

Language as a barrier to justice and rehabilitation

A programme working across the criminal justice system to remove the systemic language barriers to justice and rehabilitation for anyone in contact with the criminal justice system who speaks English as a second or additional language, and to further develop the capacity of the criminal justice sector to meet the needs of these groups.

Programme Framework

2022 - 2026

About the programme

Programme goal

To break down the language and cultural barriers to accessing and achieving justice and rehabilitation for individuals who speak English as a second or additional language (ESL) in contact with the English and Welsh criminal justice system (CJS).

Programme intended impact

The intended impact of the programme is that individuals in contact with the criminal justice system who speak ESL have equal outcomes in justice and rehabilitation, and equal wellbeing during and after contact with the CJS, as their peers who speak English as a first language. This is thanks to a system and sector that have the ability and capacity to recognise, understand, and respond to the additional challenges they face.

About the programme

The Bell Foundation's updated Criminal Justice Programme continues to be bold and broad in its commitment to breaking down language barriers to justice and rehabilitation, but is more targeted in its intended impact thanks to a more developed evidence base. This includes learning from multiple commissioned research projects, the *Language for Change* and *Victims of Crime* funding streams, and from continuous engagement with the sector. **Its focus, led by the evidence, is the impact of language barriers on outcomes and wellbeing.** It also looks more widely at overlapping issues, primarily cultural barriers and challenges faced by those with protected characteristics including race and gender, again led by the evidence. It has a strong focus on equity, diversity and inclusion (EDI), and an awareness of intersectionality and the need for holistic support for every beneficiary. In 2022 the Criminal Justice Programme's EDI work will focus on race and ethnicity, and this will be reviewed and built on in partnership with the EAL and ESOL Programmes for 2023 onwards.

Achieving change in the criminal justice system is challenging. The criminal justice system and sector are characterised by frequent changes in political ambition and focus, a challenging political and policy environment, and archaic institutions that are very slow to change. However, the sector is also characterised by optimism, persistence, and empowerment. There are examples of organisations achieving seemingly small changes to the system that have a massive impact on the lives of those in contact with the CJS, and it is the Foundation's ambition to target resources to achieve this for individuals who speak ESL.

The ambition of the programme is to improve outcomes and wellbeing for beneficiaries. It will do this by achieving meaningful system change, and building the capacity of the sector through training, resources, and funding. This Framework outlines what the 'ideal' system and sector would look like, which is then broken down into short-, medium-, and long-term goals. It also addresses the programme's approach to funding and grants management to achieve these goals, and to utilising the Foundation's expertise in language to increase the programme's offer of training and resources.

The programme continues to look across the CJS, making efficient use of resource by focusing on common issues affecting victims and people with convictions but also acknowledging that there are unique challenges faced by individuals in contact with different parts of the system. It will harness the Foundation's capacity as a convenor, bringing partners together to strengthen collective impact and reach.

The Programme's Theory of Change

Programme hypotheses

That language is a barrier to justice and rehabilitation for people who speak English as a second or additional language (ESL).

That people in contact with the criminal justice system who speak ESL are often invisible, isolated, disadvantaged and disempowered.

That cultural differences or individual challenges due to another personal/protected characteristic can exacerbate these effects.

That **victims of crime** who speak ESL are often:

- Invisible in a system that does not recognise them.
- Isolated from support, and by prejudiced perceptions and cultural barriers.
- Disadvantaged by additional challenges compared to peers who speak English as a first language due to patchy provision of support.
- Disempowered in their own journey to seeking justice.

That **people with convictions** who speak ESL are often:

- Invisible in a system that does not recognise them.
- Isolated from monolingual prison regimes or community services, and from forming supportive relationships with staff and peers.
- Disadvantaged compared to peers who speak English as a first language due to barriers to progressing through their sentence plan.
- Disempowered in their own journey to rehabilitation.

That the **criminal justice system** does not have the knowledge or capacity to recognise, support, or empower people who speak ESL.

That this leads to poorer outcomes, now and in the future, and greater deterioration of wellbeing when compared to peers who speak English as a first language.

That improving the criminal justice system's ability to support individuals who speak ESL through training, resources, and provision of appropriate and sufficient services will lead to equal outcomes in justice and rehabilitation, and equitable wellbeing, as peers who speak English as a first language.

The programme's intended impact (the 'ideal world' scenario):

What does the system (central Government and statutory agencies) do?

Decision-makers acknowledge and understand the scale of the issue and its impacts, and provide appropriate and sufficient services:

- 1) Data**
There is data on how many people and where they are (in the system and geographically).
- 2) Funding**
Adequate funding is provided to meet the needs of these individuals as demonstrated by the data.
- 3) Evidence-led decisions**
The evidence is 'public knowledge' and every policy or commissioning decision considers the data and the evidence, either:
 - a. with adaptations to services that meet the needs of speakers of ESL, or
 - b. with additional services tailored specifically to speakers of ESL where adapted services are not appropriate.
- 4) High national standard for the provision of interpretation and translation services**
The system provides quality, consistent, and CJS-appropriate interpretation and translation services by meeting a high national minimum standard.
- 5) High national standard for the provision of ESOL learning – meeting the principle of equivalence with community provision**
All individuals in contact with the CJS have access to ESOL learning at an appropriate level and with an appropriate purpose.

What does the sector (statutory and voluntary staff and services) do?

All statutory and voluntary sector staff in the criminal justice sector a) understand the additional challenges facing people who speak ESL and b) employ best practice techniques to overcome them:

- 1) Staff training**
All staff receive comprehensive training on working with service users who speak ESL.
- 2) Staff guidance**
All forms and staff-facing paperwork are accompanied by guidance on delivering them to service users who speak ESL.
- 3) Screening for language support**
Individuals in contact with the CJS are consistently screened at each contact point.
- 4) Appropriate services**
Wherever possible, services are accessible to people who speak ESL. When this is not possible, an equitable alternative is provided specifically tailored to the needs of people who speak ESL.
- 5) Accessible and empowering communication**
 - a. Individuals are allocated an interpreter and/or cultural mediator at their first contact with the CJS, who accompanies them throughout their journey.
 - b. All forms and service-user-facing paperwork are provided in easy-read and/or translated formats.



How does this manifest itself for the individual?

All individuals who speak ESL are identified and provided with the intersectional/holistic support services they need to achieve equal outcomes in justice and rehabilitation, and experience the same levels of wellbeing as peers who speak English as a first language.

Key objectives, activities, and intermediate outcomes

Key objective one: Influencing system change and thought leadership

Use evidence, partnerships and influencing to change the system's response to individuals in the CJS who speak ESL.

Key objective two: Build the capacity of the criminal justice sector

Continue to develop the Foundation's role as a convenor and expert on language barriers in the criminal justice system and use that position and expertise to embed evidence-based training and resources to improve the sector's response to the needs of individuals who speak ESL.

Key objective three: Fund and evaluate projects and services that aim to improve outcomes and wellbeing for individuals in contact with the CJS who speak ESL.

Fund a balance of evidence-based work and innovative pilot projects that aim to improve outcomes and wellbeing for individuals in contact with all parts of the CJS who speak ESL, either through adaptations to existing services or with the provision of specialist, tailored services. Work with partners to evaluate and develop the work to improve its future success, and with other funders to scale successful projects sustainably.