



Jenny Rathbone MS
Chair, Equality and Social Justice
Committee

19 January 2023

Dear Jenny,

I am writing further to your letter of 21 December 2022. I want to thank you again for your diligent and dedicated work on the experiences of Welsh people in the criminal justice system.

You have written to ask for clarification on a number of issues concerning racial disproportionality within the Welsh criminal justice system. Please find my responses to your questions below.

Work being undertaken by the Welsh Government to tackle racial disproportionality within the Welsh criminal justice system, and raising racial disproportionality with the UK Government

I fully acknowledge that there is a history of racial inequality in the Criminal Justice System and I share the Committee's concerns about this.

The [Criminal Justice Anti-Racism Action Plan for Wales](#) was published in September 2022 and is aligned with Welsh Government's [Anti-racist Wales Action Plan](#). It is jointly led and owned by members of the Criminal Justice Board for Wales, including Welsh Government. The Plan sets out the concrete and tangible action Board partners will take forward together to tackle inequality and to create an anti-racist criminal justice system.

The plan was co-produced with ethnic minority people across Wales, including those with lived experience of the criminal justice system. This has been helpful in ensuring ethnic minority needs and experiences are reflected in the plan. The plan contains seven overarching commitments to tackle disproportionate outcomes and to realise an anti-racist criminal justice system in Wales. This includes specific commitments on staffing, leadership, and mentoring, recognising that we cannot tackle embedded racism without making the staff base more representative and diverse.

I know justice colleagues share my ambition that the Plan should drive system change and ultimately improve outcomes for ethnic minority people in Wales. There is a strong focus on how the plan will be implemented to ensure real change happens across all parts of the

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Criminal Justice System. I will be keeping a close eye on implementation of the plan and progress made. We are at the start of a collective journey, and it is vital for us to deliver change in practice and avoid the 'implementation gap'.

The Criminal Justice Board for Wales has set up a Race Taskforce to oversee the implementation, management, and delivery of the Criminal Justice Anti-Racism Action plan. This Board is jointly chaired by Gwent Chief Constable Pam Kelly, South Wales Deputy Police and Crime Commissioner Emma Wools and Executive Director for HM Prison and Probation Service in Wales Chris Jennings.

Additionally, an Independent Oversight and Advisory Panel has been established to provide challenge, advice, and independent oversight against the Plan. The Panel is made up of a diverse range of people with lived experience and expertise relating to racism and social injustice. An annual report will be published against the Plan and I'm sure this will also be helpful in monitoring progress each justice partner is making towards these commitments.

Going beyond the work of the Criminal Justice Board for Wales, the Criminal Justice chapter of An Anti-racist Wales Action Plan sets out the further action we are taking to tackle racism in the criminal justice sector, using the levers specifically at the disposal of the Welsh Government. This includes:

- Eliminating hateful attitudes and supporting victims of racially motivated hate crime.
- Pursuing the case for the devolution of justice and policing to Wales.
- Developing our skills and confidence in understanding what an anti-racist justice system looks like.
- Under the Women's Justice Blueprint, taking forward involvement work with women from racially and ethnically diverse backgrounds to better understand their experiences of the Criminal Justice System.

The chapter includes a specific commitment to take every action possible to highlight the needs and experiences of people from ethnic minorities, and the understanding and importance of an anti-racist approach, through our response to UK Government policy and legislation in the justice space. We will report on these actions through the main Anti-racist Wales Action Plan reporting processes to ensure there is full accountability.

In October 2022 I wrote to the Rt Hon Jeremy Quin MP, in his capacity as the UK Government Minister for Policing and Crime in response to the Home Office White Paper 'Swift, Certain, Tough: New consequences for drug possession'. My response highlighted the potential for the approach set out in the White Paper to disproportionately impact vulnerable individuals, such as Black, Asian and Minority Ethnic people. The Commission on Race and Ethnic Disparities (2021) found that adult Black men are 5.4 times more likely than white men to be arrested for drug offences, and Asian men are approximately 1.4 times more likely. This reflects the wider embedded racism in the justice system, which we have a collective duty to address.

I also wrote to the Rt Hon Dominic Raab MP, Deputy Prime Minister Lord Chancellor & Secretary of State for Justice, in February 2022, to outline the Welsh Government's position in response to the UK Government's consultation to inform development of the Victims' Bill. Our response welcomed the move towards greater transparency and accountability of data collation to help provide a more comprehensive view of the experiences of victims and where the gaps are. I used the opportunity to highlight the Welsh Government's view that the UK Government should publish data on the experiences of victims who are racially diverse, victims with disabilities, victims from lower socio-economic backgrounds and victims with other protected characteristics, and that once published the data should be

disaggregated to Wales, respecting the distinct Welsh context and providing us with the information we need to understand how the system is performing.

The role the Racial Disparities Unit play in improving the Welsh Government's data-gathering and monitoring of racial disproportionality

The Race Disparity Evidence Unit play an important role in improving Welsh Government's data gathering and monitoring in the Welsh criminal system.

The Unit was established in January 2022 alongside the distinct Equality and Disability Evidence Units to improve the availability, quality, granularity, and accessibility of evidence about individuals with protected and associated characteristics. This will enable us to better understand the extent of disparities and allow decision makers to develop better informed policies that can be monitored and evaluated for their impact. This will drive us towards better outcomes for people with protected and associated characteristics and contribute to our goal of 'A more equal Wales' as set out in the Well-being of Future Generations (Wales) Act 2015.

Both Units published an [Equality, Race and Disability Evidence Units strategy](#) in October 2022 following Cabinet approval on 12 September. The strategy and accompanying emerging [priorities](#) describe the scope of the Units and initial projects to be carried out. The Race Disparity Evidence Unit has a focus on race inequality and supporting commitments in the Anti-Racist Wales Action Plan. This in turn will contribute to driving better outcomes for people who face racial discrimination across a range of sectors, including justice.

The Race Disparity Evidence Unit is working with colleagues in Knowledge and Analytical Services (KAS) in Welsh Government and with external stakeholders to improve data on ethnicity in the justice sector. The Unit is currently undertaking a data audit by ethnicity of all data sources and statistical outputs produced by the Welsh Government's Statistical Services across all policy areas. The purpose of the audit is to examine what ethnicity data is currently collected and published and to identify gaps in evidence and recommend improvements. The audit will then move beyond Welsh Government data to administrative data and data collected by other public sector bodies.

In response to the Anti-racist Wales Action plan the Race Disparity Evidence Unit is focusing closely within the audit on the mapping and identification of Welsh specific data relating to the Criminal Justice System in Wales, including data relating to demographic characteristics, of which ethnicity is of particular interest, to inform requests to the Ministry of Justice and other relevant UK Government departments on the disaggregated figures for Wales.

One of the key roles for the Race Disparity Evidence Unit is to look at how we can measure the impact of the Anti-racist Wales Action Plan in understanding whether this has resulted in a real change to people's lives and experiences. We have made an initial assessment and drafted a framework for measuring change which will be discussed with the Anti-racist Wales Action Plan Accountability Group in January 2023.

Initial analysis of the priorities for improving evidence on ethnicity have been produced in advance of the completion of the full audit based on known gaps, and key work has started including the following which are relevant to the criminal justice system:

- [Examination of National Survey for Wales](#) - We have made an initial assessment of the National Survey for Wales to see what information can be published by ethnicity and have started a follow up project to assess how sample sizes or data linking could

improve the amount and quality of ethnicity data. We expect to make recommendations on improvements in 2023-24.

- Pilot data collection and publication of information on protected characteristics of Public Sector Bodies boards (including ethnicity) - A data collection tool has been developed and will be circulated to Public Service Boards early in 2023. We aim to publish a report on the pilot year in Spring 2023 which will set out the data available and plan for improving coverage in future collections.

We are also commissioning a project to understand how co-production can be used in statistics and research. I can confirm that a first phase of commissioning has taken place.

I am aware that there is always more we can do to tackle issues of racial inequality within the criminal justice system in Wales. I would like to assure you we will continue to work in collaboration with our justice partners to address this.

I will keep you informed of progress.

Yours,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal line above the first letter 'J'.

Jane Hutt MS

Y Gweinidog Gwasanaethau Cymdeithasol
Minister for Social Justice