

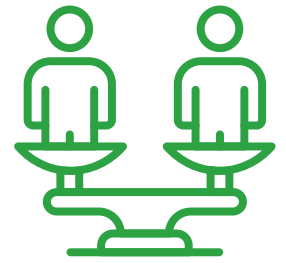
# Disproportionality and the Youth Justice Service

## A one-minute guide



## What is Disproportionality?

Every person should be equal in the eyes of the law, regardless of age, ethnicity or anything else. However, research shows that the youth justice system treats children and young people (10 to 18-years-old) from ethnic minority backgrounds differently.



This is termed disproportionality. It means ethnicity is over-represented compared to the proportion of that group within the general population.

The drivers for disproportionality in youth justice are complex, and many lie outside of the criminal justice system. The youth justice system alone cannot solve the problem but the policy makers and practitioners within it do have a responsibility to do everything they can to tackle disproportionality and to ensure that all children and young people are treated equally, no matter their background.

## Who does it affect?

Disproportionality data shows that children from Black, Asian and Minority Ethnic ('BAME') backgrounds are disadvantaged in many areas including education, housing, health, and poverty; to name just a few.



Children and young people from BAME backgrounds are over-represented at most stages of the youth justice system. The Lammy Review<sup>1</sup> (2017) highlighted that BAME defendants were more likely to enter a not guilty plea at court, resulting in harsher sentencing and a longer time spent in the justice system.

During a child's journey, each time that disproportionality occurs the chances of them doing well in adult life reduces with potentially long-term consequences.

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<sup>1</sup> <https://www.gov.uk/government/publications/lammy-review-final-report> (accessed November 2020)

## Tower Hamlets and City of London Youth Justice Service



The Youth Justice Service is responsible for the prevention of crime and anti-social behaviour by children and young people. It supervises their court orders and out of court disposals, both in the community and in custody. The service aims to reduce the level of offending and re-offending by children aged 10 to 18-years-old; therefore, the Youth Justice Service takes a significant interest in the impact of disproportionality on BAME young people.

The youth justice system has three performance indicators by which it measures the progress of children and young people through the system:

- Offending rates;
- Re-offending rates; and,
- Numbers in custody.

The good news is that the numbers of children and young people offending, re-offending, and being sent to custody has decreased over the past 10 years. However, the proportion of children and young people from ethnic minority backgrounds has risen significantly for each performance indicator.

The Youth Justice Board for England and Wales through its disproportionality toolkit<sup>2</sup> collects data which shows disproportionality has been consistent over several years and is not reducing. Tower Hamlets and City of London Youth Justice Service's local data reflects similar findings, particularly in relation to black boys:

- Black children were overrepresented in custody every year from 2015-20
- Both black and mixed ethnicity children have been consistently more likely to be convicted or cautioned compared to white children
- Asian children are consistently less likely to be convicted or cautioned compared to white children

## A partnership approach to resolving disproportionality



The Youth Justice Service believes that a partnership approach is key to reducing disproportionality and ensuring partners understand the experiences of BAME children and young people.

The Lammy Review highlights that “the best way to ensure fair treatment is to subject decision-making to scrutiny” (David Lammy, 2017, p. 69). Knowing the realities that BAME young people face and understanding the adverse experiences of institutionalised racism is key in helping hold organisations to account and improving the systems to support and protect children, young people and their families - regardless of their ethnicity.

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<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/753321/YJB\\_Case\\_Level\\_Ethnic\\_Disproportionality\\_Toolkit\\_Pilot\\_A\\_Process\\_Evaluation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753321/YJB_Case_Level_Ethnic_Disproportionality_Toolkit_Pilot_A_Process_Evaluation.pdf) (accessed November 2020)

As part of its commitment to explore and address disproportionality, Tower Hamlets and City of London Youth Justice Service Management Board, comprising of senior leaders from a wide range of partner agencies, held a Spotlight focus session on disproportionality on Wednesday 1 July 2020. A Disproportionality Action Plan was produced with specific, measurable, time-actioned targets assigned to different members of the Board. This will be overseen by the Chair of the Board and reviewed regularly to ensure that disproportionality is kept at the forefront of the work of both the Youth Justice Service and the Board.

## The next steps for Tower Hamlets and City of London Youth Justice Service



Working in tandem with the Board's Disproportionality Action Plan, the Youth Justice Service has made the tackling of disproportionality a strategic priority and has agreed the following actions:

- **Reports:** The importance of the impact of language and the way we are using it in reports to Court for sentencing, conferences and recording. We need to ensure we describe accurately in reports the impact of disproportionality.
- **Data collection:** The importance of culture and inequality in both housing and education experienced by some of the children and young people, and how we accurately record this on the Youth Justice Service database.
- **Prevention:** The importance of how we link with early years and interventions, and how we can improve this with an all system approach. How we engage with Early Help, community groups and community leaders to achieve local improvements.
- **Court:** Record details of judges/magistrates and identify any themes in relation to disproportional outcomes. Convene a Court Scrutiny Panel on Disproportionality with three neighbouring boroughs to explore the local youth court decisions on a dip sample of cases.
- **Out of Court:** Attend biannual scrutiny panels where a dip sample of cases can be looked at to determine any themes in relation to disproportional decisions.
- **Child/young people's voices:** Improved self-assessment tools including disproportionality questions.
- **Trauma-informed practice:** Ongoing efforts should be made by Youth Justice Service management to ensure that agency policies, procedures, training, supervision, and practices are trauma-informed; show a deep level of cultural awareness; and are culturally relevant for the children, young people and families.
- **Unconscious Bias:** Commitment for all Youth Justice Service staff to be trained in Unconscious Bias by January 2021
- **Face-to-face work:** Youth Justice Service practitioners to recognise and acknowledge BAME issues in all their work, including direct face-to-face work.
- **Pathways:** Ensure appropriate pathways are in place for all BAME children and young people between the Youth Justice Service and partners.

**The Youth Justice Service commits to acknowledging and recognising disproportionality through all its work and to ensure the experiences of BAME children and young people are not discounted.**

**For more details contact:**

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