



## **RESEARCH & DEVELOPMENT - EQUALITIES**

### **1.0 Introduction**

- 1.1 As part of the Commission's ongoing research and development activities a commitment was given within the 2010-13 Corporate Plan to undertake an internal review of applicant diversity. The aim of this review was to establish if the Commission is accessible to all potential applicants and, where necessary, identify ways of enhancing inclusion.
- 1.2 To facilitate this research a full review of applications received over the past 3 years was undertaken in order to identify the following key information:
  - Age
  - Gender
  - Ethnicity
  - Custodial Sentences
- 1.3 This information was then used to assess whether the diversity of applicants at the Commission was comparable with that of both criminal proceedings and prison populations in Scotland. The most recent statistics relating to criminal proceedings and prison populations in Scotland cover the period 2009-10. Given the Commission's relatively low volume of applications received each year it was agreed that cumulative internal statistics from 2008-09, 2009-10 and 2010-11 would form an appropriate comparator, particularly as these covered the full period since the introduction of the Commission's revised equalities monitoring system.
- 1.4 Upon consideration of the main findings from this research it is proposed that a summary report will be inserted within the 2010-11 Annual Report and the full review will be available via the Commission's website.

### **2.0 Commission Statistics**

- 2.1 During the sample period the Commission received a total of 366 applications, excluding 2 historic cases where the applicants were both deceased. These 366 applications provided the following core data:

Age Range	Male Applicants		Female Applicants		Total Applicants	
	Total	Custodial Sentence	Total	Custodial Sentence	Total	Custodial Sentence
Under 20	4	3	0	0	4	3
20 - 24	25	22	0	0	25	22
25 – 29	35	31	1	1	36	32
30 – 34	40	39	0	0	40	39
35 - 39	48	38	2	1	50	39
40 – 44	61	55	5	1	66	56
45 – 49	50	42	5	2	55	44
50 – 54	33	25	0	0	33	25
55 – 59	20	15	2	2	22	17
60 – 64	18	13	0	0	18	13
Over 64	17	12	0	0	17	12
<b>Totals</b>	<b>351</b>	<b>295</b>	<b>15</b>	<b>7</b>	<b>366</b>	<b>302</b>

2.2 During this period 95.9% of applications were received from men and 4.1% from women. A total of 82.5% of applicants had received custodial sentences, which can be broken down further by gender, whereby 84% of male applicants received custodial sentences and 46.7% of female applicants.

2.3 The research also set out to identify and compare applicant ethnicity, although this was made more difficult by the lower level of completion of the ethnicity questions on the Commission's application form. Of the 366 applications received in the sample period, 141 contained full ethnicity disclosure. This information was broken down as follows:

Ethnicity	Total Number	%
White	124	87.9%
Black – Caribbean	1	0.7%
Black – African	3	2.1%
Black – Other	0	0
Indian	0	0
Pakistani	6	4.3%
Bangladeshi	0	0
Chinese	1	0.7%
Asian – Other	1	0.7%
Mixed	1	0.7%
Other	4	2.8%
<b>Totals</b>	<b>141</b>	<b>100%</b>

2.4 Given the reduced sample covering ethnicity, this information was not broken down further by gender or age.

### 3.0 Criminal Proceedings

3.1 Criminal proceedings statistics for 2009-10 covering the total number of convictions and custodial sentences imposed, split by gender and age range, were used as part of the review. No information was available on ethnicity.

3.2 Internal research and comparison was based on the following extracted information:

Age Range	Male Offenders		Female Offenders		Total Offenders	
	Total	Custodial Sentence	Total	Custodial Sentence	Total	Custodial Sentence
Under 21	17279	2584	2506	174	19785	2758
21 – 30	37226	6135	6987	575	44213	6710
Over 30	46891	5744	9879	521	56770	6265
<b>Totals</b>	<b>101396</b>	<b>14463</b>	<b>19372</b>	<b>1270</b>	<b>120768</b>	<b>15733</b>

#### 4.0 Prison Statistics

4.1 Prison statistics for 2009-10 present a snap shot of offenders in custody within Scottish prisons as at 30 June 2009, including prisoners on remand. These statistics are broken down by gender, age and ethnic origin.

4.2 Internal research and comparison was based on the following extracted information:

Age Range	Male Prisoners	Female Prisoners	Total
Under 20	728	30	758
20 – 24	1626	72	1698
25 – 29	1467	94	1561
30 – 34	1169	61	1230
35 – 39	905	57	962
40 – 44	768	52	820
45 - 49	500	28	528
50 – 54	284	13	297
55 – 59	162	8	170
60 – 64	85	1	86
Over 64	73	0	73
<b>Totals</b>	<b>7767</b>	<b>416</b>	<b>8183</b>

Ethnicity	Total Number	%
White	7829	95.7%
Black – Caribbean	43	0.5%
Black – African	54	0.7%
Black – Other	27	0.3%
Indian	11	0.1%
Pakistani	72	0.9%
Bangladeshi	6	0.1%
Chinese	79	1.0%
Asian – Other	24	0.3%
Mixed	18	0.2%
Other	20	0.2%
<b>Totals</b>	<b>8183</b>	<b>100%</b>

## 5.0 Statistical Comparisons

### Gender

5.1 The first area for comparison was in respect of gender. Both criminal proceedings and prison statistics specifically identified gender splits for custodial sentences and this was compared directly to the Commission's applicant gender split, specifically for those that received a custodial sentence. It should be noted when comparing these sets of statistics that they do not present like for like whereby the Commission statistics cover a 3-year period, criminal proceedings are for the year 2009-10 and the prison statistics are a snapshot as at 30 June 2009. However, statistics for 2008-09 for both criminal proceedings and prison populations are relatively consistent with the 2009-10 statistics and are therefore considered to be reasonable comparison for indicative purposes.

	Male	Female
SCCRC (Custodial Sentences)	97.7%	2.3%
Criminal Proceedings (Custodial Sentences)	91.9%	8.1%
Prison	94.9%	5.1%

5.2 The slight difference between the gender split within the criminal proceedings and prison statistics are most likely a result of timing differences between custodial sentences being imposed by the courts and the point at which the prison population is ascertained within the general prison statistics. The variation is however minimal.

5.3 The Commission's applicant gender split within the sample period is however between 2.8% and 5.8% different from the criminal proceedings and prison statistics. Again, given the relatively low sample size from which the Commission statistics are drawn this level of difference does not raise specific concern with regard to accessibility for women who have had a custodial sentence imposed. The difference in gender split and possible action to address this is considered further within section 6 of this report.

### Age

5.4 The Commission then went on to look at data in respect of applicant age, comparing this with the age at the point of sentencing and custody within prison. Criminal proceedings statistics in respect of age identified where custodial sentences were imposed against three ages ranges: Under 21; 21 to 30; and Over 30. Statistics in respect of prisoner age were much more detailed and broken down in ranges of 4 years. Comparison was therefore made against both criminal proceedings and prison statistics separately in the first instance.

Age Range	SCCRC		Criminal Proceedings	
	Male	Female	Male	Female
Under 21	2.0%	0%	16.4%	1.1%
21 – 30	18.5%	0.3%	39.0%	3.7%
Over 30	77.2%	2.0%	36.5%	3.3%

5.5 The initial comparison between age ranges of applicants who received custodial sentences and comparative criminal proceedings clearly shows a significant variation whereby the number of applicants under 30 years old is significantly less than the percentage of people in this range who received a custodial sentence. The pattern is then reversed for those applicants over 30 compared with the same age range of people receiving custodial sentences.

Age Range	SCCRC		Prison	
	Male	Female	Male	Female
Under 20	1.0%	0%	8.9%	0.4%
20 – 24	7.3%	0%	19.9%	0.9%
25 – 29	10.3%	0.3%	17.9%	1.1%
30 – 34	12.9%	0%	14.3%	0.7%
35 – 39	12.6%	0.3%	11.1%	0.7%
40 – 44	18.2%	0.3%	9.4%	0.6%
45 - 49	13.9%	0.7%	6.1%	0.3%
50 – 54	8.3%	0%	3.5%	0.2%
55 – 59	5.0%	0.7%	2.0%	0.1%
60 – 64	4.3%	0%	1.0%	0%
Over 64	4.0%	0%	0.9%	0%

5.6 The subsequent comparison to the more extensive age ranges contained within the prison statistics mirrors the pattern identified with the criminal proceedings statistics, whereby the Commission is significantly under represented by applicants under the age of 34 compared to the prison population. As with the comparison to criminal proceedings statistics, this pattern is reversed for those over this age range.

5.7 There are a number of potential explanations for these trends and these are identified and considered further within section 6 of this report along with suggested action to address any adverse variations.

## Ethnicity

Ethnicity	SCCRC	Prison
White	87.9%	95.7%
Black – Caribbean	0.7%	0.5%
Black – African	2.1%	0.7%
Black – Other	0%	0.3%
Indian	0%	0.1%
Pakistani	4.3%	0.9%
Bangladeshi	0%	0.1%
Chinese	0.7%	1.0%
Asian – Other	0.7%	0.3%
Mixed	0.7%	0.2%
Other	2.8%	0.2%

5.8 The Commission could only successfully compare ethnicity of applicants with information available on prison statistics. Comparable statistics are not recorded under criminal proceedings statistics.

5.9 As previously noted, of the 366 applications which make up the Commission's total sample for this study, only 141 of these contained fully complete ethnicity information, these being included in the comparison above. The actual numbers within the sample make it difficult to identify any particular variations of note although from the information above, the Commission's ethnic mix is slightly more diverse than the general prison population.

5.10 The difference in ethnic split and possible action to address this is considered further within section 6 of this report.

## **6.0 Findings**

### **Gender**

6.1 Analysis of the initial comparative statistics, which took into account gender split, identified a variation of between 2.8% and 5.8% between the Commission and comparative statistics for both criminal proceedings and prison populations. Factors which may impact on this finding include:

- Fluctuations year on year given the Commission statistics are cumulative over a 3-year period.
- Differences in sentencing patterns between male and female offenders – majority of female offenders receiving sentences of less than 4 years with a high proportion receiving very short sentences for relatively minor offences. Highlighted further by the higher proportion of females receiving a custodial sentence (criminal proceedings statistics) compared to the prison population statistics.

6.2 Taking these factors into account the Commission would still appear to be slightly under represented by female applicants. This under representation was previously identified by the Commission which prompted an increase in information events at female prisons. This approach did result in an increase in the number of female applicants. There would appear to be no specific barriers in place discouraging applications from females and it is therefore suggested that the Commission continues to increase its level of information events at female prisons and continue to measure the gender split of future applications.

### **Age**

6.3 Findings in relation to age ranges across the comparison group clearly identified that the Commission had a much higher number of applicants over the age of 34 which was in contrast to both criminal proceedings and prison statistics where the majority of those receiving custodial sentences or in custody were under this age. There are a number of potential factors for this initial finding which may include

- Higher rates of young offenders receiving custodial sentences.
- Repeat young offenders receiving multiple shorter sentences.
- Inexperience/lack of awareness in the younger population of legal process.

- Timeline from initial conviction through to Commission involvement in a possible miscarriage case.

6.4 Despite the number of reasons which could explain this reverse trend it would be appropriate for the Commission to consider ways of increasing its awareness with younger offenders. This could include more regular information events at young offender institutions as well as awareness sessions for groups who specifically represent young offenders.

### **Ethnicity**

6.5 As identified above, the review of ethnicity was limited to the information obtained by the Commission from a relatively small sample of completed equal opportunities monitoring forms and that published in respect of prison populations. Despite the small sample size, the Commission's data suggested that the ethnic split of applicants was at least in line with that of prison populations and in some instances identified a higher rate of ethnicity.

6.6 On that basis it would appear to be a reasonable conclusion that the Commission's services are accessible to different ethnic groups comprising prison population data. However, the ethnic split of applicants is something that should continue to be monitored on an ongoing basis by the Commission.

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