

Official data on ethnicity and inequality: over-promising and under-delivering

An audit of recommendations on data and statistics
from recent UK government reviews related to
aspects of ethnicity and inequality

Centre for Public Data, April 2021

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1. Executive summary

- Since 2016, the UK Government has commissioned four major official independent reviews to study various aspects of inequality in relation to ethnicity in the UK. These reviews have made 26 separate recommendations to improve the collection, publication and use of data and statistics related to race and ethnicity.
- Most of these data-related recommendations were formally accepted by the Government, showing that Ministers expect improvements in data collection and publication. However, an audit by the [Centre for Public Data](#) (CFPD) shows that few of these recommendations have been fully implemented.
- CFPD undertook a detailed review of progress reports and searched for published data, to assess whether these 26 data-related recommendations had been implemented. Where necessary, we requested additional information directly from the relevant statistics and data publishers.
- Overall, we found that 11 recommendations of 26 were not implemented, three were partly implemented, eight were in progress (but typically taking forward only part of the recommendation), and one was unclear. Only three were fully implemented, of which one was unrelated to the review. A full audit of our findings is below.
- Progress towards implementation was particularly poor in recommendations related to publishing data to improve accountability over specific institutions, such as courts and prisons. There was also little evidence that existing evidence of disparities is being used to inform strategy.
- We highlight the following specific failures to implement recommendations, and note that all these recommendations were accepted by the Government:
 - **Prison and court data:** No breakdowns by ethnicity appear to have been published for data on sentence lengths at court level, or for new indicators at prison level, so potential disparities at institutions remain hidden.
 - **Using data to ‘explain or reform’ disparities:** There is little evidence that an ‘explain or reform’ approach to disparities highlighted by data has been adopted across criminal justice institutions, as recommended in the Lammy Review. Our attempts to obtain details were unsuccessful.
 - **Using new ‘use of force’ data to inform national strategy:** Although new data about police use of force has been published, there is no evidence it is being used in the development of national strategy, as recommended in the Angiolini Review.
 - **Using data to identify Windrush victims:** Data is not being used to identify further potential Windrush victims, as recommended by both the Williams Review and National Audit Office.
- Our audit reveals repeated failures to act on data-related recommendations. To address these issues, and ensure that future recommendations relating to the use of data and statistics are acted upon more effectively, we recommend:
 - The Ministry of Justice and Home Office should now either implement the outstanding recommendations, or clarify why they will not be implemented.

- Ministers must ensure that future updates clearly describe progress, and where a particular dataset is recommended for collection or publication, reference the specific datasets recommended.
- Parliament should ask the UK's independent statistics regulator to track the progress of statistics-related review recommendations that are accepted by the Government, and intervene if progress is insufficient.
- If the new Commission on Race and Ethnic Disparities - which is currently conducting its own review of UK inequality - makes recommendations related to the collection, publication or use of data and statistics, it should ask the Government to commit to specific targets and timescales for implementation.

2. Background

Since 2015, the UK Government has commissioned several major independent official reviews into aspects of ethnicity and inequality. All of these reviews included recommendations to collect and publish new official data and statistics, and use data to drive reform.

Almost all of these findings and recommendations were formally accepted. For example, the Lammy Review in 2017 recommended new data should be published on sentencing by offence type and court, broken down by ethnicity, and the Government accepted this recommendation.

However, official progress updates are often vague on progress. This is particularly true around data-related recommendations, where the detail of implementation is crucial. Concerns have been raised repeatedly by [legislators](#), [civil society groups](#) and [experts](#) that progress on implementing all past review recommendations has been inadequate.

During the Covid-19 pandemic, issues around inequality, ethnicity and data came to the fore. The ONS [reported](#) that most ethnic minorities have a higher death rate from Covid-19, and the Cabinet Office's Race Disparity Unit is leading work to fill urgent data gaps and analyse these disparities. Meanwhile, the Clinks charity has [highlighted a lack of data](#) on how ethnic minority prisoners are affected by Covid-19 and related release schemes.

In July 2020, the Government appointed a new independent [Commission on Race and Ethnic Disparities](#) and asked it to conduct another review of inequality in the UK. The Commission's [terms of reference](#) include using data to study inequality, reviewing progress on the implementation of past reviews and making recommendations for action.

In this context, we have conducted a detailed audit of to what extent data-related recommendations from previous reviews have been implemented. Our goal is to improve evidence on past progress in this complex area, and add to the growing evidence base on data gaps; identify any recurring problems affecting the implementation of data-related recommendations; and support the effective use of data.

3. Methodology

We considered five official independent reviews on aspects of inequality and ethnicity that had been commissioned by the Government and published since 2015. We looked for recommendations relating specifically to official data collection and publication, or to the use of official data to inform policy, in full or in part of the recommendation.

The following four reviews contained relevant recommendations, and were included in our audit:

- The [McGregor-Smith Review](#) (2017), an independent review into the issues affecting Black and Minority Ethnic groups in the workplace
- The [Lammy Review](#) (2017), an independent review into the treatment of, and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system
- The [Angiolini Review](#) (2017), an independent review into serious incidents and deaths in police custody
- The [Williams Review](#) (2020), an independent review of the events leading up to the Windrush scandal, and the key lessons for the Home Office.

We exclude the [Parker Review](#) (2016) into the ethnic diversity of boards, which only contained recommendations to companies.

From these reviews, we identified 26 relevant recommendations. We then assessed progress on these recommendations using the following methodology:

1. **Check whether the recommendation was accepted:** We checked whether each recommendation had been formally accepted by the Government.
2. **Search for evidence of progress:** We read the official response, any progress updates issued since the review was published, and searched for online evidence of actions taken. Where progress was still unclear, we contacted the relevant statistics and data producers (in the Ministry of Justice, Home Office and Police Federation) to request more information.
3. **Assess implementation:** We judged whether the recommendation is now:
 - a. Implemented - where the key part of the recommendation has been fully implemented
 - b. Partly implemented - where only part of the recommendation has been implemented
 - c. Not implemented - where we could not find evidence of the key part of the recommendation having been implemented
 - d. In progress - where a commitment has been made to meet some or all of recommendation, but progress is not yet clear
 - e. Unclear - where we are unable to judge progress.

Where we were unable to find clear information ourselves, we requested clarification from the official bodies concerned, in some cases sending questions more than once. We

understand that this method is imperfect, but believe it is the best available for an external organisation. We will be pleased to update our findings if more information comes to light.

4. Summary of findings

As above, we considered 26 recommendations across 4 official reviews. This section summarises our findings for each review.

Full details of each assessment, with references, can be found in the [Appendix](#).

The Lammy Review (2017): The justice system

The [independent review](#) by David Lammy MP into the “treatment of and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system” (CJS) was published in September 2017. It was informed by a Ministry of Justice [data analysis](#), which included 24 ‘relative rate index’ (RRI) analyses of various CJS outcomes.

The Government published [its official response](#) in December 2017 (formally accepting all but two of the report’s recommendations), a [first progress update](#) in October 2018, and a [second progress update](#) in February 2020.

The Prime Minister [told the House of Commons](#) in June 2020 that 16 of the review’s 35 recommendations had been implemented: this was [disputed by David Lammy](#). In 2019 the Justice Select Committee held an [evidence session](#) relating to progress on recommendations. In October 2020, an Ministry of Justice (MoJ) minister [told the House of Commons](#) that actions in relation to 16 recommendations had been ‘completed’.

We studied 12 recommendations relating to the collection, publication or use of data, of which 11 were accepted by the Government. Of these:

- 5 were not implemented (repeating the review’s analysis biennially; adopting an ‘explain or reform’ approach to disparities; publishing data on sentencing by offence type and court broken down by ethnicity; creating an online feedback system for judges; including breakdowns by ethnicity in new prisons data)
- 1 was partly implemented (reporting the proportion of prisoners released by offence and ethnicity and reoffending rates by ethnicity)
- 5 were in progress, though in most cases taking forward only part of the recommendation (taking a common approach to recording ethnicity and religion across the criminal justice system; addressing data gaps in the magistrates’ courts; using data in the youth justice estate to investigate discrepancies in access; improving health data in the adult prison estate; specifying the data community rehabilitation companies should collect in contracts)
- 1 was not possible to judge (publishing all datasets held on ethnicity)
- none were fully implemented.

The Angiolini Review (2017): Deaths and serious incidents in police custody

This [independent review](#) into serious incidents and deaths in custody by Dame Elish Angiolini, was published in October 2017. It was accompanied by responses [from the Home Office](#) and [from the IPCC](#), which did not formally accept or reject recommendations. A [progress update](#) was published in December 2018. A second update is due in 2021.

We studied 7 recommendations relating to the collection, publication or use of data, of which 4 were mentioned in the response and 3 were not. Of these:

- 2 were not implemented (collecting data on ‘near misses’ and non-fatal serious incidents; analysing new ‘use of force’ data for discrepancies and publishing the findings)
- 2 were partly implemented (publishing statistics on restraint-related deaths by ethnicity, and monitoring deaths in custody versus arrest statistics)
- 1 was in progress (adding the ‘Gypsy, Roma and Traveller’ category in police monitoring systems)
- 2 closely-related recommendations were implemented (improving police ‘use of force’ data to include ethnicity and mental health information, and publishing this).

The McGregor-Smith Review (2017): Race in the workplace

This [independent review](#) by Baroness McGregor-Smith considered “the issues affecting Black and Minority Ethnic groups in the workplace”. It was published in February 2017, alongside an [official response](#). In October 2018 a [review of progress](#) was published. The review contained data-related recommendations to both the Government and business; we consider only the former.

We studied 2 recommendations relating to the collection, publication or use of data. Both were rejected by the Government:

- 2 recommendations have not been implemented (requiring companies to publish pay breakdowns by ethnicity; and requesting diversity policies from institutional funds).

The Williams Review (2020): Lessons learned from Windrush

This [independent review](#) by Wendy Williams of the events leading to the Windrush scandal and the lessons for the Home Office was published in March 2020. The Home Secretary formally [accepted all the findings](#) of the review, and in September 2020, the Home Office published a [comprehensive improvement plan](#) on how it was addressing the recommendations.

We studied 5 recommendations relating to the collection, publication or use of data, which were all accepted by the Government. Of these:

- 2 recommendations have not been implemented (using data to identify more people affected by Windrush, including non-Caribbean Commonwealth citizens; modernising performance data to focus on results as well as throughput)
- 2 are in progress (publishing staff data on BAME representation in the internal senior workforce, and staff data on Equality Act and Human Rights Act training)

- 1 was implemented, albeit unrelated to the recommendations of the review (new policies being subject to impact assessment).

5. Conclusions and recommendations

Based on these findings, we reach the following conclusions:

- **Progress overall has been poor.** We found 11 recommendations of 26 were not implemented, three were partly implemented, eight were in progress (but typically taking forward only part of the recommendation), and one was unclear. Only three were fully implemented, of which one was unrelated to the review, while the remaining two were closely related.
- **Where progress exists, it typically consists of augmenting existing statistical publications with breakdowns by ethnicity.** That said, there are some areas of more substantial progress, particularly in work towards data harmonisation and in the youth justice estate.
- **Little progress appears to have been made on publishing data on individual institutions within the criminal justice system.** The Lammy Review recommended that data should be published breaking down sentence lengths by ethnicity for individual offences at individual courts, and breaking down new prison-level indicators by ethnicity. This has not been done, meaning that there is still no way to identify disparities in outcomes at individual courts or prisons.
- **Evidence that the government is using disparity data to help it develop policy is scarce and cloaked with an unhelpful lack of transparency.** there is little evidence that evidence of disparity is being used to inform strategy. For example:
 - The Lammy Review’s analysis of disparities has not been repeated, and we were unable to obtain evidence that data is routinely being used to ‘explain or reform’ disparities across criminal justice institutions, as recommended
 - The Home Office has not used data to identify additional Windrush victims, as recommended by the National Audit Office and the Williams Review.
 - Although new data on police use of force has been published, the Angiolini Review’s recommendation to use this data to inform national strategy appears not to have been actioned.
- **Official statements on progress to the House of Commons have been ambiguous.** In several cases, the Government has told the House of Commons that actions in relation to a recommendation are ‘complete’, suggesting that the recommendation itself is complete - when it is clear that it has not been implemented (for example, the recommendations on publishing court-level data mentioned above). This ambiguity may create a false impression of progress.
- **Written progress reports are vague and accountability mechanisms are weak.** Official progress updates rarely give enough information to assess progress properly. Where we followed up with departments, the Home Office and IOPC statistics teams provided clear answers to our questions, but the MoJ did not. Although the UK has an independent statistical regulator, it does not appear to have taken a role in overseeing the progress of these recommendations.

Given the conclusions above, we make the following recommendations:

- **The Ministry of Justice and Home Office** should now address the unimplemented recommendations, or clarify the reasons why they will not be implemented:
 - The MoJ should:
 - repeat the Lammy Review’s analysis of relative rate indexes of outcomes across the criminal justice system
 - publish a list of disparities that it considers to be unexplained, and details of how it intends to take action to tackle them
 - commit to a timescale for analysing verdicts in the magistrates’ courts, particularly with reference to BAME women
 - publish data on sentencing by offence type and court, broken down by ethnicity
 - publish data on prisoner releases by offence type and ethnicity.
 - The Home Office should:
 - analyse ‘use of force’ data for disparities by ethnicity
 - use data to identify non-Caribbean citizens potentially affected by Windrush
 - provide details of specific uses of data that are focussed on results as well as throughput.
- **The Secretary of State for Justice and Home Secretary** should ensure that future updates from the civil service clearly describe progress, reference specific datasets, and where appropriate include detail of how data and evidence has been used to drive specific reforms.
- **The Office for Statistics Regulation (OSR)**, as the UK’s independent statistical regulator, has a statutory duty to ensure that statistics work for the public good. The OSR should monitor the implementation of those recommendations that have been accepted by the Government, and intervene if progress continues to stall.
- **The Public Administration and Constitutional Affairs Committee**, as the Select Committee responsible for overseeing OSR, should formally ask the OSR to take on this work, and provide independent oversight.
- **The Commission on Race and Ethnic Disparities**, if it makes recommendations about collecting, publishing or using data, should ask the Government to set targets and timescales for action, to ensure that its research supports effective reform

6. About us

The [Centre for Public Data](#) is a new non-partisan organisation, founded in July 2020, with a mission to strengthen the UK’s public data. We aim to reduce gaps in data that harm civil society and business. We support legislators and policymakers to improve data coverage and quality, via practical interventions in legislation, codes of practice and consultations.

We would be pleased to discuss any of the issues raised here:

contact@centreforpublicdata.org.

7. Acknowledgements

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This review was partly inspired by Jeegar Kakkad's blog post, [No Data, No Peace](#). Any errors are ours alone.

Appendix: Full audit

a. Summary table

This table summarises the 26 data-related recommendations that we considered across 4 reviews, and our findings.

Recommendation	Official response	Implemented? Our assessment	Details
Lammy Review, recommendation 1 : Agree a common approach across the criminal justice system to recording ethnicity, including religion	Accepted: Oct 2020 update said actions would take more than 12 months to complete	In progress (partly)	The Cabinet Office is leading on harmonisation of reporting standards, working with departments. No evidence of common approach to recording religion.
Lammy Review, recommendation 2 : Repeat the Lammy Review analysis biennially	Accepted: Oct 2020 update said actions were complete	Not implemented	A small number of published statistics now include relative rate indicators, but no comparable analysis appears to have been repeated.
Lammy Review, recommendation 3 : Publish all datasets held on ethnicity, while protecting privacy	Accepted: Oct 2020 update said actions were complete	Unclear	Some new data has been published, but it is not possible to ascertain from the sources cited how much remains unpublished, and no audit has been made available.
Lammy Review, recommendation 4 : Where disparities in outcomes visible in data cannot be explained, introduce reforms	Accepted: Oct 2020 update said actions were complete	Not implemented	Implemented by internal board: no minutes published, so not possible to assess. We asked for details but were unsuccessful. Some evidence of action in youth justice, but not across the CJS.
Lammy Review, recommendation 11 : Address data gaps in the magistrates' courts including pleas and remand decisions, and analyse verdicts, particularly with	Accepted: Oct 2020 update said actions were complete	In progress (partly)	We are told data collection will be addressed as part of ongoing court system reform. However, there is no commitment to carrying out analyses.

reference to BAME women			
Lammy Review, recommendation 12 : Publish data on sentencing by offence type and court, broken down by ethnicity	Accepted: Oct 2020 update said actions were complete	Not implemented	Some high-level data on sentencing length by offence type and ethnicity is now available. However this is not published by court.
Lammy Review, recommendation 14 : Gather feedback data on judges from court participants	Rejected	Not implemented	Rejected on the grounds such feedback would only be supplied by 'dissatisfied participants'.
Lammy Review, recommendation 20 : Review health data in the youth estate and investigate discrepancies in access to services	Accepted: Oct 2020 update said actions would take 6-12 months to complete	In progress (partly)	A review is now under way, with a commitment to use data to 'explain or reform', though no commitment to regular reviews.
Lammy Review, recommendation 21 : The prison estate should learn from the youth estate, and adopt a similar model for health data	Accepted: Oct 2020 update said actions would take 6-12 months to complete	In progress (partly)	Reforms to health data infrastructure are under way.
Lammy Review, recommendation 22 : Include ethnicity breakdowns in new prisons data	Accepted: Oct 2020 update said actions were complete	Not implemented	This data is now published, but not apparently broken down by ethnicity.
Lammy Review, recommendation 23 : Report the proportion of prisoners released by offence and ethnicity, and reoffending rates by ethnicity	Accepted: Oct 2020 update said actions were complete	Partly	Release data does not appear to be published broken down by ethnicity, with two exceptions. High-level data on reoffending rates is published by ethnicity.
Lammy Review, recommendation 32 : Specify the data community rehabilitation companies should collect, and write this into contracts	Accepted: Oct 2020 update said actions would take more than 12 months to complete	In progress (partly)	Latest update said work would meet 'the spirit' of the recommendations. No mention of data being included in contracts.
Angiolini Review, recommendation 102 : Improve 'use of force' data to include ethnicity and mental health information, and review it	Accepted	Implemented	Published data includes ethnicity; mental health is collected internally.
Angiolini Review, recommendation 103 : Collect data on 'near misses' and non-fatal serious incidents	Unclear - not mentioned in official response	Not implemented	This data is not consistently collected across police forces.
Angiolini Review, recommendation 104 : Publish statistics on restraint-related deaths by ethnicity	Unclear - not mentioned in official response	Partly	No formal statistics on such deaths appear to be published, though the information is made available.
Angiolini Review, recommendation 105 : Include ethnicity and mental health in police data collection	Accepted	Implemented	This information is now recorded by police forces.

Angiolini Review, recommendation 106 : Analyse 'use of force' data for discrepancies, publish findings and use it to inform national strategies	Accepted	Not implemented	The Home Office does not appear to have conducted or published any such analyses.
Angiolini Review, recommendation 107 : Monitor ethnicity and deaths in custody against arrest statistics, including for non-notifiable offences	Unclear - not mentioned in official response	Partly	The IOPC publishes statistics on deaths during or following police contact, but these do not discuss arrests, and non-notifiable arrests are not recorded.
Angiolini Review, recommendation 108 : Police forces should include the 'Gypsy, Roma and Traveller' category in their monitoring systems	Accepted	In progress	See the response to Lammy Review recommendation 2, above.
McGregor-Smith review, recommendation 4 : Require companies to publish pay breakdowns by ethnicity	Rejected	Not implemented	A consultation on pay breakdown by ethnicity was carried out in 2018, but has not reported its findings.
McGregor-Smith review, recommendation 25 : Request diversity policies from institutional funds	Rejected	Not implemented	This recommendation was rejected.
Williams Review, recommendation 5 : Use data to identify more people affected by Windrush, including non-Caribbean Commonwealth citizens	Accepted	Not implemented	Data has not been used to identify non-Caribbean Commonwealth citizens affected by Windrush.
Williams Review, recommendation 12 : Publish data on Equality Act and Human Rights Act training	Accepted	In progress	Not yet published, but appears to be under way.
Williams Review, recommendation 13 : Ensure policies are subject to impact assessments	Accepted	Implemented	This is now a requirement for all policies, unrelated to the review.
Williams Review, recommendation 22 : Improve data to focus on results as well as throughput, better spot trends, and link performance data to external questions and feedback	Accepted	Not implemented	No evidence of any relevant action taken. Performance data published on the Windrush compensation scheme itself does not follow these guidelines.
Williams Review, recommendation 28 : Publish data on BAME representation within senior workforce	Accepted	In progress	Not yet implemented, but commitment made.

b. Individual assessments

In this section, we document each recommendation, the response and progress updates, and our assessment of implementation. *Emphases* are ours.

The Lammy Review (2017): The justice system

Recommendation 1 - “Agree a cross-CJS approach to recording ethnicity, including religion

- Recommendation: A cross-CJS approach should be agreed to record data on ethnicity... This more consistent approach should see the CPS and the courts collect data on religion.”
- Response: The official response said (paragraph 23): “The MoJ will expand and unify ethnicity data collection and use of data across the criminal justice system, and will include ethnicity breakdown with appropriate granularity in statistical publications”. The 2020 update (page 56) said that work “to explore opportunities to collect data on religion” was under way, but that this was dependent on police systems and thus the Home Office; and that HMCTS would “update existing data systems to capture necessary information and where necessary explore the possibility of new data systems as part of the HMCTS reform programme”. The Government told the House of Commons in 2020 that actions will take more than 12 months to complete.
- Our assessment: In progress, with gaps. The Cabinet Office’s Race Disparity Unit appears to be leading this work and published a [quality improvement plan for ethnicity data](#) in April 2020, saying it will work with departments to harmonise standards. The Home Office is now requesting data from police forces in the 2011 Census format, with a view to making this mandatory in future. However, there is no evidence of any institution leading a cross-CJS approach to recording religion.

Recommendation 2 - Repeat the Lammy Review analysis biennially

- Recommendation: “The analysis commissioned for this review – learning from the US approach – must be repeated biennially, to understand more about the impact of decisions at each stage of the CJS.” (This refers to the [data analysis](#) that accompanied the review.)
- Response: The official response did not commit to repeating this analysis. The 2020 update does not mention plans to repeat it. The Government told the House of Commons in 2020 that actions in relation to this recommendation are complete.
- Our assessment: Not implemented. The Lammy Review was published in 2017 and no similar analysis appears to have been repeated. The MoJ statistics team pointed us to its [‘Race and the criminal justice’ statistics compendium](#), but this appears to focus primarily on descriptive statistics about populations, rather than the relative rate index analysis to identify disproportionality in decision-making that were used in the Lammy Review’s analysis.

Recommendation 3 - Publish all datasets held on ethnicity, while protecting privacy

- Recommendation: “The default should be for the MoJ and CJS agencies to publish all datasets held on ethnicity, while protecting the privacy of individuals. Each time the Race Disparity Audit exercise is repeated, the CJS should aim to improve the quality and quantity of datasets made available to the public.”
- Response: The official response said (paragraph 25): “The MoJ will publish more and better data on ethnicity where possible... in statistics bulletins during 2018/19, or next annual publication after this date”. The 2018 update (p22) mentioned new data “in areas ranging from Legal Aid to offenders released on temporary licence” and said “Progress improving data available on ethnicity can be followed on the Race Disparity Audit website”. The 2020 update (paragraph 10) mentions new statistics on prison population, home detention curfew and releases on temporary licence. The Government told the House of Commons in 2020 that actions in relation to this recommendation are complete.
- Our assessment: Unclear. The [Race Disparity Audit](#) does not appear to have been repeated. Official updates provide some specific examples of new data, but it is unclear whether this is all data held, and no audit is provided. We were told that the ‘vast majority’ of such datasets are now published, but without details being provided. It is not possible to follow progress from the Race Disparity Audit website, as stated, as new dashboards there are not necessarily based on new data.

Recommendation 4 - Where disparities cannot be explained, introduce reforms

- Recommendation: “If CJS agencies cannot provide an evidence-based explanation for apparent disparities between ethnic groups then reforms should be introduced to address those disparities. This principle of ‘explain or reform’ should apply to every CJS institution.”
- Response: The official response accepted this and said (paragraph 26): “The MoJ will actively and systematically work to identify issues that fall into this category and we are keen to listen to external groups on this matter. Progress in each case will be monitored by the Race and Ethnicity Board.” The 2020 update (page 57) said: “Every quarter at the Race & Ethnicity Board (internal governance overseeing progress on race disparity in the CJS), we conduct ‘data deep dives’ as part of exploring this principle”, and referenced work within HMPPS to develop new performance measures in the probation system, which would be made public where possible. The Government told the House of Commons in 2020 that actions are complete.
- Our assessment: Not implemented. The minutes of the Race and Ethnicity Board are not published, so it is not possible to assess which disparities have been investigated, or whether reforms have been undertaken. Our requests for this information were unsuccessful. The 2020 update highlighted work in the youth justice system, but there is no evidence that this principle has been adopted across CJS institutions. We asked the MoJ for details of reforms implemented, and again were only given details of reforms in the youth justice estate.

Recommendation 11 - Address data gaps in the magistrates’ courts, particularly with reference to BAME women

- Recommendation: “The MoJ should take steps to address key data gaps in the magistrates’ court including pleas and remand decisions. This should be part of a more detailed examination of magistrates’ verdicts, with a particular focus on those affecting BAME women.”
- Response: The official response said (paragraph 27): “We are conducting further analysis into data gaps in the magistrates’ court... we will seek to improve dataset quality to allow breakdown by ethnicity, where it is not currently possible to do so”. The 2020 update (page 60) said “Under the HMCTS Reform Programme new systems are being developed to improve accuracy and consistency of data across the Magistrates’ Court and Crown Court jurisdictions”, but gave no more detail. The Government told the House of Commons in 2020 that actions are complete.
- Our assessment: In progress - with significant reservations. The MoJ told us that the new ‘Common Platform’ case management system would fill these data gaps. However, there is no commitment to carrying out the recommended analysis once new data becomes available, and there seems to have been no analysis of magistrates’ verdicts in the interim.

Recommendation 12 - Publish data on sentencing by offence type and court, broken down by ethnicity

- Recommendation: “The Open Justice initiative should be extended and updated so that it is possible to view sentences for individual offences at individual courts, broken down by demographic characteristics, including gender and ethnicity.”
- Response: The Open Justice initiative no longer appears to exist. The official response said (paragraph 28): “The MoJ... is developing a new Data and Reporting portal to make statistical data available to the public”. The 2020 update (page 57) stated “Produced and updated annually in May... were the [sentencing and offence tools](#) which break ethnicity data down by demographic characteristics in response to the Lammy recommendation.” The Government told the House of Commons in 2020 that actions are complete.
- Our assessment: Not implemented. The sentencing tools linked to in the response do not appear to supply breakdowns by ethnicity at court level. The GOV.UK Ethnicity Facts and Figures service breaks down [sentence length by offence type and ethnicity](#) but not at offence and court level. Our requests to the MoJ to clarify whether this data was published did not receive a clear reply.

Recommendation 14 - Collect data on feedback on judges from court participants

- Recommendation: “The judiciary should work with HMCTS to establish a system of online feedback on how judges conduct cases.”
- Response: The official response rejected this recommendation (paragraph 52), on the grounds that such a system would become “a vehicle for dissatisfied parties to complain about the decision”.
- Our assessment: Not implemented.

Recommendation 20 - Review health data in the youth estate and investigate discrepancies in access to services

- Recommendation: “Leaders of institutions in the youth estate should review the data generated by the Comprehensive Health Assessment Tool and evaluate its efficacy in all areas and ensure that it generates equitable access to services across ethnic groups. Disparities in the data should be investigated thoroughly at the end of each year.”
- Response: The official response said (paragraph 72): “The HMPPS Youth Custody Service will... explore how this data can be used to best effect in the future.... whilst ensuring that personal information is managed in a safe and appropriate way that maintains patient confidentiality”. The 2020 update (page 63) said that the Youth Custody Service has proposed to use data generated through a common assessment framework “to identify and explain or reform systems in the assessed health needs of young people in custody”, working with the NHS, and that this goes as far as possible within the context of NHS IT systems. The Government told the House of Commons in 2020 that it aims to complete actions within 6-12 months.
- Our assessment: In progress. The response is promising, but does not commit to regular reviews of disparities.

Recommendation 21 - Review health data in the prison estate and investigate discrepancies in access to services

- Recommendation: “The prison system, working with the Department of Health, should learn from the youth justice system and adopt a model for both men and women prisoners with built in evaluation.”
- Response: The official response said (paragraph 74): “Work already underway will establish how an equivalent level of evaluation [to youth justice] can apply in our work with adult offenders”. The 2020 update (page 64) said that improvements to prison health IT had been made, and that new NHS IT infrastructure is being monitored to “determine what additional action would be required to further improve both the existing screening tools and the new IT infrastructure and reporting systems”. The Government told the House of Commons in 2020 it aims to complete actions within 6-12 months.
- Our assessment: Difficult to judge, but appears to be in progress.

Recommendation 22 - Include ethnicity breakdowns in new prisons data

- Recommendation: “The recent prisons white paper sets out a range of new data that will be collected and published in the future. The data should be collected and published with a full breakdown by ethnicity.”
- Response: The official response (paragraph 28) said it would collect this data and break it down by ethnicity “where possible”. The 2020 update (pages 64-65) discusses various initiatives around internal monitoring, but it is unclear how these relate to the data discussed in the prisons white paper. The Government told the House of Commons in 2020 that actions are complete.
- Our assessment: Not implemented (we believe). The 2016 [prisons white paper](#) committed to collecting new data on four different ‘standards’, and to publishing prison-level performance indicators based on a subset of this data. The latter are now published as annual [prison performance ratings](#), including metrics about

prisoners' experiences such as 'purposeful activity' and successful resettlement, but these prison-level metrics are not broken down by ethnicity. Our requests to the MoJ to clarify whether this data was published did not receive a clear reply.

Recommendation 23 - Report the proportion of prisoners released by offence by ethnicity, and reoffending rates by ethnicity

- Recommendation: 'The MoJ and the Parole Board should report on the proportion of prisoners released by offence and ethnicity. This data should also cover the proportion of each ethnicity who also go on to reoffend.'
- Response: The official response said (paragraph 30): "The Parole Board and the MoJ are working on ways to report release by sentence type divided by ethnicity. We are also looking at how we can link those released to their reoffending data, with a view to publishing reoffending rates by ethnicity". The 2020 update said (page 6): "Since our last overview... we have published a variety of additional data broken down by race for the first time [including home detention curfews and releases on temporary licence]. This includes [reoffending data](#) on all those released from indeterminate sentences." The Government [has told the House of Commons](#) that actions are complete.
- Our assessment: Partly implemented. [Statistics on prison releases](#) do not appear to include the proportion of prisoners released by offence and ethnicity except for home detention curfews and releases on temporary licence. However, [reoffending statistics](#) do include a breakdown of reoffending rates by ethnicity. Our requests to the MoJ to clarify whether the specific data requested on release rates by offence and ethnicity was published did not receive a clear reply.

Recommendation 32 - Specify the data CRCs should collect, and write this into contracts

- Recommendation: "The Ministry of Justice should specify in detail the data CRCs [Community Rehabilitation Companies] should collect and publish covering protected characteristics. This should be written into contracts and enforced with penalties for non-compliance."
- Response: The official response said (paragraph 34): "The MoJ will work with CRCs to improve the collection and publication of data on all protected characteristics, building on contractual agreements and legal requirements... The MoJ will, within contractual arrangements, require providers to reform their services where necessary to improve rehabilitation services for BAME offenders." The 2020 update said that CRCs are being replaced by a new model, and said (page 72): "Work is ongoing to rescope the outputs required to meet the spirit of Recommendations 31 and 32 to ensure that probation services continue to improve outcomes for BAME service users". The Government [has told the House of Commons](#) that actions will take more than 12 months to be completed.
- Our assessment: In progress. However, the latest commitment is only to meet 'the spirit' of the recommendations, and it is unclear whether data collection and publication will be enforced with contractual penalties.

The Angiolini Review (2017): Deaths and serious incidents in police custody

Recommendation 102 - Review 'use of force' data and include ethnicity and mental health

- Recommendation: "The national 'use of force' data collection must be continually reviewed to ensure it provides the necessary transparency, auditing, active monitoring and opportunities for learning and training absent from the current system. Monitoring of ethnicity and mental health should be part of that system. More meaningful information should be requested from forms recording use of force."
- Response: The Home Office's response (paragraph 2.109) said police forces had started collecting additional data on use of force from April 2017.
- Our assessment: Implemented. Experimental [statistics on police use of force are published](#) and include breakdowns by officer-perceived ethnicity. Mental health data is not included in the published dataset, but is collected internally. The content of data returns is reviewed by the police-led Programme Board.

Recommendation 103 - Collect data on 'near misses' and non-fatal serious incidents

- Recommendation: "There should be robust data collection on near misses and non-fatal serious incidents by the police and IPCC."
- Response: No reference in the Home Office's response. The IPCC response said "The IPCC can only collect such information if forces do so, and at present this is not consistently done across forces. If the Home Office decided that this should be a national data collection requirement, work would need to be done to establish the parameters and set a common standard."
- Our assessment: Not implemented. The [Annual Data Return](#) (data collected from police forces by the Home Office) currently does not mention near misses or non-fatal serious incidents. The IOPC statistics team told us: "We would welcome the opportunity to be part of any discussion on the feasibility of collecting this data."

Recommendation 104 - Publish statistics on restraint related deaths by ethnicity

- Recommendation: "The IPCC should monitor the correlation between ethnicity and restraint-related deaths, including in healthcare settings where the police were involved. Statistics should be published breaking down restraint related deaths by ethnicity."
- Response: No reference in the Home Office's response. The IOPC response said "The IPCC already collects data on deaths following police contact (including in healthcare settings) where we investigate, identifying whether restraint was used, and the ethnicity of the deceased. This information is published in our annual deaths statistics. This year, we have provided an ethnic breakdown not only of deaths that follow arrest, but also of other restraint-related deaths that we independently investigated. We will explore whether there are other ways of presenting this information so that it is as accessible and transparent as possible."
- Our assessment: Partly implemented. The IOPC publishes annual [statistics on deaths during or following police contact](#), but these do not break down

restraint-related deaths by ethnicity. However, the accompanying slides include a breakdown by ethnicity. Our assessment is that statistics are not published but the information is currently informally available.

Recommendation 105 - Include ethnicity and mental health in police data collection

- Recommendation: “The national programme for police data collection on the use of force must include ethnicity and mental health (as well as other factors relevant to discrimination) in all force data so as to provide a standardised national picture.”
- Response: Paragraph 2.109 of the Home Office’s response said police forces had started collecting additional data on use of force from April 2017 “including the reason force was used, injury data, the gender, ethnicity and perceived mental health of the individual, and the location and outcome of the incident.”
- Our assessment: Implemented. As above, experimental [statistics on police use of force are published](#) by the Home Office, with breakdowns by officer-perceived ethnicity. The perceived mental health of the individual is recorded but not published.

Recommendation 106 - Analyse ‘use of force’ data for discrepancies, publish findings and use it to devise national strategies to address discrimination issues

- Recommendation: “National data collection on the use of force should be analysed by the Home Office to draw out patterns and devise national strategies to address discrimination issues. The outcome of data collection and analysis should be made public.”
- Response: Paragraph 2.109 of the Home Office’s response: “In the longer term [new data] will also provide an evidence base to support the development of tactics, training and equipment to enhance the safety of all.”
- Our assessment: Not implemented. We were unable to find published analyses. There is no evidence that that the Home Office is using the data to devise national strategies to address discrimination. The Home Office told us: “Individual forces are encouraged to conduct their own analysis to identify patterns and trends in data, develop ways of improving practice, and test the impact of local initiatives. Home Office work closely with the NPCC and other stakeholders to discuss possible disparities highlighted by use of force data and we support work to bring about improvements.”

Recommendation 107 - Monitor ethnicity and deaths in custody against arrest statistics

- Recommendation: “The IPCC should monitor ethnicity and deaths in custody against ethnicity and arrests by reference to all arrests, including non-notifiable offences.”
- Response: No reference in the official response. The IOPC response said: “The responsibility for collecting data on arrests currently resides with the Home Office, which records only notifiable arrests. We have correlated deaths in custody by reference to the number of such arrests, and can provide a breakdown by ethnicity. We are not aware of any consistent statistics in relation to non-notifiable arrests, and this would need to be discussed further with the Home Office.”
- Our assessment: Partly implemented. We believe this suggestion means that the IOPC should monitor whether a disproportionate number of those who die in custody

are from ethnic minorities, compared with the arrested population. The IOPC publishes annual [statistics on deaths during or following police contact](#), but these do not discuss arrests. Separate [statistics on arrests](#) are published, including breakdowns by ethnicity.

Recommendation 108 - Police forces should include the 'Gypsy, Roma and Traveller' category in their monitoring systems

- Recommendation: "There should be mandatory ethnic monitoring of Gypsy Roma and Traveller communities in England and Wales by police forces in their ethnic monitoring systems."
- Response: Paragraph 2.110 of the Home Office's response: "The Home Office is working with partners across the Criminal Justice System to determine how a change is best achieved to include the additional ONS categories of 'Gypsy or Irish Traveller' and 'Arab' used in the 2011 census."
- Our assessment: In progress. See Lammy Review recommendation 1, above. The Cabinet Office [quality improvement plan](#) says that it is "working with departments to maintain a harmonised approach to collecting data about Gypsy, Roma and Traveller people using the classifications proposed for the 2021 Census".

The McGregor-Smith Review (2017): Race in the workplace

Recommendation 4 - Require companies to publish pay breakdowns by ethnicity

- Recommendation: "Government should legislate to ensure that all listed companies and businesses employing more than 50 people publish workforce data broken down by race and pay band".
- Response: The official response rejected this (p3), though committed to monitoring progress: "We... believe a non-legislative solution is the right approach for now, but will monitor progress and stand ready to act if sufficient progress is not delivered."
- Our assessment: Not implemented. The Government ran [a consultation on ethnicity pay reporting](#) in late 2018, but the findings have not been published, so it is unclear if progress is considered sufficient.

Recommendation 25 - Request diversity policies from institutional funds

- Recommendation: "Government [should] write to all institutional funds who have holdings in FTSE companies and ask them for their policies on diversity and inclusion and how they ensure that the representation of BME individuals is considered across the employee base of the companies where they hold investments." The review recommended gathering this data to understand how funds are improving diversity internally and within the companies they own.
- Response: The official response rejected this (p3).
- Our assessment: Not implemented.

The Williams Review (2020): Lessons learned from Windrush

Recommendation 5 - Use data to identify more people affected by Windrush

- Recommendation: “The department should accept and implement the National Audit Office’s recommendation that, ‘The department should be more proactive in identifying people affected and put right any detriment detected. *It should consider reviewing data on other Commonwealth cases as well as Caribbean nations*’, or such agreed variation... as is acceptable to the National Audit Office [NAO].” (This refers to the NAO’s 2018 [report on Windrush](#), which found that the Home Office “decided to narrowly focus its historical reviews on individuals from the Caribbean” without strong evidence, and recommended that the department “consider its responsibility... to be more proactive in identifying people affected”.)
- Response: The comprehensive improvement plan (CIP) rules out using data to identify additional cases systematically, instead relying on ‘engagement’ and ‘communications’ (paragraphs 14 and 50-55): “We are doing all that we can to proactively identify those people affected, including through extensive external and community engagement... The work of the historical cases review, as it was originally intended, is complete.”
- Our assessment: Not implemented. The Home Office’s response does not explicitly discuss using data to identify more cases, stating only that “The historical cases review could not identify all people affected in all ways by Windrush issues”. This is true, but is not the Williams Review’s recommendation. The response does not explain why the historical cases review could not be expanded to consider non-Caribbean Commonwealth citizens, and does not address the NAO’s recommendations.

Recommendation 12 - Publish data on Equality Act and Human Rights Act training

- Recommendation: “Every year, the department should publish details of training courses attended, and how many people have completed them.”
- Response: Paragraph 127 of the CIP: “We will judge success through the number of staff who have attended training courses, which we will publish.”
- Our assessment: In progress.

Recommendation 13 - Ensure new policies are subject to impact assessments

- Recommendation: “Ministers should ensure that all policies and proposals for legislation on immigration and nationality are subjected to rigorous impact assessments in line with Treasury guidelines.”
- Response: Paragraph 130 of the CIP: “In all published Regulatory Impact Assessments for legislation, there are now mandatory requirements to address the Public Sector Equality Duty, to consider discrimination or unintended consequences to specific groups, and to set out mitigating actions that might prevent or minimise these.”
- Our assessment: Implemented, though not specifically in response to this review.

Recommendation 22 - Improve performance data to focus on results as well as throughput, better spot trends, and link it to external questions and complaints

- Recommendation: “The Home Office should invest in improving data quality, management information and performance measures which focus on results as well as throughput. Leaders in the department should promote the best use of this data and improve the capability to anticipate, monitor and identify trends, as well as collate casework data which links performance data to Parliamentary questions, complaints and other information, including feedback from external agencies, departments and the public.”
- Response: Paragraph 114 of the CIP: “We are improving our management information to allow the Home Office to better identify risks, look for early warning signs and then act. This includes making better use of our existing data, as well as strengthening our capability to capture and analyse new insights, and then act... We are also developing our skills and resources to capture and manage knowledge, to reduce the risk of missing vital insight and lessons from staff in decision-making, policy development and operational delivery.”
- Our assessment: The response is sufficiently unclear that we judge this to be unimplemented to date. The CIP does not discuss using any of the specific new data recommended, or describe how this will be linked to performance in any specific ways. The response focuses on identifying ‘risks’, rather than on improving results. To take a current example, [published performance data](#) on the Windrush compensation scheme is still focussed on total claims processed and total payments made, rather than claimant-focussed metrics such as waiting times. MPs have unsuccessfully requested information on [completed claims](#) and [waiting times](#) in the scheme, suggesting Parliamentary questions and feedback are not feeding into the development of published management information.

Recommendation 28 - Publish data on BAME representation within senior workforce

- Recommendation: “The department should revise its Inclusive by Instinct diversity and inclusion strategy to include its aspirations for senior-level BAME representation and a detailed plan for achieving them... *The department should publish comprehensive annual workforce data, so it can monitor progress.*”
- Response: Paragraph 193 of the CIP: “In relation to the publication of workforce data, we are setting up a diversity and inclusion data and evidence excellence working group... The group will also produce a set of recommended metrics (to be published annually) to the Diversity and Inclusion Steering Group.”
- Our assessment: In progress, although not delivered yet.