

# **Rehabilitation and Resettlement: ending the cycle of reoffending**

## **Evidence submission to the Justice Committee**

### **Action for Race Equality**

**December 2024**

#### **About Action for Race Equality**

[Action for Race Equality \(ARE\)](#) was founded in 1991, and over the last 30+ years we have worked to champion fairness, challenge race inequality and pioneer innovative solutions to empower young people across education and employment.

ARE has worked in the criminal justice system (CJS) for over 15 years, acting as a critical friend to services including the Metropolitan Police, His Majesty's Prison and Probation Service, the Ministry of Justice, the Youth Justice Board, and the Greater London Authority's Violence Reduction Unit. We co-ordinate the National Independent Advisory Group, a panel of experts comprised of civil society, academic, and third sector representatives, who work to challenge policy and practice that disproportionately impacts Black, Asian, and Mixed Heritage people in the Criminal Justice System. We produce research and briefings on racial disproportionality in the CJS, and work with organisations led by and for Black, Asian, and Mixed Heritage people to strengthen their capacity and platform their voices in policy spheres.

Action for Race Equality recognises that the Criminal Justice System is institutionally racist. At every level, and in every department, institutional and systemic racism are creating harsher outcomes for Black, Asian, and Mixed Heritage people who come into contact with the justice system. At each stage of a racially minoritised person's journey through the system, they will likely face racial bias and discrimination. The cumulative disadvantage that Black, Asian, and Mixed Heritage people experience through the legal system is directly contributing to the cycle of reoffending, as it is creating a systematic disadvantage that traps individuals in crime. We believe that in order to effectively disrupt and dismantle cycles of reoffending, there needs to be a wholesale shift in criminal justice policy to address the role that institutional racism has in exacerbating said cycles and end practice which perpetuates it.

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Black, Asian, and Mixed Heritage people are disproportionately over-represented in crime figures when compared to the general population. There is a need to have dedicated thinking about how to tackle this disproportionality when considering policy change and so we would encourage the committee to make specific recommendations in relation to tackling reoffending amongst Black, Asian, and Mixed Heritage communities.

Organisations and specialist services which are led by and for these communities are particularly well placed to tackle reoffending, both through preventative and diversionary interventions, as well as in prison and probation services. Tailored and culturally sensitive approaches are more effective in addressing the needs of these communities and reducing re-offending, as they support the development of pro-social identities which are necessary to effective resettlement<sup>1</sup>. ARE would encourage a stronger move towards improved and increased use of preventative and diversionary measures, particularly for young people, as we know that the further along an individual gets into the criminal justice system the more likely they are to reoffend.

This submission responds to **Section 1 (reoffending- measuring the problem)**, **Section 2 (rehabilitation in prisons)** and **Section 3 (Resettlement services and alternatives to custody)** of the inquiry.

This response is submitted on behalf of Action for Race Equality, a registered charity. It was produced by Bowale Fadare, Policy and Research Officer, and Meka Beresford, Head of Policy. We do not require our response to be kept confidential and are happy to be contacted via [Bowale@actionforraceequality.org.uk](mailto:Bowale@actionforraceequality.org.uk).

## **Section 1: Reoffending- measuring the problem**

### **1. What are the levels of reoffending in England and Wales, and how has this changed over time?**

Action for Race Equality are concerned about the continuing high levels of reoffending rates amongst Black, Asian, and Mixed Heritage people, and particularly children and young people. Young people have higher reoffending rates than adults, with the reoffending rate sitting at 32.2% of young people reoffending, compared to 25.2% amongst adults<sup>2</sup>. Young Black people have the highest rate, with 38.9% of young Black people reoffending<sup>3</sup>. The reoffending rate for people from the Black, Asian, and other ethnic groups is highest for those aged 18-20<sup>4</sup>.

The continued high rate of reoffending amongst young Black, Asian, and Mixed Heritage groups is indicative of the failure by the criminal justice system to provide diversionary

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<sup>1</sup> [Resettlement of children after custody | Clinks](#)

<sup>2</sup> [Reoffending - Ethnicity facts and figures | GOV.UK](#)

<sup>3</sup> [Reoffending - Ethnicity facts and figures | GOV.UK](#)

<sup>4</sup> [Statistics on ethnicity and the criminal justice system, 2022 \(HTML\) | GOV.UK](#)

measures<sup>5 6</sup>, particularly for those coming into contact with the criminal justice system for the first time. Whilst the number of children and young people entering the criminal justice system for the first time has been successfully reduced, the disparities in the number of Black, Asian, and Mixed Heritage children and young people entering the system has only grown wider<sup>7</sup>. This is, in part, due to the continued disproportionate over-policing of Black, Asian, and Mixed Heritage children<sup>8</sup>. These continuing disparities highlight the failure by the criminal justice system to properly divert these communities, which contributes to higher reoffending rates later on.

The high rate of reoffending amongst young Black, Asian, and Mixed Heritage groups also speaks to the failure of prisons and probation in carrying out rehabilitative work, which is a crucial element to tackling reoffending rates. Experiences of racially minoritised people in prisons are poor – they face higher use of force rates<sup>9 10</sup>, discrimination by staff<sup>11</sup>, and less access to educational and work programmes which aid in rehabilitation. They are also less likely to have mental health issues<sup>12</sup>, special educational needs, and other intersecting identity factors properly identified. Rather, these factors are often misattributed as behavioural issues which are condemned and worsen an individual's experiences in prison. This creates a compounding negative experience which fails to tackle the root causes of offending and reoffending among Black, Asian, and Mixed Heritage prisoners, further entrenching disproportionality and worsening reoffending rates<sup>13</sup>.

## **Section 2: Rehabilitation in prisons**

### **1. What is the regime offer in different types of prisons**

Black children are disproportionality overrepresented in the youth custodial estate, making up 26% of the custodial population despite forming only 6% of the 10–17-year-old population<sup>14</sup>. In Secure Training Centre (STCs) and Youth Offending Institutions (YOIs),

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<sup>5</sup> [An evidence review of disparities in youth diversion | Centre for Justice Innovation](#)

<sup>6</sup> [Exploring racial disparity in diversion from the youth justice system | Nuffield Foundation](#)

<sup>7</sup> [The experiences of black and mixed heritage boys in the youth justice system - HM Inspectorate of Probation](#)

<sup>8</sup> [Stop and search - GOV.UK Ethnicity facts and figures](#)

<sup>9</sup> [Equality Incapacitated: the disproportionate impact of PAVA spray on Black, Muslim and Disabled prisoners | Prison Reform Trust](#)

<sup>10</sup> [Equality Analysis - Use of Force | HMPPS](#)

<sup>11</sup> [Prison service is neglecting vital race and equality work | Prison Reform Trust](#)

<sup>12</sup> [The Lammy Review: An independent review of the treatment of, and outcomes for, Black, Asian and Minority Ethnic \(BAME\) individuals in the Criminal Justice System | Prison Reform Trust](#)

<sup>13</sup> [The Lammy Review](#)

<sup>14</sup> [Youth Justice Statistics: 2022 to 2023 \(accessible version\) | GOV.UK](#)

55% of children are from Black, Asian and Mixed Heritage backgrounds<sup>15</sup>, with 22% reported being Muslim and 7% of children identified as Gypsy, Roma, or Traveller (GRT).

In 2011, the Youth Justice Board (YJB) and the Ministry of Justice set out proposals to enhance rehabilitation<sup>16</sup>, focusing on sustainable education, relevant skills, and purposeful activities, and addressing the root causes of offending. However, challenges like isolation, unequal implementation and poor collaboration with community experts has hindered progress<sup>17</sup>.

In 2018, the YJB introduced Constructive Resettlement, focusing on collaboration with children in and out of prison to hone their strengths and shift their identity from pro-offending to pro-social. This approach develops on the Beyond Youth Custody framework, which identified five characteristics of effective rehabilitation: constructive, co-created, customised, consistent, and coordinated. However, inadequate service provision after release remains a barrier to reducing reoffending rates<sup>18</sup>.

Action for Race Equality is concerned about the poor regime offered in prisons. We are particularly alarmed about the regime offered in the Youth Custodial Estate, where some young people are spending more than 22 hours locked inside their cells every day<sup>19</sup>. Very little is being done to address the offences they carried out, and no opportunity is being made to improve their opportunities following their sentences. Zero YOI's were deemed to have provided adequate education in the latest children in custody survey, and skills and work opportunities to which children and young people are entitled to has been described as 'impoverished'<sup>20</sup>. This failed regime is coupled with a growing number of children who feel unsafe<sup>21</sup>, as well as rising instances of use of force<sup>22</sup>.

Providing a safe institution free of discrimination is central to breaking the cycle of reoffending. Prison must provide an opportunity for individuals to rehabilitate, but this is not possible as long as an individual faces continuing discrimination and poor treatment. Action for Race Equality recognises that the prison system, as well as the broader criminal justice system, is expected to operate on a slim budget. We believe that organisations led

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<sup>15</sup> [Children in custody 2022-23: An analysis of 12-18-year-olds' perceptions of their experiences in secure training centres and young offender institutions, November 2023 | HM Inspectorate of Prisons](#)

<sup>16</sup> [Strategy for the Secure Estate for Children and Young People in England and Wales | Youth Justice Board for England and Wales and the Ministry of Justice](#)

<sup>17</sup> [Children and Young People in Custody \(part 2\): The Youth Secure Estate and Resettlement | Justice Committee](#)

<sup>18</sup> [Children and young people in custody | Justice Committee](#)

<sup>19</sup> [Children being failed in establishments dominated by violence, disorder and lack of education | HM Inspectorate of Prisons](#)

<sup>20</sup> [Children in custody 2023-24. An analysis of 12-18-year-olds' perceptions of their experiences in secure training centres and young offender institutions | HM Inspectorate of Prisons](#)

<sup>21</sup> [Children in custody 2023-24. An analysis of 12-18-year-olds' perceptions of their experiences in secure training centres and young offender institutions | HM Inspectorate of Prisons](#)

<sup>22</sup> [Justice Committee report on children and young people in custody: The youth secure estate and resettlement | Youth Justice Legal Centre](#)

by and for Black, Asian, and Mixed Heritage people are well placed to improve prison regimes and help prevent reoffending. They offer culturally competent perspectives and services which ensure that Black, Asian, and Mixed Heritage people in person feel seen and heard.

In 2013, Action for Race Equality (ARE) delivered a two-day creative writing workshop in HMP Wayland through our flagship mentoring programme, Routes2Success. It was led by role model, DD Armstrong. As a former prisoner, DD was able to build a rapport with prisoners through his lived experience. The programme engaged Black prisoners under the age of 25 who found the sessions, 'brilliant', 'educational' and 'inspiring'. The stories were put into an anthology and feedback from prisoners indicated a desire for such initiatives to be featured in other prisons. This case study illustrates the positive impact of creative outlets as part of rehabilitation regimes.

In 2024, we worked in HMP Wormwood Scrubs to deliver workshops with young Black men during Black History Month. Centered around the "Reclaiming Narratives" theme, these workshops encouraged creative expression and personal reflection, empowering participants to take control of their stories. The carefully selected facilitators brought the workshops to life, leading to deep engagement and meaningful discussions. Both inmates and staff gave positive feedback, noting the powerful impact of these sessions. We were able to successfully provide these sessions free of cost using non statutory funding.

We understand from our network that services face a plethora of barriers when it comes to operating in prisons. Firstly, current commissioning and procurement services are unnecessarily long and overly complex to access, meaning that organisations without dedicated resource find it difficult to compete for contracts. Furthermore, if there is resource to compete for contracts, by and for organisations report facing discrimination that has blocked them from being successful. For organisations who are able to secure contracts, they may face additional barriers when actually delivering services in prisons if they have lived experience. These structural barriers are preventing organisations who are well placed to transform the experiences of people in prison and ultimately contributing to higher reoffending rates.

**a. Does the regime offer encompass the principles of individuals desistance, and to what extent could it?**

Current rehabilitation and resettlement practices show an intent but fail to actualise desistance principles<sup>31</sup>. The 2022-2023 Children in Custody Report<sup>32</sup> highlighted that children were placed far away from home, with some as far as 50 miles away<sup>33</sup>. Also, looked after children were less likely to receive weekly social visits than non-looked after children<sup>34</sup>. Being deprived of social networks can have negative impacts on rehabilitation.

The report highlighted that every YOI except Feltham failed in addressing potential discrimination against children and young people with protected characteristics, this is particularly harmful given the racial disproportionately in the youth custody estate<sup>35</sup>.

Therefore, custody is not currently a place where an individuality is respected and protected.

The report also found that although educational provisions had improved, children were still spending most of their time in their cell and courses were not aligned to their needs<sup>36</sup>. As a result, just 34% of children who spent longer periods in their cells reported learning something valuable for post-release. Hence, the rehabilitation regime does not encompass the principles of individualised desistance.

### **Section 3: Resettlement Services and Alternatives to Custody**

#### **11. How effective is support provided to ex-offenders on release such as homelessness prevention, employment opportunities and health and wellbeing services?**

##### **Employment opportunities**

There are racial disparities in employment rates for prison leavers. In 2021-22, 11% of Black or Black British prison leavers were employed after six months compared with 18% of white prison leavers<sup>23</sup>. There has been little attempt by HMPPS to understand why these disparities occur<sup>24</sup>, but we know from our work in the employment sector that structural barriers already exist for Black, Asian, and Mixed Heritage people. In working with young people to develop their employability and enhance their opportunities to find the meaningful career they aspire to, ARE has published information and practical guides to help employers and young people alike<sup>25</sup>. We would encourage the committee to understand good practice around employment support for Black, Asian, and Mixed Heritage people and how this can intersect with good practice on employment for prison leavers to improve employment opportunities.

#### **13. What role should non-custodial sentences have in promoting rehabilitation?**

Action for Race Equality would welcome an increase in the use of non-custodial sentences where appropriate and possible. Non-custodial sentences can prevent nearly the same number of offences as prison. In contrast, the prison environment can worsen the ‘criminogenic effect’<sup>26</sup> of offending. Non-custodial sentences are particularly effective for people with mental health needs and can help reduce the overrepresentation of Black,

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<sup>23</sup> [Sharp decline in quality of prison resettlement support in recent years, PAC report finds - Committees | UK Parliament](#)

<sup>24</sup> [Resettlement support for prison leavers | House of Commons](#)

<sup>25</sup> [Employment | Action for Race Equality](#)

<sup>26</sup> Juste Abramovaite, Siddhartha Bandyopadhyay, Samrat Bhattacharya, Nick Cowen, Alternatives to Custody: Evidence from Police Force Areas in England and Wales, *The British Journal of Criminology*, Volume 59, Issue 4, July 2019, Pages 800–822, <https://doi.org/10.1093/bjc/azy056>

Asian and Mixed Heritage in the prison system<sup>27</sup>. We would encourage the committee to consider that currently, Black, Asian, and Mixed Heritage people are less likely to receive diversions and non-custodial sentences, and more likely to serve the full length of custodial sentences. Therefore, we would welcome the development of clear guidelines which negate racial bias in decision making on sentences.

a) **What impact would an increase in the use of non-custodial sentences have on resettlement services?**

An increase in the use of non-custodial sentences would shift responsibility from prisons to community organisations, probation services and local authorities. While this can alleviate prison overcrowding and is cost-effective, it places a greater burden on organisations with limited capacity. To support resettlement, these organisations must be well-funded and equipped with the necessary infrastructure, training, and staffing to deliver effective services. Additionally, an increased demand could negatively affect the mental, emotional, and physical health of providers. If they are unable to meet the demand, it could lead ex-offenders back to reoffending. Successful resettlement services require partnership and trust from other stakeholders, for example, employers to provide employment opportunities to ex-offenders. Any increase needs to be thoughtfully considered and weigh the balance between demand, wellbeing, and funding to ensure resilient and sustainable services, particularly for specialist by and for services.

b) **What, if any, changes to community sentencing should be introduced if the Sentencing Review recommends a move away from short custodial sentences?**

*‘Every review has reached nearly the same conclusion...custodial sanctions, including imprisonment, have no appreciable effect on reducing reoffending.’ Crime and Justice Journal, 2021*

If the Sentencing Review recommends a move away from short custodial sentences, changes should include an audit to identify current provisions and areas of improvement and involve led by and for organisations, who can build strong relationships ex-offenders from Black, Asian and Mixed Heritage backgrounds.

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<sup>27</sup> [Bromley Briefings Prison Factfile February 2024 | Prison Reform Trust](#)