

Understanding ethnic disparity in reoffending rates in the youth justice system

Child and practitioner perspectives
report



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Disclaimer

The views expressed are those of the authors and do not necessarily reflect those of the Youth Justice Board.

Foreword

For some time, including before my tenure at the YJB, I have highlighted the significant issue of racial disparity in the youth justice system, and it remains of huge concern to me. We know that systemic and institutional prejudices impact on the likelihood of a child entering the youth justice system and even influence the treatment they receive once there.

Of course, a lot happens before a child comes into contact with the youth justice system and the reasons are complex and intersectional. Nevertheless, complexity is not an excuse for inaction or giving up. It's a challenge, and one that we must collectively meet.

One area that requires our close attention is the disparity we see in proven reoffending rates for children from different ethnic minority groups. Our youth justice statistics for 2021 to 2022 showed that despite decreases in reoffending rates across all children over the last five years, the reoffending rate was highest for Black children. This has been consistent over the last ten years.

We needed to understand more about this issue and so commissioned Traverse, an independent research organisation, to conduct a research study to examine what may be driving the disparity in rates of reoffending.

The research involved statistical analysis of reoffending data from England and Wales, interviews with children from England as well as focus groups with youth justice service practitioners.

The findings are published in two parts, a ***Child and practitioners perspectives*** report and an ***Analysis of reoffending data*** report. Both are published today and should be read together. This is important to ensure a full appreciation of the data alongside the contextual factors affecting children from certain ethnic minority groups.

The analysis of reoffending data aimed to assess the extent to which differences in reoffending outcomes can be explained by differences in other demographic and offence-related factors, and practitioner assessed factors, that the YJB holds data on. It should also be noted that the data is grouped to the five aggregated ethnic groups and does not show the groups separately. We understand, therefore, that this analysis represents a simplification of a complex picture of diversity.

Specifically, the statistical analysis suggests substantial disparities in reoffending rates:

- A higher-than-expected re-offending rate for children from a Black or Mixed heritage background compared to White children, even after various contextual factors – such as offence type, local area deprivation, practitioner assessment of risk, and previous disposal - are taken into account.
- A lower-than-expected re-offending rate among those from an Asian / Chinese background compared to White children.

It also uncovered disparities in disposals following reoffending:

- Children from a Black, Asian or Mixed heritage background are more likely to receive a custodial sentence following reoffending compared to White children, even after similar contextual factors – such as offence type, practitioner assessment of risk, previous disposal – are accounted for.

Though this analysis helps us understand more about the patterns of reoffending, it only provides a partial picture. The children and youth justice practitioners who kindly took part in the research shared their views of what may be driving higher rates of reoffending, these center around the following themes:

- Marginalisation and exclusion from education and other support systems.
- Wider social inequalities, including poverty and local deprivation.
- Individual, institutional, and systemic bias. This includes the growing identification of adultification, where children from ethnic minority backgrounds in the youth justice system are often treated as adults.
- Weaknesses in prevention and diversion.
- Negative experiences of the wider criminal justice system.

This is often uncomfortable reading, and these insights demonstrate we clearly have some way to go if we are to achieve equity of treatment for all children in the youth justice system. It is therefore vital we recognise the wider structural and systemic challenges some ethnic minority children can and do face. We must also put these findings in the context that most ethnic minority children and adults have no contact with criminal or youth justice systems.

Unfortunately, children and practitioners from Wales were not included in the *Child and practitioner perspectives* sample, our accompanying analyst note provides more detail on the research and its limitations. We nevertheless anticipate that the findings will be of interest to those in the Welsh youth justice system.

The report authors have made a number of recommendations in relation to education, the importance of tailoring interventions to children's individual needs, interests, and aspirations and the diversity of the workforce.

I am pleased that work is already underway at the YJB to meet several recommendations set out in the report.

Education

- We have identified education as one of our areas of focus within the youth justice system for 2023/24 where we will deliver targeted pieces of work to drive improvement. We want to support children's increased access to high quality education, training and employment to support the development of a pro-social identity. We will also continue to support and share learning from the Department for Education's Alternative Provision Specialist Taskforce and the Support, Attend, Fulfil, Exceed (SAFE) multi-disciplinary pilots to support children within education placements.

Individual and institutional bias

- We are collaborating with the Workforce Development Council and have developed Elevate, a middle-manager positive action programme for under-

represented groups. Elevate is a six-month mentoring programme designed to support the progression of middle managers from ethnic minorities (including White minorities) into strategic management - where they are currently under-represented.

- We are also collaborating with the Workforce Development Council to develop a Youth Justice Apprenticeship and Positive Action Programme which will offer additional support to individuals from ethnic minority groups, those that have lived experience of the youth justice system and care leavers.
- In addition, we continue to work with the Magistrates Association to support the sector to develop and implement a joint national disparity protocol for racial disparity.

Prevention and diversion

- We have been working with the National Police Chiefs' Council (NPCC) and other key partners across England and Wales to update key diversion guidance documents which will align with Child First and Child Centred Policing and seek to avoid unnecessary criminalisation of children. This includes:
 - The term out-of-court disposal to now incorporate both formal and informal out-of-court disposals and producing guidance to ensure children's needs can be met outside of the formal youth justice system wherever possible.
 - Updates to the Child Gravity Matrix – the triage tool designed to support decision making for police officers to assist in deciding the most appropriate outcome or disposal for children who offend.
 - The development of a standardised assessment tool for out-of-court diversion and prevention cases that will be housed on youth justice service's case management systems, to enhance data reporting and support the development of a national evidence base surrounding prevention and diversion work.

This is a significant piece of research which highlights some deeply concerning issues for all those working in the youth justice system. At the YJB, we remain determined to change the system, but we cannot change it alone. Our work with partners such as the police, courts, education services and youth justice services are important to us making any progress in this area. We will continue to work with key partners to address ethnic disparities and bias across the system to bring about change.

Keith Fraser

YJB Chair and Board Champion for Over-Represented Children

Executive summary

Overrepresentation of ethnic minority children in the youth justice system remains an enduring and unacceptable feature.¹ The Youth Justice Board (YJB) commissioned Traverse to conduct research into the drivers of ethnic disparity in reoffending rates.

The aims of this research are to offer a fuller understanding of the criminogenic (crime causing) contextual factors that may drive ethnic disparity in reoffending rates and understand the seldom heard perceptions of children with experience of the youth justice system regarding the support and interventions they have experienced.

This report focuses on the qualitative strand of the research, which consists of 19 interviews with children with proven reoffences known to services and three focus groups with 22 practitioners from Greater London, East and West Midlands and North West England. Children and practitioners were asked to share their experiences of interventions to prevent reoffending, factors that contribute to reoffending and the support required for children from different ethnic minority groups to prevent reoffending. There is also an **Analysis of reoffending data** report which should be considered alongside this report.

The findings from this research illustrate four key thematic drivers of ethnic disparity in offending rates for children.

1. Marginalisation of individuals and communities

Nearly all children interviewed had been excluded from school prior to, or as a direct result of their first offence. Exclusion removes consistency from children's lives and makes it harder for practitioners to engage with them in a safe space. Children want educational courses to be a part of their reparations, to help them gain skills and achieve their aspirations.

Poverty and social class were key issues highlighted by both practitioners and children that influence offending and reoffending rates. These background factors contribute to a system in which ethnic minority children were overpoliced but under protected.

2. Individual, institutional, and systemic bias

Children involved in crime are more commonly treated as adults – especially those from ethnic minority backgrounds – which can lead to a lack of safeguarding. Implicit and explicit racism within different institutions means ethnic minority children are treated differently to their White peers which contributes to feeling like they have already been written off.

¹

https://www.london.gov.uk/sites/default/files/tackling_ethnic_disproportionality_in_youth_justice_-_action_plan.pdf

A lack of diversity among the police and courts system was felt by many interviewed to underline systemic racial bias. This perceived bias was reflected in the number of times children had been stopped and searched, much higher than their White friends. Furthermore, examples were given of explicit racial disparity in sentencing, where ethnic minority children received longer or harsher sentences than their White peers for the same offence.

3. Weaknesses in prevention and intervention

Building strong, trusting relationships with children was viewed as a prerequisite to delivering effective interventions. Where this did happen, children spoke positively about their interactions with caseworkers. However, this was not always possible due to a lack of time and resources. Additionally, a shortage of wraparound services such as Child and Adolescent Mental Health Services and employability support was identified as a potential driver for reoffending.

4. Negative experiences of the wider youth justice system

The lack of information for children navigating the youth justice system is reported to be a driver of ethnic disparity in reoffending rates. This is exacerbated by negative experiences of police custody and inadequate legal representation as reported by many children. This, plus the failure of sentencing to account for children's needs and experiences means interventions to reduce reoffending are not as effective as they could be.

Recommendations

- exclude children from education only as a last resort
- prioritise funding for local services aimed at children
- offer online tutoring for excluded children
- provide weekly allowances for children at risk of reoffending
- standardise intelligence collection
- increase diversity within the system
- amplify the voices of youth justice practitioners
- support practitioners to tackle issues of race
- provide training and support for staff working with children from Gypsy, Roma and Traveller communities
- increase funding for youth justice services
- extension of statutory intervention timelines
- formalise handover processes
- empower practitioners to tailor interventions to children's individual needs, interests, and aspirations
- limit out of area moves wherever possible
- enable practitioners to share practice across services and localities
- embed youth justice practitioners in police custody suites.

Introduction

Background

At the start of 2022, the Youth Justice Board (YJB) commissioned Traverse, an independent research organisation, to conduct a year-long research study into the drivers of ethnic disparity in reoffending rates in the youth justice system.

Overrepresentation of ethnic minority children in the youth justice system remains an enduring and unacceptable feature.² Yet, the complex and multiple drivers of reoffending and how they might be specific to children from ethnic minorities (including White minorities) is an understudied phenomenon.

The Lammy Review into the treatment of, and outcomes for, ethnic minorities in the British Criminal Justice System highlighted the scale of the reoffending issue. Data from 2017 showed that 36-44% of convicted children would reoffend within one year of completing their sentence, compared to 29-32% of adults. While reoffending rates among children under 18 had fallen in the preceding years, this process was slower among ethnic minorities, leading to a rise in the proportion of ethnic minority children among the reoffending cohort from 11% to 18%.³ This same data also demonstrated the ethnic disparity that is the primary focus of this research: while Asian children were less likely to reoffend than their White British peers, as many as 45% of Black children were expected to reoffend within 12 months of release from custody or receipt of a non-custodial conviction, reprimand, or warning.⁴

Research conducted by the Ministry of Justice in 2016 (based on cohort data from 2013) similarly found that proven reoffending rates were higher among Black males than any other ethnic group. This was particularly true for Black children under the age of 18, who were found to be 15% more likely to be proven to reoffend compared to their White peers. However, this was the only demographic for whom this was the case.⁵ Given that much of the available literature cites the disproportionately negative outcomes experienced by both Black and Asian males in their interactions with the youth justice system, it is interesting that this could not be proven to lead to higher incidence of proven reoffending for both groups as recently as 2016.

Quantitative analysis of more recent data should enable us to determine whether there has been any observable change in this regard for the five-year period from 2013-2018.

²

https://www.london.gov.uk/sites/default/files/tackling_ethnic_disproportionality_in_youth_justice_action_plan.pdf

³ Lammy, 2017, *The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System*

⁴ *Ibid.*

⁵ Ministry of Justice, 2016, *Black, Asian and Minority Ethnic Disproportionality in the Criminal Justice System in England and Wales*

This research project seeks to:

- offer a fuller understanding of the well-recognised criminogenic (crime causing) contextual factors that may drive ethnic disparity in reoffending rates
- understand the seldom heard perceptions of children with experience of the youth justice system regarding the support and interventions they have experienced.

The first phase of the qualitative strand of this research project focused on the knowledge and experience held by youth justice service (YJS) practitioners, their perceptions of the realities of front-line delivery and the efficacy of interventions, across all ethnicities.

This was complemented by a child-centred phase, focused on the perceptions of children from ethnic minority backgrounds with proven reoffences⁶ on:

- their understanding of interventions
- factors they consider contributed to their reoffending
- their experiences of navigating the youth justice system
- any support thought necessary to prevent reoffending.

This qualitative strand is supplemented by an accompanying **Analysis of reoffending data** report.

Research aims

The aims of this project are threefold.

1. Identify potential drivers of ethnic disparity in reoffending rates.
2. Determine what represents “good practice” in designing and delivering interventions to prevent reoffending among ethnic minority children, from the perspective of children and practitioners.
3. Provide specific, targeted, and actionable recommendations for improvements to policy and practice that may contribute to a reduction in ethnic disproportionality in the future.

⁶ “A proven re-offence is defined as any offence committed in a one-year follow-up period and receiving a court conviction, caution, reprimand or warning in the one year follow up or a further six months waiting period.” – <https://www.justice.gov.uk/downloads/statistics/reoffending/proven-reoffending-definitions-measurement.pdf>

Methodology

Overview

This research project comprises both qualitative and quantitative elements.

The qualitative strand of this project ran from May to September 2022 and was composed of three practitioner focus groups and 19 interviews with children known to services.

The quantitative strand, published alongside this report, includes statistical analysis of personal and local area factors driving reoffending among children, based on administrative data from youth justice services (YJSs) and data relating to local area characteristics and the locality of interventions.

This report outlines the findings from the qualitative strand.

Practitioner focus groups

In June and July 2022, Traverse conducted three focus groups with 22 YJS practitioners from Greater London, East and West Midlands, and North West England. These sessions explored practitioners' experiences delivering existing and/or previous interventions designed to prevent reoffending, with the aim of establishing what additional or different support might be required by children from ethnic minority groups and how this might differ across ethnicities and other demographic categories.

We worked with the relevant YJB Heads of Region to cascade the invitation to take part to practitioners across the region and aimed for 6-8 per group. The table shows the number of participants from each region and service. The focus groups took place in London, Birmingham and Manchester; the rationale for the proposed locations is based on these cities being travel hubs, practitioners from the regions could attend easily with public or private transportation.

We aimed for each group to include a range of:

- roles within the YJS
- levels of seniority or experience
- teams within the region
- ethnic backgrounds.

Focus group participants were asked to give their views in relation to the following topics:

- experiences with delivering interventions to prevent reoffending
- additional or different support to help address needs of children from different ethnic minority groups.

Region	Practitioners in attendance	Services
London	7	Lambeth (2), Newham (3), Redbridge (2)
Midlands	8	Birmingham (3), Staffordshire (3), Northamptonshire (2)
North West	7	Manchester (3), Lancashire (2), Stockport (2)

A joint decision was made in the scoping stage not to include Wales in the sample, primarily due to constraints of time and budget.

Story completion model

Story completion was used as a data collection method for the focus groups, as it allows participants to talk about issues in a non-judgemental way by focussing on only "hypothetical" issues in their practice. Practitioners were provided with a "story stem" based on real cases discussed in the media or on the Youth Justice Resource Hub⁷ and were invited to debate likely next steps and outcomes. Story completion is typically used by practitioners (specialist facilitators and/or counsellors) to create a safe space for difficult issues to be discussed and the meaning behind actions to be explored. The rationale for using this model was to prevent practitioners thinking the aim of the focus group was to evaluate or judge their practice. A further explanation of the story completion model can be found in Appendix A.

Limitations and challenges

As mentioned above, it was decided that this project would focus only on YJSs in England. Therefore, a limitation is that the project isn't inclusive of Welsh practitioner views and experiences, nor those of Welsh children.

Of the practitioners that were invited to take part, they were either self-selecting or nominated by senior members of teams from YJSs to attend the focus groups. This is likely to have introduced some biases in terms of the profile of practitioners the research engaged.

The researchers note for example that efforts to create a "diverse" sample of practitioners inadvertently led to some participating practitioners feeling tokenised and asked to attend simply based on their ethnicity. In retrospect it would have been preferable to ask for a "representative" sample of practitioners as this might have a) avoided those dynamics, and b) given more accurate insight into dominant perspectives and ways of working within the services.

⁷ The Youth Justice Resource Hub is an online library of resources and guidance for youth justice practitioners and professionals: <https://yjresourcehub.uk/>

In-depth interviews

We conducted 19 in-depth interviews with children with proven reoffences known to the following services: (London) Lambeth, Newham, Redbridge, and Hammersmith and Fulham; (Midlands) Birmingham, Staffordshire, and Northamptonshire; (North West) Manchester, Lancashire, Stockport, Bolton, Blackburn with Darwen, and Cheshire East, Cheshire West, Halton and Warrington.⁸ Our initial aim was to interview 20 children and the challenges to this are explained in the limitations and challenges section below.

With the YJB, we developed and refined a sample approach to guide the recruitment of a diverse mix of 20 children in the youth justice system with proven reoffences. Our focus was on the following factors:

Ethnicity

To test our hypotheses, we focused on ethnicity and sought to disaggregate beyond the broad categories of White, Black, Asian, Mixed, and “Other”. Where possible, we endeavoured to capture ethnicity in more specific terms, and to avoid the use of “Other” in favour of specific nationalities such as Latvian, Sri Lankan, and Indian.

Location

In agreement with the YJB, we focused on Greater London, East and West Midlands, and North West England, and attempted to engage with children from a mixture of urban, suburban, and rural areas within these regions.

Age

We limited our sample to children aged between 14 and 17 at the time of their most recent offence, to ensure that all participants were able to give informed consent and that interviews could take place without an appropriate adult in the room if the child so desired.

Gender

We aimed to speak to both boys and girls for this study, in an attempt to understand why reoffending rates tend to be higher for the former than the latter. However, in practice, we were only able to engage one female participant.

The majority of the interviews took place face-to-face, led by participants' preferences, and to enhance rapport building. However, to alleviate recruitment challenges and to uphold the preferences of some children, three interviews were conducted online. Interviewers noted that it was initially harder to build rapport in the online interviews as opposed to the face-to-face; however, as it was the child's preference to be online, there was no overall difference in interview outcomes. Indeed, some practitioners suggested online interviews were likely to be more successful as it allowed the child to be in an environment that they were comfortable in, without the ‘intrusion’ of a stranger.

⁸ Hammersmith and Fulham, Cheshire East, Cheshire West, Halton and Warrington, Bolton, and Blackburn with Darwen were not initially part of the sample, however, to make up for low interview turnout they were invited to refer children to be interviewed.

The interviews explored children's experiences of interventions to prevent reoffending, the factors thought to contribute to their reoffending, and the support required to prevent reoffending. By speaking to children from a variety of backgrounds, we established how the experiences and needs of ethnic minority children differ from their White peers.

The invitation to participate in an interview was circulated via the services and the table shows the number of participants from each region and service.

Region	Interviewees	Demographic breakdown	Services
London	5	Age: 15-18 Gender: 5 Boys Ethnicity: Black (1), Sri Lankan (1), Gypsy, Roma and Traveller (1), White British (1), unknown Mixed heritage (1)	Lambeth (1), Newham (1), Redbridge (1), Hammersmith and Fulham (2).
Midlands	7	Age: 15-17 Gender: 1 girl, 6 boys Ethnicity: Mixed White and Black Caribbean (3), White British (1), Black African (1), Indian (1), Black Caribbean (1)	Birmingham (3), Staffordshire (3), Northamptonshire (1).
North West	7	Age: 14-18 Gender: 7 boys Ethnicity: Latvian (1), unknown Mixed heritage (1), White British (4), undisclosed (1).	Manchester (1), Lancashire (1), Cheshire East, Cheshire West, Halton and Warrington (3), Bolton (1), Blackburn with Darwen (1).

The participants were asked to give their views in relation to the following topics, with a focus throughout on ethnic disparity in reoffending and what support is in place to prevent reoffending:

- interventions and factors contributing to reoffending
- what support is needed to prevent reoffending and how they might be specific to children from different ethnic minority backgrounds.

Limitations and challenges

While services and practitioners were supportive of our recruitment drive, we were unable to reach the desired sample size of interviews in the timeframe anticipated due to a number of factors, including:

Time and resources required to arrange interviews

As researchers, we had to be reliant on the goodwill of practitioners and the relationships they had with children. This meant that many practitioners had to go above and beyond to source children for interview and support them to attend.

Lack of interest from eligible interviewees

Some children approached by services to participate in this research were unwilling to take part, either due to disinterest or concern that our interviews could further implicate them.

GDPR and data sharing concerns

Data sharing practices differed across services, meaning that in some cases we were unable to confirm information about children's offences, ethnicities, and/or ages prior to interview.

"No-shows" and cancellations

Many children failed to attend scheduled interviews or cancelled with little to no notice. While interviewers and practitioners were sympathetic to the children's complicated lives and schedules impacting their attendance, this led to multiple instances of interviewers travelling to conduct interviews that, ultimately, did not go ahead, incurring travel costs and eating into budget and capacity.

Ethnicity of children interviewed

Whilst we aimed to speak to an ethnically diverse group of children, the majority of the children we spoke to identified as being from an ethnic minority, including one child from a Gypsy, Roma or Traveller background. As a result, this report primarily recounts the experiences of those children, and whilst we did speak to 6 White British children, the findings and recommendations in this report are predominantly relevant to ethnic minority (including White minorities) children.

England-only YJSs

As mentioned previously, this project focuses solely on the views and experiences of practitioners and children from English YJSs. Any future research should look to include Welsh YJSs.

Sample size

The sample size and composition, i.e. 19 self-selecting respondents is a limitation. Generalisation is not possible. Population level analysis has been published in the accompanying **Analysis of reoffending data** report.

Reflections

1. If we were to conduct interviews with children again, we would recommend going out to a greater number of services initially and not waiting for services to respond with a long list of potential children. Although this long-list process was put in place to try and ensure we met the recruitment sample, delays with services caused delays overall and complicated the process.
2. We must acknowledge a positive bias in the interviews, as most interviewees were coming to the end of their referral orders and thus had necessarily remained engaged with the YJS throughout. However, we found these

children were able to be more reflective on their experiences in the system and to give more thoughtful and complex answers.

3. Many of the interviewees were unfamiliar with research and therefore had mistrust towards us as researchers and our aims with the project. This meant that the rapport building section of the interview was paramount to a successful interview.
4. In some cases, we think obligatory attendance potentially undermined the consent of the child to take part in the interview. In some interviews, we observed a difference between children who chose to participate freely and those for whom it was mandatory as part of their reparations or referral order.
5. The implications of this for the research were an intermittent and resource intense fieldwork phase, which resulted in delays to the project timeline. However, with the consistent support of services, we were able to interview 19 children out of the 20 we aimed for.

Reading this report

This report is structured around three key thematic areas:

- marginalisation of individuals and communities
- individual, institutional, and systemic bias
- weaknesses in prevention.

Within each section, we draw on our findings from practitioner focus groups and interviews with children to illustrate potential drivers of ethnic disparity in reoffending rates for children. We then highlight examples of good practice and provide specific, actionable recommendations for changes the policy and practice.

All of the recommendations made throughout this report would contribute to the reduction of reoffending amongst ethnic minority children (including White minorities). However, these recommendations are not exclusively applicable to ethnic minority children and reoffending but could also positively contribute to all children and offending more generally.

Marginalisation of individuals and communities

“I’m quite confident that if I’d have gone to another mainstream school after I got kicked out, rather than an alternative provision, things would have been so different for me.”

- Interviewee, 18, Midlands

The likelihood of poverty in the United Kingdom has been exacerbated in recent years by a decline in social spending, otherwise known as “austerity”.⁹ A series of austere economic policies implemented since 2010 have resulted in almost 14 million people living in poverty in the UK and around 3.9 million of those are thought to be children.^{10,11} As of 2019/20, it was estimated that 46% of children from Black and ethnic minority families were living in poverty, compared with 26% of White British families¹², suggesting that ethnic minority families are more likely to experience poverty than White British families. In his action plan, Mayor of London, Sadiq Khan, notes that children from ethnic minority backgrounds are overrepresented at every stage of the youth justice system.¹³ The extent to which this disproportionate offending is underpinned by disparity in opportunity cannot be ignored¹⁴. When discussing the marginalisation of individuals and communities in this chapter, we are focusing on the following areas: likelihood of poverty, experience of exclusion, access to education, special educational or additional needs, and care status.

Both separately and combined, these factors influence a child's risk of both initially offending and reoffending.

Impact on ethnic disparity in reoffending rates

Exclusion as an enabler of reoffending

⁹ <https://www.bma.org.uk/what-we-do/population-health/addressing-social-determinants-that-influence-health/cutting-away-at-our-children-s-futures-how-austerity-is-affecting-the-health-of-children-young-people-and-families>

¹⁰ <https://www.bmj.com/content/365/bmj.l2321>

¹¹ <https://www.actionforchildren.org.uk/blog/where-is-child-poverty-increasing-in-the-uk/>

¹² <https://endchildpoverty.org.uk/key-facts/#:~:text=Our%20statistics%20show%20that%20there,child%20poverty%20in%20the%20country.>

¹³ https://www.london.gov.uk/sites/default/files/tackling_ethnic_disproportionality_in_youth_justice_-_action_plan.pdf

¹⁴ <https://prezi.com/view/HgycQ9URZcTBi4vtbSv0/>

“I’m quite confident that if I’d have gone to another mainstream school after I got kicked out, rather than an alternative provision, things would have been so different for me.” – Interviewee, 18, Midlands

Nearly all the children we interviewed had either been excluded from school prior to their first proven offence, or as a direct result of it. This complemented what practitioners had told us about their experiences of school exclusion; they felt that the youth justice service (YJS) should be the last resort of intervention but that with schools and colleges having an increasingly fixed and punitive view of behaviour, referrals were increasing. They also felt that YJSs were adapting to the times and being more flexible in their practice, but that the education system and the police were not on that journey with them.

Data suggests that children from Black, Mixed, and Gypsy, Roma or Traveller backgrounds are more likely to be permanently excluded from school than their White British peers¹⁵. Practitioners also reflected that when a child is not in education, employment or training (NEET) they can be much harder to “pin down” and engage with. When a child is still in school or college, the YJS practitioners can work with the institution to arrange meetings and work with the child. In particular, London YJS practitioners told us that if a child isn’t in school or college, it creates the issue of trying to find a neutral and safe place to meet and removes the guarantee of the child being there.

Excluding a child from school can remove much needed consistency from their lives and continue the building of mistrust of with adults and professionals. Many children spoke about how they had struggled in school before they were excluded and how the YJS had had to work hard to find them a placement that was willing to take them. One child also spoke of their worry that being excluded would look bad on their record and could result in them being sentenced more harshly; even though they and their YJS worker were desperately trying to find somewhere that would take them.

In many of the children’s cases, this next educational placement was either an alternative provision or a Pupil Referral Unit (PRU), rather than a mainstream setting. Children and practitioners alike spoke of how alternative provisions and Pupil Referral Units (PRUs) often brought together children who had offended and didn’t consider the interpersonal dynamics. One example given was of a child who took six months to be convinced to attend the PRU, only for another child with whom they had a pre-existing negative relationship to start attending. This meant the child stopped attending and had to be moved out-of-area for their education provision.

“There’s not the same structure... there’s not as much pressure, people mess about... if you’re going to slip, an alternative provision is the place that’ll let you.” – Interviewee, 18, Midlands

In contrast, those who had been in custody spoke of how they had to attend education every day, and how they had appreciated this opportunity and consistency. Although viewed as a positive by the children who had been in

¹⁵ <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/permanent-exclusions/latest#permanent-exclusions-by-ethnicity>

custody, a London YJS practitioner lamented that: "If people have more opportunities to achieve in custody, that's a systemic failure". If children can't access consistent, safe and suitable education until they are in a secure unit or offending institution, education and aspiration aren't the desistance factors they could be.

Although an education element seemed to be part of each child's order, multiple children said they wanted more by way of education. One child suggested that children should get online tutoring as soon as they have been excluded, to ensure they aren't missing out whilst the YJS or local authority tries to find them a suitable placement. This child also said this would be helpful when the only placement that is offered isn't in a "safe" postcode. In their experience, they had been marked as not attending and therefore not complying with the education element of their order, when really it was not safe for them to do so.

Making educational courses part of reparations was another suggestion from more than one child. Many children spoke of their frustration at the pointlessness of reparations that had nothing to do with their aspirations or the skills they needed to gain. They wanted their reparations hours to cover vocational courses, work experience or interview practice.

"They need to change reparations... you may as well call reparations unpaid hours for children... it's just labour, just slavery. If they'd have made my reparations my carpentry course, I'd have done the hours in a week." – Interviewee, 16, London

Access to wider youth services and support

Since 2010, there has been a 70% decline in funding for youth services in both England and Wales and as of 2019, it is estimated that around 760 youth centres have permanently closed their doors.^{16,17} Whilst there is limited evidence to suggest a direct correlation between these fundings cuts and any impact they have had on children, it is widely agreed that the mental health and wellbeing of children in England and Wales has declined.¹⁸ Linked to the likelihood of poverty, there has been a systematic dismantling of youth services across England and Wales, affecting local authorities in the West Midlands and the North East most severely.¹⁹ Whilst areas of London have not experienced the same reduction in youth services provision as other areas, funding in London has still been slashed by around 63% since 2010/11.²⁰ These areas often have diverse populations with large ethnic minority communities, who in a lot of cases already experience poverty.

Overpoliced and under-protected

¹⁶ <https://www.ymca.org.uk/wp-content/uploads/2020/01/YMCA-Out-of-Service-report.pdf>

¹⁷ <https://www.unison.org.uk/content/uploads/2019/04/Youth-services-report-04-2019.pdf>

¹⁸

<https://researchonline.ljmu.ac.uk/id/eprint/8606/1/The%20impact%20of%20austerity%20on%20children%20and%20young%20people%E2%80%99s%20health%20and%20well-being%20in%20England%20and%20Wales..pdf>

¹⁹ <https://www.ymca.org.uk/wp-content/uploads/2020/01/YMCA-Out-of-Service-report.pdf>

²⁰ <https://www.ymca.org.uk/wp-content/uploads/2020/01/YMCA-Out-of-Service-report.pdf>

“When people grow up in these places, they’re just products of their environment, do you know what I mean?” – Interviewee, 18, Midlands

Poverty and social class were key issues highlighted by both practitioners and children that influence offending and reoffending rates. These background factors contribute to a system in which minority children are overpoliced but under protected.

Speaking of the areas in which they grew up, many of the children we interviewed talked about the omnipresence of the police and how they were observed and targeted more than White people in the same area. Children spoke of being stopped for the way they dressed, for the way they walked and for the way they talked. They also spoke about how services often saw it as inevitable that they would offend, based on their family background or where they grew up.

More than one child told us that the only thing that would have stopped their offending and reoffending was if they had been born in a different place or different country.

When discussing their offences, multiple children told us that the early driver of their offending was that they wanted to better themselves and their home situation by earning money. The small amounts they were making were motivation enough to reoffend, with one child telling us that if after their first offence they had been provided £50 a week by the YJS or the state, they wouldn’t have needed to earn it through reoffending. Practitioners also spoke of how they had known cases whereby children were reoffending to earn money in order to be able to pay for their travel to court and for any fines they had been given; thus, perpetuating a vicious cycle.

Practitioners told us that this over-policing of certain areas resulted in large amounts of “intelligence” being collected on a child’s file and being told, by police, that “there is too much to go through”. A large case file can create assumptions about that child and their offending history; in some cases, practitioners were finding that the file is just records of the whereabouts of the child and where they have been “spotted”, rather than a record of offences.

One child who was aged 15 and on a child protection plan when they were stopped by the police alongside adults, hypothesised that *“If they’d have done their job properly and taken me home... I wouldn’t have been there when it [the offence] happened”*.

This distrust of authorities transcends generations, with London YJS practitioners especially, talking of how families can choose not to engage with the youth justice system due to intergenerational trauma with the authorities. One practitioner spoke of a time they had been let into a building by a neighbour, only for them to panic when they realised that he was a social worker, as “they take people’s kids away”. This fear and lack of engagement can result in the child and the family being branded as difficult or hard to engage with, without any acknowledgement of the times the system let these families down and the root causes of their disengagement.

Rather than using language such as “hard to reach” or referring to children as being “defiant”, practitioners spoke of the need to try and understand these families at face value and unpack their experience with the system. In turn, this helped

practitioners understand the child's relationship to authority, based on what they've been taught and grown up with, and ultimately change their intervention approach to build that broken trust.

However, as noted by practitioners, complex cases mean that they need time to do the work, but they are regularly being pressured to close cases quickly to meet standards.

"I've been treated like a kid but in the wrong way... I've been patronised, not looked after." – Interviewee, 17, London

As well as being overpoliced, some children told us that they were surrounded by different professionals, to support them with different areas of their lives. One child had 10 professionals they had to see every week, including a social worker, a family support worker, an education worker, a mentor, a reparations worker and a YJS practitioner. Many others had at least four or five to fit into a weekly schedule. Building relationships with this many professionals seemed like an impossible task, and with staff turnover, meant that some children were having to regularly meet new people and try and build trust.

When the child in question was asked if they had a good relationship with the ten different professionals, they laughed:

"There's all these people in a room talking about me, half of them don't even know me. I want to know what they're saying about me but I can't go in, there's too many of them. Feels like I'm in the room, but I'm not there." – Interviewee, 16, London

Criminalisation in all areas of life

"The current system criminalises the child and then unpacks their needs and diagnoses – it isn't preventative but reactive." – Practitioner, Midlands

Across the practitioner focus groups and the interviews with children, there was consensus that a child's first offence often resulted in them being criminalised in all areas of their life. This criminalisation resulted in services no longer wanting to support the child and schools and colleges permanently excluding them.

Multiple practitioners across the three regions, stated that they felt that once the YJS was involved, other services stepped back and left the child, and the perceived risk, to them. This makes multi-agency working much harder and leaves the YJS practitioners constantly chasing for support from other teams.

"Children are demonised and then they're isolated from their communities." – Practitioner, Midlands

Practitioners emphasised that there is often an exaggeration or misunderstanding of the risk associated with a child who has offended. In some cases, this means the child is subject to more extreme measures such as a 2:1 ratio or the service not being allowed to work with them alone. This approach is what practitioners told us happens when children are treated based on labels and viewing children as a "risk to be managed", when that risk isn't permanent nor all-encompassing.

For one child we spoke to, this criminalisation resulted in them being searched morning and afternoon by their college, and not being allowed out at lunchtime.

This was not a college policy, but something set up for them personally, as a condition of offering them a college place. The child in question noted that this made college essentially as policed as a prison and they were constantly treated with suspicion:

“Colleges and that are intimidating now [since I've had a conviction]. I feel like what are these people going to think of me?” – Interviewee, 18, Midlands

Practitioners also noted that the information they receive from the Crown Prosecution Service (CPS), and other agencies, can vary greatly for ethnic minority children (excluding White minorities) compared to White children. In the notes of White children (including White minorities), the focus is more on positive information such as “they were studying for their GCSEs”, whereas for children from ethnic minorities (excluding White minorities), the notes seem to focus on their difficulties or their background.

Practitioners told us that this criminalisation and focus on their offence, can increase the child's sense of being dangerous, make them feel bad about themselves and reinforce feelings of mistrust towards those in authority.

This exaggeration or misunderstanding of risk then has a ripple effect on the child's life and their ambitions for themselves.

“A lot of workers just ‘doom’ whoever they've got... [My workers] have let me see my potential more. Some people don't see that potential, they think we'll never change.” – Interviewee, 18, Midlands

We also found that many children had internalised these feelings of being “bad” and as a result, communicated that they felt they “deserved” the punishment they were receiving. This even extended to cases where children stated they'd been treated respectfully because they hadn't been physically hurt or had openly racist comments made to them.

Speaking of their experience of custody aged 13: “I wasn't treated with disrespect or nothing, like no-one came into my room and beat me up” – Interviewee, 16, London

“It's not like they treat me badly like beat me up or anything, they are just rude and horrible, the things they say.” – Interviewee, 17, Midlands

The criminalisation of children in all areas of their life also leads to difficulties for some children articulating their experiences, particularly of racial discrimination. Some children found it difficult to pinpoint whether they had faced racial discrimination in the way they had been treated, either because they felt like they deserved it or because they had internalised stereotypes of police officers that made them paranoid that police were racist. This contributes to reluctance to speak out on how their experiences made them feel and also to uncertain feelings about authority and the youth justice system. These interactions also play into children's mistrust of the various agencies they engage with during their interventions.

Examples of good practice

1. Making adjustments to interventions to meet children's needs, i.e., meeting at home, understanding they struggle to write and would prefer to talk through the intervention. This results in children more likely to successfully complete the intervention.
2. Consistency with professionals creating a stronger relationship where their needs are understood and met.
3. YJS practitioners supporting children to get back into education and on courses.

Recommendations

Recommended changes to policy

Exclude children from education only as a last resort

The Department for Education should issue guidance bringing exclusion policy in England more in line with Scotland, i.e., prioritising prevention and safeguarding, and viewing exclusion as a last resort.²¹

Prioritise funding for local services aimed at children

Local authorities should prioritise budgets to facilitate investment in community assets such as youth clubs, providing children with alternatives to engagement in criminal activity.

Recommended changes to practice

Offer online tutoring for excluded children:

One child suggested that YJSs should provide online tutoring to keep children's education going safely and consistently, even when another placement cannot be found for them. This does not account for those children who may have difficulties with digital access so this tutoring offer should be bespoke for each individual.

Provide weekly allowances for children at risk of reoffending:

One child recommended that YJSs should provide a weekly allowance budget for children in their care, to mitigate the need for those children to earn money in other ways.

²¹ McCluskey, G. et al., 2019. 'Exclusion from school in Scotland and across the UK: Contrasts and questions', *British Educational Research Journal*, 45(6), pp. 1140-1159.

Individual, institutional, and systemic bias

“They radioed in for a booking space and asked for one for an adult male – I had to tell him that I was 15, I was a juvenile.”

- Interviewee, 16, London

Impact on ethnic disparity in reoffending rates

“Adultification” of children

A distinct issue, highlighted by practitioners across the areas we engaged, was that of adultification, which can be defined as “when notions of innocence and vulnerability are not afforded to certain children”. It is widely agreed that Black children are most likely to experience this adultification bias.²² Practitioners echoed the assumption that children involved in crime are commonly treated as adults, especially when they come from an ethnic minority background. As a result of this, these children are often not safeguarded as children, and the implications of this vary from child to child. For instance, many of the children we spoke to said that they often weren’t given any information, either about where they were going or what would happen next.

“I thought it would be just for the night, ‘til morning, and in the morning my mum would be back home, and I’ll be getting transported back home, but I never knew I would end up in [redacted]... I was there for 6 or 7 months.” – Interviewee, 17, Midlands

We also heard of at least two instances where children were not allowed to leave their cells, except to use the toilet, for over 10 hours, and weren’t provided food beyond a cereal bar. Some children also told us that they had been roughly handled by the police, despite not resisting or already having been handcuffed, and only being a child at the time.

“You just want to stretch your legs, you stand up, you walk two steps and you are at the end of the wall already, you can’t walk nowhere. I said, ‘Can I go to the exercise room please?’, ‘Nah.’ They didn’t even give a reason, you know?” – Interviewee, 17, Midlands

²² <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2022/06/Academic-Insights-Adultification-bias-within-child-protection-and-safeguarding.pdf>

“In the Young Offender Institution, a lot of the Black kids do look older, they're tall, they're smart, they have older mentalities... I can see how it comes across, but you've still got to take their age into account. We're still a child, we've got the mind of a child.” – Interviewee, 18, Midlands

Practitioners also commented that media bias plays a role in the adultification of children and that professionals are not exempt from replicating the stereotypes and assumptions perpetuated by the media.

Lack of diversity in the system

Most practitioners suggested that a lack of diversity across the system also contributes to biases which in turn can result in reoffending.

Some practitioners also noted biases within their own youth justice service (YJS) and suggested that explicit discussions around racism and the role it plays in the cases of the children they support were regularly avoided. In one area, practitioners felt they were unable to raise issues of race for fear of being accused of “pulling the race card” by managers. On the other hand, other practitioners felt that whilst they were supported to incorporate issues of race and ethnicity within their practice, there often isn't enough time or resource to be able to do this effectively. Some practitioners commented that children from Gypsy, Roma or Travellers communities are the most marginalised in lots of ways but aren't often included in conversations or initiatives around ethnic minority children.

These biases are often reinforced through the reapplication of historic methods to address new and modern cases. For example, some practitioners felt that their management often used references from cases that they had worked on years ago, but that these are not only outdated but only serve to reinforce systemic biases. Through the story stem exercises in practitioner focus groups, we saw evidence of a generational divide in which older, longer-serving practitioners tended to focus on how children could minimise the risk of being picked up, such as changing their appearance or behaviour. Younger practitioners tended to argue that it is the system and its biases that need to change, rather than the children changing to fit within the system.

Beyond the implicit racism is the explicit racism which has impacted children and practitioners themselves who noted that they had experienced racism from their colleagues. One practitioner said that their colleagues had joked about them looking like a member of a Rochdale grooming gang and another shared an anecdote in which they were stopped by the police when working with a child as the police had assumed they were a drug dealer. Some practitioners even went so far as to say they would not trust certain colleagues to support children from ethnic minority backgrounds due to their biases.

For the children being supported these biases played out in various ways, such as being referred under the Prevent duty due to growing a beard or being treated differently to their White peers. These biases also play out in extensive, non-relevant paperwork that portrays ethnic minority children as having more involvement with crime and/or “gangs” than is accurate, and ultimately contributes to longer

sentences or the feeling that they have already been written off. This is explored in further detail in this chapter.

“He must have hated the look of me... he was trying to make them think I was really, really bad.” – Interviewee, 16, Midlands

Biases were also seen to exist within the court system, in which there is a distinct lack of diversity amongst judges, magistrates, and the panels called together to decide what action needs to be taken for the child in question. This lack of diversity was seen by many practitioners to directly contribute to negative outcomes for ethnic minority children within the youth justice system. Several practitioners mentioned their struggle to fund suits for children to wear to court, which according to them, “shouldn’t make a difference but it does”, as it is evident that judges’ perceptions and biases are challenged or altered when families from ethnic minority backgrounds (excluding White minorities) come in dressed smartly. One child told us that they felt the court Clerk was pressuring the judge to confer a harsher sentence than might otherwise have been appropriate.

“A lot of people do have prejudice towards people being Black. When you go into the court, I feel like a lot of them want you to be guilty. There aren’t any Black judges.” – Interviewee, 18, Midlands

Bias within police practice

A lack of diversity amongst police officers in most of the areas we engaged underlines what several practitioners and children felt was systemic, racial bias. This perceived bias is reflected in the number of times children, and indeed practitioners, from ethnically diverse backgrounds, reported having been stopped and searched. Being stopped and searched was a regular occurrence for many of the children we spoke to. One child said that they had been stopped and searched every day for a month, and others commented that they had been stopped too many times to count. Where these children had made complaints about their stop and search experiences, they had given up as their complaints had not gotten anywhere.

“Once you get a bit of a name for yourself, doesn’t matter what it’s for, you become a big target for the police.” – Interviewee, 17, North West

Practitioners spoke in depth about the reasons why children are being stopped and searched so often. They gave examples of children being stopped because “they aren’t known” to the police but also because they are, as well as children being stopped because they look “suspicious”. Several practitioners said that stop and search is more often than not, down to race, and this is evidenced by the fact that there doesn’t need to have been an incident for a Black boy to be stopped as a person of interest. Two of the children we spoke to said that their experiences of stop and search were massively different to those of their White friends.

“I’m walking with White friends and there’ll be times where they [the police] pull up the whole group and I’m the only one to get searched and it’s like, if you are so concerned that I’m carrying weapons, and I am with a group of 10 people, search the whole 10 people because I could just be having someone else holding it but nah they’re calling me...” – Interviewee, 17, Midlands

“As a race, we face things differently. People would be more comfortable with more Black officers. But I don't think anything like that would ever happen, I don't think we'd ever be able to choose a Black officer to interview us.” – Interviewee, 18, Midlands

Some of the children we spoke to also reflected on the way they had been treated by, mostly White, police officers during stop and searches, during their arrests, and also whilst in custody. Several children told us about the verbal abuse they had experienced during their interactions with the police, and others also shared the physical abuse they had endured.

“I got told by a police officer that I am bringing all the Black boys from [redacted] and [redacted] into [redacted] and they don't like it. They said, ‘you're bringing more Black boys into our area and you're causing problems’ and I was like, ‘alright, and? What's the problem if I'm bringing Black people into your area? It's a free world.’” – Interviewee, 17, Midlands

“They were doing too much... they said, ‘this is what we do to dickheads that carry knives, you're going to wake up in Feltham tomorrow’.” – Interviewee, 16, London

“The only thing that makes them happy is intimidating people, makes them feel big hurting kids and that, at the end of the day we were just kids, these are grown men, grown men and we're just kids.” – Interviewee, 17, Midlands

Bias around “gangs”

Practitioners were keen to emphasise the harmful bias that exists around “gangs”. In one area in particular, practitioners avoid using the term “gang” unless there is genuine evidence that the gang exists, otherwise they use the phrase “group of friends”. This is because the word “gang” is often used very loosely but has implications for the children associated with those “gangs”. Practitioners said the picture of a child's life, built up by intelligence, is sometimes misinformed, particularly where children are labelled as having been involved with a “gang”.

Beyond this intelligence making it look like children have had lots of involvement with the youth justice system, there is also an additional frustration amongst practitioners that gang violence is often considered as a “Black issue” and that this narrative is perpetuated by the system and by the media. As a result of the connotations associated with “gangs”, children, who often are not actually in a “gang”, face consequences based on fictional incidents. As explored in the marginalisation chapter, criminalisation of children can contribute to reoffending insofar as children internalise those perceptions and withdraw from interventions and support due to mistrust. The impact of the extensive intelligence garnered around interactions with “gangs” on reoffending is explored in the next section.

Courts and sentencing

Throughout the fieldwork we heard concerns about the way courts and sentencing take place, particularly for children from ethnic minority (including White minorities) backgrounds. Practitioners recalled examples of explicit disparity in sentencing, where ethnic minority children received longer or harsher sentences than their White

peers for exactly the same offence. These reflections resonate with the YJB's 2021 analysis of administrative data that found that "there are more restrictive remand outcomes for Black and Mixed ethnicity children; fewer out-of-court disposals for Black, Asian and Mixed ethnicity children; and harsher court sentences for Black children"²³. When some practitioners tried to raise this issue of disparity with their managers, they were told to keep quiet and not ask questions. Some practitioners added that they felt that judges often used the cases of children from ethnic minority backgrounds to "set an example".

"If I went into the court that day and I was White, I would have got a youth order. That's how I feel. No one can blame me for feeling that way. I've seen it inside jail as well... automatically your race is against you." – Interviewee, 18, Midlands

Practitioners attributed this disparity in sentencing to various factors, the most pertinent being the paperwork used to inform judges, panels and juries about the child in question. As aforementioned, much of this intelligence is built on misunderstandings around children being involved in gangs, which often leads to a larger case file, which in turn creates assumptions about that child when in reality, most of that intelligence is actually a reflection of them being over-monitored. Some practitioners commented that there is often a reluctance to look at this paperwork because it is "considered too much to go through" but that going through the paperwork would show that it is mostly made up of records of children's whereabouts rather than any offences. Practitioners also emphasised the biases that exist within such paperwork, that often focuses on the positives for White children, such as their efforts to achieve their GCSEs, in comparison to that same paperwork for children from ethnic minorities which focuses on their struggles or their background.

Further to this, practitioners and children alike mentioned there is a lack of opportunity for practitioners to speak in court on behalf of the children they represent. Children spoke of being confident before their court hearings as they trusted the pre-sentence report compiled by their practitioner, and knew they understood their background, lives and needs. However, both practitioners and children reported that often this report wasn't read in detail or consulted properly during the process and key information or mitigating factors were missed or overlooked.

"The judge never seems prepared – they are constantly checking their notes to see who you are and what you're supposed to have done" – Interviewee, 17, London

Examples of good practice

1. Practitioners felt that it worked well when they were able to use their own experiences and/or background to find common ground with the children

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/952483/Ethnic_disproportionality_in_remand_and_sentencing_in_the_youth_justice_system.pdf Page 10

they were supporting and to build rapport. In most cases, this also helped the practitioners to better understand the child's perspective.

2. One YJS that we spoke to was keen to emphasise their reluctance to use the term "gang". Instead, this team uses "group" to describe situations where there is no evidence of organised criminal activity. This was seen to have a marked – impact on the intelligence and on the assumptions that are created as a result of children being associated with a gang.

Recommendations

Recommended changes to policy

Standardise intelligence collection

In order to ensure children are getting a fair trial, it is imperative to amend the ways that data and evidence are collected and recorded. Intelligence files should be amended to reflect offences committed, rather than notes about their whereabouts.

Recommended changes to practice

Increase diversity within the system:

Reduce individual and systemic bias across the youth justice system. The treatment of children from ethnic minority backgrounds is a driver of ethnic disparity in reoffending rates – increasing the diversity of professionals working with them can contribute to reducing this.

Tailor interventions and support to children's individual needs, interests and aspirations in culturally sensitive ways to address barriers to engagement:

Successful engagement of children at risk of reoffending in support and interventions works best when they are person-centred, tailored to an individual's needs and built on trusted relationships. For ethnic minority children it is crucial that this includes sensitivity to their ethnic/cultural/religious identity.

Support practitioners to tackle issues of race:

Explicit discussions around racism and the role it plays in the cases of ethnic minority children are often avoided and few resources are dedicated to eradicating internal racial bias. Supporting practitioners to tackle issues of race and racism can reduce the risk of ethnic minority children being continually marginalised and stereotyped.

Provide training and support for staff working with children from Gypsy, Roma and Traveller communities.

Some practitioners mentioned that training and support is needed to work more effectively with Gypsy, Roma and Traveller families as often do not want their children engaging with YJS practitioners.

Weaknesses in prevention and intervention

“There aren’t enough people for us to relate to. Kids need someone who can speak their language, get their attention.”

- Interviewee, 18, Midlands

Impact on ethnic disparity in reoffending rates

Resource and capacity concerns can prevent good practice

In conversations about the effectiveness of youth justice interventions, practitioners frequently referenced their high caseload and an overall lack of resources within the service. This was found to be a significant barrier to effective intervention, due to the significant time and resource investment required.

All the practitioners we spoke to for this project emphasised the importance of building strong, trusting relationships with children as a prerequisite for delivering effective interventions. This was thought to be particularly true for ethnic minority children, due to the likelihood of them having had negative interactions with the youth justice system and/or other statutory services in the past. This is further exacerbated by low levels of trust in state institutions, and the youth justice system specifically, within Black African, Black Caribbean, Middle Eastern/North African, and Gypsy, Roma and Traveller communities. Despite this, many practitioners reported pressure from management to get through interventions as quickly as possible due to the heavy, and ever-increasing, workload. In one extreme case, a practitioner was told to deprioritise relationship-building so as to avoid creating a “culture of dependence” among children known to the service in question.

“We were told not to build a culture of dependence.”- Practitioner, Midlands

Similarly, youth justice practitioners across all three regions reported dissatisfaction with statutory intervention timescales. The standard 12-week statutory intervention period was widely regarded as inadequate given the significant time investment required to build trust with children, especially those with prior negative experiences of engaging with statutory services and/or the wider youth justice system. As such, practitioners reported making frequent requests for extensions, thereby pushing back agreed schedules and eating into services’ stretched resources. Such requests created tensions between practitioners, who saw their primary duty as supporting children with effective interventions, and management, who felt pressure to get through cases as quickly as possible in order to deal with high caseloads.

It should be noted here that the concerns raised above regarding inflexible timescales and an inadequate focus on relationship-building were not universal. Some practitioners highlighted examples of good practice in these areas, with their services explicitly prioritising relationship-building and allowing for flexibility and extensions where required to facilitate this.

"I've had children I've worked with before, when it's got to three months and I've said to the manager, it's taken 2.5 months to get this child to trust me, I need an extra three months – and the manager will say yes. I don't know how youth services are elsewhere, but in [redacted] I feel that if we haven't built the rapport yet and the work hasn't been done because of that, we're allowed prioritise that relationship building." – Practitioner, Midlands

Interventions not sufficiently targeted to children's needs

Several interviewees reported disinterest in, and/or dissatisfaction with, the format of their interventions. The standard model of regular caseworker meetings at a fixed premises was felt by many children to be boring and repetitive, with the conversations amounting to little more than "waffle". For some interviewees, this created a perception that their caseworkers were not genuinely interested in them as people, but rather were simply going through the motions and treating these interactions as little more than a tick-box exercise.

"The youth justice service (YJS) [is] too professional, it's superficial. Every YJS worker I've had, they get to ask me questions, but I never get to ask them. Not, like, personal questions – they just need to be more friendly, more open, more comfortable." – Interviewee, 16, London

As if to illustrate this point, those children who spoke positively of interactions with their caseworkers reported significant variation in the form and content of their meetings, with practitioners taking the children out for food or engaging in an activity of the child's choosing, such as going to the gym. This was echoed by many practitioners, who felt that such variation was integral to building relationships with children and driving their engagement with the intervention process.

A rigid approach to the design and delivery of interventions could disincentivise children's engagement in other ways as well, such as by failing to offer opportunities for group work due to concerns about children socialising with each other. In one extreme case, a new YJS office was opened in a location deemed contested territory by multiple local gangs, thereby making it actively dangerous for children to attend the premises for meetings.

For many children, the one-to-one caseworker meetings outlined above had constituted the entirety of their intervention following their first offence, with wraparound services such as Child and Adolescent Mental Health Services (CAMHS) and employability support, not being offered until their re-engagement with the service following a second offence. This was seen by some as a potential driver of their reoffending, as such wraparound services were felt to be key to mitigating individual and structural barriers to their engagement.

“Maybe if I’d had a bit more help and support after the first offence – obviously I only had one support worker – if I’d had three like I do now, maybe I wouldn’t have offended again.” – Interviewee, 17, North West

Most interviewees saw little to no value in carrying out activity and reparation work as part of their intervention. While the inclusion of such work is desirable from a political perspective, given the desire for children to be seen to “give back” to their communities, to children it amounts to little more than unpaid labour that offers no benefit for them and thus its inclusion increases the likelihood of them disengaging from their intervention.

“You may as well call reparations unpaid hours for children. It’s just labour, just slavery.” – Interviewee, 16, London

“What was the point? I had to get up early, lift heavy stuff... I didn’t have a choice what I was doing” – Interviewee, 17, London

For some interviewees, their experience of intervention was impersonal and even dehumanising. These children reported being regularly and repeatedly “shipped off” to new practitioners and new services without reason or explanation, further cementing the view that, in the eyes of the YJS, they were not so much children as “bureaucratic item[s] to be managed”. This concern was also raised by practitioners across all three regions, who regarded it as a particular source of frustration due to the risk of undermining relationship-building efforts and diminishing children’s agency.

“Child protection procedures aren’t designed for teenagers – they’re designed for younger children without agency. How are they implemented when the child can make their own informed decisions?” – Practitioner, Midlands

Overlooked and misunderstood needs

Practitioners told us that it was often when a child was referred to the YJS that other needs transpired, and it became evident that the child had been struggling both prior to their original offence and further reoffences. This may have resulted in exclusion from school or college due to unmet needs, or difficulties engaging in other support services that they had been signposted to.

Practitioners confirmed that on multiple occasions in their practice, children had been diagnosed with conditions such as autism, Attention deficit hyperactivity disorder (ADHD) or a learning disability whilst held on remand or during their time with the YJS. Gaining these diagnoses meant that the child could finally be properly supported, and YJS practitioners could adjust their interventions to meet their needs. It also meant they could support with trying to find an education provision that would work for them, to provide the consistency they had so far missed out on.

One child, who was going through the assessment process for autism and ADHD, told us that the only reason they had completed their referral order was because their practitioner had been willing to make adjustments. The child couldn’t cope with public transport or public spaces, and so the practitioner always met them at home in their safe environment. They also limited the amount of writing they had to do as part of their intervention and tried to ensure sessions weren’t too long. Without these

adjustments, the child told us there was “no way” they would have completed their order and would instead have unintentionally breached it.

Practitioners also told us that the paperwork can be a barrier to engagement with children and families alike. When supporting children who have additional needs, the required paperwork can feel “too academic” to them, or inappropriately bureaucratic in the face of their trauma. One practitioner said they try and make a joke out of the equal opportunities form to make it less intimidating but that it is forcing children to engage in something that will make them disengage. Rather than a helpful process, the paperwork feels like a vehicle to help label and finger point.

Practitioners noted that the National Standards for completing paperwork when a child is referred to the YJS can be counterintuitive to building a strong rapport with the child, especially when they may have additional needs to consider. In some cases, practitioners were struggling to meet even once with a child within the National Standards timeframe. Practitioners agreed however that the power of an intervention is based heavily on the relationship between the child and practitioner.

In contrast, some practitioners spoke of how their service had changed their approach to their initial engagement with children, creating person-focused assessments that are much more fluid and targeted than before, when they focused first on enforcement.

“There’s a person behind the behaviour and we can’t understand their reasons without getting to know them. The approach should be person first, behaviour second – people can change. Failure to see the whole child can lead them to internalise the negatives. Enforcement without meaningful engagement is self-defeating.” – Practitioner, Midlands

Finally, when in court, practitioners and children told us that it isn’t uncommon to hear judges and court staff use complicated words or legal jargon, even when speaking to someone they know has additional needs. A large proportion of the children we spoke to said that they did not understand what was being said to them during the court process, nor the questions they were being asked.

Practitioners’ agency in delivering interventions

There was no clear consensus among practitioners as to the amount of agency they were allowed to design and deliver interventions tailored to individual children. In some services, practitioners are given little to no guidance beyond a checklist of statutory elements of the intervention – in these cases, practitioners may have more ability to go “above and beyond” to meet the needs of specific children but there is little in the way of support when things go wrong. Practitioners from these services reported frustration with management, who are quick to take credit for innovative practice when things go well but are just as likely to “hang [practitioners] out to dry” should their bespoke interventions prove ineffective.

In other cases, practitioners reported excessive oversight and a lack of flexibility from management, and an inability to use their own judgement, particularly in deciding when children should be deemed in “breach” of their referral orders. These

practitioners pointed to a culture of breaching children at the first sign of withdrawal or disengagement, without accounting for their circumstances or wellbeing. Practitioners raised concerns that such an approach undermines any prior progress and raises the risk of reoffending by further criminalising children by sending them back to court. This culture was widely condemned by practitioners who had experienced it within their own service on the basis that it amounts to “setting children up for failure”. They argued that practitioners should instead be empowered to use their own judgement and to be flexible in their approach to interventions, to drive engagement and facilitate positive outcomes.

“You can’t be non-judgemental as a social worker – it’s all judgement-based.” – Practitioner, Midlands

Many practitioners felt that excessive rigidity in the design and delivery of interventions could present a barrier to meaningful engagement with children known to the service. For instance, the requirement to conduct an initial assessment process at the outset of their engagement with a child was felt by some to increase the risk of inaccurate or incomplete data collection and to constrain opportunities for future relationship-building, due to the children being forced to recount traumatic experiences to professionals with whom they have no prior relationship. Given the centrality of relationship-building to successful interventions, some practitioners reported delaying the initial assessment until several weeks into their engagement with the child in question, focusing instead on developing a productive and trusting relationship in order to facilitate collection of more intrusive assessment data at a later date.

Core approaches are not embedded in practice

Of further concern to some practitioners was a reported lack of understanding of core approaches, such as trauma-informed practice, among other statutory services and even some youth justice practitioners. In several cases, practitioners felt that these approaches were paid lip service by management, and in practice amounted to little more than “buzzwords”, with no instruction as to how they should be implemented. Where such approaches are effectively implemented in practice, this was felt to be largely the result of practitioners’ intuition, with good practice therefore being dependent on the individual practitioner rather than being embedded throughout the service. In some cases, this was the source of tension between more junior practitioners who advocated for a more flexible or sensitive course of action to account for children’s specific needs, and senior colleagues who overruled them despite having no meaningful relationship with the child in question.

Responsibility for engagement and desistance

A notable finding from our interviews with children with proven reoffences is the degree to which most had internalised the blame for their patterns of behaviour. Where they had struggled to engage with YJSs, they regarded this as illustrative of an insufficient desire to change on their part, rather than the service’s failure to support them in overcoming their barriers to engagement. They therefore tended to think that there was no way in which practitioners could have helped them to achieve a

positive outcome at an earlier stage, as it was simply a case of waiting for them to mature enough to engage willingly.

“I don't think [that earlier intervention would have helped] – I don't think anyone could stop anyone from reoffending apart from themselves. Before, my mindset was different than how it is now, so I wouldn't be open, you know? I have a totally different mindset now to when I was 13 years old, but maybe without [redacted] helping me I'd still be doing the same stuff – it's helped me grow up. But the way I was before, you wouldn't have got to me – no one would have got through to me.”
– Interviewee, 18, Midlands

“It's all on me, I need to decide it is too much of a risk...there's nothing the YJS can do” – Interviewee, 16, London

In contrast, practitioners largely felt that it was their responsibility to “meet [the children] where they are” and to persist even in the face of resistance or even hostility. For such practitioners, labelling children as “hard to reach” was seen as taking the easy way out and as an example of practitioners prioritising their own professional comfort over their responsibility to the children assigned to them, particularly as this could lead to children being deemed in breach of their referral order and thus further criminalised.

“I think it's about perseverance and understanding that the child may not be in the right place at the moment – you have to meet them at their current mindset, but that's very difficult. [...] I do think you have to have a 2-month, 3-month period of being told to ‘fuck off’ – that's part of the process. And I worry that maybe we didn't persevere enough early on with [redacted] – maybe we could have met him where he was at.” – Practitioner, Midlands

Poor communication between and within services

The absence of a formal handover process in the event of children being moved out of area and/or transferring between practitioners was regularly cited by focus group participants as undermining progress in interventions with children known to YJSs. As noted above, the creation of a trusting relationship between child and practitioner is integral to effective intervention, particularly with ethnic minority children, but requires significant time investment. When those children are then moved out of area, or reassigned to a different practitioner, they are starting from scratch, having to re-tell their stories and build new relationships. This can lead children to disengage from their new service or practitioner and can therefore result in them being deemed in breach of their referral order and sent back to court, increasing their likelihood of a custodial sentence, and thus raising the risk of reoffending.

Examples of good practice

1. Empowering practitioners to devote the necessary time and resource to building strong relationships with the children they work with, allowing them to adjust timelines as required. Relationships and trust are particularly important for ethnic minority children who are more likely to distrust authority.

2. Minimising the number of practitioners engaging with a given child, thereby facilitating relationship-building, ensuring consistency, and reducing the need for children to re-tell their stories and relive their trauma.
3. Creating culture of co-ownership of cases among practitioners and enabling thorough handover processes through co-location of services where appropriate and feasible.
4. Tailoring engagement strategies to the needs, circumstances, and cultural considerations of the children in question (e.g., meeting in neutral environments, providing non-traditional communication options, etc.) and persisting with these strategies in the face of setbacks and/or a lack of engagement from the child, rather than simply writing them off as “hard to reach.”
5. Tailoring interventions to suit children’s individual development goals and aspirations and helping them to identify and access suitable opportunities for education, training, work experience, and employment (e.g., offering employability skills training, helping with job and/or college applications, etc.).
6. Ensuring that any activity/reparation work offered as part of the intervention is aligned to these same development goals as far as possible, so that children are getting something tangible from the experience while simultaneously “giving back” to the community.
7. Offering “extra-curricular” activities based on children’s interests, such as music groups, which provide opportunities for creativity and self-expression.

Recommendations

Recommended changes to policy

Increase funding for YJSs

The UK Government and YJB should provide additional funding for YJSs and other statutory services dealing with children, to offset capacity and resource shortages, and facilitate more impactful interventions.

Extension of statutory intervention timelines

The YJB should reframe the official guidance around statutory intervention periods, to extend and/or explicitly allow flexibility in deadlines to facilitate improved relationship-building and more effective interventions.

Formalise handover processes

YJSs should ensure there is a formalised handover process in the event of children being reassigned to a different caseworker and/or being moved out of area.

Recommended changes to practice

Empower practitioners to tailor interventions to children’s individual needs, interests, and aspirations

All YJSs should explicitly support all practitioners to use their professional judgement in deciding the form and content of interventions and should deprioritise one-size-fits-all intervention activities in favour of a tailored approach aimed at building children's skills and experiences to enable their educational and employment goals.

Limit out of area moves wherever possible

The YJB should update its official guidance on moving children between services/localities, to highlight the risks associated with moving children out of area and to explicitly state that this strategy should only be used as a last resort as part of their intervention, and for their safety (and in conjunction with a formal handover process, as above).

Enable practitioners to share practice across services and localities

The YJB and YJSs should ensure that practitioners are aware of, and able to attend, regular practitioner-level practice share sessions for services within a given region. This would enable practitioners to share best practice regarding interventions with over-represented children and prevention of reoffending. Practitioners in attendance at our focus groups reported a lack of such opportunities which suggests that any cross-locality communication at managerial level is not filtering down to practitioners on the ground.

Negative experiences of the wider youth justice system

“Court feels shit because you’ve got no say. The only people that treat you well are the Serco van drivers – they ask if you’ve eaten, give you snacks, chat to you.”

- Interviewee, 16, London

Impact on ethnic disparity in reoffending rates

Failure to safeguard victims of exploitation

Several practitioners raised concerns that police, the Crown Prosecution Service (CPS), and the court system regularly fail to appropriately identify and safeguard potential victims of Child Criminal Exploitation (CCE). This was thought to be particularly true in cases where children are arrested alongside adults, and yet are charged with (accessory to) the same crime rather than being treated as a potential victim of exploitation. This criminalisation of potentially exploited children may ultimately make them more vulnerable to continued or exacerbated exploitation in the future, particularly if they are in possession of materials belonging to exploiters which are then confiscated, trapping the child in debt bondage. Existing research suggests that ethnic minority children are disproportionately more likely to experience known drivers of vulnerability to CCE and to be the victims of violent crime, thus significantly increasing the likelihood of their being criminally exploited.^{24,25,26,27} Such children will therefore be disproportionately affected by inappropriate responses to exploitation. In extreme cases, potential exploitation may be recognised by some agencies within the youth justice system but not by others,

²⁴

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf

²⁵ <https://socialmetricscommission.org.uk/wp-content/uploads/2020/06/Measuring-Poverty-2020-Web.pdf>

²⁶

<https://www.ons.gov.uk/economy/nationalaccounts/uksectoraccounts/compendium/economicreview/february2020/childpovertyandeducationoutcomesbyethnicity>

²⁷ <https://www.gov.uk/government/publications/the-report-of-the-commission-on-race-and-ethnic-disparities/crime-and-policing>

leading to lengthy delays to court proceedings and additional emotional distress for the children in question.

“An National Referral Mechanism (NRM) was done and they found conclusive grounds that he'd been taken advantage of, but the judge didn't accept it. That was frustrating for me too, but it frustrated [redacted] massively. The judge basically said the NRM doesn't hold any weight – he wanted more evidence of what's inside the NRM.” – Practitioner, Midlands

Lack of information for children

The children interviewed for this project spoke at length about their journeys through the wider youth justice system, from arrest to sentencing. One notable finding is that these children were rarely provided with any insight into the process, whether that be their current situation or likely next steps. This was particularly the case with children's experiences of police custody, as the majority of interviewees reported being left unaccompanied for hours at a time with no explanation and no indication of when they might be interviewed or released.

“They took me to the police station – I was there for between 26 and 27 hours. I just slept to be honest – that's what I do when I'm in there, I just sleep. I was waiting around, not knowing what was happening.” – Interviewee, 17, North West

Negative experiences of police custody

The experience of police custody was highly traumatic for many interviewees, especially upon their first arrest, given their young ages and the intimidating circumstances and environment. This is particularly true for ethnic minority children, who were more likely to distrust the police based on their own negative prior experiences and/or those of their friends and family. Despite this, we spoke to children who had been detained for as long as 32 hours without explanation, during which time they had not left their cell except to be interviewed. Interviewees reported high levels of stress and anxiety during this time, as well as physical issues such as hunger, thirst, and, in some cases, insomnia. The lack of information provided to children in police custody, which in itself can be an isolating and even dehumanising environment, puts them on the back foot when it comes to arguing for their best interest and making informed decisions that may have long-term impacts, thus increasing the likelihood of a negative outcome from their engagement with the youth justice system and therefore exacerbating the risk of reoffending.

Inadequate legal representation

The lack of due care and attention to children's right to information about criminal and legal processes is underpinned by widespread shortcomings in children's legal representation, which were highlighted by both children and practitioners. The majority of children interviewed for this project were provided with duty solicitors and barristers while in police custody and court respectively, and, of these, most reported having had minimal time to speak to their representative prior to their interview or trial, with these meetings generally lasting around 15 minutes.

One child told us that they had refused a duty solicitor because they “knew they hadn't done anything” and there was CCTV to prove that, and so didn't believe they needed the support. In this case, their implicit trust in the system to deliver justice resulted in being charged with joint enterprise.

“I was given a duty solicitor – it was really rushed. They don't explain fully to you what's going on, especially when you're really young and you don't know what's happening.” – Interviewee, 17, North West

This limited engagement speaks to a wider capacity issue within the legal aid system, exemplified by the ongoing Criminal Bar Association strike action, and constrains duty solicitors' and barristers' ability to effectively argue for the best interests of the child. Furthermore, for some children, this can contribute to a sense that the criminal justice system is not interested in their longer-term welfare, given that they are expected to make decisions that may impact the rest of their lives within limited timescales and in conversation with professionals with whom they have no prior relationship. Notably, the small number of interviewees who had been provided with paid solicitors and barristers reported higher satisfaction with their legal representation and more positive outcomes.

Delays to court procedures

Wider challenges of funding and resourcing in the youth justice system have implications on court procedures which in turn, affect the way children experience the justice system. Several interviewees reported significant delays between being charged and appearing in court. Not only does this create significant emotional distress, but it can also present a barrier to engagement in education, employment, and training, with some employers and educational establishments being unwilling to take on children with pending court cases. In extreme cases, children had experienced multiple postponements and/or lengthy bail periods of up to three years, which, depending on the age of the child at the time of the offence, could lead to them being tried as an adult for crimes committed while under 18. Notably, while lengthy delays were common across all demographics, White children interviewed were more likely to have received a shorter sentence as a result, with delays counted as time served.

“I think it was three years in total from when I got the bail to going to court. The judge actually had to drop some of it because of how long I was on bail for. They just kept delaying it and delaying it.” – Interviewee, 17, North West

“It kept looking like I was going to get sent down [...], but every time I've gone, they've just adjourned it longer and longer and longer. The last time I went to court, the judge said that there's not enough evidence. He wants the police to go away and find more evidence against me.” – Interviewee, 18, Midlands

Failure of sentencing to account for children's' needs and experiences

A small number of children felt that their sentence was inappropriate and had directly led to further instances of offending. Interestingly, this was not a case of children arguing that their sentences were too harsh, but rather that they had not served as an effective deterrent from future criminality. Children interviewed with

experience of care found custody in a secure unit to be a desirable outcome of criminal proceedings, as such institutions provided a more stable environment than they were used to in their everyday lives. In certain cases, children reported deliberately breaching referral orders to accelerate a return to custody. However, it was felt by some of the children that secure units create a perception of custody as a positive environment and thus fail to prepare children for the realities of other custodial environments such as a Young Offender Institution.

“I'd say that [secure units] aren't where you want to be sending a child. It's places like that that'll have them reoffending all their life, because they've gone there at a young age, loved it there, and then next thing you know they're thinking, 'it's going to be like this everywhere I go'.” – Interviewee, 17, North West

Examples of good practice

1. An early intervention in the police custody suites pilot was trialled in Norfolk from 2020-22 through the YJB's County Lines Pathfinder and received positive feedback from police, practitioners, and children.²⁸

Recommendations

Embed practitioners in custody suites

Local authorities and statutory services should explore options for embedding youth justice practitioners in police custody suites to ensure arrested children are provided with sufficient information throughout the custody process and that police are aware of any specific communication and/or safeguarding needs.

Ensure that children are informed and notified

Where possible, ensure that children are made aware of their rights, as well as any decisions or next steps involving them.

²⁸ <https://yjresourcehub.uk/practice-based-evaluations/item/1000-early-intervention-in-police-custody-suite-pilot-county-lines-pathfinder-april-2022.html>

Conclusion

“I just want to get a job, make some money, and keep my head focused. I don’t want to keep reoffending and then it just gets worse, [and I] end up in prison or something.”

- Interviewee, 17, North West

Overview

This research set out to identify potential drivers of ethnic disparity in reoffending rates, highlight good practice in designing and delivering interventions to prevent reoffending among ethnic minority children, and provide actionable recommendations for improvements to policy and practice. These drivers, examples of good practice, and recommendations have been organised around the themes of bias, marginalisation, and prevention and intervention.

Key findings

Marginalisation of individuals and communities

A key driver of reoffending, especially amongst ethnic minority children, is marginalisation. In particular, the likelihood of minorities experiencing poverty is much higher than that of White British communities, and poverty is often criminalised for those communities.²⁹ As a result of this, ethnic minority children are often overpoliced and under protected. We found that many of the children we spoke to felt that they were targeted more than the White British children living in their areas, and this was evidenced by practitioner reflections that often the case files of ethnic minority children are much more extensive than those of their White British peers. Whilst many of these children were overpoliced, they were also under protected in the sense that many had been labelled ‘hard to reach’ or ‘high risk’, having significant impacts on the extent and quality of professional interventions that they received.

Being considered ‘hard to reach’ was often due to misunderstood and overlooked needs. Children may have a lack of trust in, or experience with, authority, as a result

²⁹ <https://blogs.bmj.com/bmj/2021/05/21/it-is-more-urgent-than-ever-that-we-end-the-criminalisation-of-poverty/>

of previous traumas, and/or children having undiagnosed or ignored additional needs. Children felt best supported when their practitioners recognised their individual needs and adjusted accordingly. This person-centred practice is not widespread in the youth justice system and as a result, children do not always have equal access to the information and support they need to achieve the best outcomes.

Marginalisation does not only take the shape of children being overpoliced and under protected or misunderstood, but is probably most evident, and most widespread, in the exclusion of children from mainstream education. In fact, practitioners and children alike suggested that exclusion is a pipeline to offending and reoffending. The impacts of this vary from children being harder to contact due to them not being in school, to children losing out on education that is often not replaced to the same standard, and as a result having less opportunities to be inspired or to create a sense of achievement through education or training.

The marginalisation explored throughout this report is pervasive, and for many children resulted in them being criminalised by all areas of their lives. Practitioners alluded to the criminalisation of children by other services and the withdrawal of those services as result, which often leads to YJSs becoming the key support in children's lives when other support services are often more suitable. Criminalisation was also pervasive in the education and employment lives of children, with some children sharing examples of them being singled out and treated differently to their peers in education, even though their conviction had been spent. Ultimately this criminalisation, often as a result of unconscious bias, leads to further marginalisation for children from ethnic minority backgrounds who are already facing higher levels of deprivation and over policing.

Individual, institutional, and systemic bias

The adultification of children has been identified as a key driver of ethnic disparity in reoffending rates. Children in the youth justice system from ethnic minority backgrounds engaged in this research were commonly treated as adults and treated more punitively than their White British peers. Media bias has played a role in fuelling the adultification of ethnic minority children and it has resulted in demised safeguarding of children from ethnic minority backgrounds.

A lack of diversity across the whole system has exacerbated individual biases and reinforces systemic bias. Being overly policed and stopped and searched was a common experience for the children from ethnic minority backgrounds we engaged. Children and practitioners alike identified lack of diversity amongst police officers in their regions to be amplifying what they perceived to be systemic, racial bias. The treatment of children from ethnic minority backgrounds in courts has also been highlighted as a driver of ethnic disparity in reoffending rates. Practitioners and children have recalled compelling examples of where ethnic minority children received longer or harsher sentences than their White peers for exactly the same offence. Children from ethnic minority backgrounds often felt they were treated harshly by judges to be made an example of.

Practitioners also brought to the forefront unaddressed racial bias within the YJS and the youth justice system. This has meant explicit discussions around racism and the role it plays in the cases of the children they support were regularly avoided and of lack of resources are dedicated to eradicating internal racial bias. Moreover, practitioners themselves have voiced they have experienced racism from their colleagues. Within the YJS and the youth justice system, the implication on children has manifested itself in the harmful bias that perpetuates stereotypes, notably that the term 'gangs' is used loosely to undermine the innocence of children from ethnic minority backgrounds and the reapplication of outdated methods to address modern cases. Practitioners perceive children from Gypsy, Roma and Traveller communities to be at an increased risk of being marginalised, as they are often overlooked when devising interventions targeting ethnic minority children.

Weaknesses in prevention and intervention

Resource and capacity concerns constrain good practice has been identified as factors driving ethnic disparity in reoffending rates. Practitioners reiterated being overstretched managing high caseloads and feeling pressured from management to deprioritise building strong trusting relationship with children to get through as many cases as soon as possible. Though practitioners feel this is paramount for delivering effective interventions.

Many of the children interviewed reported being disinterested or dissatisfied with the type or format of intervention they received. Children felt that the intervention was not sufficiently targeting their needs. The standard interaction most had with YJS consisted of regular caseworker meetings at a fixed premises, which children deemed to be boring and repetitive. For many of the children we engaged the format only changed after they committed their second offence were referred back to the services. Wraparound services such as CAMHS and employability support not being part of the initial intervention has been identified by some as a potential driver of their reoffending.

The extent of practitioners' agency in designing and delivering interventions is thought to be a key determinant of effective intervention. While some services allow practitioners a great deal of freedom in their approach, this can lead to them feeling unsupported and left "out on a limb". In other cases, practitioners are given very little space to use their own judgement and are forced to risk further criminalising children who do not engage sufficiently with the service within set timeframes. Practitioners must feel empowered to use their professional judgement while also knowing that management will support them should non-traditional approaches fail to achieve the desired outcome. Furthermore, there is some concern that core approaches, such as trauma-informed practice, are not sufficiently understood by all practitioners and are not embedded in everyday practice, raising the risk of inappropriate intervention strategies and negative outcomes for children known to services.

Our research found that one of the notable drivers of ethnic disparity in reoffending rates is the misalignment of responsibility for engagement and desistance among children and practitioners. Many children with proven reoffences have internalised the blame for their patterns of behaviour, where in reality they had struggled to

engage with YJSs. They regarded this as failure on their part to change, as opposed to the service's failure to support them in overcoming their barriers to engagement.

As we spoke to children that experienced navigating the youth justice system, one of the distinct findings that emerged is that these children were rarely provided with any insight into the process, whether that be their current situation or likely next steps. This lack of information for children is likely to be notable driver of ethnic disparity in reoffending rates. Which is likely to be exacerbated by the negative experience police custody and inadequate legal representation that many children retold undergoing.

This research has also identified delays to court procedures as driver of ethnic disparity in reoffending rates. Many of the children we interviewed reported significant delays between being charged and appearing in court. In extreme cases, children had experienced multiple postponements and/or lengthy bail periods of up to three years, leading to significant emotional distress and the risk of the child potentially being tried as an adult for crimes committed while under 18. The delays to court procedures present a significant barrier to engagement in education, employment, and training, as employers and educational establishments are often reluctant to take on children with pending court cases. Hence, the exclusion from meaningful engagement while awaiting court procedures is directly linked to heightened risk of reoffending.

Failure of sentencing to account for children's needs and experiences is also a factor contributing to ethnic disparity in reoffending rates. An interesting observation is that care experienced children found custody in a secure unit to be a desirable outcome of criminal proceedings, as such institutions provided a more stable environment than they were used to in their everyday lives. However, in reality the children found that these secure units create a perception of custody as a positive environment and failed to prepare them for the realities of other custodial environments such as a Young Offender Institution. Moreover, some children reported their sentence was inappropriate and had directly led to further instances of offending. Those children argued their sentences had not served as an effective deterrent from future criminality.

Opportunities for further research

This research concluded that bias, marginalisation, and weaknesses in prevention and intervention all contribute to ethnic disparity in reoffending. This research also helped identify a number of areas that could benefit from a more in-depth understanding and a stronger evidence base. These include:

Sentencing

Explore how children currently experience sentencing and whether more needs to be done to prepare, inform, and support children through the sentencing process.

Legal Aid

Understand how the availability and quantity of Legal Aid contribute to reoffending or poor outcomes for children who have been criminally exploited.

Capacity and resources

Explore the extent to which the youth justice system (the police, YJSs, courts, etc.) has the capacity and resources to identify and confront structural discrimination.

Accommodation

Understand how precarious living situations and experience in the care system play a role in children's lives and reoffending.

Diversity in the workforce

Look at how practitioners use their own identity as a resource when supporting children and also what percentage of YJS workers have lived experience.

Workplace culture

Explore whether there is a systemic problem of racism in YJS workplace culture and if there is, the impact this has on the support children receive.

Precarious immigration status

Understand whether children, whose families have precarious immigration statuses, are receiving any support and how immigration status affects the experiences of children who have been criminally exploited.

Experience of children from Gypsy, Roma and Traveller communities

Explore the extent to which Gypsy, Roma and Traveller children's experiences of the youth justice system impact their chances of reoffending.



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