooked for promotion while small mistakes they have made or quirks they display are overanalysed and dissected in a way I do not see repeated for white applicants.

It's even more frustrating to see these experiences in the criminal justice system than anywhere else. This is a system entrusted to assign guilt, that contains the power to deprive people of their liberty, to use force. As such, the expectation of fairness and equitable treatment is justifiably high. Inadequate delivery of these values in the treatment of its own workforce understandably undermines trust and confidence that the system will treat members of the public accordingly.

**The pragmatic and thoughtful recommendations within this report are a welcome steer to challenge the system to tackle these issues more intentionally and to deliver meaningful change.**

*Abimbola Johnson*

# Executive Summary

## Overview

In 2019 the Criminal Justice Alliance (CJA) began to take a whole system look at racial diversity and inclusion in the criminal justice workforce, an issue all criminal justice agencies have been grappling with and making efforts to improve in recent years. However, progress has been slow, and this report seeks to understand the barriers, what can be done to drive forward change and why it is important to do so.

Through a review of the relevant literature, as well as a series of events, roundtables and interviews with officials and representatives from professions across different criminal justice agencies, we have explored the topics of recruitment, retention, and progression. The report draws together key themes and challenges, shares emerging positive practice and makes recommendations for employers and policy makers. Quotes throughout the report and have been anonymised to encourage open discussion.

## Relevant external events

The 1999 Macpherson Report on the murder of Stephen Lawrence was a milestone event for the Metropolitan Police and the wider criminal justice system, concluding that the force was institutionally racist.<sup>1</sup> However, recent events have highlighted its shortcomings and the lack of progress in the two decades since the report was published.

Since 2019 huge changes have occurred across the globe, the UK, and our Criminal Justice System (CJS). The pandemic accentuated the pressures and tensions in relation to inequalities, with economic status and ethnicity being major variables in how communities were disproportionately impacted, including in our criminal justice system.

Race and criminal justice have made headlines from the widespread protests in the summer of 2020 following the killing of George Floyd in America, to high profile incidents closer to home including disturbing police action following the deaths of Nicole Smallman and Biba Henry in 2021, the shooting of unarmed Chris Kaba by police in 2022 and the publication of Baroness Casey's damning review<sup>2</sup> of the Metropolitan Police in 2023. We have also seen the Police, Crime, Sentencing and Courts Act 2022 introduce more punitive sentencing measures and police powers which will deepen racial disparities.

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## Evidence of toxic workplace cultures

This report, along with Baroness Casey's review and other recent research on the judiciary and legal professions, and thematic inspection reports on race in prisons and probation, all add to deeply concerning evidence of toxic and racially discriminatory workplace cultures across our criminal justice system. There is an urgent need for all institutions and agencies to acknowledge and address the individual harm and systemic barriers these cultures create, hampering efforts to attract and retain staff from a range of racial and ethnic backgrounds. We need employers, policy makers and government institutions to show joined up and strategic leadership to make the systemic changes needed so that Black, Asian and minoritised staff feel safe and valued at work and want to promote careers in the criminal justice sector to their friends, family and communities.

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**A stronger focus on retention and progression is crucial to make a long-term difference to workforce diversity**

## Beyond a numbers game

Many criminal justice agencies focus on recruitment processes and promotion of vacancies when attempting to increase diversity. However, less thought is given to retention (including developing safe and inclusive workplaces) and progression (ensuring racial diversity is present at all levels of an agency or organisation). This report shows that focusing purely on the numbers coming in is insufficient and ineffective. A stronger focus on retention and progression is crucial to make a long-term difference to workforce diversity.

## Recruitment

Participants in our workshops felt the biggest barrier to criminal justice agencies' being able to recruit more diversely was their inability to address their poor reputations with under-represented communities. They believed more targeted outreach and engagement from criminal justice agencies was key, as well as addressing systemic issues such as reducing discriminatory outcomes when their communities came into contact with that that agency. Negative experiences of racially minoritised staff left many feeling conflicted in encouraging others from their communities to consider joining the criminal justice workforce. They recognised and passionately believed in the need for a more diverse workplace, but often felt they could not encourage others to join for fear that they would have a negative experience like their own.

Efforts to make recruitment processes more open and to attract a wider range of candidates, such as blind applications and explaining the processes to under-represented communities, were welcomed. Positive action initiatives also gained support and participants wanted to see more CJS agencies utilising them. Equality statements in recruitment adverts were welcomed by some, but also viewed with a sense of cynicism by others if outcomes for minoritised communities in contact with that agency or organisation were consistently poorer.

## Retention and inclusion

Experiences of racism and discrimination were common amongst those we spoke to, from bullying and name calling, through to more insidious and subtle forms such as micro aggressions and stereotyping. This was having a huge impact on staff satisfaction and retention. Examples were given of senior staff being complicit with, or turning a blind eye to, racist attitudes and behaviours, adding to the toxic work culture. This happened both in the workplace, but also on social media, with the 'canteen culture' now also being online. Many participants felt they would never fit in and be accepted without compromising their cultural identity, so they couldn't bring their whole self to work. Negative experiences in complaints and grievance processes, along with a fear of retaliatory action, led to a lack of trust.

Many frontline staff explained how this compromised their safety. They questioned whether they could they rely on colleagues who might be abusive and have racist views in a job when teamwork was crucial when dealing with potentially dangerous situations. Racially minoritised staff also told us they felt that were viewed with higher levels of suspicion by white colleagues.

There was frustration that leadership from senior management was often lacking in creating safe, discrimination-free working environments, as well as inadequate budget and resources for race equality initiatives, such as specialist organisation support or training. More work was needed to advance the understanding and knowledge of all CJS staff in relation to diversity, race and fairness in the CJS and current training was often a 'tick box' exercise. There were also examples of resistance to anti-racism training and initiatives from white colleagues. Staff networks to support racially minoritised staff were welcomed, but too often were not adequately endorsed by senior managers. Racially minoritised staff who ran the networks were often doing the work in their own time and not valued for their contributions, which led to resentment.

## Progression

Racially minoritised staff told us they don't trust CJS organisations to support career development and progression. They believed lack of progression compared to white colleagues was about structural barriers and not individual deficiencies. They also shared experiences of managers and colleagues putting them off applying for senior roles. As a result, participants felt talent was being ignored and wasted. Many expressed frustrations at seeing white colleagues progress through the hierarchy, while their progression quickly plateaued.

The lack of Black, Asian and ethnic minority senior managers in many agencies and organisations in the sector was cited as glaring. Some expressed concerns that when Black, Asian or ethnic minority people were in leadership positions they were often supporting junior staff through mentoring and promotional activities in their own time, without sufficient support or resource. Performance assessment and review processes came in for criticism as biased and unfair.

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Recruitment to temporary, internally advertised and acting up secondments and positions were identified by participants as an area that often lack transparency and therefore disadvantaging Black, Asian and ethnic minority staff. Independent oversight and scrutiny on progression routes was often lacking.

## **Racially minoritised people with criminal records working in the CJS**

Racially minoritised people with criminal records faced a compounding discrimination: racism combined with stigma regarding their previous convictions. The perception of an increased 'risk' associated with having a criminal record and negative racial stereotypes often blocked peer-led interventions and services from being instigated in the prison system, as vetting processes are opaque and onerous. Some racially minoritised staff with criminal convictions had been frequently unsuccessful with applications for senior roles and felt they could progress more quickly outside the CJS.

## **Employer checklists for reflection and self-assessment**

At the end of each section we have included a checklist of questions for managers, senior leaders, staff networks and other interested parties to ask themselves in relation to recruitment, retention and progression. We hope this will be a useful tool for organisations in their assessment and development of practice and policy to improve workforce diversity and inclusion.

### **Note on language**

We do not use the 'BAME' or 'BME' acronyms due to their limitations, the descriptor has various interpretations and is also regarded as an inappropriate term by some of the people and communities it seeks to describe. Where possible we have disaggregated information and data for different ethnic groups.

When we use the term 'ethnic minority' or racially minoritised' this includes Gypsy, Roma and Traveller people and those from other countries (meaning non-UK citizens) unless we state otherwise. We recognise that no two minority ethnic groups will have the same experiences and that many will face discrimination due to other identifying factors along with their race (intersectionality). Below we have a list of some of the key terms and acronyms used in the report.

# Recommendations for policy and system-change

Below are some high-level policy recommendations for criminal justice agencies and government.

## **1. Tackling racial disparities in our criminal justice system is vital to improve the reputation of criminal justice agencies. Urgent action needs to be taken to implement recommendations of reports relating to race and improve adherence with the Public Sector Equality Duty. The Home Office and the Ministry of Justice should:**

- Publish annual updates on progress implementing recommendations of The Lammy Review and other recent reports including HMI Prison and Probation thematic review on race.
- Establish a database of policies across both departments and their associated Equality Impact Assessments.
- Identify racial groups that are disproportionately impacted by more than one policy.
- Publish an analysis of these cumulative impacts and continue to do this on an annual basis.
- Refer to the database and take cumulative impact into account in any future Equality Impact Assessments when assessing proportionality, justification and whether any mitigation is effective.
- Re-assess any adverse impacts that policies in the database may be having on specific racial groups on an annual basis. Consider any changes in the cumulative impact to decide whether additional mitigation or a change of policy is required.

## **2. A multi-agency approach is necessary to improve racial diversity across the whole criminal justice workforce. The government should set up a working group made up of government officials, representatives from different criminal justice agencies and specialist race equality organisations. This group should:**

- Develop consistent data collection and monitoring processes and publish a publicly available 'dashboard' to improve scrutiny and transparency across the sector.
- Set up independent accountability mechanisms to track progress across the CJS, including considering the roles of the Inspectorates and other external scrutiny mechanisms like the ISOB.
- Bring together a centralised and regularly updated repository of good practice examples, case studies and templates employers can draw on to assist recruitment, retention and progression.
- Set up workshops and events to facilitate discussion across different agencies to share challenges and solutions.

## **3. The criminal justice voluntary sector should develop plans to improve recording and sharing of workforce data to enable progress to be measured.**

## **4. Sufficient resources should be allocated by government to support this work, including investing 'by and for' organisations, as reparation for past harms.**

# Glossary

<b>Direct discrimination</b>	The act of treating someone less favourably or worse for certain reasons. For example, because they identify as having one or more protected characteristics such as religion, age or race.
<b>Disproportionate</b>	When something is too large or too small when compared with something else.
<b>Diversity</b>	In the workplace, diversity focuses on the composition of a staff – demographics such as gender, race/ethnicity, age etc.
<b>Equality</b>	Each individual or group of people is given the same resources or opportunities.
<b>Equity</b>	Recognises that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome.
<b>Inclusion</b>	A measure of culture that enables diversity to thrive.
<b>Indirect discrimination</b>	When a policy that is applicable to everybody, disadvantages a group of people who share a protected characteristic.
<b>Institutional racism-</b>	The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.
<b>Intersectionality</b>	A framework for conceptualising a person, group of people, or social problem as affected by several discriminations and disadvantages. It considers people's overlapping identities and experiences in order to understand the complexity of prejudices they face.
<b>Racism</b>	Consists of conduct or words or practices which disadvantage or advantage people because of their colour, culture, or ethnic origin.
<b>Positive Action</b>	The Equality Act allows employers to take action that may involve treating one group that shares a protected characteristic more favourably than others, where this is a proportionate way to enable or encourage members of that group to overcome or minimise a disadvantage, have their different needs met or participate in a particular activity <sup>3</sup> .

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<b>Protected Characteristics</b>	It is against the law to discriminate against someone because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
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<b>Public Sector Equality Duty</b>	The public sector equality duty was created by the Equality Act 2010 and replaces the race, disability and gender equality duties. Those subject to the general equality duty must have due regard to the need to: <ul style="list-style-type: none"><li>• Eliminate unlawful discrimination, harassment and victimisation.</li><li>• Advance equality of opportunity between different groups.</li><li>• Foster good relations between different groups.</li></ul>
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## Acronyms

<b>CJS</b>	Criminal Justice System
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<b>CPS</b>	Crown Prosecution Service
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<b>GRT</b>	Gypsy Roma and Traveller
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<b>HMICFRS</b>	His Majesties Inspectorate of Constabulary Fire Rescue Services
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<b>HMI Prisons</b>	His Majesties Inspectorate of Prisons
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<b>HMI Probation</b>	His Majesties Inspectorate of Probation
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<b>HR</b>	Human Resources (Personnel Management Directorate/Team)
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<b>IMB</b>	Independent Monitoring Board (A board of community members who provide external/independent scrutiny of prisons)
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<b>ISOB</b>	Independent Oversight Scrutiny Board (the scrutiny body overseeing the NPCC Race Action Plan)
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<b>MOJ</b>	Ministry of Justice
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<b>NPCC</b>	National Police Chiefs' Council
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# Introduction

## Background

Since 2019 the CJA has been exploring the issue of improving racial diversity across the criminal justice workforce, from police officers to prison officers, lawyers to judges, victim service providers to probation officers. Five years have now passed since David Lammy's review<sup>4</sup> which raised concerns about recruitment, retention, and progression of Black, Asian and minority ethnic staff across criminal justice agencies. In that report he highlighted some green shoots, such as improved diversity in the Parole Board and Crown Prosecution Service (CPS). However, when he spoke to the CJA in 2020<sup>5</sup> he was frustrated at the slow pace of change and lack of political leadership to drive this issue forward across the whole criminal justice family of institutions.

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**A more diverse workforce is not a 'magic bullet' that will solve racism and discrimination overnight**

## Whole-system view

This report summarises the key themes from a series of events, roundtables and interviews with people working across the CJS in different roles and at different levels we have held over the past four years. Quotes from the focus groups which were held under Chatham House rules and where participants were told their contributions would be anonymised are indicated in blue. We also draw on other external reports and reviews.

As an alliance of members working right across the CJS, we wanted to take a whole system look at the issue of workforce diversity which is too often considered in silos. We aimed to better understand the common structural barriers that exist to achieving a workforce not just more representative of the country, but of those who are disproportionately impacted by the CJS. We wanted to identify and share solutions and good practice where it exists and to grapple with why diversity matters in the criminal justice system.

## Not a magic bullet

As we carried out this work, there was a common theme that a more diverse workforce was not a 'magic bullet' that would solve racism and discrimination overnight. That tokenistic efforts which may result in better statistics around recruitment did not address the critical issues of retention and progression. That we should not rely on trying to get a 'critical mass' of racially minoritised people to reach some sort of 'tipping point' that will change the culture and behaviours of

an organisation by numbers alone. As David Lammy highlighted at one of our events:

‘Recruitment does not mean you solve issues of race and structural discrimination. If that were the case, there would be no protests, against the LA or New York police dept who have cracked the figures in relation to recruitment. I just think it is the beginning, but it is only the beginning of rebuilding trust.’

## Not just a numbers game

One interviewee summed up the problem of just looking at the issue as a numbers game:

‘My deep concern is that when people in the system talk about recruiting diversely, what they really want is what they’ve already got. They just want it to have darker skin, but fundamentally they want what they’ve got. They just want it to come in a different package. They don’t recognise that, when you recruit diversely, you get different stuff and that that’s part of the strength of diversity... While we’re just recruiting for what we’ve already got and hoping that it will be packaged differently, we’re not going to get too far.’

As the former Justice Secretary and Lord Chancellor Robert Buckland highlights, speaking at the same CJA event in 2020 with David Lammy on the issue:

‘We know healthy and successful organisations are those which are diverse. They that don’t fall prey to group think. [...] If we want better outcomes from the CJ system frankly it’s common sense and that’s what we need to drive home here. [...] The rule of law is all about equality under the law and ensuring that is a reality for everyone is of course part of our work as criminal justice providers.’

This was reinforced powerfully by someone with lived experience at the launch of this piece of work who commented:

‘When one goes through the court process, they are told that a jury of their peers will determine their fate. And yet when one looks around the court room the judge is white, prosecutor is white, defence barristers & lawyers are white, the jury is white. At this stage there is always a feeling that the context of my defence will probably not be understood.

Upon entering the prison system most of the staff are white and it suddenly dawns on you that equality will for the duration of your sentence be an alien concept. The lack of diversity entrenches sentiments of them and us. If the system operates in racial silos, it will never progress beyond racial stereotypes. It is these stereotypes that inform people’s access to healthcare and education, sentence progression and psychological interventions.

The CJS in my view has perceptions that Black people are predisposed to violence and criminality. And it is reflected in the manner in which the journey through the system is mapped out. Workforce diversity in my view can go some way to breaking down these stereotypes and reducing discriminatory behaviours.’

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**If the system operates in racial silos, it will never progress beyond racial stereotypes**

## Structural and institutional racism in the CJS

The landmark Macpherson Report in 1999 brought attention to the issue of structural and institutional racism within criminal justice institutions. Subsequent reports and reviews have further underscored the existence of this racism and its detrimental effects on racially minoritised staff and those directly impacted by the system. For example, the recent HM Inspectorate of Prisons (HMIP) report on the experience of Black male prisoners and prison staff<sup>6 4</sup> found that despite progress with recruitment, lack of retention and progression of those staff was undermining those efforts.

With word of mouth such an important tool for recruitment, staff members having poor experiences can reverberate negatively across communities and families. Far from being the flag wavers for new recruits from those communities, they will be a further potential barrier. Corporate reputation amongst racially minoritised communities in this context is essential. The quote below from the recent HMIP report highlights the personal struggles for acceptance for many minoritized staff.

'I am not a prisoner but not quite on the same level as the rest of the prison officers.' (Black prison officer)

Our discussions highlighted the sense of minoritised staff being 'othered', feeling not fully part of the team, and at worse being ostracized and at times placed in personal danger because of these negative group dynamics.

## What comes first: diversity or inclusion?

There is a perpetual 'chicken and egg' discussion around diversity and inclusion. What comes first: a diverse workforce or an inclusive culture? The truth is, we must come at these issues from multiple avenues at the same time. Relying on recruitment of minoritised staff to miraculously change culture and expecting this by itself to reduce racial disparities in our system is at best fanciful and at worst harmful in loading such expectations on Black, Asian and minority ethnic staff, without driving forward other wider reforms.

## The harms perpetuated by toxic workforce cultures

The launch of the Casey Review has set out the significant harms that can result from toxic corporate cultures. It should be at the top of the political and management agendas across all areas of government and the CJS. Following on from the Independent Culture Review into the London Fire Brigade<sup>7</sup>, the series of scandals around policing and Her Majesties Inspectorate of Constabulary Fire and Rescue Services (HMICFRS) report into police vetting<sup>8</sup>a powerful body of evidence is accumulating about the devastating impacts that can accrue from toxic workplace cultures which spawn and protect discriminatory practice and unlawful behaviour. As recent reports by Her Majesties Inspectorates of Prisons and Probation, as well as from the CJA and

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Independent Monitoring Board<sup>9</sup>, show, experiences of direct and indirect racism against staff and people in their care are prevalent and clearly more widespread than institutions may wish to acknowledge.

A common theme has been the negative experience and lack of protection for people making complaints and whistle-blowers. Leadership is critical to address the challenge of creating workplaces and cultures that are safe for all staff. However, what the increasing volume of recent inspections, reviews and reports point to is a leadership model often struggling to address the challenge and, in some cases, complacent, defensive, and seemingly complicit. As Baroness Casey has rightly stated in relation to the Metropolitan Police, this needs to change. We believe her warning should be heeded across the CJS.

## The need for reconciliation and reparation

Before this work can truly begin, the government and institutions must acknowledge the deep rooted, often trauma filled, experiences of some ethnic minority communities working in and impacted by the CJS and look at ways to promote reconciliation and reparation for these harms. As the National Police Chiefs Council (NPCC) Police Race Action<sup>10</sup> plan sets out:

‘We will co-design pilots with the National Black Police Association, external partners and Black communities that aim to improve relations, acknowledge and reconcile previous harms, and engage seldomly heard voices from Black communities.’

## The interplay between reputation and recruitment

A key theme running through this work is the concept of trust. The legacy of reviews, reports and research into racial injustice which have not led to sustained improvements has undoubtedly damaged the reputation of the CJS amongst many minoritised communities. Along with the consistent poorer outcomes and levels of trust. For CJS institutions their reputations amongst minoritised ethnic groups are intrinsically linked to the experiences of these communities when in contact with these institutions. A clear and absolute acknowledgement of this seemingly obvious fact has not always been apparent. Many institutions appear to be ignorant or just choose to ignore this critical inter-relationship between recruitment and their agencies’ reputation and history with certain communities. The following comments from the Casey Review are pertinent:

‘The use of stop and search in London by the Met needs a fundamental reset. Stop and search is currently deployed by the Met at the cost of legitimacy, trust and, therefore, consent.’

‘But ultimately, it is the Met that has to change itself. It is not our job as the public to keep ourselves safe from the police. It is the police’s job to keep us safe as the public. Far too many Londoners have now lost faith in policing to do that. Many Londoners, particularly Black Londoners, never had it to begin with. I completely understand why they feel that way.’

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**The launch of the Casey Review has set out the significant harms that can result from toxic corporate cultures**



## Enough talk, we need to see action

A collaborative, multi-pronged, whole system approach must also be adopted by our government departments and institutions if we want to see sustainable, long-term change. There is a bigger and more fundamental piece of work to be done than a sole focus on improving recruitment processes. This includes urgently reforming discriminatory policies wherever they are found; rooting out employees with racist/discriminatory attitudes and behaviours; developing meaningful accountability mechanisms to uncover and address disparity; embracing difference and the challenges it brings to the status quo; proactive efforts to foster greater understanding; becoming anti-racist and promoting power sharing through supporting minoritised staff to progress to leadership and decision-making roles.

Diversity and inclusion must not be just a numbers game, with rainbow photo shots on corporate websites and intranets loaded with centralised policies around equality and diversity, but not delivered at the frontline. There has been enough talk. We hope this report helps move forward with both the practical short-term actions individual organizations and agencies can take, as well as the more systemic, longer-term changes that are required to bring a more equitable and effective criminal justice system. Anything less should not be countenanced.

# Current state of play across the criminal justice workforce

## Policing

- At the end of March 2019, 93.1% of police officers were from the White ethnic group and 6.9% were from other ethnic groups.
- 4.0% of senior officers were from the Asian, Black, Mixed and Other ethnic groups combined, compared with 2.8% in 2007.
- Between 2007 and 2019, the total percentage of police officers from the Asian, Black, Mixed and Other ethnic groups went up from 3.9% to 6.9%.
- On 31 March 2020, 92.3% of police officers in England and Wales were White, and 7.7% were from Asian, Black, Mixed and Other ethnic groups.
- At the time of the 2011 Census, 85.6% of working age people were White, and 14.4% were from the combined Asian, Black, Mixed and Other ethnic groups.

These figures were taken from Police Workforce UK Ethnicity Facts and Figures<sup>11</sup>.

## Prisons

- From 2015 to 2020, the percentage of prison officers who were Black went up from 2.3% to 3.4% - the percentage of prison officers who were White went down from 94.6% to 92.3%.
- The percentage of prison officers whose ethnicity was unknown went down from 30.1% in 2019 to 18.9% in 2022.

The above statistics were taken from Prison Officer Workforce Ethnicity Facts and Figures<sup>12</sup>.

## The Parole Board

- In November 2018 it was reported that only 5% of Parole Members who make parole decisions affecting serving prisoners were from Black, Asian and ethnic minority communities.
- A recruitment process in 2019 saw the figure rise to just below 12%.

The figures above were taken from a BBC article in 2018<sup>13</sup> and from the Parole Board's website<sup>14</sup>.

## Probation

- 16.2% Probation staff were from an ethnic minority background (2019).
- 13.7% Probation staff who are non-white (2020).
- 13.8% Probation staff in senior management grades who are non-white (2020).

The statistics above came from HMPPS Prison Service Staff Equalities Report 2021/22<sup>15</sup> and HM Inspectorate of Probation's Report on Race Equality in Probation: the experiences of Black Asian and Minority Ethnic Probation service users and staff<sup>16</sup>.

## The Judiciary & Legal Professions

### Magistrates

- 1 April 2020 13% were from Black, Asian and Minority Ethnic (BAME) backgrounds (up from 12% last year).

### Solicitors & barristers

- At 1 April 2021, 15% of barristers, 18% of solicitors and 14% of Chartered Legal Executives were from Black, Asian and minority ethnic backgrounds.
- Minority ethnic representation reduces in the more senior ranks of the legal professions, such as KC and solicitor partners.

### Judicial appointments

- In the past three years Asian, Black, Mixed ethnicity and other ethnic minority individuals were over-represented in applications for judicial appointments, but less well represented among recommendations.
- Overall, from the eligible pool, recommendation rates for Asian candidates were an estimated 36% lower than for White candidates. Rates for Black candidates were an estimated 73% lower than for White candidates. Rates for Mixed ethnicity candidates were an estimated 82% higher than for White candidates. Rates for candidates from other ethnic minorities were an estimated 44% lower than for White candidates.

The above figures were taken from the report Diversity of the Judiciary- 2022<sup>17</sup>.

### The Crown Prosecution Service (CPS)

- 19.7% of CPS staff were from racially minoritised groups in 2020/21.
- This figure compares to 15% for the Civil Service

The above statistics were taken from CPS Workforce Diversity Data- 2021<sup>16</sup>

### Civil society organisations working within the CJS

Detailed figures on numbers of people employed across the range of civil society organisations working within the criminal justice system are not available.

# Recruitment

## Improving reputation, relationships and engagement with communities

‘All the good work that is being done to recruit then comes into a culture that is still not embracing diversity, race and difference, which then has people either dismissed or deciding to leave voluntarily, which again makes it disproportionate. We are constantly having to work and pedal really hard to keep what we’ve got. People are being recruited but they are not staying because they are not being progressed. It is all about that lens through which they see diversity, and race in particular.’

The above quote was made by Detective Sergeant Janet Hills, former Chair of the Metropolitan Black Police Association, giving evidence to The McPherson Report 22 years on Inquiry by the Home Affairs Select Committee in 2021<sup>18</sup>.

Racially minoritised staff working across the criminal justice workforce told us they believed the biggest barrier to criminal justice agencies’ being able to recruit more diversly is their inability to improve their reputations and to strengthen relationships with under-represented communities.

‘Being able to talk freely about the impact that the organisation is having upon black and ethnic minorities without being punished for your views or input ‘

Low levels of trust and confidence in the criminal justice system, particularly with the police, meant that many racially minoritised people felt disengaged from joining the criminal justice workforce. This perception had been made worse by agencies’ lack of acknowledgement of any past wrongdoing. For example, the recent Police Race Action Plan sets out to improve outcomes for Black people working in the police and building anti-racist police service but fails to acknowledge continuing institutional racism.

Meaningfully improving their community outreach, engagement and involvement would go some way to address this, however some staff we spoke to commented that a lack of progress on reducing racial disparities in the criminal justice system, such as stop and search and punitive rhetoric, was a barrier to engaging with racialised communities due to a lack of trust.

‘Stop portraying yourself as a prison service that is all about punishment and brutality. In the main prisoners come from certain communities and its uncomfortable to be at the forefront of punishing that community when you know of the problems that community faces and in fact your mum and dad might still live in that same community.’<sup>19</sup>.

Racially minoritised staff told us that criminal justice agencies going into communities through schools, universities, faith groups and careers events would support more diverse recruitment. It would raise awareness of what criminal justice bodies do, the different career paths available and increase positive interactions between the community and criminal justice agencies.

## GOOD PRACTICE EXAMPLE

### School outreach programme

The Ministry of Justice has a successful schools outreach programme is targeted at schools where 20 percent or more of pupils are eligible for free school meals (there is a correlation between free school meals and a higher number of Black, Asian and minority ethnic pupils) to increase awareness of what the MoJ does and potential careers<sup>20</sup>.



Improving public understanding of what agencies are and what they do, helps in debunking any ‘myths’ about criminal justice bodies and their roles, for example the separation and independence of certain criminal justice agencies.

‘I think CPS still has a ‘branding issue’, where members of the community do not necessarily understand what the distinction is between the police and the CPS. They don’t realise that they’re independent of each other.’

## Racially minoritised staff felt conflicted about encouraging their communities to join the criminal justice workforce

Despite positive community outreach initiatives, many staff discussed the conflict and tension they felt towards encouraging their own communities to join the criminal justice workforce. On one hand, they believed a more diverse workforce would create a fairer and more effective criminal justice system. They wanted to improve representation and make CJS agencies appear more familiar to their communities, in the hope it would make them feel safer and increase their trust and confidence in the CJS.

However, their own negative experiences meant they were less likely to recommend their careers to people from similar ethnic or faith communities. Staff told us they wouldn’t encourage their peers to join the CJS workforce knowing they may receive the same treatment or would be put in ‘harm’s way’. Therefore, improving current staff experiences of the workplace would help to improve ‘word of mouth’ recruitment.

‘It is hard to sell [working in] the prison to your community when you know it is so hard to be there. It was horrible... If I go back to my community, would I encourage someone to be a prison officer based on the experiences that I’ve had? As much as I think that it is important that we do have a more diverse workforce, I don’t know if I’d want to ask my friend to go through the same experience that I did.’

## Inclusive job advertising that targets underrepresented communities

Including inclusive statements in job adverts and advertising senior and leadership opportunities in accessible places was seen as an easy way to recruit more diversely. Some criminal justice agencies, especially centralised and national criminal justice bodies, were already expanding how they recruited.

'The Civil Service tries to ensure that when jobs are advertised, they're advertised on areas where anyone can access them. There was a time when they would just put them on Civil Service Jobs and assume someone would go and search for them. There was a time when they did graduate recruitment exclusively out of Russell Group universities, whereas now they have realised that that does not lead to a diverse workforce that we want.'

Many employers felt that using an equalities statement and clearly setting out an organisation's commitment can allow candidates to see that an organisation's values include equity, diversity and inclusion. However, other staff told us that these bland equalities statements and even use of more diverse imagery can be seen as 'vapid' if not accompanied by other meaningful efforts to improve recruitment, retention and progression, and to improve outcomes for racially minoritised people coming into contact with that agency.

'Well, I think you have your standard scripts about, "We are an equal opportunities employer". Whatever. You rip that off the internet, slap it in a document, you are done, right? But I think you can go further than that.'

## Inclusive hiring processes that reduce racial and ethnic bias

### Diversifying entry routes

Existing routes into the criminal justice workforce can be off-putting, particularly for under-represented racialised groups. We were told some entry-level positions, particularly in the legal profession, had unrealistic expectations where candidates were expected to have advanced qualifications or extensive years in service. This often meant that candidates were taking on volunteering roles or unpaid internships in addition to working full-time, to feel that they could be taken seriously as a credible candidate. One person told us they already had two jobs, but felt they had to take on an unpaid internship too, to access more opportunities in the criminal justice legal profession, where a stipulation was years of experience. Improving flexible working arrangements and diversifying entry requirements can also remove indirectly discriminatory barriers to joining the CJS workforce.

### Involving the public in recruitment process

Some staff told us the Human Resources (HR) and engagement teams at the criminal justice agencies they worked for were recruiting by going into communities and explaining the recruitment process and

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I have been to recruitment panels where I have been a Black woman in front of six white people. It was very intimidating.

even involving the public in the interview process. The CJA previously called for the recent recruitment of the new Metropolitan Police Commissioner to involve young people from Black communities that are disproportionately impacted by policing to help build trust, but unfortunately this suggestion was not taken up<sup>21</sup>.

## Blind applications

Several people shared their experiences of being unsuccessful in applying for criminal justice roles, until hiring processes were changed to 'blind', so that any identifying information such as their ethnicity was redacted. They were then invited to interviews. We were told that people from racially minoritised applicants can feel pressure to hide their ethnicity if application processes aren't blind. This was particularly true for pupillage applications and prison and probation roles.

'I know myself, I've been trying to go for promotion, and when it was blind, like put an application in on justice jobs, I got an interview. When it wasn't blind and it was entirely through the prison, I didn't. Even though the application was the same.'

'Some people have said, 'I don't want to put that I'm Black, African, Caribbean. I'd rather put that I'm from a mixed background because I'd probably get a better chance of getting a job interview.'"

## Diverse interview panels

Having a diverse interview panel benefits both the hiring criminal justice agency and prospective employees. For the organisation, diverse views on a panel helps to reduce any potential bias a hiring manager may have or their natural tendency to hire people who look, sound and work like them. It also increases racially minoritised colleagues' decision-making power and participation in building an inclusive workplace. However, some people from racially minoritised backgrounds told us when they had sat on interview panels they had experienced being treated as an observer, which wasn't happening to white staff, and they felt their inclusion was tokenistic:

'We do try and advocate and push for diverse panels, but there may well be individuals who don't understand your role as a full panel member as opposed to an observer. They may expect you to just be there to observe, and you are there to score and to have a say as an equal member of the panel.'

Racially minoritised staff told us that seeing people who look like them on interview panels helped them to feel comfortable and have confidence they would be understood and were less likely to be perceived negatively. People told us they had challenging and intimidating experiences providing answers or examples which were misunderstood if they had cultural references.

'I have been to recruitment panels where I have been a Black woman in front of six white people. It was very intimidating. Some of the feedback was that I was too assertive when I was answering questions. When I asked what they meant and I explained after what I was trying to say, they said, "Oh, right. Now we get you." So I lost out on an opportunity.'

## Diverse interview panels

HMPPS have launched an initiative requiring every senior leadership recruitment board to include a Black, Asian or minority ethnic panel member<sup>22</sup>.



## Support with application process

People told us that being assigned a mentor, coach or a HR professional from the staff team to support them through various application stages (for example, tests, assessment centres and onboarding) was helpful – particularly if that person was also from a racially minoritised group.

‘Every person who’s recruited had someone from the HR team allocated to them to support them through their application process... The mentor in the recruitment process was...of South Asian background, wore a head scarf. I remember even asking for a uniform that was more in line with what I was comfortable wearing, and I felt comfortable asking that question.’

## Regularly reviewing and revising hiring processes

Some criminal justice organisations regularly reviewed data on recruitment campaigns, to identify and mitigate any barriers at each stage of the application process, so as not to indirectly disadvantage racially minoritised candidates.

‘Each year we look at our recruitment process... At each stage we ask ourselves the question, ‘did a certain group drop out at this stage and if so, why?’. We get it wrong. That’s why we do the research to find out... No-one is getting it 100% right, but you need to ask yourself the question, ‘how can we make this process fairer?’

## Addressing bias in the recruitment process

Several staff we spoke to told us they had experienced bias in the recruitment process. They felt that staff already working in criminal justice agencies felt challenged by voices that didn’t sound like their own and don’t express themselves the way they do. They believed there was an ‘internalised superiority’ that people felt towards racially minoritised candidates. They wanted this to be acknowledged and addressed. Some criminal justice organisations were starting to unpick this bias and prejudice, but many people we spoke to felt this conversation was missing from developments about recruiting more diversely.

‘I have had all the evidence where I have delivered and I have been outstanding, and when I challenge [the decision not to progress an



application], ‘Oh, you were almost there. It was just that little bit more.’ And it is the same thing with interviews. ‘Oh, you were really good. It was almost there. Just a little bit more.’ Sometimes they can’t put their finger on what it is... you know that bias is in play.’

‘Whenever we talk about internalised bias and barriers to diversity, there is a personal conversation that people have to have with themselves, and ask themselves very candidly and honestly: ‘Do I feel comfortable in the presence of people who don’t look like me?’

‘This is the basis of prejudice, where they are being honest about their feelings, their views, but it’s that mindset that you have to tackle. And you can have all the policies in place, but unless you deal with that at a very basic level, that the way you’re looking at that Black guy in the hoodie is already different to the woman who looks like you. And for them, it’s hard to understand that that is a prejudice that you may have, it doesn’t necessarily mean you’re racist, but we need to tackle that. You need to be conscious of it, so that, you may make that extra effort, because you’re aware of your unconscious bias – or your conscious bias – to go and speak to that Black man. Because what is the result of it? ...You must deal with the fact that people are prejudiced. Until we deal with that, we cannot move forward, no matter how many policies you have.’

To overcome this, some criminal justice agencies were using external recruiters or HR managers, who have the skills and ability to spot, select and hire a racially diverse range of quality candidates. The use of intermediary specialist organisations had positive results in legal professions.

‘We will be putting talent in front of chambers, essentially allowing chambers to recognise that, ‘Hey, we maybe aren’t the best at this. Decades have shown that, perhaps, we’re not the best at this, but we recognise that you are able to see value and present that to us.’

However, some staff we spoke to felt that this culture of not being able to recognise talent in people who looked different to you should be worked through internally, rather than using an intermediary organisation and that criminal justice agencies should ‘take responsibility’.

## GOOD PRACTICE EXAMPLE

### Annual data review

Unlocked Graduates, a graduate scheme established in 2016 to recruit university graduates to become prison officers, review their recruitment data annually to improve inclusivity and fairness.<sup>23</sup> Each stage, including reviewing where advertising was targeted, whether more support could be offered to applicants and if tests could be in more accessible formats. As a result, other universities with more diverse studentship, introduced coaching, and written tests to situational.



## Bolder use of positive action in recruitment

Employers can use positive action to favour a candidate, where two candidates are as qualified as each other, only if the favoured candidate has a protected characteristic that is under-represented in the workforce or suffers a disadvantage due to that characteristic.<sup>24</sup> Other examples of positive action include offering training or internships to certain under-represented groups.

Many people we spoke to felt that most recruitment campaigns did not make enough use of tools like positive action. Many felt agencies across the CJS should have bolder ambitions for using positive action to increase representation, but that employers should be clear and unequivocal about what they are trying to achieve through positive action.

*'If you take the 'Black, Asian and minority ethnic' cohort, it is not a homogenous group. When you break it down, you will see that it tends to be Black African-Caribbean people who have the worst outcomes. So, to try and target that group - there is nothing wrong in that, but there is no appetite for it, which for me is quite strange... Under the Equality Act, positive action can be used to appoint a Black, Asian or minority ethnic member of staff... Yet I have not known or seen any organisation be bold enough to use the tools.'*

Too few criminal justice agencies were making use of positive action for recruitment. In some organisations it was not well-embedded or understood and was often seen as 'unofficial' or a one-off. Even within agencies where its use was more widespread, activity could be inconsistent. For example, within some police forces, positive action was being used differently to recruit for sergeant and inspector ranks. Lack of understanding of the difference between positive action (which is allowed under the Equality Act) and positive discrimination (which is not allowed) was also a barrier.

**You must deal with the fact that people are prejudiced. Until we deal with that, we cannot move forward**

### GOOD PRACTICE EXAMPLE

## Police forces using positive action across England and Wales

South Wales PCC launched a positive action programme in partnership with the University of South Wales, to support Black, Asian and minority ethnic candidates with their application and assessment process. Candidates were also offered guidance and mentoring from existing officers who were trained to help. As a result, South Wales Police saw the highest ever applications and appointment rates for Black, Asian and ethnic minority candidates in 2019<sup>25</sup>.

Sussex Police also established a dedicated positive action team, who encouraged applications from and provided application advice to minority ethnic candidates. This led to a near-doubling of the number of racially minoritised recruits - nearly doubling the percentage of ethnic and culturally diverse people hired in 2021<sup>26</sup>.



## Importance of data and targets to set ambitions and measure progress

Setting hiring targets and collecting data to evidence progress against them was generally supported by racially minoritised staff we spoke to. They felt targets meant criminal justice agencies had to assess where they are starting from, be clear on what success looked like, and set goals on how to get there, to be meaningful.

However, some staff were sceptical of target-setting, seeing it as an arbitrary and a tick-box exercise. Others expressed that some criminal justice organisations had already set recruitment targets, but this wasn't leading to a change in practice. Other criminal justice organisations were already collecting data but were using this to publish 'good news stories' rather than analysing and uncovering issues that needed to be addressed. Without accountability measures (such as reporting obligations) attached to targets, they were seen as meaningless.

Racially minoritised staff told us that for targets to work senior leaders should publicise to staff what their targets are, and where the organisation stands on what it wants to achieve. They wanted recruitment targets to be part of senior leaders' appraisals and performance reviews, and for there to be an obligation to publicly report on progress against targets.

In order to recruit more diversely in the criminal justice workforce, people told us data should be collected and analysed to identify:

### Outcomes for different racial, ethnic and religious groups

Data on 'Black, Asian and minority ethnic' staff in the criminal justice workforce often hid individual group's experiences and led to generalised actions to increase overall representativeness. However, representation might not be spread evenly across Black and other minority ethnic groups. Staff wanted data to be disaggregated so these differences can be identified, and tailored actions introduced to make sure representation from all racial and ethnic groups is investigated and improved.

### Increases in successful appointments, not just applications

Racially minoritised staff were aware that efforts were being made to increase 'recruitment' but this often was seen as a success if criminal justice agencies received more applications from racially diverse candidates, rather than whether they were successful in the recruitment process and were appointed. This made staff feel sceptical. This was particularly the case for legal professions and government departments.

['How many Black, Asian and minority ethnic people applied to be magistrates and how many succeeded? I knew there were increased numbers applying, but I don't know what proportion were successful.'](#)

### Increases in more senior / higher paid appointments

We were told that data should also be used to identify where racially minoritised staff are positioned in organisations. Staff questioned if

recruitment is 'successful' if Black, Asian and minority ethnic staff are only being recruited into lower grade roles across criminal justice agencies. They wanted to see disaggregated data to show how many racially minoritised applicants were successfully appointed into senior roles and leadership positions.

## **Regional differences**

Regional disparities are also significant, and geographical variations in the number of racially minoritised staff who were successfully appointed need to be better understood and have greater transparency. For example, the Ministry of Justice publish workforce data, but for individual institutions, such as prisons, limited or no data is available.

## **Intersectionality**

Staff we spoke to were frustrated that that workforce data often just focuses on race and ethnicity, without understanding the intersections of race and other protected characteristics, for example sex. In Policing for example, evidence has highlighted that Black women are the most underrepresented group at senior officer levels<sup>27</sup>.

## Checklist to improve recruitment

- Do you proactively and regularly reach out to engage with under-represented communities to build trusting relationships?
- Do you start early by engaging with schools and school career services, especially focusing on schools with high levels of racial diversity?
- Do you focus on improving the public profile of your organisation and what you do, so it is widely understood?
- Do you acknowledge and address racial disparities and promote actions being taken to reduce disproportionality, such as a publishing an anti-racism action plan?
- Are your adverts promoted and accessible to a wide range of audiences?
- Are your interview panels diverse?
- Do your recruitment / interview processes involve the public and/or people directly / disproportionately impacted by your service?
- Have those involved in the recruitment process undergone training to reflect on their biases and increase their awareness of equity, diversity and inclusion?
- What support do you offer racially minoritised staff who help with recruitment and how do you value their contribution?
- Do you ask for confidential feedback from racially minoritised staff about their experiences of the organisation and what could be improved, such as through staff surveys, and then action these ideas?
- Have you reviewed your entry requirements to remove indirectly discriminatory barriers to entry such as unpaid internships?
- Do you use positive action, such as guaranteeing interviews for people from underrepresented groups who meet the essential criteria and/or choosing the candidate from the under-represented group if there are two equally qualified candidates?
- Do you have a blind recruitment process by removing names and demographic data in shortlisting process?
- Do you offer specific guidance or support, such as a coach or mentor, for people from under-represented groups with the application process - such as assessment centres or tests?
- Do you review your recruitment data, outcomes and processes on a regular basis to identify where in the process might a barrier for underrepresented groups to make changes?

# Retention and inclusion

## Experiences of racism and discrimination

All staff we spoke to shared experiences of racism and discrimination across the CJS. These ranged from overt incidents of racism and violence, from physical attacks, bullying and name-calling, to more indirect and subtle discrimination, such as microaggressions and assumptions or stereotypes based on prejudice.

Incidents of explicit racism we heard took place in local organisations, such as individual prisons and police forces, rather than national agencies. For example, one prison officer, a Muslim woman, regularly experienced racist nicknaming by her colleagues. Another officer from an ethnic minority background had been excluded from the staff room.

*'I know I was referred to as 'Headscarf' or 'The jihadi officer' by staff... There was really quite offensive language... I've realised just how unacceptable some of those things were, and why staff do leave.'*

While most staff we spoke to had not experienced explicit racism and discrimination in the workplace, all had faced or witnessed it in less obvious forms. Across some criminal justice agencies, people told us that negative comments and microaggressions had been normalised as 'banter' and 'light humour'. Often colleagues were not aware they were doing something wrong. For example, at a networking event for criminal justice charities, we were told people assumed that an attendee from racially minoritised group had been in prison. We were told by Black and Asian women working across the CJS that they were often 'mistaken' for other colleagues of the same ethnicity or race.

*'A lot of friends that I have who are Black or Asian, or who are from a minority ethnic background, left the Bar because they got sick and tired of micro-aggressions.'*

## Seeing senior staff discriminate against racially minoritised communities

Many racially minoritised staff had specific experiences of their colleagues or line managers stereotyping or being prejudiced towards people from the same communities as them. We were told of incidents where white prison officers said 'let's get the bloody Muslims out' for Friday prayer service to Muslim prison officers; a prison officer's line manager had publicly mocked the Black

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**I know I was referred to as 'Headscarf' or 'The jihadi officer' by staff... there was really quite offensive language**

Lives Matter movement on social media and police officers had been 'casually racist' towards people from Gypsy, Roma Traveller communities in front of GRT police officers. As a result, some staff, such as those from GRT communities, deliberately hid their ethnicity and culture from colleagues. They tried to blend in and not stick out, as they did not feel comfortable being their full selves at work.

Racially minoritised staff generally felt that they didn't completely belong and would never entirely fit in. By attempting to, some felt they were 'selling out' and compromising their cultural and personal values. Many questioned whether their criminal justice career was right for them and whether they could truly invest in their workplace.

'It does have an impact when you are seeing unfair treatment, when you are hearing negative comments about people from your own community... it does make people question, "Am I in the right job?" "Well, if they are talking like that towards people that they are working towards, what do they think of me?"'

## Frontline staff felt unprotected

Working on the criminal justice frontline, particularly as a police or prison officer, can be a dangerous job. It requires reliance on trusting and supportive colleagues and strong teamwork. Hearing colleagues being prejudiced towards people from racially minoritised communities meant some staff we spoke to felt physically unsafe and questioned whether their colleagues would protect them when necessary.

'You have to be really strong because you know that 10 minutes later, if there is an altercation with a prisoner, you need to know that there is enough staff support there and that you are working as a team.'

The need to rely on colleagues or line managers for physical protection also meant they were less likely to question or complain about their discriminatory words or actions.

## Being treated with suspicion and mistrust

Racially minoritised staff working in criminal justice agencies felt they consistently had to prove themselves, justify their skillset and position, and meet unrealistic expectations in order to be considered as capable as white colleagues.

They felt they were watched, micro-managed and received higher levels of scrutiny than their white colleagues. These experiences led to staff monitoring their actions, and ultimately limiting themselves at work, so as to not receive unnecessary criticism.

Black staff, especially those working in prisons, said they were not trusted and were treated with suspicion. Black prison staff felt any friendly engagements with Black prisoners were overly scrutinised by white colleagues. They were aware their professional interactions were more likely to be interpreted as either displaying favouritism and being over-familiar, or as evidence of collusion and corruption.

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**When you are hearing negative comments about people from your own community... it does make people question, "Am I in the right job?"**

For example, in the recent HMI Prison thematic report described that a senior Black manager who held a position of authority reported himself to the prison's security department after assisting a Black prisoner, to explain what had happened – they were 'on edge' due to colleagues' previously reporting their everyday interactions with Black prisoners. In addition, a young Black female officer was presumed to be more vulnerable to corruption and prisoner manipulation, despite the lack of supporting evidence.

This concept was also referred to in the CJA's report 'Towards Race Equality', where Black, Asian and ethnic minority women with experience of imprisonment told us they were aware staff from similar ethnic backgrounds would avoid talking to them, and instead ask their white cell mates to pass on information. The women understood that the officers feared being accused of favouritism or corruption:

'It's like the staff are frightened to give advice or say anything to help us.' – any other Black background respondent

'I have discussed some of these issues with staff from the same background. They did understand exactly my point but said the decision to change is above their pay role.' – Black African respondent

'Yes, and I have spoken to them and they have told me they have no voice themselves, "the system is built to fail us" and "what can you do, it's a White world". They help make time as easy as they can for us, but as they stated themselves "they have no voice or power.' – any other Mixed/Multiple ethnic background, 'Latina and Persian' respondent.

## **Strong leadership to proactively dismantle racism in the criminal justice workforce is lacking**

'Can I ask, though, should it sit with HR? Because that almost puts the onus and the responsibility on particular people in a particular department, as opposed to the organisation and leaders and managers taking full responsibility for that.'

Staff across the criminal justice workforce felt that strong, effective and united leadership that drives forward racial equity in the criminal justice workforce was lacking.

Initiatives often had limited or no resources to make sure they could be sustained and embedded to create long-lasting change. HR functions were often seen as leading these projects. Even when staff had seen senior leaders allocate funding to equity initiatives, these budgets were not protected and ended up being reallocated if another work strand was seen as a bigger priority or if budgets were cut.

Any race equality work was usually being led by a very small number of senior managers and it was often felt it didn't have the 'buy in' or commitment of full leadership teams. Racially minoritised staff felt that all leaders in a criminal justice workforce must be visibly driving forward equity and tackling racism, be clear that it is a priority for all staff and embed accountability mechanisms. Some people told us that staff who were publicly committed to advancing racial



equity were treated poorly by their colleagues and don't feel able to challenge racism.

'If there is a change in the culture, in the sense that from everybody in the organisation, knows that if they call out and challenge colleagues for problematic behaviour or unjust decisions, then we could possibly see an actual internal push and change towards having more fair outcomes.'

Racially minoritised staff we spoke to who were managers shared that often, staff they line manage can sometimes feel demotivated because they are not aware of work that's being done at a central or more senior level due to lack of communication and feedback loops. In addition, staff told us that often leaders' commitments to improving workforce equity across the criminal justice workforce felt inauthentic and tokenistic. Commitments and initiatives were often seen as reactive and short-lived, as most had been introduced in response to government reviews, such as The Lammy Review or high-profile incidents such the killing of George Floyd. Staff questioned what would happen to initiatives when the initial outrage died down, as they felt work was not being done to embed sustainable change.

'There is such a gap between what people say after George Floyd and Black Lives Matter and what actually happens on the shop floor. They are two different things. You wouldn't feel like they are part of the same system.'

As a result, their commitments were described as a 'fad' and 'lip service', a tick-box exercise, a marketing initiative and a performative response to the Black Lives Matter movement. Overall, these experiences led racially minoritised staff to have less trust in management and leadership to improve racial equity in their workplace, and ultimately to leaving or consider leaving the criminal justice workforce.

## **Advancing staff understanding about race, ethnicity and faith and fostering good relations**

All staff we spoke to agreed that more work needed to be done to improve staff's knowledge of other races, faiths and cultures, to advance understanding and promote better relationships. This is also one of the strands of the public sector equality duty to 'foster good relations'. However, there was often an onus on racially minoritised staff across the criminal justice system, rather than senior leadership, to take on work to break down misconceptions, challenge their colleagues' prejudices and attempt to tackle the wider, exclusionary culture.

'I think that a lot of my time at the prison was about breaking misconceptions amongst staff, not even prisoners, about what it means to be a Muslim woman and, in a prison, and why I wasn't at home... like why you're not in the kitchen.'

'There is insufficient focus on race, diversity and anti-discriminatory practice for those staff entering the organisation. Staff tend to obtain information via informal communication channels - colleagues who have personal experience'.

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**There is such a gap between what people say after George Floyd and Black Lives Matter and what actually happens on the shop floor**

Many racially minoritised staff told us that most of their white colleagues did not understand how indirect or cumulative discrimination worked. White colleagues were not aware of the extent of discrimination in their workplace or how they contributed to it. There was a perception that white staff routinely think 'everything is fine', which created a constant tension, mistrust and misunderstanding between colleagues. This was particularly true for prison officers and legal professionals, such as barristers.

There was a perception that white colleagues were uncomfortable having honest conversations that uncovered their own bias, prejudice and misconceptions and how their actions fed into the workplace culture. Some white staff were 'scared' to discuss any issue that reflected structural or systemic inequalities, such as the impacts of the COVID-19 pandemic and the Black Lives Matter movement. White staff were particularly reluctant to discuss the history of racism in England and Wales and race-related concepts such as white privilege.

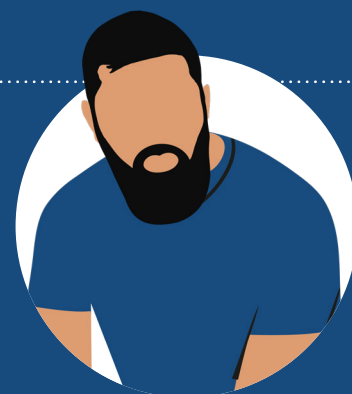
Racially minoritised staff felt it was important for white staff to be encouraged to contribute to discussions about race in the workplace even if it is uncomfortable. Staff wanted more regular forums where open, honest and non-judgemental conversations could take place between white and racially minoritised staff. They wanted a unified effort to build an inclusive culture together.

#### GOOD PRACTICE POINT

### Facilitated forums to discuss race

The National Probation Service commissioned external trainers Wipers Youth CIC to deliver their Uncomfortable Conversations course, which focused on anti-racism, power and oppressive practices in the workplace<sup>28</sup>. Probation staff who commissioned the course told us the sessions were well-received by all staff regardless of race. The training allowed staff to discuss how they related to each other and to people on their caseload, to build cultural understanding, and to challenge some of the race-based assumptions that had been made. It also covered issues of representation, as Black staff shared how they felt about working with predominantly white probation officers.

'I was just actually looking at the evaluations the other day... People were saying, 'We have been crying out for this, really'.



Staff we spoke to felt effective equality and diversity training, and specifically anti-racism training, should contribute to embedding a different culture and lead people to change their actions and behaviours. However, many staff shared that criminal justice agencies often use internal trainers or rely on e-learning which they felt was insufficient to have a long lasting impact.

'You have to feel a bit uncomfortable. You have to have a bit of challenge and open up debate. It's not good enough to have 'sitting in an armchair by the fireside' training where you just tick a box. You need to push the boundaries.'

The barriers for delivering more robust and longer-term training, especially which involves large numbers of staff, was too little training time and/or budget and fitting training in due to shift patterns and long hours. This was a particular issue for police officers, prison officers and court staff.

## Lack of confidence in grievances, complaints and reporting mechanisms

Racially minoritised staff were reluctant to use complaints systems due to concerns they were not confidential or transparent. They felt power dynamics were inherent in complaints and grievance processes which meant they were unlikely to get a positive outcome or for any discrimination to be acknowledged. As a result, some staff told us they were unable to truly hold senior management accountable and use existing processes to improve their circumstances. Racially minoritised staff were resigned to this and told us that 'this is the way it is'.

'If a Black, Asian or minority ethnic member of staff makes a grievance, in my experience, it is often dealt with by a senior level panel. HR is probably white as well. So, there is a power and oppression thing going on from the very beginning of it being investigated.'

'Very few complaints were overtly about discrimination, but actually when you looked at them at a deeper level, you could see that race might have played a part in that.'

Some people told us they were discouraged from complaining and felt silenced, and that other colleagues had been 'put off' from complaining. Staff were conscious that filing complaints against senior staff would impact on progression opportunities, as those who reviewed and responded to grievances often had close relationships to those you would issue a complaint about. In some cases, staff would rather leave than issue a complaint or inadvertently harm their career by complaining.

'I was very close to putting in a grievance. I had a grievance all typed up, but you get put off, people put you off. People put me off putting it in. It really got to a stage where it took me two years for someone to approach the equalities lead.'

'There was this sense if people have raised complaints, that it can hold people back in terms of progression, particularly if it is against more senior members of staff.'

Staff in certain criminal justice agencies were also aware that Black, Asian and minority ethnic people were more likely to be investigated and subject to disciplinary action than their white counterparts<sup>29</sup>. Few staff told us they didn't want to draw attention to themselves through using the complaints procedures and questions subsequently being unfairly raised about their own conduct.

'I have observed that if you are BAME and vocalise thoughts and feelings relating to practice issues or concerns you are unfairly racially profiled as aggressive, domineering and a 'troublemaker' and that you will be scrutinised and subject to work improvement measures. Ultimately BAME practitioners are cautious to truly express concerns that may result negatively on their employment and consequently their own emotional wellbeing.'

# Support through staff networks and associations

There are multiple support networks across the criminal justice workforce for Black, Asian and minority ethnic staff. These networks, sometimes referred to as Employee Resource Groups (ERGs), can help improve retention across the CJS by:

## Offering a sense of belonging

Many Black, Asian and racially minoritised people told us they felt isolated and alienated at work, with a few sharing they felt segregated. Staff networks had offered a sense of belonging and a forum where staff could bring their whole selves and confidentially share common challenges and gain support. Those that had established networks or had recently become members told us it was empowering and had encouraged them to stay in their role.

## Providing professional development

Some staff networks had associated mentoring or coaching programmes to support career progression and professional development. Some staff networks also provided practical support with promotions, such as preparing for examinations. They also provided more informal peer support, which helped staff to build their confidence and resilience to put themselves forward for progression opportunities where they may have previously felt their race, ethnicity or faith would be a barrier. As networks were made up of staff across different grades and roles, junior staff could meet potential future mentors and senior staff<sup>30</sup>.

## Supporting staff to share concerns, file complaints and grievances

Staff associations provide a consultative mechanism for staff to voice concerns so that leaders can directly act on and respond to them. Although staff networks and associations are not trade unions, some associations supported staff to make formal complaints and prepare casework for grievance meetings. Networks also supported people to disclose their experiences of racism or discrimination without any subsequent 'backlash' or victimisation.

## Improving colleagues' understanding of race, ethnicity and faith

Staff networks and associations across the CJS aimed to improve their workplace's understanding of racial, ethnic and faith differences in safe spaces, as well as celebrating difference and promoting shared values. To do this, many networks arranged awareness events, invited inspiring and motivational figures to speak, provided faith training and multi-faith spaces, and promoted wider internal meetings and events to make sure there was diverse attendance.

## Building trust and confidence with racially minoritised communities

Some staff networks also contribute to policy development by making sure any legislative, policy or practice changes do not have

an unjustified and disproportionate impact on racially minoritised communities. For example, the CPS Muslim Staff Network scrutinises CPS policies and processes which discriminate against Muslim communities.

‘Our Muslim network was set up just after 9/11, in the wave of a huge backlash of Islamophobia, where we thought there needed to be more understanding of Muslim staff, but also within our communities... the lowest confidence in the system were, obviously, the Black community but also the Muslim community.’

Although many people were positive about staff networks and associations across the CJS, there were still concerns about their sustainability, as staff associations are often self-organised and driven by staff whose work is unpaid and is often not prioritised or recognised by the agency as it is managed in addition to their daily workloads.

Due to their lack of resource and capacity, some staff associations could only offer support in reactionary situations, rather than providing more proactive, long-term and ongoing support to racially minoritised staff.

‘Staff networks can be good. However, I find that they are, a lot of the time, not prioritised. So people have to do them in their own time, in addition to their own jobs, and in my experience groups of staff often come together to do that in response to a problem... It is reactionary rather than proactive.’

As a result, people were reluctant to engage or ask for support, as they did not want to create extra work for their already pressurised colleagues or to take their time commitment for granted. Some people also raised that the number of staff network leads was inconsistent, and they struggled to access support, especially with large criminal justice agencies that are geographically dispersed, such as the prison and probation service.

## Shifting and sharing decision-making power with staff networks

Some racially minoritised staff were asking fundamental questions about the long-term impact of staff networks and associations and did not feel sufficiently supported by them. Some people viewed staff networks as tick-box exercises that had no real power to influence change or to hold CJS agencies accountable. Black staff in particular did not have high confidence that agencies would listen to staff networks. Many felt that ultimately, staff networks maintained the status quo and did not sufficiently challenge the power structures that enabled racism and discrimination.

Senior leadership teams at some criminal justice agencies and institutions (such as individual prisons) had already established, or were in the process of establishing, collaborative ways of working with staff networks to capture and understand views and needs of racially minoritised staff to inform work and priorities; involve racially minoritised staff in the development of external policy development, as well as internal processes and procedures and embed equality considerations and accountability measures into their work.

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**I find that [staff networks] are a lot of the time, not prioritised. So people have to do them in their own time, in addition to their own jobs**

Staff shared frustrations that often senior leaders think involving or consulting with staff networks is adequate in and of itself, and that no change was required because of consultation. They felt like there was little inclination to strengthen their role, shift decision-making power, and introduce mechanisms and resources so that staff associations had a real say and impact. Staff who were part of staff networks told us they could be ‘pigeon-holed’ as one voice and that senior leaders only involved networks to ‘appropriate knowledge’ and ‘tick the box’.

‘We definitely have a voice. We are brought to the table for a lot of conversations. We’re seeing ourselves on more boards now, but there still could be more... I don’t feel that we yet have enough power in that space... I think there is, hopefully, a bigger appetite for us to hold people accountable to act on our feedback.’

‘It is not about appropriating their knowledge, so, ‘We have engaged with the BAME network’ or ‘We have engaged with a BAME HR individual’. It is about ensuring that we have someone at the top table who can articulate what the issues and problems are and who understands the journey.’

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**Those that had established networks or had recently become members told us it was empowering and had encouraged them to stay in their role.**

## GOOD PRACTICE POINT

### The Black Restorative Network

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The Black Restorative Network (BRN) is a homogeneous community of restorative practitioners who have come together to address the lack of cultural and ethnic representation across the restorative sector. BRN aims to drive systemic change to address discrimination, racism, and bias within restorative justice by increasing cultural awareness, competency, and diversity.

BRN will work towards increasing public awareness and changing public perception around culture and language within RJ. A significant part of BRN’s work will also be to support the promotion, access, and pathways to senior leadership within the sector. We aim to broaden and improve routes into restorative practice for people from Black communities (Black professionals and organisations). Lastly, BRN aims to create a safe space for Black practitioners and professionals to share experiences, network, promote well-being, facilitate peer-to-peer support, and collaborate.





## Questions for criminal justice employers to consider to improve retention and inclusion:

- Does your organisation carry out regular staff surveys and disaggregate responses based on race, ethnicity and protected characteristics?
- Do you publish the findings of the surveys and what actions have been taken as a result?
- Are you producing and analysing regular data on the retention of racially minoritised staff and actioning information and ideas from exit interviews?
- Are senior leaders actively engaged in regular dialogue with racially minoritised staff and vociferously promoting an inclusive corporate culture?
- Is the leadership team in your organisation communicating to the wider organisation, staff, partners and communities the mission to create an inclusive, diverse and fair criminal justice system?
- Do you have whistle blowing/complaints policy and processes that support those who report wrongdoing, ensures complaints are effectively investigated and complainants are respected through the process?
- Are you regularly analysing data on complaints and getting feedback on how satisfied the complainant was with how they have been addressed?
- Are you effectively promoting the whistleblowing and complaints policies in relation to reporting racist incidents and getting feedback from staff on its accessibility and effectiveness?
- Does your organisation provide access to therapeutic supervision and support for staff who may have experienced racism at work?
- Does your organisation have clear codes of conduct about language and behaviours that are not acceptable at work or on social media, and processes to hold staff to account?
- Does your recruitment process ask potential staff about how they manage biases and for examples of how they have promoted equality, diversity and inclusion?
- Does your organisation have a set of measurable targets, objectives and actions to improve retention rates of minoritised staff and is this communicated within the organisation with clear accountability frameworks?
- Are your Trade Unions supportive of your organisation's race equality objectives and improving the retention of racially minoritised staff?
- Do you have structures in place to support the scrutiny of your Equality, Diversity and Inclusion plans?
- Is your organisation partnering with external specialist 'by and for' organisations to support its training/ strategy development/ scrutiny/ accountability structures?
- Does your organisation work with specialist by and for organisations to facilitate discussion forums on the topic of race with all staff and provide regular opportunities for reflection?
- How do you evaluate the delivery and impact of any Equality, Diversity and Inclusion training over time with your staff?
- Do you have established network/s for staff from different racialised communities to meaningfully input into the Equality, Diversity and Inclusion plans and corporate objectives of your organisation?
- Are those staff who are proactive in running the networks appreciated and valued for their time and contribution?
- Do you feedback to the staff changes that have been made as a result of staff networks?

# Progression

'I don't want to keep drawing back on my own experiences but being in a service for 19 years and still being at the level that I entered in 19 years later. Seeing the people that I have trained with become CEOs, regional directors. All the white members of staff.'

Overall, racially minoritised staff across the criminal justice workforce do not trust or believe that progression and development pathways are made for them. And that if they do progress, it will not be at the same rate as their white counterparts.

## **Lack of progression is a result of systemic, structural and organisational issues – not individual skills deficits**

As progression support often focused on 'improving' individuals, some staff felt that the framing around progression support can insinuate that racially minoritised staff just needed to do or be something more to progress, such as improve their skills, further their leadership abilities or fill any experience gaps.

'The thing which we're really failing on is progression and trying to help people who are from a Black, Asian and minority ethnic background progress into those senior grades... [They] focus on targeted support e.g. talent schemes, support groups. But it isn't doing enough work on the organisational, systemic level. They need to move the conversation away from 'people don't have the right skills'.

Some racially minoritised staff we spoke to felt that some progression schemes reinforced that those who progress are qualified and capable and each person has the same chance of progression. CJS agencies had more work to do on acknowledging and rectifying that the reasons why racially minoritised staff were not progressing due to the culture, structures, processes and conditions which enabled white people to do well but did not benefit racially minoritised people in the same way.

'We know a diverse pool of candidates is applying - not least from among the much more diverse solicitor profession. They're just not making it through the process in the same numbers. It is time for the whole appointments system to be overhauled to deliver a more diverse judiciary.'<sup>31</sup>

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**Racially minoritised staff told us they had to be 'twice as good' and take on more than their white counterparts**



## Emerging leaders from racially minoritised backgrounds are overlooked and undermined

Racially minoritised staff who wanted to progress into leadership roles across criminal justice agencies were deeply frustrated as their potential was overlooked, wasted and ignored. Many people told us they were 'leapfrogged' by their white colleagues who they started their careers with and felt that they had hit a 'glass ceiling' where all leadership positions above them were reserved for white people.

They felt this was largely owed to not being seen as professional enough, as they have the 'wrong face', they do not imitate senior colleagues' working styles and have different cultural and workplace values. Research has shown that expectations of 'professionalism' can be biased, as standards related to dress code, hair styles, communication and work style can all favour white people<sup>32</sup>.

Racially minoritised staff also told us they felt undermined by white colleagues who were often more senior. When they expressed interest in applying for promotion opportunities, white colleagues treat them as either arrogant and overconfident, with suspicion or 'too eager'. A few staff told us they had been reluctant to apply for promotions after speaking with white colleagues, who had put them off, for example being told that people who looked like them 'don't make it'.

'There is peer pressure not to go for promotions. This sense of, "Who do you think you are going for this?" If they have expressed any interest in going for promotions, "Do you think you are better than us? Do you think you are better than this job?" That more informal peer pressure thing can happen.'

Racially minoritised staff referenced the lack of Black, Asian and minority ethnic senior staff who had decision making power as part of the reason their potential was unrecognised and as evidence they would not progress. The lack of senior role models and a clear progression pathway also had consequences for retention.

Racially minoritised staff told us they had to be 'twice as good' and take on more than their white counterparts to demonstrate they were suitable candidates for progression opportunities and for their potential to be recognised. This sense of needing to demonstrate you were 'good enough' was particularly exacerbated for racially minoritised people who also had criminal convictions (see Section 4). Others described feeling overlooked and unheard in the organisation:

'As an Asian woman, I have made many sacrifices in order to work for the probation service. I have so much to offer but I am not listened to. Do they know how hurt I feel when they bypass me?'

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I have so much to offer but I am not listened to. Do they know how hurt I feel when they bypass me?

## Racially minoritised people voluntarily provide informal progression support

In some areas of the criminal justice workforce, racially minoritised people were providing informal progression support voluntarily, through schemes and initiatives they had devised themselves, rather than being more formal support schemes or networks.

As this support was not led centrally, it often meant that support was inconsistent as initiatives could only offer as much as their volunteers could deliver. Some criminal justice staff felt this work, led by racially minoritised colleagues, should be paid, recognised and rewarded. This was particularly common in legal profession, where many progression support schemes were voluntarily led by Black, Asian and other racially minoritised barristers or solicitors.

‘There are some Black, Asian and minority ethnic judges who spend an awful lot of their time doing events, reaching out to people, networking, supporting, mentoring... they personally do an amazing job, but frankly there just aren’t enough of them to be able to provide that one-on-one support that people really need in order to be able to progress.’

‘With trying to get Black, Asian and minority ethnic people into [criminal justice] organisations, they are often asked to do stuff for free, on a voluntary basis. Well, that is completely wrong. You should have somebody being paid to do that. It shouldn’t be up to people who have been left out and badly treated to then volunteer to help others to get to more places.’

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It shouldn’t be up to people who have been left out and badly treated to then volunteer to help others get to more places

## Too many barriers and gatekeepers to progression opportunities

Many leadership programmes and schemes are available across the CJS. Staff we spoke to welcomed these, as well as certain criminal justice agencies’ ring-fencing places for under-represented groups. For example, the Ministry of Justice (MOJ) aimed to provide 15-20% of leadership development programme places between 2021--2<sup>33</sup>. However, leadership schemes could be undermined in two ways. Firstly, most progression support, particularly in the civil service, is targeted at top performers or senior leaders, or early entry level joiners, but research has shown that Black, Asian and minority ethnic people are more likely to sit in middle management. Secondly, various ‘gatekeepers’ exist in applying for progression opportunities that hinder racially minoritised staff across the criminal justice workforce. There are several barriers, such as relying on a manager for approval or a recommendation, which can introduce bias:

### Low performance reviews and lack of developmental managers

Black, Asian and minority ethnic people are more likely to have poor or low performance reviews and are therefore not put forward for development or leadership programmes by their managers. Research commissioned by the government found that performance management reviews in the wider Civil Service are seen to

disadvantage Black, Asian and ethnic minority staff<sup>34</sup>. They were more likely to be scored 'not met' in their reviews, with often little objective feedback as to why. Positively, some criminal justice agencies had recognised this and were actively reviewing their processes as a result. For example, the MoJ had been one of the first government departments to revise their process.

'If you look at how individuals are assessed, Black, Asian and minority ethnic individuals are usually marked as the most likely to be in the most improved box category, least likely to get outstanding, in terms of performance. Or they will sit somewhere within good. Now what is that saying? Are these really the individuals you are then going to put forward to go on a talent scheme or to progress? It is highly unlikely.'

'There was roughly 25% of your workforce who were seen as top performers and that's where most of development support was targeted. The MoJ moved away from that because the evidence showed that it led to diversity and inclusion outcomes which were not very good. Black, Asian and minority ethnic people were disproportionately represented in the lower performance categories.'

Despite recognition from some criminal justice agencies that performance review processes would be revised, racially minoritised staff still expressed that problems with effective line management and discussions regarding performance could be a barrier to progression. We were told that line managers often did not have training to assess, develop, coach and mentor staff generally, not to mention providing specific support for racially minoritised members of staff.

Staff working in prisons shared particularly poor experiences of line managers. The systems and processes were in place, but line managers in prisons were often unable to offer supervision or develop individuals as developmental management was not seen as a priority.

## **Gaining managers' permission and recommendation**

Needing permission or a recommendation from line managers to apply to join progression schemes or initiatives, or to apply for promotions (including temporary promotions), to transfer departments or secondments was identified as a potential barrier. Racially minoritised staff felt that their line managers (who were often white) could support or stunt any opportunities. Police and prison officers experienced being told they needed to 'learn the job better' when they asked their manager for permission, or that they couldn't progress from frontline roles as they were too needed or valued in their current role.

'We have lots of schemes available, but everyone doesn't have equal access to those schemes, because normally that has to be signed off by your manager... The schemes are there. It is just about access to those schemes and support to get on those schemes... If people are excluded from them, that is not a proper scheme which is open to everybody. It is not working at all. That needs reviewing.'

## **Lack of continued support to make progression a success**

Staff who have been offered promotions often don't continue to get the right support to make it a success. Staff who are new to senior positions as a result of progression initiatives described lacking confidence and 'burning out' from feeling the need to prove

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**We have lots of schemes available, but everyone doesn't have equal access to those schemes**

themselves. The additional support and feedback from progression initiatives often stopped once they had secured a more senior role.

'I have known many Black, Asian and minority ethnic individuals over the years, who have been on many development programmes, and talent is out there. Part of the problem is when we do have this talent, we will identify them, put them on a scheme, and then after that scheme ends, it is just a cliff edge.'

In some criminal justice agencies, we were told that racially minoritised individuals who had taken part in progression schemes were then not sent or signposted to promotion opportunities.

## Tailored career coaching, mentoring and progression support

The availability of tailored progression support, including coaching and mentoring, varied across the CJS. Some agencies had already set up targeted, national support schemes for people from specific racial or ethnic groups or who were under-represented in senior roles which were welcomed.

### GOOD PRACTICE POINT

## HMPPS' tailored mentoring and coaching

HMPPS are committed to increase representation of Black, Asian and minority ethnic staff at senior levels. To support this, a Senior BAME Staff Progression Lead and four Senior BAME Staff Development Leads have been appointed to make sure all staff from minority ethnic backgrounds have equitable support (including mentoring and coaching) and opportunities to progress into senior roles.

HMPPS piloted a mentoring programme for Black, Asian and minority ethnic staff in collaboration with the staff network RISE (Racial Inclusion & Striving for Equality). Staff from minority ethnic backgrounds were allocated a senior mentor to support their career progression, provide sessions on 'Success Profiles' and making applications.

Following the pilot's positive results, the mentoring programme is now available nationally.

In addition, a new coaching programme was developed where Black, Asian and minority ethnic staff were matched with a coach, who had identified themselves as an expert in a specific area. Coaches assist staff with applications for specific senior roles they have identified, and improve their readiness and skills, such as strategic thinking or delivering presentations.



However, for a few people we spoke to, even when progression support did exist in their workplace, they had difficulty accessing mentors or coaches and if they did, they had mixed experiences.

'When I joined, we were all allocated a mentor... I remember I walked into the office...and I didn't exist in that room. No one greeted me. I was told that this person would be the mentor. He didn't even acknowledge my presence. No one wanted to mentor me, I found out later. The one person who offered happened to be BAME, so it is just ironic.'

## Open, fair and transparent processes for all progression opportunities

Many staff working in criminal justice told us that progression opportunities are often not advertised in a transparent, open way, even if they appear to be. We were told about opportunities being circulated by e-mail or intranet-only, informal application processes or the shortlisting and selection process being unclear. Some staff felt that this was deliberate, to avoid more Black, Asian and minority ethnic staff having access to these opportunities.

'For an interim position it may well be just an expression of interest, 250 words, half a page, an informal chat. And again, that tends to be who you know, who has assisted you, who has helped you, as opposed to the full process that you normally have to go through.'

'I have seen the handpicking going on. I have sat on interview and promotion panels for governor grade and head of roles and I can see the level of inconsistency of experiences and opportunities... prestigious temporary roles are often handpicked.'

Participants told us that there is a strong sense of nepotism and favouritism. Those in charge of progression opportunities were described as an 'old boys' or 'old buddies' club, who give opportunities through the 'backdoor' to those already 'tipped' for roles, via a 'tap on the shoulder' or 'a nod and a wink'. Staff alluded to new positions being created for family members or well-liked staff. We found this culture was particularly prevalent at a local level in individual police forces and prisons.

Staff told us that often those who were promoted spent time with senior white staff outside of work, including going drinking, playing sports or on cigarette breaks. One person told us that an appointment had been made in the pub. Racially minoritised staff were aware that socialising outside of work gave unofficial access to mentorship and promotions. They felt indirectly excluded from these opportunities, as they didn't look or sound like their managers or didn't fit in the 'social bubble'. Black and Muslim staff felt particularly alienated.

'There are a lot of long serving people in senior roles, they have been with the company and working with each other for a number of years. Some are friends and family... It's very much a closed shop if you want to progress further up. Unless you are personal friends with certain people you are unlikely to get promoted.'

'Often it depends on your social circumstances, who you sit next to, who you rub shoulders with in the office. And if you are a minority in the office, as a Black, Asian or minority ethnic member of staff, it is

very difficult to rub shoulders with people that want to accept you in their circle... It all depends on you as the individual putting yourself into a social circle where you can progress, which is unfair and unjust. It excludes a lot of people.'

'Access to these opportunities looks transparent on paper, but in reality, it isn't if your face doesn't fit... If you don't look like me, don't sound like me, it is less likely that you are going to be within my inner circle for you to be able to progress.'

## **Independent oversight is vital in supporting progression**

Internal and external oversight of commitments and processes to improve progression for racially minoritised staff is vital to making sure action happens. Too few criminal justice agencies had accountability structures. The Independent Scrutiny and Oversight Board (ISOB) provides external scrutiny of the National Police Chiefs' Council and College of Policing's Police's Race Action Plan<sup>35</sup> which acknowledges that progression for Black officers is markedly slow and sets out actions to address it. However, the HMPPS Race Action Plan remains unpublished despite the CJA and others calling for it to be.

For internal oversight within criminal justice agencies, some staff we spoke to thought HR could usefully identify any trends with racially minoritised staff being repeatedly turned down from promotions. They suggested HR could make sure feedback for internal candidates who are unsuccessful sets out the reasons, identifies any areas of improvement and informs any training and personal development plans to increase their chances of progression in the future.

'For somebody that has applied for a senior position six times and never got that job, what is happening to that feedback? HR should get that paperwork to say that you have interviewed and not got the job. You have not got the job six times. Where is HR advising that we have got some kind of discrepancy here in Black, Asian and minority ethnic staff going for jobs more than one time? ...Where somebody has applied for a senior position on numerous occasions and has been unsuccessful, HR should be able to flag this as a discrepancy.'

## Checklist for criminal justice employers to improve progression

- Have you commissioned an external body to review your processes for progression and promotion to ensure they are fair and bias free?
- Are you promoting and supporting applications and actively identifying and negating barriers to apply for promotion to racially minoritised staff within the organisation?
- Do you have regular management training for those with line management responsibilities?
- Do your staff surveys ask for feedback on progression and promotion opportunities and address issues raised?
- Do you provide feedback and support for racially minoritised staff who have not been successful in securing promotion?
- Are you producing and analysing regular data on the promotion and progression of racially minoritised staff and their representation at different management levels across the organisation?
- Does your organisation have a set of measurable targets, objectives and actions to improve progression and promotion of minoritised staff?
- Are senior staff from racially minoritised communities who offer formal or informal support to younger staff valued and recognised for their contribution?
- Do you have specific support, such as coaching or mentoring, for staff from Black, Asian and minority ethnic communities to support progression?

# Recruitment, retention and progression for racially minoritised people with criminal records

‘There are entrenched systems designed to keep people mute. It’s about power and privilege. It impedes innovation. We need to build a movement of lived experience to drive cultural change. Organisations need to be more diverse.’

57% of voluntary sector organisations surveyed by Clinks said they had employed a staff member or members with lived experience of the CJS<sup>36</sup>.

Racially minoritised people who also had criminal convictions told us that their own experiences in the CJS had given them a specific understanding of how the system works and how it can work better. They joined the criminal justice workforce as they wanted to improve representation of those with criminal convictions, to make CJS agencies more relevant, trustworthy, fairer and effective.

The CJA’s ‘Change from Within’<sup>37</sup> report shows how people with lived experience face a range of structural, systemic and cultural barriers to working in the criminal justice system. Racially minoritised people also face structural and institutional disadvantage in the criminal justice workforce, which is outlined in this report. The intersection of race and having a criminal record meant racially minoritised staff, with criminal records, working in the criminal justice system, experienced a specific and compounding type of discrimination: racism combined with stigma regarding their previous convictions.

## Lack of trust and perception of ‘risk’ is intensified

Racially minoritised staff working in criminal justice agencies felt they received higher levels of scrutiny than their white colleagues, were treated with suspicion and not trusted (see Section 2 on Retention). The lack of trust and suspicion were compounded for racially minoritised staff who also had criminal convictions. All staff working in the criminal justice system must undergo security vetting and clearance processes, which are often exclusionary for people with criminal convictions. Racially minoritised staff, particularly Black staff, who had criminal records felt they were perceived as ‘riskier’ during these clearing processes and that their race created an added layer of suspicion.

Often their clearances were precariously granted: their access to entire parts of the criminal justice system could be stopped by one senior leader deciding they were no longer suitable. This was particularly the case for minority ethnic staff with lived experience of prison, who were now working in prisons, but it also impacted staff working with probation and the police.



'I have set up a programme with violent offenders in prison... I can reach these young guys. But my clearance to the prison has failed twice and I can't go into the jail unaided. A new governor was recruited recently and revoked my clearance completely so I cannot go into the prison at all. This is a common occurrence among other Black ex-offenders who want to work in prisons. Not all the prisons are like this, but most of them are.'

'I was jailed...and I have turned my life around. I have not offended for decades. I have a job in a local authority working in community safety, but I am still not cleared to co-work or attend briefings or meetings in the police station.'

## Seeing colleagues discriminate against people with criminal convictions

Many racially minoritised staff had specific experiences of their colleagues being prejudiced towards people in their care from the same communities as them. As a result, racially minoritised staff generally felt that they didn't completely belong and would never entirely fit in to a criminal justice workplace. This was also the case for racially minoritised staff who had criminal convictions and often heard their colleagues make disparaging comments towards people in prison, on probation or with a criminal record.

Often comments towards people with criminal histories (including staff) were dismissed as 'banter'. Racially minoritised staff with criminal records told us that colleagues did not understand the impact of their comments, the implications that they are 'one of them' or how it makes people feel. The use of stigmatising language by agencies, such as 'offender', also adds to this sense.

'He talked about how his colleagues talk about some of the service users and felt, 'Well, is that how you are talking about me?'. So... that sense of not really fully belonging and "Am I in the right job?" is really pertinent.'

Some racially minoritised staff with criminal records thought they received different treatment from their colleagues and explained this strain on their workplace relationships played a vital part in whether they stayed in the criminal justice sector.

## Limited progression into senior decision-making and influencing roles

Racially minoritised staff we spoke to, who also had lived experience of the criminal justice system, tended to be in frontline or community-facing roles, such as peer mentors, case workers, support workers or service co-ordinators. These roles are sometimes ring-fenced for people with lived experience of prison and can require 'story telling', where people are expected to regularly disclose their convictions as part of their role.

Often these roles are paid less, as they don't require the same qualifications (for example, case workers don't need to have probation qualifications) or experience, as they are seen as

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**The lack of trust and suspicion were compounded for racially minoritised staff who also had criminal convictions**

steppingstones into the sector. However, on the other hand, they were expected to have volunteered for years and felt they needed more experience than was required to prove themselves. Because of this, racially minoritised people with convictions perceived themselves to be 'lower down' and 'at the bottom'.

They also felt stuck in those roles and referred to a 'glass ceiling': they were aware of the challenges that racially minoritised people faced to progressing into more influential roles, and their convictions often added additional barriers, either due to stigma or being exempt from certain positions. Some staff with criminal convictions shared that they had been frequently 'knocked back' from more senior positions and ultimately felt they could access better progression opportunities outside of the criminal justice workforce.

'It's actually progressing and getting past the lower-level peer mentor roles, to progress away from the frontline into influencing and policy positions, like senior management positions, because that's where our workforce isn't as diverse... we've got a lot on the frontline who've got lived experience, but I'd like to see that moved higher up.'

## GOOD PRACTICE POINT

### Comprehensive leadership programme

ELEVATE CJS is a comprehensive leadership programme, distributing power to people with lived experience and challenging the system to reimagine who can be a leader. The purpose is to provide inspiring, engaging, and restorative leadership development for people with lived experience of the criminal justice system (CJS) to elevate their capacity to influence change.

This is a pilot programme inspired by a successful model from the United States (Just Leadership USA) and is being managed by the Criminal Justice Alliance. The first cohort of participants have been recruited under a wide definition of lived experience and are a racially diverse group. The programme will be fully evaluated and CJA has committed to sharing this external evaluation and its findings, recommendations and conclusions.

The ambition is that the programme and its participants can contribute to a wider recognition across the CJS of the value and necessity of lived experience leadership in the sector.

As part of the ELEVATE CJS programme the CJA will be co-designing a toolkit for criminal justice sector employers to support the recruitment, retention and progression of people with lived experience. This toolkit will also address the 'double disadvantage' faced by racially minoritised people.



# Conclusion

‘Even with the practical actions that can be taken to improve recruitment, retention and progression outlined in this report, we conclude that workforce strategies targeting certain communities cannot succeed without also addressing the wider context in terms of legacy, practice, policy and organisational culture.’

The above quote above is taken from the Casey Review and echoes the findings of this report which cuts across the criminal justice workforce.

It’s a time of soul searching or hand wringing depending on your point of view and relative scepticism or optimism that sustained progress can be made. In conclusion, we have three key strategic points that we feel are essential in shifting this agenda from a narrow silo to one that is at the heart of a journey towards transformational change across our CJS.

The first point is articulated above by Baroness Casey in her report. You cannot tackle recruitment and representation from racially minoritised communities if you do not acknowledge institutional and systemic racism, and the impact of legacy, practice, policy and organisational culture. The negative experiences staff have shared in the course of working on this report reinforce the findings of other reports and must be taken seriously, as it is clearly an issue that is not just limited to the police.

The second point is that it is necessary to depoliticise work in this area which threatens to hamper progress. For example, positive action initiatives that are lawful and effective should be roundly supported as good management and a tool that can take us along the journey of making our institutions inclusive to all.

The third point is that the issues of recruitment, retention and progression should not be seen as separate, but as deeply interconnected and mutually reinforcing. They need to be looked at holistically to make any sustained or significant progress, recognising that improving organisational cultures and reputations are key to ensuring the criminal justice workforce is one where everyone can flourish.

We look forward to working with our members and other stakeholders to ensure there is a more strategic, whole-system response to making this happen.

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**Improving organisational cultures and reputations are key to ensuring the criminal justice workforce is one where everyone can flourish**

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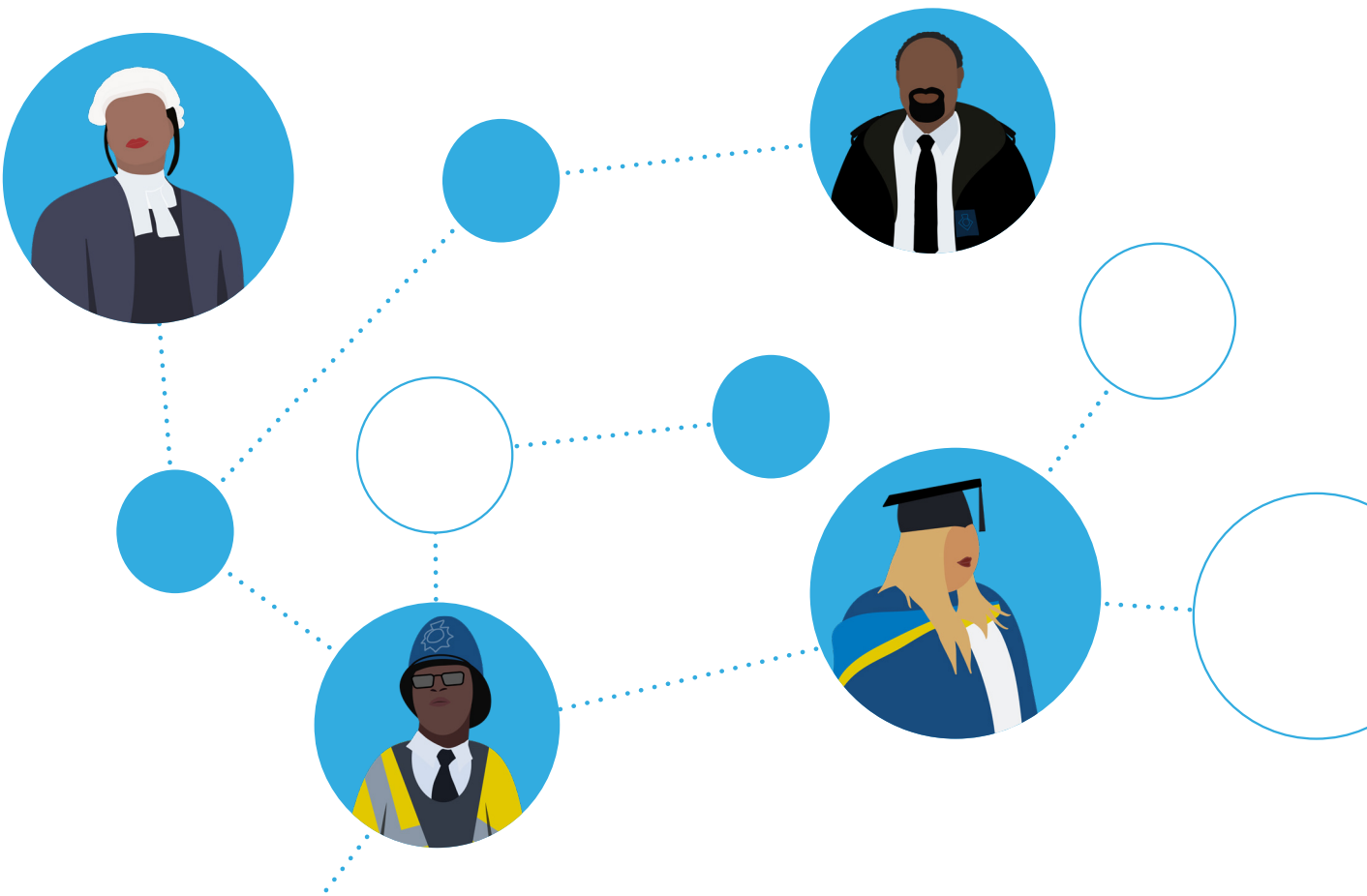
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