

7. Legal security

Domain: The capability of knowing you will be protected and treated fairly by the law

Sub-Domains:

- A. know you will be treated with equality and non-discrimination before the law
- B. be secure that the law will protect you from intolerant behaviour, and from reprisals if you make a complaint
- C. be free from arbitrary arrest and detention
- D. have fair conditions of detention
- E. have the right to a fair trial
- F. access to affordable and high-quality information and advocacy as necessary
- G. have freedom of movement
- H. have the right to name, gender and nationality
- I. own property and financial products including insurance, social security, and pensions in your own right
- J. know your privacy will be respected

Final short-list

Indicator 1: Offences reported and brought to justice: Rape, domestic violence and hate crime

Measure 1.1 (E,W): The number of cases of rape estimated from general population survey sources, compared with the number of cases reported to and recorded by the police, and the number of legal cases successfully prosecuted

Measure 1.2 (E,W): The number of cases of domestic violence estimated from general population survey sources, compared with the number of cases reported to and recorded by the police, and the number of legal cases successfully prosecuted

Measure 1.3 (E,W): The number of cases of hate crime estimated from general population survey sources, compared with the number of cases reported to and recorded by the police, and the number of legal cases successfully prosecuted

Indicator 2: Equal treatment by the police and criminal justice system (objective and subjective measures)

Measure 2.1(E,W): Percentage (a) stopped on foot or vehicles (b) stopped and searched

Measure 2.1(S): Percentage who had contact with police because they were stopped in a car, on a motorcycle or on foot, to be asked questions or searched

Measure 2.2 (E,W): Percentage who are confident that the criminal justice system (police, CPS, courts, prison and probation service) (a) meets the needs of victims (b) respects the rights of those accused of an offence and treats them fairly

Measure 2.2 (S): Percentage who are confident that the Scottish criminal justice system provides (a) equal access to the legal system for all (b) serves all communities of Scotland equally and fairly (c) provides an appropriately high standard of service for victims of crime (d) provides an appropriately high standard of service for witnesses

Measure 2.3 (E,W): Percentage of those who have lodged an official complaint against the police in past 12 months who are fairly or very satisfied with the handling of the complaint

Measure 2.3 (S): Percentage of those who have reported an incident to the police who are very dissatisfied with the way that the police handled the matter

Indicator 3: Detention: Numbers and conditions

Measure 3.1 (E,S,W): Percentage of the population in prisons

Measure 3.2 (S): Perceptions of being treated with dignity and respect in prisons (E,W data not yet publicly released)

Measure 3.3 (E,S,W): Detention in other establishments

Indicator 4: Equal protection and support for individuals with civil justice problems

Measure 4.1(E,W): Percentage of civil justice problems where respondents gave up or did nothing as opposed to other outcomes

Measure 4.1 (S): Percentage who had civil justice problems who tried to solve the problem but had to give up

Measure 4.2 (E,W): Percentage of civil justice problems where respondents obtained advice (S under development)

Indicator 1: Offences reported and brought to justice: rape, domestic violence and hate crime

Indicator 1 puts the spotlight on equal protection and support by the police and criminal justice system. The indicator focuses attention on the gap between the incidence of three categories of serious crime (rape, domestic violence and hate crime) as estimated by general population surveys, and the corresponding figures for police-recorded crime, and legal cases successfully prosecuted. The indicator provides information on the extent to which there is legal security in the sense that when there is an incident of serious crimes in these categories, the incident is reported, investigated, cleared-up, prosecuted and that finally a conviction is successfully secured.

The specification of Indicator 1 has been extremely controversial. The Lancaster Review (Walby *et al.* 2008: 95) emphasized the need to go beyond a comparison of the numbers of convictions following charging, to comparing the number of convictions with incidents recorded by police and the prevalence and incidence rates reflected in the BCS (including in the self-completion module). We support this recommendation, and the indicators we originally tabled as a basis for discussion at the legal security specialist consultation event included the attrition rate for rape and attempted rape, and for hate crime. The attrition rate for domestic violence was subsequently added, in line with feedback from participants in the specialist consultation.

Two particular issues have raised particular discussion and scrutiny during the course of the consultation. The first is the notion of attrition itself. The attempt to calculate attrition rates, with dependence on multiple data sources, and a raft of issues concerning consistency in definition and measurement across different data sets. The second is the limited availability of police-recorded crime data on domestic violence and hate crime as a basis for Indicator 1. Various views were expressed regarding the extent to which this data is or is not already available, and the timetable under which it is to be validated and made public.

Since these issues are of such central concern for equality and human rights monitoring and for the development of the EMF, a full record of consultation responses, as well as our own further research and further clarifications elicited through follow-up meetings and correspondences, are included in full in the pages that follow. In the light of the quantity of consultation feedback for the Indicator 1 measures, the discussion of consultation feedback under each measure is preceded by a preliminary section on **general consultation feedback** (that is, feedback that is relevant to all of the measures) and **general decisions taken following**

consultation (that is, general decisions about the positioning and focus of Indicator 1, of relevance to all of the measures).

General consultation feedback under Indicator 1

Participants in both rounds of the specialist consultation agreed that **incidence rates** for violent crimes under this indicator are best derived as estimates from the BCS and SCJS (including by using the self-completion modules where appropriate) rather than being derived from police-recorded crime statistics. As discussed in Chapter 6, it is widely recognized that police-recorded crime statistics are limited in that they reflect levels of local police activity at any particular point in time, and in that they fail to account for changes in reporting behaviour of victims. These are particular issues in the context of sexual, domestic and partner violence, where it is well-established that non-reporting continues to be a major problem.

Participants in the first round of specialist consultation welcomed the inclusion of legal case outcome figures in the EMF. In the past, when figures comparing BCS/SCJS incidence rates, police-recorded crime statistics and legal case outcomes have been published, they have been published in a non-comparable, and therefore a non-transparent, form. A number of participants in the specialist consultation emphasised the importance of presenting the BCS/SCJS prevalence figures, the police-recorded crime figures and the legal case outcome figures together, in an accessible, comparable and transparent way.

Participants in Wales and Scotland and some participants in the web consultation strongly recommended that in addition to monitoring the BCS prevalence of rape and sexual assault, hate crime and domestic violence, and successful prosecutions ultimately achieved by the CPS, it is also essential to track the number of such incidents recorded by the police as part of the EMF (and therefore the **gap** between BCS incidents and police-recorded crime). This was a key stakeholder feedback issue in both the physical security domain (where we originally proposed prevalence measures based on police-recorded crime) and in legal security.

The original measures tabled as a basis for consultation, based on the attrition concept, raised difficulties issues for a two major stakeholders. It was suggested that measures that rely on multiple data sources can run into the problems of different definitions and methods of measurement being adopted in each respective data sources; and the consistency and comparability of police-recorded crime, legal case outcome data and BCS incidence rates was called into question. It was suggested by one participant that a measure derived from a single data source (for example, the number of cases successfully prosecuted by the CPS as a percentage of overall

prosecutions for each crime category) might provide a better indicator since it would eliminate our reliance on multiple data sets.

Various issues arise in relation to case outcome data in Scotland, and participants at the Scottish consultation event and the Scottish Government have flagged up the need to discuss in detail the availability of statistics on legal case outcomes in Scotland in order to arrive at common measures for the Scottish context.

Crown Prosecution Office (CPS) and Crown Office and Procurator Fiscal Service (COPFS) consultation responses

In England and Wales, the new Annual Report on Hate Crime and the Annual Report on Domestic Violence published by the Crown Prosecution Office (CPS 2008ab) have filled important data gaps and made the development of Indicator 1 feasible. The CPS has signalled its willingness to work with the EHRC in taking the development of case outcome data forward for the purposes of equality and human rights monitoring, including case outcome data disaggregated by equality characteristics. Although we are not proposing that Indicator 1 is disaggregated at this stage, case outcome data is being developed in important ways, and improvements in the recording of the characteristics of victims characteristics should be reflected as the EMF evolves in the future.

According to information provided by the CPS (CPS 2009), the current system adopted by the CPS provides no inter-relational links between victim profiles and case outcomes, and therefore cannot identify the subset relating to successful outcomes. Furthermore, victim related data are not yet sufficiently reliable to provide a basis for indicators that could be included in the EMF in the very short-term. Nevertheless, CPS interprets its equality duties as requiring monitoring of CPS services in relation to gender, ethnicity, disability and age. Victims data is of good quality on age, but poor quality for ethnicity, gender and disability. Improving this recording is a focus for 2009-10. This work will involve working with the police to improve the data that is referred to us by them and with CPS staff who are responsible for recording equalities information on COMPASS, our electronic case management system.

In Scotland, COPFS data are extracted from an operational database which is not configured for ease of statistical analysis, data aggregation and analysis. COPFS data to support these indicators would have to be extracted based upon underlying charge codes. Examination of clear definitions of rape and domestic violence in terms of these charge codes would therefore be a pre-requisite before we could commit to providing accurate and consistent data.

The COPFS database does consistently collect data on the age and gender of offenders. The collection of ethnicity is being introduced with SPR2 (the new Standard Prosecution Reporting document), which is currently being rolled out across Scottish Police forces (this should be completed by the end of 2008/9 financial year). However, the ability to extract consistent baseline data will also be affected by the timing of the switching off of the facility to report using SPR1, which has yet to be finalised. In addition, it is not currently known when the Specialist Reporting Agencies (SRAs - that is, non-police agencies which anecdotally make up around 5-10 per cent of COPFS business) will take up SPR2.

Work is ongoing in improving the quality of information about convictions rates in relation to rape, following one of the recommendations of the COPFS Review concerning the investigation and prosecution of sexual offences in Scotland:

Crown Office and the Procurator Fiscal Service should commit to the annual publication of information relating to conviction rates in rape cases as a proportion of cases reported to the Procurator Fiscal. This should take place as part of a wider programme of work across the criminal justice system designed to monitor and respond to attrition and should be undertaken with key partners to ensure that the data are comprehensive and can be interpreted in meaningful ways.

The police put a flag on cases of domestic abuse they report to the PF. Unfortunately, there are cases reported which should have a flag but don't, and vice versa.

There are currently no aggravation categories on the COPFS system for disability and sexual orientation. We hope there will be when the new legislation comes into force towards the end of 2009, but our system is not currently capable of collecting more detail on equality issues. Aggravations for age and gender are not available either. The consultation document shows awareness that gender is currently being considered by the Scottish Parliament; the latest on this is available at <http://www.scottish.parliament.uk/s3/committees/equal/or-08/eo08-1501.htm>.

The Scottish Government publish domestic abuse data (<http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/TrendDomesticAbuse>). COPFS extract and publish data on race and religious aggravated crime, that is, based on charge aggravations (<http://www.copfs.gov.uk/About/Departmental-Overview/diversity/racist-crime/race-index>).

MoJ Consultation response

In considering our proposal for using BCS and CPS data on hate crime, the MoJ suggested that we should also consider the HO data of recorded hate crimes across five strands and informed us that this will be recorded from April 2009 as part of the Annual Data Requirement. The MoJ further noted that in 2008 it discussed what measures should be included within the Assessments of Policing and Community Safety (APACS) framework. The agreement was that the following measures would be aspired to, recognising that some changes to data collection would need to be put in place to provide the data.

1. The relationship between the BCS estimate of hate crime and the recorded hate crime data (a measurement of victim confidence to report crime)
2. The sanctioned detection rate for hate crime
3. The percentage of victims of recorded crime who are repeat victims
4. The victim satisfaction levels
5. The percentage of detected crimes that attract an enhanced sentence in court.

The MoJ suggested that we should consider looking for measures to be consistent.

The MoJ finally pointed out that Section 145 and 146 of the Criminal Justice Act instructs courts to give enhanced sentences where it is satisfied the cases were motivated by such a hostility (although transgender hate crime is not specifically covered by enhanced sentencing legislation). It noted that this measure, requiring court data, should be included within the Framework.

Home Office web consultation response

In its web consultation response, the HO noted that although there is some future prospect of collecting hate crime data (and the ACPO National Community Tension Team does collect some data on a pilot basis) there is no current measure of 'hate crime' from police-recorded crime other than some offences that are 'racially or religiously motivated'. This designation does not distinguish between religiously and racially motivated crime and the designation relates to certain offences only. The designation was designed to allow harsher sentencing for certain offences and was not deemed necessary for most offences, including more serious offences where sentencing powers were deemed to be adequate (that is, it does not represent a full measure of hate crime). There are definitional hurdles to overcome in setting a consistent measure of hate crime; this probably means that for indicator purposes survey-based measures are preferable.

The HO further suggested that a number of proposed measures put forward as a basis of the web consultation would be statistically unsound because of sample size. In relation to the attrition rate for rape (successful prosecutions of rape / total number of victims of rape), the HO expressed the view that the proposed indicator is statistically unsound. Because rape affects a very small proportion of the population, the estimated number of rape victims from the BCS has a very large confidence interval which means this statistic can not be used as a performance indicator. For example, in terms of prevalence the estimate for women is 0.5 per cent with the confidence interval ranging from 0.3 per cent to 0.6 per cent – that is, the upper end of the confidence interval is twice the size of the lower end so successful prosecutions would have to double before we could claim any difference. The case for males is worse, where currently the confidence interval includes zero. In relation to the attrition rate for domestic violence (successful prosecutions of cases involving domestic violence / total number of victims of domestic violence) the HO found the proposed measure to be statistically unsound. The measure was viewed as having similar problems to the first measure for rape, but the numbers are larger and the confidence intervals are smaller. It was further noted that it would be very difficult to say the numerator and denominator were on a like-for-like basis, in that it is unlikely that the BCS measure would equate to any specific legal measure and there is not a specific legal offence which identifies domestic violence

In relation to the attrition rate for hate crime (successful prosecutions of cases in which hate crime is an aggravating factor / total number of victims of hate crime), the HO view was also that the proposed measure was statistically unsound. The numbers are too small and confidence intervals too big and the numerator and denominator are not based on the same definitions.

Post-consultation follow-up meetings and discussions

Following the two rounds of consultation, we felt it was necessary to undertake follow-up work in order to address some of the differences in consultation feedback from some stakeholders, address some of the difficulties raised with the attrition measures, and to clarify the overall position in relation to the public availability of police-recorded crime statistics on domestic violence and hate crime. A number of one-to-one meetings and correspondences were arranged in order to clarify the situation and the prospects for integrating police-recorded crime statistics on domestic violence and hate crime into the EMF.

A number of contacts called into question the possibility of acquiring police-recorded crime statistics on domestic violence and hate crime. Contacts that felt that this data was unavailable frequently cited the Home Office Counting Rules (Home Office 2007). These Rules provide a national standard for the recording and counting of notifiable offences recorded by police forces in England and Wales ('police-recorded

crime', corresponding to HO Crime Codes). Domestic violence is not in itself a chargeable offence under this system and does not have its own free-standing crime code. This reflects the fact that domestic violence is not a separate defined legal offence. Rather, under this system of classification, offences are recorded in accordance with HO crime codes and the injuries sustained, for instance other wounding. Hate crime is recorded as an aggravating factor in other types of crime recorded by the police and HMCS.

Nevertheless, notwithstanding the status of domestic violence and hate crime within the crime code system, it has been established in follow-up conversations with the HO that existing processes of data development are underway that are expected to result in police-recorded crime statistics on domestic violence and hate crime in the foreseeable future.

The Annual Data Requirement is a list of all routine requests for data made to all police forces in England and Wales under the Home Secretary's statutory powers. In 2009, as for the last 2 years, the HO will again ask forces on a voluntary basis to populate certain data fields in National Management Information Systems NMIS or equivalent Management Information systems. This request covers, *inter alia*, domestic violence and hate crime (see Text Box).

The HO has clarified that data on the cases involving domestic violence and hate crime reported to and recorded by the police are part of the current Annual Data Requirement. This data is currently voluntary and although returns are made to the HO the data still needs to be validated and made consistent before it can be published. However, the plan is to publish the data within a period of around two years. When validation and publication have been achieved, the statistics could be integrated into the EMF.

More generally, the HO clarified that its practice for reporting from the BCS is 50 cases or above. If the HO itself provides data this reporting rule is applied. However, there are no objections in principle to the robustness rule applied in this project (that is, the rule of 30 cases in a sample (for victim counts) or an overall sample size of 30 (for reporting proportions)) (HO 2009: Personal Communication).

Feedback from follow-up meeting with Scottish Government and Welsh Assembly Government

The Scottish Government has also emphasized that further discussion will be needed with stakeholders in order to take legal case outcome elements of the EMF forward in Scotland.

WAG noted that it is committed to obtaining domestic violence and hate crime data from the police forces in Wales. We have a target in our developing domestic abuse strategic action plan to agree reporting arrangements with ACPO Cymru. It agreed and supported recommendations for moving towards a more victim-orientated approach in relation to police-recorded crime and legal case outcome data, with more systematic recording of individual characteristics, suggesting that this would be very useful; and agreed with recommendations for taking forward police-recorded crime statistics and incident reporting statistics on domestic violence and hate crime.

Requirements under the 2009 Annual Data Requirement

Requirement 1: Record the time & date of the offence.

Feedback from forces is that this information is available and could be fit for purpose.

Requirement 2: Record the age, gender and ethnicity of victims and offenders

Again feedback received is that this information is available and could be fit for purpose.

Requirement 3: Use of the Domestic Violence flag:

Use the DV flag available within the Event Aggravating Factor (EVAGFA) to flag crimes or incidents that are DV related.

Forces will need to ensure that the DV flag is populated when recording the relevant details of crimes. (Please note incident data is not brought into the Home Office Data Hub HODH and is not part of this pilot.)

Requirement 6: Hate crime:

Use the race, faith, disability or homophobic flag available within The Event Aggravating Factor (EVAGFA) to flag whether an offence is considered to be aggravated by these factors. In addition forces are required to record the time, date and location of the offence. These factors will be used to identify whether the offence is to be treated as a Hate Crime. As part of our analysis on the feasibility of a hate crime requirement, the Home Office will be drawing on the experiences of the ACPO National Community Tension Team (NCTT) pilot return on hate crimes.

Racist Offences

Data reflecting the number of incidents recorded through the National Standard for Incident Reporting (NSIR) National Incident Category List (NICL)

The data will be collected via the HODH despite a few technical hitches, which have delayed implementation, should be available during 2009/10.

When data is available, the HODH Project Team will analyse and evaluate the quality and reliability of the data and will make a recommendation about whether it is feasible to make the data collected via these pilots' mandatory requirements during 2010/11.

Source: Home Office (2009)

As part of our follow-up work in Indicator 2 we also consulted on whether statistics from the system of ‘incident reporting’ could be drawn on as a basis for Indicator 1. A system for police ‘flagging’ of incidents is set out in the National Standard for Incident Reporting (NSIR) Counting Rules (Incorporating the National Incident Category List (NICL): Instructions for Police Forces in England and Wales for 2007-8¹. The aim of these instructions is:

to ensure that all incidents, whether crime or non-crime, are recorded by police in a consistent and accurate manner, so as to allow resulting data to be used at a local and national level to meet the management and performance information needs of all stakeholders (ACPO et al. 2007: 5).

Under these instructions, incidents of domestic violence are to be recorded and flagged up by police forces. Hate crime is also a National (NICL) incident and will be recorded and flagged up by police forces under ACPO *et al.* (2007) instructions to police authorities. Qualifiers are listed as incidents aggravated by race, religion, sex, disability, age, sexual orientation and transgender (see Text Box opposite for further details).

We consulted with the National Police Improvement Agency (NPIA) on the possibility of using data on domestic violence and hate crime from the incidents reporting system as a basis for Indicator 1. The status of the data was clarified (NPIA, 2009) as follows:

- The data that is collected under the auspices of NSIR is not a national statistic but is seen rather as management information for action. To that extent it is not always subject to the same degree of rigour that other data, that is considered a national statistic, might be.
- The qualifier (flagging) process contained in NSIR relates only to those incidents which do not, as a general rule, result in the recording of a formal crime which in turn then appears in the notifiable crime data gathered by the HO.
- NSIR incorporates an incident type (or classification) of ‘domestic Incident’ which encompasses those ‘domestics’ which do not amount to a recordable crime and/or which fall outside the ACPO definition around domestic abuse. This classification is over and above the qualifier (or tag) for domestic abuse

¹ <http://www.crimereduction.homeoffice.gov.uk/regions/nsircountingrules2007-08.pdf>

as incidents with this qualifier would in the majority of circumstances result in a crime being recorded.

- Domestic incidents in NSIR are not the necessarily same as domestic violence reports that you would find on a force crime system - because the two databases/sources have different definitions.
- Additionally some forces have, until very recently, been unable to apply these qualifiers across the board as their IT has required updating or changing to facilitate the position. To that extent the data is not currently complete across the 43 forces.
- Having access to both crime data and incident data would be necessary to see the total picture. It may be reasonable to incorporate (as one element of the broader picture) those non-crime domestic incidents and NPIA are commissioning a strategic review which will consider this issue.
- The commissioning of a strategic review of NSIR is currently in its early states. A report later this year would establish the development of the standard for next year and beyond. Using data currently available under NSIR to formulate a baseline position or initial dataset may be challenging if the outcome of review is for significant change.

Qualifiers under National Standard for Incident Reporting (NSIR) Counting Rules (ACPO *et al* 2007): (a) domestic incident; (b) domestic violence

THEME: Public Safety and Welfare

CATEGORY: Domestic Incident (non-Notifiable Crime)

DEFINITION: A report of a domestic incident, which occurs in either a public or private place.

This category is designed to capture only those incidents where the circumstances do not amount to a notifiable crime. Where a notifiable crime has been committed the incident should be closed under an appropriate crime code.

This would include 'Rowdy/Inconsiderate Behaviour' (raised voices/heated arguments, etc.) occurring in domestic situations or involving partners, family members or those living together.

It is suggested that if there are additional characteristics that forces wish to capture then 'qualifiers' can be used (for instance 'involving juvenile').

Where an incident or crime has been recorded and there are domestic violence issues then the qualifier 'Domestic Violence' should be used.

This would include verbal arguments falling outside the ACPO definition of domestic violence. This also includes those incidents involving ages and relationships which fall outside the ACPO definition (other qualifiers can be used, for instance 'Alcohol').

This category would also be used when a person is accompanied back to the location of a domestic incident to collect their belongings.

Source ACPO *et al* 2007: 55

Qualifiers - other characteristics: domestic violence

THEME: Qualifier

CATEGORY: Other Characteristics: Domestic Violence

DEFINITION: Where a clearly identifiable crime or incident has occurred this qualifier is to be used to ensure that any characteristics of domestic violence around the incident are captured. The ACPO definition of domestic violence is 'any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 18 or over, who are or have been intimate partners or family members regardless of gender.'

Source: ACPO *et al* (2007): 103

General decisions following consultation (of relevance to all measures)

In the light of the general consultation feedback discussed above, we have re-specified the measures under Indicator 1 in a much more raw form. The measures under this indicator still put the spotlight on three figures: the first, population incidence (as estimated on the basis of general population surveys); the second, police-recorded crime statistics; and the third, legal cases outcome figures. This focus means that the revised indicator captures and reflects the key concern of equality and human rights Non-Governmental Organisations NGOs (including those representing women) that the Indicator 1 measures should facilitate transparent and straight-forward comparisons between general population survey incidence rates, police-recorded crime figures, and the number of successful prosecutions that are ultimately achieved by the CPS.

As noted above, we originally tabled measures based on the attrition concept at the legal security specialist consultation event. However, this approach was heavily criticised by two major stakeholders (the HO and the Ministry of Justice) on the grounds of statistical robustness and reliability. The key issues raised focused on an approach based on multiple data sources that involved expressing an attrition rate as a proportion or a ratio (see above). We are therefore recommending that the figures are reported in 'raw' form rather than as a ratio or proportion.

We recognize that the possible limitations of measures that are derived from multiple data sets, such as a measure derived from case outcome data combined with population survey data or police-recorded crime statistics, is a key issue here. Measures of this type can run into the problems of different definitions and methods of measurement being adopted in each respective data source.

We also recognize that the fact that we are dealing with a **flow** concept introduces an added complication. There are often time lags in the prosecution of cases of rape and serious sexual violence crime and cases reflected in any particular year of BCS statistics may not be reflected in the same year's legal case outcome statistics, but rather in legal case outcome statistics for subsequent years. Time lags of this type will be particularly significant if there is a break in the trend (for instance if the population prevalence of rape and serious sexual violence significantly increased or decreased year on year).

We have given serious consideration to the suggestion that we use a single data source for each of the measures in this domain. However, a measure based on CPS data alone would only reflect and capture what is happening within the CPS with respect to each crime category, rather than putting the spotlight on the overall social problem at hand from the equality and human rights perspective (that is, population

incidence, compared with the numbers of incidents reported to and recorded by the police, and the number of cases successfully prosecuted by the CPS). An indicator of this type would be more suitable for a Performance Management Framework for the Ministry of Justice, but less suitable for an indicator of the overall equality and human rights situation.

On balance, therefore, we feel that it is necessary to recommend an indicator derived from multiple data sources. However, in the revised specification, we are presenting the numbers in raw form. We feel that this indicator can provide an important spotlight on a key equality and human rights concern. However, we have avoided a specification in terms of percentages and proportions, and the raw form comparisons need to be interpreted with flags for differences in definitions and time periods.

The Measures are not, in this sense, an **attrition rate**, but nevertheless address the need identified by equality, human rights and women's groups for the inclusion of measures that facilitate straight forward and transparent comparisons between the population incidence of rape, domestic violence and hate crime on the one hand, and the number of cases reported to and recorded by the police, and the number of cases successfully prosecuted on the other. We anticipate that this consensus-building compromise position will enable the Indicator 1 measures to be taken forward by the Commission, GEO and other Government Departments and stakeholders.

Building on existing data collection exercises, established indicators and existing data requirements

It should be noted that the need for robust and publicly available police-recorded crime statistics on domestic violence and hate crime is well founded and established and that the approach we are recommending under Indicator 1 builds on a number of existing data collection exercises and on established indicators and data requirements. In relation to rape, Measure 1.1 builds on and further develops the approach set out in PSA 24. PSA 24 includes an indicator of offences brought to justices based on police-recorded crime statistics. This is broken down as including rape and sexual assault. The Statutory Performance Indicators for 2008-9 published in Home Office (2008b) also include a related performance indicator (SPI6.4: percentage of sexual assault offences brought to justice)². Our approach builds on the PSA 24 indicator but introduces the further comparison with prevalence rates for rape and sexual assault, as reported in general population surveys, for the reasons given above, and extends coverage to domestic violence and hate crime.

² This is calculated as: $x=(a/b)*100$ Where: a = the number of offences brought to justice for the most serious sexual offences; b = the number of serious sexual crimes recorded by the police

The need for police-recorded crime statistics on domestic violence and hate crime is well recognized and the timely delivery of these statistics would feed into a number of related processes. For example, PSA Delivery Agreement 24 notes that the police are starting to flag in their data returns to the centre for all domestic violence-related offences, including domestic violence resulting in the most serious violent crimes (HM Treasury 2007, 28-29). The document states that once baseline data has been established, this flagging of domestic violence-related offences will enable trends in reported serious domestic violence to be monitored both nationally and locally as part of the wider assessment of progress against the PSA objectives and any local priorities, facilitating increasingly effective real-time performance management of this important issue.

HM Treasury (2007: 28-29) further notes that flagging of domestic violence incidents is being piloted by police between 2007-08 and 2008-09. A similar reference to flagging is made in House of Commons Home Affairs Committee (2008). In terms of past data releases, domestic violence related arrests by police authority area were published on the HO website for 2005-06 and 2006-07³.

In terms of established indicators, arrests as a proportion of domestic violence incidents were included in the 2007-08 Police Performance Assessment Framework. Similar measures comparing arrests as a percentage of incidents of domestic violence were proposed in the Technical Consultation for the 2008-09 Assessment of Policing and Community Safety Performance Framework. However, the Guidance on Statutory Performance Indicators for Policing and Community Safety 2008/09 (Home Office 2008b) specifies the current status of these indicators as either delayed or removed (see Box below).

³ Answer to Parliamentary Question by Margaret Moran dated 4 Mar 2008 (Column 2292W), <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080304/text/80304w0012.htm>

Guidance on Statutory Performance Indicators for Policing and Community Safety 2008/09

Delayed or Removed Indicators

Of those indicators consulted upon, the following indicators have been delayed for further development and possible introduction in 2009/10.

Domestic violence enforcement: Data on domestic violence (DV) offences is currently not collected by the Home Office so introduction of this indicator is delayed until the data can be consistently collected.

Domestic violence victimisation (NI 32): The support arrangements measured by this indicator are not yet available across the country. This indicator is delayed until the support arrangements are further rolled out across the country.

Detection rate (hate crime): Data on detection rates for hate crimes is not currently collected so introduction of this indicator is delayed until the data can be consistently collected. This indicator has been replaced, for 2008/09 only, with the 'Sanction detection rate for racially and religiously aggravated crimes'.

Measure 1.1 (E,W): The number of cases of rape estimated from general population survey sources, compared with the number of cases reported to and recorded by the police, and the number of legal cases successfully prosecuted

Sources: England and Wales: BCS, authors' calculations; police-recorded crime (HO) and legal case outcome figures (CPS), Scotland: SCJS / tbc

Evaluation against essential selection criteria:

1	Relevance	All equality characteristics
2	Legitimacy	Strong
3	Disaggregation	Figures will be reported at the aggregate level due to small number of cases (general population survey prevalence) and current limitations on data on victims characteristics (police-recorded crime, legal case outcome data)
	- at GB level	a/o
	- within England	a/o
	- within Scotland	To be confirmed in follow-up project
	- within Wales	To be confirmed in follow-up project
5	Aspect of inequality	Process
6	Frequency	Annual
7	Individual level	Yes
8	Robustness	

Consultation feedback

The tabling of a measure under Indicator 1 focusing on sexual violence was not controversial. However, different views were expressed as to whether the spotlight should be exclusively on rape, or on sexual violence more broadly conceptualized. The importance of capturing legal security in its broadest sense – highlighting the recording, reporting and detection of incidents of sexual violence by the police, as well as on legal case outcomes and successful prosecutions, was emphasized. The importance of disaggregation was also highlighted – the EMF should capture and reflect, for example, the prevalence, the reporting / recording and detection, and the successful prosecution, of incidents of sexual violence experience by young black women. Participants at the Scottish consultation event emphasized that the definition of rape in Scotland is different. For further discussion, see Chapter 6 (Indicator 1, Measure 1.3)

Decisions following consultation

Measure 1.1 has been re-specified and developed to make the most consistent comparison possible between general population survey definitions of rape and those adopted in the system of police-recorded crime and legal case outcome data.

The BCS figures cover adults only. BCS serious sexual violence covers rape (penetration of vagina, anus or mouth by penis) and penetration by assault (penetration of by vagina, anus or mouth by objects or other body parts).

The current definition of measure 1.1 is based on rape alone. If a broader measure covering rape and penetration was adopted, there would be a need to cover additional crime codes under the figures for police-recorded crime (more specifically, crime code 20A assault of a female aged 13 or over (assault by penetration and unwanted touching) and crime code 7A sexual assault on a male aged 13 or over (= assault by penetration and unwanted touching). However, in order to match up with the BCS serious sexual violence definition, it would also be necessary to take the figures for 'unwanted touching' out.

The CPS (2008b) reports legal case outcome figures for (1) rape and (2) total sexual assault offences excluding rape.

The HO has also raised questions about the robustness of the BCS rape estimate given the small number of cases captured in the BSC self-completion sample.

The Lancaster Review proposal for an attrition rate also started from cases reported to the CJS/police, rather than the BCS. This is because it was felt that there are insufficient cases of sexual offences captured by the survey to be robust for changes over time of a three-year duration (Walby, 2009, Personal Communication).

We are recommending that this indicator is reported at an aggregate level due to small sample size and that prevalence figures are pooled over years where this is necessary to generate statistically reliable estimates. The population rape estimate under Measure 1.1 is based on an underlying number of cases of more than 50, in line with HO practice.

Although the approach being suggested may not provide an adequate basis for time-series comparisons, our discussions with NGOs suggest that it is a high priority to include in the EMF a straight-forward comparison between BCS incidence estimates, compared with police-recorded crime statistics, and legal cases outcome statistics, covering either rape, or rape and sexual assault. For further details, see the note on the quality of BCS incidence reporting.

In order to take the development of this measure forward, it would be desirable to estimate the number of incidents rather than the number of victims of rape in the population from the BCS self-completion module. This will involve deriving an incidents estimate from the information on repeat victimisation available in the self-completion module. However, this information is currently only partially available, and we support the recommendation in the Lancaster Review that consideration is given to a straight-forward change in the self-completion module that would improve the quality of incidence data for partner violence, domestic violence and sexual violence (Walby *et al.* 2008). See comments under Measure 1.2 for further details of the necessary changes.

Since the BCS figures are for adults only, child victims should be separated out from the police-recorded crime figures and the CPS figures wherever possible.

Note on Home Office concerns

The Home Office have highlighted their continued concern with the large confidence interval associated with the BCS rape estimate presented in the Table above. As the Home Office note, the large confidence interval reported in the note under the table indicates that the estimate should be cautiously interpreted. The final presentation of the EMF data should clearly present confidence intervals along with estimates for this Measure to avoid simplistic interpretation. As noted above, comparability over time of this Measure is limited by sample size, and robust comparisons over time may not be possible.

Table 7.1 Measure 1.1. (EW) The estimated number of cases of rape, the number of cases reported to and recorded by the police, and the number of legal cases successfully prosecuted

Authors' calculations using BCS and ONS Population Estimates, England and Wales, 2007-8 / police-recorded crime / legal case outcome figures

Number of cases of rape estimated from general population survey sources (BCS self-completion module) ⁴	Number of cases of rape reported to and recorded by the police**	Number of cases of rape successfully prosecuted***
Estimate: 87280	7947	2021
(Range: 60190-114369)		

Notes

*Source: BCS (Self-completion module) and ONS Mid-Year Population Estimates, Table 3 <http://www.statistics.gov.uk/statbase/Product.asp?vlnk=15106>. The BCS figure is a population estimate based on a victim's count of 67 victims in the sample. The upper and lower bounds for the estimate are 60190 and 114369 based on a 95% confidence interval. The estimated number of cases of rape is currently proxied by the estimated number of victims and an incidents-based estimate should be derived in the follow-up project. The current estimate is based on the authors' calculations from the BCS self-completion module for adults aged 16-59. Figures for the population are obtained by multiplying the rape prevalence rate by 32077500 (the mid-year population estimate for the number of adults aged 16-59 in England and Wales). The prevalence rate estimate covers victims of penetration of the vagina, anus or mouth by penis, and attempts. In order to arrive at a consistent comparison for this measure and the police-recorded crime / legal case outcome figures, questions corresponding to the crime of assault by penetration (included in BCS serious sexual violence) are not covered by the estimate. The BCS self-completion module had a cut off at age 59 in 2007-8 and the figure does not, therefore, cover over 59s.

**Source: Crime in England and Wales 2007-8 (Home Office 2008c) Table 2.04. The figure corresponds to 'rape of a female aged 16 and over' and 'rape of a male aged 16 and over', Crime Codes 19C and 19F. In order to arrive at a consistent comparison for this measure, the figures corresponding to sexual assault are not covered.

⁴ Preliminary figure, requires further examination and validation.

***Source: CPS (2008b), Appendix 1: ‘CPS total rape prosecutions – convictions’.
The figure covers defendants charged with the following offences:

S1 Sexual Offences Act 1956

S5 Sexual Offences Act 1956

- An attempt to commit one of the above offences under the Criminal Attempts Act 1981
- S1 Sexual Offences Act 2003
- S5 Sexual Offences Act 2003
- S30(3) Sexual Offences Act 2003
- An attempt to commit one of the above offences under the Criminal Attempts Act 1981

Incitement or conspiracy to commit any of the above offences

Measure 1.2 (E,W): The number of cases of domestic violence estimated from general population survey sources, compared with the number of cases reported to and recorded by the police, and the number of legal cases successfully prosecuted

Source: BCS, authors’ calculations; police-recorded crime (HO) and legal case outcome figures England and Wales (CPS 2008b); Scotland: SCJS / tbc

Evaluation against essential selection criteria:

1	Relevance	All equality characteristics
2	Legitimacy	Strong
3/4	Disaggregation	Figures will be reported at the aggregate level due to small number of cases (general population survey prevalence) and current limitations on data on victims characteristics (police-recorded crime, legal case outcome data)
	- at GB level	a/o
	- within England	a/o
	- within Scotland	To be confirmed in follow-up project
	- within Wales	a/o
5	Aspect of inequality	Process
6	Frequency	Annual

7	Individual level	Yes
8	Robustness	

Domestic violence was not initially tabled as an indicator for the legal security domain. Prevalence rates were reflected in the physical security domain but not in the initial attrition measures. However, participants in the first round of specialist consultation strongly argued for the Indicator 1 measures to be extended to cover domestic violence.

For a detailed discussion of the views of participants on the definition of domestic violence and partner violence in England, Scotland and Wales (and for details of stakeholder submissions on definitions), see Chapter 6 (Appendix)

The importance of monitoring the criminal justice system response to domestic violence is highlighted in Home Office (2008a).

Decisions following consultation

Measure 1.2 has been developed to make the most consistent comparison possible between general population survey definitions of domestic violence, and police-recorded crime and legal case outcome data on the other. In order to arrive at a consistent measure, the BCS figure used in measure 1.2 is a broader measure that that adopted in the physical security domain (Chapter 6, Indicator 1) and covers emotional and financial abuse as well as physical violence, sexual violence and threats (as covered in the Individual, Social and Family Life domain).

As noted in the commentary above, we feel that police-recorded crime statistics on domestic violence are essential for monitoring the equality and human rights position for individuals and groups. The HO has indicated that these statistics will be made available in the foreseeable future through the ‘flagging element’ of the police-recorded crime system (for further details, see Appendix). We recommend that (1) police-recorded crime figures for domestic violence and hate crime are retained as spotlight indicators to use with the EMF; (2) the EHRC and the GEO undertake further discussions with the HO and other stakeholders regarding the availability of these measures and a definite timetable for their inclusion within the EMF.

In order to take the development of this measure forward, it would be desirable to estimate the number of incidents rather than the number of victims of domestic violence in the population from the BCS self-completion module. This will involve deriving an incidents estimate from the information on repeat victimisation available

in the self-completion module. However, this information is currently only partially available.

- There is currently **one** overall question on repeat victimization in relation to partner violence.
- However, there is currently **no** question at all on repeat victimization in relation to domestic violence where the perpetrator is not a partner.
- There are a number of separate questions in relation to sexual violence (with repeat victimization relating to indecent exposure, sexual touching, sexual threats, rape and assault by penetration all separately identified).

We support the recommendation in the Lancaster Review that consideration is given to a straight-forward change in the self-completion module that would improve the quality of incidence data for partner violence, domestic violence and sexual violence (Walby *et al.* 2008). The one current question on frequency of intimate partner violence does not allow for distinctions between levels to be identified. The questions need to include information on injury so that the events can be categorised by level using crime categories; then each level needs to have a separate frequency. These points also apply to domestic violence and sexual offences Walby (2009).

Since the BCS figures are for adults only, child victims should be separated out from the police-recorded crime figures and the CPS figures wherever possible.

Note on Home Office concerns

The Home Office remain concerned that the definitions underlying the BCS estimate for domestic violence on the one hand, and the police recorded crime figures and legal case outcome figures on the other, are not strictly comparable. We would like to highlight that the BCS definition is based on the official definition of domestic violence adopted by the Home Office and agreed by the Government in 2004 to improve joint working practices and monitoring. This defines domestic violence as: 'any incident of threatening behaviour, violence or abuse [psychological, physical, sexual, financial or emotional] between adults who are or have been intimate partners or family members, regardless of gender or sexuality'. (See Chapter 6, Appendix, for further details of definitions of domestic violence.)

Table 7.2 Measure 1.2 (EW) The estimated number of domestic violence and domestic abuse cases reported to and recorded by the police, and the number of legal cases successfully prosecuted

Authors' calculations using BCS and ONS Population Estimates, England and Wales, 2007-8 / police-recorded crime / legal case outcome figures

Number of cases of domestic violence (including emotional and financial abuse) estimated from general population survey sources⁵	Number of cases of domestic violence reported to and recorded by the police^{**}	Number of cases involving domestic violence successfully prosecuted^{***}
Estimate 2036017*	Under development	43,977
(Range 1913092- 2158941)		

Notes

* Source: BCS (self-completion module) and ONS Mid-Year Population Estimates, Table 3 <http://www.statistics.gov.uk/statbase/Product.asp?vlnk=15106>. The upper and lower bounds for the estimate are 1913092 and 2158941. The estimated number of victims is based on an estimate of the prevalence of domestic violence (including emotional and financial abuse) from the BCS self-completion module for adults aged 16-59. Figures for the population are obtained by multiplying the prevalence rate (weighted sample mean) by 32077500 (the mid-year population estimate for the number of adults 16-59 in England and Wales). The figure is defined to cover emotional and financial abuse as well as sexual and physical violence and threats. The BCS self-completion module had a cut off at age 59 in 2007-8 and the figure does not, therefore, cover over-59s.

** Data is being piloted in the police Annual Data Requirement and should be integrated into EMF when it is available from HO.

*** CPS (2008b, Appendix 1: 'CPS total domestic violence prosecutions – convictions'.

⁵ Preliminary figure, requires further examination and validation.

Measure 1.3 (E,W): The number of cases aggravated by hate crime estimated from general population survey sources, compared with the number of cases reported to and recorded by the police, and the number of legal cases successfully prosecuted

Sources: police-recorded crime (HO) and legal case outcome figures (CPS 2008a) England and Wales: BCS, authors’ calculations; Scotland: SCJS / tbc

Evaluation against essential selection criteria:

1	Relevance	All equality characteristics
2	Legitimacy	Strong
3/4	Disaggregation	Figures will be reported at the aggregate level due to small number of cases (general population survey prevalence) and current limitations on data on victims characteristics (police-recorded crime, legal case outcome data)
	- at GB level	a/o
	- within England	a/o
	- within Scotland	tbc
	- within Wales	a/o
5	Aspect of inequality	Process
6	Frequency	Annual
7	Individual level	Yes
8	Robustness	

Participants in the first and second rounds of consultation broadly supported the inclusion of hate crime under Indicator 1. See Chapter 6 (Indicator 2) for a discussion of the definition of hate crime in England, Scotland and Wales, as well as an examination of consultation responses on the inclusion of a hate crime prevalence measure within the physical legal security domain. A number of participants suggested that in addition to monitoring the prevalence of hate crime, it is important to monitor legal security and the extent to which incidents of hate crime are reported, recorded, investigated, detected and ultimately prosecuted.

Decisions following consultation

As noted in the commentary above, police-recorded crime statistics on hate crime are essential for monitoring the equality and human rights position for individuals and groups. The HO has indicated that these statistics will be made available in the

foreseeable future through the ‘flagging element’ of the police-recorded crime system (for further details, see Appendix). We recommend that (1) police-recorded crime figures for domestic violence and hate crime are retained as spotlight indicators to use with the EMF; (2) the EHRC and the GEO undertake further discussions with the HO and other stakeholders regarding the availability of these measures and a definite timetable for their inclusion within the EMF.

Table 7.3 Measure 1.3 (EW) The estimated number of cases of aggravated hate crime, the number of cases reported to and recorded by the police, and the number of legal cases successfully prosecuted

Authors’ calculations using BCS and ONS Population Estimates, England and Wales, 2007-8 / police-recorded crime / legal case outcome figures

Number of cases of hate crime⁶	Number of cases of hate crime reported to and recorded by the police**	Number of cases aggravated by hate crime successfully prosecuted***
Estimate: 2,346,527	Under development	55,295***
(Range: 2028049-2665005)		

Notes

* The figure is based on the estimated number of incidents of hate crime from the BCS victims module. It is calculated as the mean number of incidents per adult in the sample multiplied by mid-year population estimate of the number of adults in the population (43859000). The upper and lower bounds for the estimate are 2028049 and 2665005. The figure covers incidents of race motivated crime and hate crime (religion, transphobic and homophobic and disability based). Age-based hate crime is not included for reasons of consistency.

** Figures for racially and religiously aggravated crimes are available as a partial basis for this figure. See below, technical notes, for details and clarification requirements.

*** CPS 2008a, Annex A. The figure covers racist and religious hate crime, transphobic and homophobic crime, and disability incidents.

Technical follow-up work

- Since the BCS figures are for adults only, child victims should be separated out from the police-recorded crime figures and the CPS (2008a) figures wherever possible.

⁶ Provisional figure, requires further examination and validation.

- The legal case outcome figure currently covers racist and religious hate crime, transphobic and homophobic crime, and disability incidents. For reasons of comparability, it is recommended that the BCS prevalence figure for this measure is also limited to these categories (that is, age hate crime is dropped). However, in the medium term, EHRC and GEO should work with CPS to develop broader comparable measures.
- In relation to the development of the police-recorded crime figure, the recorded crime statistics provide published information on racially and religiously aggravated crime. Details of the figures for 2007-8 are provided below. Further clarification is required of the relationship between racially and religiously motivated offences (which have crime codes), and race and religiously motivated hate crime (under the Annual Data Requirement ADR flagging system). In particular, further discussions with the HO are required to ensure on the one hand there is no 'double counting' under this measure, and on the other hand, that police-recorded race and religious hate crime are not underestimated.

Table 7.4 Recorded crime statistics on racially and religiously aggravated crime

	HO code	2007/08
Racially/religiously aggravated less serious wounding*	(8D)	4,823
Racially/religiously aggravated harassment	(8E)	26,495
Racially/religiously aggravated assault without injury*	105B	4,320
Racially/religiously aggravated criminal damage to a dwelling	(58E)	1,150
Racially/religiously aggravated criminal damage to a building other than a dwelling	(58F)	823
Racially/religiously aggravated criminal damage to a vehicle*	(58G)	1,340
Racially/religiously aggravated other criminal damage*	(58H)	692

Notes

*. The change in definition relating to resultant injury in common assault and less serious wounding, which applied from 1 April 2002, is described in Chapter 5 of 'Crime in England and Wales 2005/06' (Home Office 2006)

**Recorded crime figures are affected by changes in levels of reporting to the police and recording by them, and this should be borne in mind when looking at long-term trends.

Source: <http://www.homeoffice.gov.uk/rds/recordedcrime1.html>

Indicator 2: Equal treatment by the police and criminal justice system (objective and subjective measures)

We have entirely re-specified Indicator 2 following the MoJ and HO consultation responses and a number of one-to-one meetings and correspondences, which emphasized that the data under PSA 24 would not be available for a considerable time and that it has not been agreed that the data under this indicator is to be put into the public domain. The strong reaction against our original specification of this indicator seemed to reflect in the main sensitivities around performance management and the particular issues raised by variations in local performance, and many of the national statistics are available through the MoJ Section 95 Report (MoJ 2008). Nevertheless, given the difficulties associated with our original specification of this indicator, we have developed a new approach to Indicator 2 based on general population survey data.

Measure 2.1 (E,W): The percentage (a) stopped on foot or vehicles (b) stopped and searched

Measure 2.1 (S): Percentage who had contact with police because they were stopped in a car, on a motorcycle or on foot, to be asked questions or searched

Source: BCS (England and Wales); Scotland: Scottish Crime and Justice Survey

Sub-domain: C,D

Evaluation against essential selection criteria:

1	Relevance	All equality characteristics
2	Legitimacy	Strong
3/4	Disaggregation	
	- at GB level	Not available from single source
	- within England	Gender, age, ethnicity, disability, religion and belief, social class, sexual orientation
	- within Scotland	Gender, ethnicity, disability, age, social class
	- within Wales	Gender, age, ethnicity, disability, religion and belief, social class, sexual orientation
		Small sample: England and Wales: Sample size too small to report 'searched' disaggregated by narrow band

		ethnicity and religion and belief groups, and for separate reporting of over-75s; sexual orientation sample size to be confirmed in follow-up project Within Wales: age (except over-75s), gender, disability and social class (except unclassified) more than 30; ethnicity – sample size too small to disaggregate even by broad band white / not-white; religion – disaggregation restricted to Christian / non-Christian
5	Aspect of inequality	Process
6	Frequency	Annual
7	Individual level	Yes
8	Robustness	Good

Follow-up work

The potential for disaggregating search data by ethnicity should be explored using pooled data. The pooled data should also be used to analyse the position of intersectionalities, especially young men from narrow band ethnic minority groups. If for any reason this proves not to be feasible, the indicator should be retained within the EMF, but administrative data should be used as a supplementary source (available from Ministry of Justice, Section 95 Report).

The implications of any differences between the BCS stop and search data and administrative data (from the Section 95 Report) should be discussed with MOJ at the next stage of the project.

Table 7.5 Measure 2.1 (EW) The percentage of the population that are stopped on foot or in vehicles, and that are stopped and searched, in the last year⁷

Authors' calculations from BCS, England and Wales, 2007-8

	Sample size	% stopped on foot or in vehicle in last year (weighted)	Sample size	% stopped in last year that were searched (weighted)
16-24	952	28.1	263	21.0
25-44	3766	12.4**	464	10.9**
45-64	3808	8.1**	320	6.2**
65-74	1629	3.3**	53	0**
75+	1507	1.1-	20 A	-
Male	5316	13.1	694	17.6
Female	6346	6.7**	426	4.5**
White	10907	9.4	1030	12.3
Mixed	65	12.3	8 A	-
Asian or Asian British	341	9.4	32	22.2-
Black or Black British	207	17.4**	36	15.6
Chinese / other	139	9.3	13	-
Non-white	755	11.9	90	17.7
White	10907	9.4**	1030	12.3
No limiting long-standing illness or disability	9190	10.5	968	13.3
Limiting long-standing illness or disability	2458	6.1**	151	9.5
Christian	9156	9.9	777	9.9
Buddhist	65	9.9	9 A	-
Hindu	98	14.0	13 A	-
Jewish	41	9.5-	6 A	-
Muslim	206	12.9-	26 A	-
Sikh	42	8.1	2 A	-
Other	64	8.9	6 A	-
No religion	1969	16.3**	279	17.2
Managerial and professional occupations	3817	9.9	359	6.6
Intermediate occupations	1245	9.2	96	7.7

⁷ Preliminary results. Significance based on ANOVA test.

Small employers and own account workers	996	14.9**	129	12.2
Lower supervisory and technical	1198	12.7	125	12.0
Semi-routine and routine	3596	9.3**	291	12.1
Never worked and long-term unemployed	337	7.1	23 A	-
Full-time student	432	22.8**	95	26.3
Not classified	41	2.4	2 A	-

Notes

A: sample size < 30

Key intersectional group to isolate: young white men v young non-white men

Measure 2.2 (E,W): The percentage who are confident that the criminal justice system (police, CPS, courts, prison and probation service) a. meets the needs of victims b. respects the rights of those accused of committing a crime and treats them fairly

Measure 2.2 (S): The percentage who are confident that the Scottish criminal justice system provides (a) equal access to the legal system for all (b) serves all communities of Scotland equally and fairly (c) provides an appropriately high standard of service for victims of crime (d) provides an appropriately high standard of service for witnesses

Sources: England and Wales: BCS; Scotland: SCJS

Sub-domain: A, B,C,D

Evaluation against essential selection criteria:

1	Relevance	All equality characteristics
2	Legitimacy	Strong
3/4	Disaggregation	
	- at GB level	Not available from single source
	- within England	Gender, age, ethnicity, disability, religion and belief, social class, sexual orientation
	- within Scotland	Gender, ethnicity, disability, age, social class
	- within Wales	Gender, age, ethnicity, disability, religion and belief, social class, sexual orientation
		Sample size:

England and Wales (combined): sex, age, ethnicity, disability, religion and belief and social class over 30; sexual orientation to be confirmed in follow-up project

Within Wales: age, gender, disability and social class (except for unclassified) over 30; ethnicity restricted to two band (white / non-white) or three band (white / Chinese and other / remaining categories); religion restricted to two band (Christian / non-Christian) or three band (Christian / religious non-Christian / no religion) analysis

Within Scotland: To be confirmed in follow-up project

5	Aspect of inequality	Process
6	Frequency	Annual
7	Individual level	Yes
8	Robustness	Good
		Within Wales tbc

Consultation feedback

Participants in the first round of specialist consultation emphasised that both objective and subjective indicators of discrimination by the criminal justice system should be explicitly included and balanced within the legal security domain. The revised specification of Indicator 3 reflects this feedback and includes subjective as well as an objective measures of fair treatment.

We originally proposed a measure for England and Wales derived from the Citizenship Survey under this indicator. This measure focused on individual perception of worse treatment than other races by the criminal justice system (proportion of persons expecting to be treated worse than other races / religions by: Magistrate and Crown Courts, The Crown Prosecution Service, The Police, The Prison Service, The Probation Service and the immigration service). Although participants in the specialist consultation were generally supportive of this measure, the reference to race in the question formulation made the question less relevant for other equality strands. For this reason, we have based our revised specification on the BCS measures, which are of more general relevance to the equality strands.

Welsh participants in the consultative events and web consultation also emphasized that BCS derived measures are preferable to Citizenship Survey derived measures for the purposes of within-Wales analysis. Break-downs of Citizenship data by gender and age would only be possible by aggregating data for several years.

A number of participants in consultation events emphasized the importance of the new Witness and Victim Experience Survey (WAVES, see Moore and Blakeborough, 2008) in providing a measure of public confidence with the police and the CJS from the victim and witness perspective. However, we remain concerned that WAVES only covers victim and witness satisfaction in relation to cases that are prosecuted. Cases that are not investigated by the police or prosecuted by the Courts are not covered. For example, the WAVES-based indicator being adopted as part of the Statutory Performance Indicators for Policing and Community Safety Framework 2008/09 covers victims / witnesses of crime which reaches the point of being charge. It further excludes information Framework explicitly excludes information about victims and witnesses of sexual offences, and victims and witnesses of domestic violence. For these reasons, we have not included a WAVES-based measure under this indicator. As an alternative measure, we are recommending the BCS-based measure of confidence of whether the CJS meets the needs of victims⁸.

We originally tabled the above as the basis of an indicator for effective police response (this was originally positioned in the legal security domain). The basis of this question was: 'After a crime involving force or violence against the respondent, the proportion of adults that said that they 'tried to report it but not able to contact the police / police were not interested'. The HO web consultation response included the comment that this would be statistically unreliable for detecting any differences between equality groups because it involves a very small proportion of population. BCS does not separately report on these reasons because they are given by less than 2 per cent of the population. There is also some overlap of codes because of the way people answer this question. This measure has now been removed (although the focus on police response is now captured and reflected in Indicator 1 and Indicator 2 measures 2.2 and 2.3 of this domain).

The HO has emphasized the importance of the Policing Green Paper general confidence measures in the police and criminal justice system. Measure 2.2 builds on this approach.

⁸ See SPI 1.4 (satisfaction with service delivery (CJS): Overall satisfaction with the contact had with the criminal justice system by victims and witnesses of crime whose cases reach the point of an offender being charged), Home Office (2008b:13-14).

Post-consultation note from the MOJ

MoJ have indicated a change in the questionnaire resulting in the following questions from April 2008:

Do you agree/disagree with the following:

- CJS gives witnesses and victims the support they need;
- CJS treats those who have been accused of a crime as 'innocent until proven guilty'
- CJS takes into account the views of victims and witnesses
- CJS takes into account the circumstances surrounding the crime when handing out sentences
- CJS is too soft on those accused of committing a crime
- CJS achieves the correct balance between the rights of the offender and rights of the victim
- CJS discriminates against particular groups or individuals; and
- Criminal Justice System as a whole is fair.

Although data from these questions are not currently published, Ministerial clearance to publish them in future is being sought. We recommend that measures derived from the first two sub-questions ('CJS gives witnesses and victims the support they need' and 'CJS treats those who have been accused of a crime as 'innocent until proven guilty') and the penultimate question ('CJS discriminates against particular groups or individuals') are in the future used as a substitute for the specified measures.

Table 7.6 Measure 2.2 (EW) Confidence that CJS meets the needs of victims of crimeAuthors' calculations from BCS, England and Wales, 2007-8⁹

	% (confident or very confident)
Age 16-24	54.9
Age 25-44	41.4**
Age 45-64	27.3**
Age 65-74	24.2**
75+	29.2**
Male	34.5
Female	37.7**
White	34.5
Mixed	39.5
Asian	54.5**
Black	47.2**
Chinese / other	50.4**
Non-white	50.8
White	34.5**
No limiting long-standing illness or disability	37.8
Limiting long-standing illness or disability	27.3**
Christian	34.3
Buddhist	42.5
Hindu	51.8**
Jewish	24.5
Muslim	56.7**
Sikh	49.9**
Other	39.8
No religion	38.1**
Managerial and professional occupations	32.3
Intermediate occupations	36.7**
Small employers and own account workers	29.9
Lower supervisory and technical	32.3
Semi-routine and routine	37.5**
Never worked and long-term unemployed	48.4**
Full-time student	56.1**
Not classified	34.9

⁹ Preliminary results. Significance based on ANOVA test.

Table 7.7 Measure 2.2 (EW) Confidence that CJS respects the rights of individuals accused of committing a crime and treats them fairly

Authors' calculations from BCS, England and Wales, 2007-8¹⁰

	% (very confident or fairly confident)
16-24	75.9
25-44	80.4**
45-64	80.4**
65-74	80.4**
75+	80.7**
Male	80.5
Female	79.0**
White	80.1
Mixed	75.9
Asian	78.9
Black	68.8**
Chinese / other	77.9
Non-white	76.0
White	80.1**
No limiting long-standing illness or disability	80.2
Limiting long-standing illness or disability	77.5**
Christian	80.3
Buddhist	80.4
Hindu	75.2
Jewish	70.6
Muslim	78.2
Sikh	80.9
Other	81.3
No religion	78.0**
Managerial and professional occupations	82.4
Intermediate occupations	81.1
Small employers and own account workers	77.9**
Lower supervisory and technical	79.7**
Semi-routine and routine	77.2**
Never worked and long-term unemployed	77.4**
Full-time student	78.2**
Not classified	77.5

¹⁰ Preliminary results. Significance based on ANOVA test.

Measure 2.3 (E,W): Percentage of those who have lodged an official complaint against the police in past 12 months who are fairly or very satisfied with the handling of the complaint

Measure 2.3 (S): Percentage of those who have reported an incident to the police who are very dissatisfied with the way that the police handled the matter

Sources: England and Wales: BCS; Scotland: SCJS

Sub-domains: A, B, C, D

Evaluation against essential selection criteria:

1	Relevance	All equality characteristics
2	Legitimacy	Strong
3/4	Disaggregation	
	- at GB level	Not available from single source
	- within England	Gender, age, ethnicity, disability, religion and belief, social class, sexual orientation
	- within Scotland	Gender, ethnicity, disability, age, social class
	- within Wales	Gender, age, ethnicity, disability, religion and belief, social class, sexual orientation
		Sample size: England and Wales (combined) too small for disaggregation by ethnicity (narrow or broad band), age, religion and social class. The potential for disaggregating by additional equality characteristics by pooling data over one or more years should be explored. Within Wales: Sample size (24) too small to report even at aggregate level. Within Scotland: To be confirmed in follow-up project.
5	Aspect of inequality	Process
6	Frequency	Annual
7	Individual level	Yes
8	Robustness	Some population groups might be less likely to make use of complaints mechanisms

This measure has been introduced in response to feedback at the human rights specialist consultation event, which emphasized the importance of complaints handling from the human rights perspective. Participants in the Scottish consultation events (at the physical and legal security sessions) were also particularly keen that complaints data should be captured and reflected in the EMF. Using the administrative data on complaints published annually by the Police Complaints Commission as a basis for this measure would enable us to provide the number of individuals making a complaint disaggregated by equality characteristics. However, we feel that the BCS data source is preferable because it enables us to estimate the proportion of individuals who have lodged a complaint that were dissatisfied with the complaints handling process itself. As such, we feel that the measure has greater potential to capture and reflect capability failure in the legal security domain.

Decisions following web consultation

The potential for disaggregating police complaints data by further equality disaggregation characteristics should be explored using pooled data. If for any reason this proves not to be feasible, the Independent Police Complaints Commission provides an alternative annual administrative source for this indicator.

Technical report

Complaint satisfaction is recorded by the BCS among people that have made an official complaint in the last five years N=212 (BCS 2007/08). Among these, 43 replied that they were satisfied, while 169 responded they were not satisfied. Overall, only 24.3 per cent of people who made a complaint were satisfied. The aggregate analysis highlights a high degree of dissatisfaction. The small sample numbers support disaggregation by gender (reported in the above table), but do not support analysis by other equality characteristics.

Table 7.8 Measure 2.3 (EW) Percentage of adults who have lodged an official complaint against the police in past 12 months who are fairly or very satisfied with the handling of the complaintAuthors' calculation using BCS 2007-8, England and Wales¹¹

	Sample size	% (fairly or very satisfied)
16-24	20 A	
25-44	102	
45-64	75 A	
65-74	11 A	
75+	4 A	
Male	87	16.3
Female	125	31.6**
White	204	
Mixed	1 A	
Asian	1 A	
Black	5 A	
Chinese / other	1 A	
Non-white	8 A	
White	204	
No limiting long-standing illness or disability	161	24.5
Limiting long-standing illness or disability	51	24.0
Christian	156	
Jewish	1 A	
Muslim	2 A	
Other	3 A	
No religion	49	
Not classified	1 A	
Managerial and professional occupations	75	
Intermediate occupations	23	
Small employers and own account workers	19 A	
Lower supervisory and technical	20 A	
Semi-routine and routine	56	
Never worked and long-term unemployed	7 A	
Full-time student	12 A	
Not classified		

Note: A: sample size < 30, too small for robust reporting

¹¹ Preliminary results. Significance based on ANOVA test.

Indicator 3: Detention: Numbers and conditions**Measure 3.1 (E,S,W): Percentage of the population in prisons in England, Wales and Scotland**

Sources: England & Wales: MoJ; Scotland: Scottish Prison Service Statistics

Sub-domains: A, C, D, E

Evaluation against essential selection criteria:

1	Relevance	All equality characteristics
2	Legitimacy	Strong
3/4	Disaggregation	
	- at GB level	Gender, age, ethnicity, religion
	- within England	Gender, age, ethnicity, religion
	- within Scotland	Gender, age, ethnicity, religion
	- within Wales	Gender, age, ethnicity, religion
5	Aspect of inequality	Outcome
6	Frequency	Annual
7	Individual level	Yes
8	Robustness	Robustness of religion as a disaggregation characteristic questioned by MoJ (see consultation feedback)

The key feedback issue under this measure was the need to recommend the publication of information about the prison population disaggregated by additional characteristics in the future, with a particular emphasis on disability (disaggregated by narrow bands, with an emphasis on mental disability).

Participants also emphasized the importance of recognising the full nature and scope of the detained population (for instance whether the measure covers people who are remanded, foreign nationals, and people being detained in police cells and refugee / asylum seeker reception centres, and hospital patients detained in secure units). These populations would also be ideally captured and reflected in the EMF.

In its web consultation response, the MoJ highlighted various difficulties involved in measuring prison population by faith, because a significant number of individuals change their faith on admission into prison.

The data currently available does not facilitate disaggregation for older age groups.

The Scottish Government publishes statistics on Scotland’s prison population, which includes information on prisoners by age, sex, ethnicity, religion, length of sentence, main crime/offence and type of custody. Transgender, sexual orientation and disability (including mental health) status of prisoners or their social class (prior to conviction) are not currently published by the Scottish Government¹².

The Scottish Government objected to the language originally used to describe measure 3.1 (deprivation of liberty). They were concerned about the way in which it could be presented/reported that is, it could be presented that an individual has been deprived of their liberty when in fact the individual has been imprisoned because of their own actions.

We have changed the description of the Indicator in response to this comment, to detention: numbers and conditions (rather than deprivation of liberty). In order to reflect the comments of participants that individuals detained in non-prison establishments (for instance hospital establishments, refugee and asylum detention centres) should be covered by this indicator, we have included a third measure, 3.3, detention in other establishments, which is currently under development.

Table 7.9 Measure 3.1 (EW) Total population in police cells

	Number in 2007
Male	179
Female	0

Source: MoJ (2008, Table 7.7)

¹² The Scottish Government, Crime and Justice Series, Statistical Bulletin, ‘Prison Statistics Scotland 2007/08,’ 29 August 2008.
<http://www.scotland.gov.uk/Resource/Doc/235546/0064616.pdf>

Table 7.10 Measure 3.1 (EW) Adult population (18 or above) in prison establishments at June 2007

Total adults aged 18 or above	77305
Male	73097
Female	4208
White	56518
Mixed	2262
Asian or Asian British	5179
Black or black British	11626
Chinese or other ethnic group	1139
Not stated	274
Unrecorded	56
1991 Census ethnic codes	249
21 or above	67851
18-20	9454
Christian	41406
Buddhist	1609
Hindu	357
Jewish	231
Muslim	8864
Sikh	608
Other religious groups	419
Non-recognised	337
No religion	25900

Notes: Excludes police cells. Breakdown by religion does not allow for separate identification of under 18s.

Source: MoJ (2008, Table 7.24)

Table 7.11 Measure 3.1 (EW) Population in prison establishments under sentence

	2007
18-20	6638
21-24	10339
25-29	12327
30-39	17635
40-49	10717
50-59	4035
60 and over	2027

Source: MoJ (2008, Table 7.3)

Measure 3.2 Perceptions of treatment with dignity and respect in prisons

Sources: Prison Quality of Life Survey (not currently publicly available) England and Wales; Scotland: Scottish Prison Service Statistics

Sub-domains: A, C, D, E

Evaluation against essential selection criteria

1	Relevance	All equality characteristics
2	Legitimacy	Strong
3/4	Disaggregation	
	- at GB level	Not available
	- within England	To be confirmed in follow-up project
	- within Scotland	Gender, age, ethnicity, religion
	- within Wales	To be confirmed in follow-up project
5	Aspect of inequality	Process
6	Frequency	Annual
7	Individual level	Yes
8	Robustness	Good

In considering the possibility of developing an indicator of decent treatment of the prison population, the criteria set out in the Expectations publication by HM Inspectorate of Prisons, relating to the conditions in prisons and the treatment of prisoners, were highlighted in the human rights specialist consultation event; this also provides a model for moving forward (HMIP 2008). A Home Office publication 'Measuring the Quality of Life in Prisons' (Liebling and Arnold 2002) reports the use of a pilot survey covering dignity, respect, privacy, safety, and unusual and degrading treatment or punishment. In addition, the 'quality of life' gap for BME and White individuals in prison in key areas such as access to regime facilities and personal safety is being monitored by ethnicity under PSA 24.

The MoJ has informed us that the Prison Service Measuring the Quality of Prison Life (MQPL) Team has been completing questionnaire surveys of each prison establishment across England and Wales, typically about once every two years, since April 2003. The current Prison Service MQPL questionnaire, which has altered over time, consists of 17 different dimensions of quality of life. Each dimension consists of a set of statements and prisoners indicate their level of agreement with each statement on a five-point Likert scale. Hence, for each of the 17 dimensions each prison receives a score between one and five: a score below three indicates negative perceptions on average, a score of three indicates neutral perceptions on average, and a score above three indicates positive perceptions on average. The questionnaire has a set of questions about the participant's personal characteristics, including their age and ethnicity. Each survey aims to include a random invitation sample, stratified by wing, of 100 prisoners regardless of the size of the prison. The MQPL Team does hold a data base, with data from all surveys completed to date.

The results of the survey are not currently published. We recommend that the EHRC and the GEO undertake follow-up work to make a formal request for this data to be made available so that an indicator of decent treatment of the prison population can be used as part of the EMF.

In Scotland, the situation appears to be entirely different, with a regular and public prison survey which measures prisoners' experience with their prison, including personal safety (cell, toilets and showers, corridors and stairwells and bullying) as well a range of other variables, such as the prison's atmosphere, visits from family and friends, food, the canteen, the prison's cleanliness, accessing facilities for personal hygiene and cleanliness, and access to healthcare. An official report focusing on disaggregation by ethnicity has recently been released.

We have not yet had access to the dataset, and the precise formulation of this measure will be agreed at the next stage of the project. Although the questionnaire

does not explicitly use the terms dignity and respect, we will derive a variable from the existing questions that are available.

Measure 3.3 Detention in other establishments (under development)

Source: To be confirmed in follow-up project

Sub-domains: A, C, D, E

Evaluation against essential selection criteria

1	Relevance	All equality characteristics
2	Legitimacy	Strong
3/4	Disaggregation	
	- at GB level	Not available
	- within England	To be confirmed in follow-up project
	- within Scotland	To be confirmed in follow-up project
	- within Wales	To be confirmed in follow-up project
5	Aspect of inequality	To be confirmed in follow-up project
6	Frequency	To be confirmed in follow-up project
7	Individual level	Yes
8	Robustness	To be confirmed in follow-up project

In order to reflect the comments of participants that individuals detained in non-prison establishments (for instance hospital establishments, refugee and asylum detention centres) should be covered by this indicator, we have included a third measure, 3.3, detention in other establishments. The measure is currently under development and sources will be identified in the follow-up project. Statistics on the number of restricted patients detained in hospital by gender are already available as a basis for this measure. The numbers detained in police cells, provided in a table under measure 3.1, provide a further possible source.

Table 7.12 Measure 3.3 (EW) Number of restricted patients detained in hospital at end 2008

Male	3448
Female	458
<hr/>	
20 and under	111
21-39	1973
40-59	1524
60+	298

Source: Statistics of mentally disordered offenders 2007-8 Table 4

<http://www.justice.gov.uk/docs/mentally-disordered-offenders-2007.pdf>

Indicator 4: Equal protection and support for individuals with justiciable civil justice problems

Measure 4.1: Percentage who had justiciable civil justice problems but who gave up or did nothing as opposed to other outcomes (E,W)

Measure 4.1 Percentage who had justiciable civil justice problems who tried to solve the problem but had to give up (S)

Measure 4.2 Percentage with justiciable civil justice problems that obtained advice (E,W; S, under development)

Source: England and Wales: Civil and Social Justice Survey; Scotland: Scottish Crime and Justice Survey

Evaluation against essential selection criteria:

1	Relevance	All equality characteristics
2	Legitimacy	Strong
3/4	Disaggregation	
	- at GB level	Not available from single source
	- within England	Gender, ethnicity, religion and belief, disability, age, social class
	- within Scotland	To be confirmed in follow-up project
	- within Wales	Gender, ethnicity, religion and belief, disability, age, social class
		Sample size: Sample size generally too small for disaggregation within Wales
5	Aspect of inequality	Outcome / autonomy
6	Frequency	Triennial E&W Annual Scotland
7	Individual level	Yes
8	Robustness	Good

Indicator 4 focuses on the civil justice system, including access to information and advocacy.

The inclusion of this indicator reflects the concern highlighted at the specialist consultation event that the portfolio of indicators for the legal security domain should

cover the civil as well as the criminal justice system. Participants in the first round of specialist consultation emphasized the importance of capturing and reflecting family court processes, employment tribunals, the enforcement of rights in the civil courts, access to information and other aspects of civil justice in the legal security domain. The specification of the two measures being recommended have been finalized with the 'Legal Services Research Centre, Legal Services Commission' who have agreed to provide the variables that will support the inclusion of this indicator within the EMF.

On the within Wales analysis using the CSJS, feedback from the Legal Services Commission suggests that as the survey is representative of E&W (not England or Wales), there will be small numbers of Welsh respondents (probably around 6 per cent) which are not necessarily representative of Wales. Since numbers are small, there is a lot of variation when looking at certain disaggregation characteristics (for instance by certain narrow band religion characteristics, such as being Hindu) in Wales. The sample size in Wales could be extended subject to financing.

Feedback from Scottish data providers clarified that The Scottish Crime and Justice Survey (SCJS) is a modular survey. For the fieldwork in 2008/9 a civil module is included. It is expected to achieve a sample of 8,000 (one half of the full sample). The 2008/2009 data will be published in September 2009. The civil module will be included in the 2009/2010 fieldwork but on the basis of a sample size of 4,000 (one quarter of the full sample).

In relation to Measure 4.1, the first year of data from the SCJS will show the percentage of people who had at least one justiciable problem within the previous three years, that was 'difficult to deal with' or 'could not be solved easily'. Additionally they will also show for the problem for each respondent that was 'the most important to resolve', the percentage that are 'not planning to do anything to solve the problem', however they will not show why they are not planning to resolve the problem. Further they will show the percentage that 'tried to solve the problem but had to give up'.

In terms of breaking the data down by the demographics listed, the survey will collect these data but the sample sizes may not be large enough to undertake any inferential analysis on each group. Social class is classified by the 'Standard Occupational Classification 2000'.

For the second year of SCJS fieldwork, the possibility of a new question which asks respondents 'not planning to do anything to solve the problem' why, and further for those who 'tried to solve the problem but had to give up' why they had to give up, is currently under discussion.

In relation to Measure 4.2, the first year's data from the SCJS will not show this. However, the possibility of the collection of this data in the 2009/2010 fieldwork is under discussion.

Table 7.13 Measure 4.1 (EW) Percentage of civil justice problems where respondents gave up or did nothing as opposed to other outcomes, January 2006-January 2009¹³

	Other outcome		Gave up/did nothing	
	Count	%	Count	%
18-24	223	70.3	94	29.7
25-44	1287	78.2	359	21.8
45-64	971	78.0	274	22.0
65-74	194	70.5	81	29.5
75+	68	62.4	41	37.6
Female	1445	75.4	472	24.6
Male	1303	77.6	377	22.4
White	2596	76.8	783	23.2
Asian/AB	64	66.7	32	33.3
Black/BB	52	74.3	18	25.7
Mixed	15	62.5	9	37.5
Chinese or other	15	75.0	5	25.0
Religion - None	981	75.9	311	24.1
Christian	1649	77.4	481	22.6
Buddhist	16	76.2	5	23.8
Hindu	18	58.1	13	41.9
Jewish	14	82.4	3	17.6
Muslim	41	64.1	23	35.9
Sikh	2	40.0	3	60.0
Other	23	74.2	8	25.8
Not ill/disabled	1954	76.7	593	23.3
Ill/disabled	794	75.6	256	24.4
Class - Don't know	3	37.5	5	62.5
Modern professional occupations	369	77.5	107	22.5
Clerical and intermediate occupations	277	74.1	97	25.9
Senior managers or administrators	167	76.3	52	23.7
Technical and craft occupations	210	78.1	59	21.9
Semi-routine manual service occupations	227	74.2	79	25.8

¹³ CSJS covers adults 18+. The survey question on disability refers to 'a long-standing illness, disability or infirmity' and 'By long-standing I mean anything that troubled [you/them] over a period of time or that was likely to affect [you/them] over a period of time.'

Routine manual service occupations	257	74.5	88	25.5
Middle or junior managers	116	77.3	34	22.7
Traditional professional occupations	149	76.4	46	23.6
Other (specify)	12	63.2	7	36.8

Source: table provided by Legal Services Research Centre

Table 7.14 Measure 4.2 (EW) Percentage of civil justice problems where respondents obtained advice, January 2006-January 2009¹⁴

	Did not obtain advice		Obtained advice	
	Count	%	Count	%
18-24	302	57.9	220	42.1
25-44	1364	48.7	1435	51.3
45-64	1055	49.7	1066	50.3
65-74	245	53.3	215	46.7
75+	103	58.2	74	41.8
female	1615	48.3	1729	51.7
male	1456	53.1	1285	46.9
White	2818	49.9	2831	50.1
Asian/AB	99	56.6	76	43.4
Black/BB	88	61.5	55	38.5
Mixed	34	61.8	21	38.2
Chinese or other	23	59.0	16	41.0
Religion - None	1111	51.4	1050	48.6
Christian	1790	49.7	1815	50.3
Buddhist	22	59.5	15	40.5
Hindu	26	57.8	19	42.2
Jewish	10	43.5	13	56.5
Muslim	67	53.2	59	46.8
Sikh	10	76.9	3	23.1
Other	27	52.9	24	47.1
Not ill/disabled	2140	51.3	2033	48.7
Ill/disabled	931	48.7	981	51.3
Class - Don't know	7	63.6	4	36.4
Modern professional occupations	378	50.7	368	49.3
Clerical and intermediate occupations	352	54.2	298	45.8

¹⁴ CSJS covers adults 18+. The survey question on disability refers to 'along-standing illness, disability or infirmity' and 'By long-standing I mean anything that troubled [you/them] over a period of time or that was likely to affect [you/them] over a period of time.'

Senior managers or administrators	190	51.9	176	48.1
Technical and craft occupations	228	52.5	206	47.5
Semi-routine manual service occupations	249	48.3	267	51.7
Routine manual service occupations	306	47.2	342	52.8
Middle or junior managers	113	44.8	139	55.2
Traditional professional occupations	159	53.2	140	46.8
Other (specify)	12	29.3	29	70.7

Source: table provided by Legal Services Research Centre)

Recommendations

Looking at the portfolio of indicators being proposed for the legal domain as a whole, the set of indicators reflects sub-domains A-J and includes more than one process indicator. Both objective and subjective measures are also represented in the domain as a whole. There are only four Indicators being recommended for this domain. The reduced number of indicators reflects the increased number of sub-measures in this domain.

The Lancaster review (Walby *et al.* 2008: 95) noted that there are gaps in the data on the processing of these crimes so as to deliver legal security, emphasizing that this is not only an issue of the collection of the data but of placing these in the public domain of data that are already collected but currently not availability for public scrutiny (Walby *et al.*, xii). We support this recommendation and feel that it is essential that the data gaps in the legal security domain are addressed. The need to validate and publish police-recorded crime data on domestic violence and hate crime is a particular priority.

We recommend:

- EHRC, GEO and the devolved administrations work with the HO, CPS and other stakeholders to develop a more victim-orientated approach to the monitoring of crime with a view to developing victims' national statistics by equality characteristic.
- In relation to Indicator 1, Measure 1.2 and 1.3, police-recorded crime statistics on domestic violence and hate crime are essential for monitoring the equality and human rights position of individuals and groups. (1) Police-recorded crime figures for domestic violence and hate crime should be retained as spotlight indicators to use with the EMF; (2) the HO validate and publish this data at the earliest possible date; (3) EHRC, GEO and the devolved administrations undertake further discussions with the HO and other stakeholders regarding the availability of these measures and agree a definite timetable for their publication and inclusion within the EMF.

- EHRC, GEO and the devolved administrations should support the work of the Police Improvements Agency to validate police incidents statistics on domestic violence and hate crime at the national level and to match this data to crime statistics. The statistics that are developed as part of this process should also be considered as a possible data source for Indicator 1, Measure 1.2 and 1.3.
- The new Hate Crime and Domestic Violence Reports (CPS 2008ab) have improved the availability of legal case outcome data on rape, domestic violence and hate crime. There is a continued need to improve the quality of data on victim characteristics. The CPS has signalled its commitment to improving the monitoring of victim's characteristics in key areas such as rape by ethnicity in the next year. We recommend that the EHRC work with the CPS, COPFS, the HO, the Ministry of Justice, the devolved administrations and other stakeholders and partners to ensure monitoring of legal case outcome figures by the characteristics of victims improves significantly in the future. These statistics should be made publicly available and the EHRC should ensure that as new statistics are made available they are included in the EMF.
- The BCS self-completion module should be extended to cover over-59s as soon as possible and any necessary adjustments to ensure access of older people, including older disabled people, are secured.*
- In line with the recommendations of the Lancaster Data Review, consideration should be given by the BCS data providers to a straight-forward change in the self-completion module that would facilitate the collection of further information about repeat victimisation via the BCS self-completion module.
- In relation to Indicator 2, the potential for disaggregating police complaints data by further equality disaggregation characteristics, especially narrow ethnicity band and for inter-sectionality (especially younger men from ethnic minorities) should be explored using pooled data. If for any reason this proves not to be feasible, the Independent Police Complaints Commission provides an alternative annual administrative source for this indicator.
- In relation to Indicator 3, the MoJ should ensure that data on the prison population should in the future be extended to enable separate disaggregation for older age groups separately, and for disability, including mental health status.

- EHRC and GEO should further discuss with the Ministry of Justice the possibility of MPQL data being made available for use with the EMF. If the data cannot be released an alternative arrangement should be made to facilitate the development of Indicator 3, Measure 3.2, Perceptions of dignity and respect by adults detained in prison establishments .
- SCJS data providers should ensure that a sexual orientation variable is included in the SCJS as soon as it is possible, as well as a religion and belief variable.
- Following discussions with the HO, the BCS sexual orientation variable has been released to the Essex archive. We recommend that this is included in future releases.