

Ethnicity Classification

Changing to self-identified ethnicity

Note

The Council has obligations under the Public Sector Equality Duty (PSED) to consider the possible effects of its guidelines on different demographic groups and is committed to exploring and understanding potential disparities within sentencing outcomes between these groups. To do this, the Council utilises sentencing data from the Court Proceedings Database (CPD), which contains information on offenders' demographic information and includes two variables identifying ethnicity: 'officer-identified ethnicity' and 'self-identified ethnicity'.

The Council has made the decision to move away from 'officer-identified ethnicity' and utilise 'self-identified ethnicity' instead. This variable refers to the offender's ethnicity as defined by the individual themselves. This is collected as 16 different ethnic groups, and then combined in the CPD to form a five-group categorisation as follows: White, Black, Asian, Mixed, Chinese and Other, Not recorded/ not known.

Currently, the Council uses the variable of 'officer-identified ethnicity'. This relates to the ethnicity as recorded by a police officer or a member of the administrative or clerical team, based on visual appearance. It is based on the following categorisation: White, Black, Asian, Other, Not recorded/ not known.

This decision has been made to allow the Council to use a more accurate representation of an offender's actual ethnicity rather than their ethnicity as perceived by a third party and to more closely align with the Ministry of Justice National Statistics publications '*Criminal Justice Statistics quarterly*' and '*Statistics on Race and the Criminal Justice System*', which both use the self-identified ethnicity variable.

Starting immediately, the Council will use self-identified ethnicity in all guideline development and statistical publications going forward.

How self-identified ethnicity data are collected

The information pertaining to an offender's ethnicity in the CPD is populated by the information collected by the police. For self-identified ethnicity, during a custody interview, the offender is asked to identify their own ethnicity by selecting from a list

of 16 options (known as the 16+1 classification)^{1,2}; this is then inputted into the police administrative system and passed to Her Majesty's Courts and Tribunals Service (HMCTS) to record in the court administrative system. It is possible that there may be some inaccuracies in this data, for example, through offenders not supplying this information or supplying incorrect information; however, it is considered to be a more accurate representation of an offender's ethnicity than that which is perceived by the police officer which could be subject to misidentification.

The availability of information relating to ethnicity is constrained by data coverage. For offenders sentenced for less serious offences which are mostly sentenced at magistrates' courts, ethnicity data is less readily available: there are different police processes in place for these offences and often offenders are sentenced without attending a police station or the court, meaning there is little or no opportunity to collect ethnicity data. This limitation applies to both ways of collecting ethnicity data (officer-identified and self-identified). For offenders sentenced for more serious offences that appear in the Crown Court (triable-either-way and indictable only offences), there is more available data on ethnicity as the likelihood of offenders attending a custody interview is higher. Overall, this means that coverage is inconsistent across different offences. Statistics for offences with lower coverage should also be treated with caution, as it is less likely that the available data on ethnicity are representative of all offenders sentenced for those offences.

The Council welcomes feedback on these tables and other aspects of its published statistics. Users are welcome to contact the Council with any comments by emailing:

Research@sentencingcouncil.gov.uk

¹ More information on both ethnicity classifications can be found in the Ministry of Justice statistical publication 'Race and the Criminal Justice System 2018', Appendix I (pages 64 and 65): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/849200/statistics-on-race-and-the-cjs-2018.pdf

² Since 1st May 2020, the self-defined ethnicity information within the MoJ administrative data is now based on an 18+1 classification rather than the 16+1 classification used previously. More information about the move can be found here: [self-defined-ethnicity-18plus1.pdf \(publishing.service.gov.uk\)](#). This means the underlying data used to produce the ethnicity information published by the Sentencing Council pertaining to 2020 onwards, will be based on this new classification. The published ethnicity categories will remain the same, however, this shift should allow a more accurate representation of an offender's ethnicity.