

NORTH EAST **RACE EQUALITY** FORUM RESEARCH BRIEFING No. 12



Diversity and vulnerability in Prisons in the context of the Equality Act 2010: the experiences of Black, Asian, Minority Ethnic (BAME), and Foreign National Prisoners (FNPs) in a Northern Jail¹

This summary highlights findings from a pilot study that was funded by the Universities of Newcastle, Northumbria and Liverpool John Moores. The study arose out of concerns by practitioner members of the North East Regional Race Crime and Justice Network that, following the passing of the Equality Act (2010), there had been a dilution of focus on 'race' equality. The Equality Act (2010) shifted the emphasis from an Equality Duty that was focused on distinct protected characteristics of race, disability, gender to one that is (at least in theory) all-inclusive. The particular concern prompting this study was that the positive focus on 'race' which had been growing in recent years, particularly in prisons, would be compromised. The aims of the pilot project were to explore the experiences of BAME national and Foreign National Prisoners (FNPs) in this prison (which is a Category B adult male prison) to find out how the specific needs of these prisoners are being met and to explore how the prison is responding to and managing prisoner vulnerability in relation to 'race', post the 2010 Act.

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Discussion and conclusions

British prisons are multicultural and diverse institutions², perhaps even more so than the wider society. How prisons are able to manage these diverse populations is now a key feature in the assessment of prison performance. This includes understanding and providing fair and equal treatment to persons of varying ethnicities, cultures, faith, nationality and vulnerabilities without diluting the core task of keeping safe and secure those that are serving prison sentences.



Whilst recognising the fact that there are many circumstances that can cause a person to be vulnerable in prison, this study has singled out the category of 'race' as the focus of its discussion of vulnerable prisoners. Studies have shown that most of people to whom the term 'protected characteristics' apply are vulnerable when incarcerated and that their vulnerability is partly due to these characteristics. 'Race' is one of the least mentioned in this regard; gender reassignment and sexual orientation are two other obvious ones. Vulnerabilities accruing from 'race' range from susceptibility to harm resulting from being unprotected from subtle and overt experiences of racism, to experiences of isolation and disempowerment. This study found that prisoners can be vulnerable by virtue of being located in a Northern prison, not being provided with adequate mechanisms for voicing out their concerns and having little faith in the prison's complaints system. Although there was evidence that the authorities at this prison were concerned about race issues and steps had been taken to improve the conditions of BAME and FNPs, the study found that most of the concerns raised in the 2008 Race Review and subsequent reports and studies on FNPs still existed at the time of this research.

It is mandatory under the Equality Act (2010) that those subject to the general equality duty must have due regard of the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity

² Phillips, C. (2012) *The Multicultural Prison*. Oxford: Clarendon Studies in Criminology. Oxford University Press.

between different groups; and foster good relations between different groups³.

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the needs in relation to

any particular group. The greater the relevance and potential impact for any group, the greater the regard required by the duty. Although public authorities are not required to set equality outcomes for each protected group, each public authority has flexibility to decide what the equality outcomes are and how many to set. Most importantly, it is required that public authorities must take reasonable steps to involve the relevant groups in the preparation of equality outcomes.

It could be argued that the 2010 Equality Act will not dilute attention to 'race' in prisons if 'protected characteristics' are seen as vulnerabilities, and not as 'diversity'. This means that prisons need to go further in terms of understanding what makes someone vulnerable in the prison, how prisoners express or perceive their vulnerabilities and how the specific needs accruing from these vulnerabilities can be met. This study supports Ricciardelli et al's⁴ definition of prisoner vulnerabilities as administrative, physical and emotional. Most of the vulnerabilities identified by BAME and FNP's in this study emanate mainly from institutional structures, practices and decision-making. Accordingly, it is imperative that prisons recognise that some demands by prisoners are/could be expressions of vulnerabilities and therefore, set standards in terms of institutional ways of responding to them. This, perhaps, calls for the demise of the use of the term 'diversity' in prisons as it does not, in itself imply anything concrete in terms of policy and performance; and its replacement with 'vulnerability' as an all-embracing and flexible term that the prison system uses to respond to prisoner needs and concerns.

Please see for full article: Yulia Chistyakova, Bankole Cole and Jenny Johnstone (2018) **Diversity and vulnerability in Prisons in the context of the Equality Act 2010: the**

³ Equality Act (2010) s. 1.

⁴ Ricciardelli, R., Maier, K., & Hannah-Moffat, K. (2015) op.cit.



experiences of Black, Asian, Minority Ethnic (BAME), and Foreign National Prisoners (FNPs) in a Northern Jail, Prison Service Journal: 235 p10 [link below]



<https://www.crimeandjustice.org.uk/publications/psj/prison-service-journal-235>

Contact: For further information, back copies of Information Briefings or Research Briefings, or to join the Network, email gary.craig@galtres8.co.uk

The North East Race Equality Forum is a Network of around 300 individuals and organisations in the North East Region committed to promoting racial equality in the context of social justice. No one organisation is necessarily committed to every idea published in the name of the Forum. The Forum is supported by the 'Race', Crime and Justice Regional Research Network, which includes researchers from each University in the region.