

# **Annex 2: equality impact assessment**

## **YJB in-year budget reduction**

# Contents

<b>Background</b>	<b>2</b>
<b>Equality duties</b>	<b>3</b>
<b>Other areas of YJB budget reductions</b>	<b>5</b>
<b>Youth Justice Grant</b>	<b>13</b>
<b>Eliminating unlawful discrimination</b>	<b>27</b>
<b>Advancing equality of opportunity</b>	<b>30</b>
<b>Fostering good relations</b>	<b>31</b>

# Background

1. The Youth Justice Board (YJB) for England and Wales has been required by the Ministry of Justice (MoJ) to make an in-year 2015/16 budget reduction of £13.5m. Primarily, this is because as part of wider Government action on deficit reduction, the Secretary of State for Justice has decided that the YJB allocation from the Ministry of Justice (MoJ) should be reduced by £12m (or 5%) in the current financial year. This is in addition to £1.5m of existing budget pressures due to the allocation for the year being lower than originally anticipated.
2. Having considered all options, the YJB proposes to implement the savings primarily by way of a reduction of £9m (or 10.6%) in the Youth Justice Grant provided to youth offending teams (YOTs). The YJB's financial strategy, is to reduce the Youth Justice Grant by the minimum necessary to operate within the available budget and in line with this has identified other savings of £4.5m to minimise the reduction on the Youth Justice Grant.

# Equality duties

3. We have considered the effects of an in-year reduction to the YOT grant in 2015/16, in detail because of the size of the reduction in budget. Due to the local nature of YOTs there is significant variation between them in terms of their cohort and how they operate and focus their resources. The impact on different groups will therefore vary depending on these factors, how a YOT chooses to manage a reduction to the grant, as well as the proportion of their budget which the grant represents.
4. We have also considered the equality impact of the £4.5m other savings identified and summarised at paragraph 12.
5. The Public Sector Equality Duty set out at Section 149 of the Equality Act 2010 (EA 2010) places a duty on all public authorities, when exercising their functions, to have 'due regard' to the need to:
  - Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the EA 2010.
  - Advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not).
  - Foster good relations between different groups (those who share a relevant protected characteristic and those who do not).
6. Paying 'due regard' needs to be considered against the nine "protected characteristics" under the EA – namely race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity. This equality statement specifically analyses potential impacts on each of the protected characteristics with regards to the recommendation to reduce the Youth Justice Grant; for the other savings identified, this equality statement only summarises the applicable protected characteristics because of the smaller size of these individual reductions.
7. In accordance with our duties under the EA 2010 we have considered the impact of an in-year reduction to the YOT grant on individuals with protected characteristics in order to ensure that the YJB has had due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.
8. This statement will consider the data which the YJB holds on protected characteristics of young people in the YJS before applying that evidence to the three considerations set out below in relation to the proposed in-year reduction to the other areas of the YJB budget, including the Youth Justice Grant.
9. The YJB set out the financial position and its proposals for implementing the budget reduction in its formal consultation with stakeholders which ran from 26 August to 16 September 2015. The formal responses received have also informed the equality impact considerations contained in this statement.

10. The MoJ has also considered the equality impact of an in-year 10-15% reduction to the Youth Justice Grant and conducted its own equality assessment. Other public bodies, including local authorities have the same duty and therefore we would expect them to make any decisions in accordance with the Equality Act.

# Other areas of YJB budget reductions

11. The YJB's proposed savings from other areas of expenditure and the equality considerations is set out below:

## Other areas of YJB budget reductions

### Savings due to under-18 young offender institution (YOI) staff vacancies

#### *Equality consideration*

There is no specific equality issues associated with this reduction in budget as it reflects an anticipated underspend.

### Pausing roll-out of Minimising and Managing Physical Restraint (MMPR) training programme

The consultation proposed to pause rollout of the MMPR training programme at Parc YOI and with secure escort providers, achieving a saving of £0.8m. Further consideration has been given to that initial proposal and the following recommendations are made:

- That roll-out at Parc YOI not be paused, but instead for it to be deferred from Feb 2016 until April 2016.
- That the roll-out of MMPR to escort services is not paused. The proposed savings under this proposal are therefore reduced.

Roll-out of MMPR has taken place or is taking place at all youth custodial establishments with the exception of Parc YOI which was due to commence in October 2015. We propose to delay roll-out to Parc until April 2016. Until that point, young people in Parc will continue to be restrained using the C&R system used in the adult estate. Parc has a record of good performance including around safety as evidenced by inspection reports and we therefore consider that the risk to young people is low.

We strongly recommend continuing with the roll-out of MMPR for escort services. Escort providers currently use the system of restraint known as PCC which is the system previously used in secure training centres (STCs) and is being replaced following the government's Independent Review of Restraint (IRR). The National Offender Management Service (NOMS) will cease supporting its training in December this year. If we don't roll-out MMPR for escorts then they will continue to use an outdated system of restraint unsupported by any training.

### *Equality consideration*

Young people escorted in the STC/SCH service are likely to have higher risk factors than those escorted by the Prisoner Escort and Custody Services (PECS) including vulnerabilities associated with mental health problems, which in some cases may be a disability.

The recommendation to continue with the roll-out of MMPR for escort services will mitigate the risk factors.

### **YJB staff and associated cost reductions**

Recommended to reduce the budget by use of staff recruitment freeze.

### *Equality consideration*

This will result in a reduction in staff numbers against the agreed organisational structure. The key impact on equality and diversity will be that any current inequalities will be difficult to address in both the short and long term.

An Equality Statement will analyse potential impacts on the following protected characteristics:

- disability
- sex
- ethnicity
- age
- religion and belief
- sexual orientation

Data is not currently available to assess the impact on gender re-assignment as there have been no declarations in the YJB.

Future monitoring will include: marriage/civil partnership; pregnancy/maternity.

The opportunities to improve on equality and diversity profile of the YJB has been limited by cross government controls since 2010 and it is believed that they will be further restricted by the enhancement to the recruitment freeze. The YJB will continue to monitor the staff profile against the protected characteristics to fully assess the impact. On-going dialogue with the trade unions will ensure that is discussed and their input will be sought in managing any disproportionately negative impact and enhancing any positive impact.

### *Disability*

The recruitment freeze will have no obvious impact on staff with disabilities currently within the YJB but it will impact negatively on attempts to improve our staff profile for people with disabilities. Declaration rates are substantially low.

YJB Staff Profile % Disability	Pre-recruitment freeze March 2010	Pre-restructure Sept 2014	Post restructure Sept 2015
Yes	1.2	0.9	1.7
No	84.3	78.1	77.7
Not specified	14.5	21.1	20.7

#### *Impact on sex*

There has been a drop in the percentage of men employed at the YJB since the introduction of the recruitment freeze.

YJB Staff Profile % Sex	Pre-recruitment freeze March 2010	Pre-restructure Sept 2014	Post restructure Sept 2015
Male	50.7	41.7	39.7
Female	49.3	58.3	60.3
Not specified	0.0	0	0

#### *Race/Ethnicity*

There is no identified impact of the recruitment freeze on the grounds of race or ethnic origin. The civil service recruitment protocols commit the YJB to an open and fair recruitment process with all monitoring data removed prior to the sift stage of recruitment. However it is expected that the recruitment freeze will impact negatively on the YJBs ability to recruit BAME staff.

YJB Staff Profile % Ethnicity	Pre-recruitment freeze March 2010	Pre-restructure Sept 2014	Post restructure Sept 2015
BAME	15.2	18.0	16.9
White	60.1	64.9	68.2
Not specified	24.6	17.1	14.9

#### *Age*

No specific equality impact has been identified on the grounds of age as a result of the recruitment freeze. What is evident is that the 16-24 year old age group, although it has increased since the recruitment freeze began, is fairly under-represented. There has been a dip in the percentage of 65+ age group. This may need to be further explored with the enhanced recruitment freeze.



YJB Staff Profile % Age Group	Pre- recruitment freeze March 2010	Pre- restructure Sept 2014	Post restructure Sept 2015
16-24	0.0	3.9	5.0
25-34	13.8	22.8	22.3
35-44	24.6	24.6	22.7
45-54	22.2	25.4	23.6
55-64	14.0	13.2	12.0
65+	4.3	2.6	2.5
Not specified	21.0	7.5	12.0

### *Religion and belief*

There are no indications that either religion or belief are impacted by the recruitment freeze. Declaration rates are very low.

YJB Staff Profile % Religion and Belief	Pre- recruitment freeze March 2010	Pre- restructure Sept 2014	Post restructure Sept 2015
Buddhist	0.2	0.9	0.8
Christian	9.7	14.9	12.4
Muslim	0.7	0.9	0.8
Jewish	0.2	0.4	0.4
Hindu	0.0	0.0	0.0
Sikh	0.0	0.0	0.0
Other	0.5	0.9	0.8
No Religion	12.3	14.0	11.6
Not specified	76.3	68.0	73.1

### *Sexual orientation*

There are no indications that sexual orientation will be impacted by the recruitment freeze. Although there has been a slight increase in the percentage of lesbian, gay, bisexual and transgender (LGBT) staff the declaration rates remain very low.

YJB Staff Profile % Sexual Orientation	Pre- recruitment freeze March 2010	Pre- restructure Sept 2014	Post restructure Sept 2015
LGBT	2.2	2.6	3.3

Heterosexual/straight	22.5	41.7	44.2
Other	0.2	0.4	0.4
Not specified	75.1	55.3	52.1

In conclusion, as the initial recruitment freeze has been in place since 2010 there does not appear to be significant positive or negative impact on the staff profile of the YJB. The most significant impact is the increase in the percentage of women employed by the YJB. However the profile will be monitored closely to further assess the impact enhanced recruitment freeze.

## Recover unused grant to Resettlement Consortia from previous financial year

- Recommended that some savings are taken but reduced to honour the financial commitments already made by resettlement consortia. This would reduce original proposed savings in the consultation from £500k to £320k.
- Recommended that further consideration be given to supporting planned initiatives up to £80k in the East Midlands and North East London. Savings would reduce by a further up to £80k if this option were approved.

The Resettlement Consortia are intended to improve resettlement outcomes of young people leaving custody in England and have been allocated £1m this financial year.

We have considered all activities that are proposed by consortia.

### *Equality consideration*

Across all consortia areas there may be significant equality impact given the over representation of BAME young people within the secure estate who in turn will be in receipt of an enhanced resettlement offer to resettle and support them in their transition back into to their communities.

In conclusion, it is considered that whilst there may be some impact, this has been mitigated through the dialogue the YJB has had with consortium to determine available underspends and which has in turn sought to maintain the integrity of the services being delivered.

## Postpone any IT upgrades, specifically the implementation of AssetPlus

It is not recommended to take forward this option although in year savings of £100k have been identified from AssetPlus budgets through using a different delivery model for the business change.

AssetPlus will provide the opportunity to make a significant improvement to the quality of assessments and intervention plans, which in turn will result in benefits of reduced re-offending and offending and improved outcomes for young people.

### *Equality considerations*

The AssetPlus framework prompts you to record diversity considerations such as ethnicity or race, it supports the practitioner to think about how best to engage the young person in a way that reflects their diversity and to tailor interventions to suit their individual characteristics. The tailoring interventions section of pathways and planning considers how interventions will be tailored to take account of a young person's specific needs and diversity factors, e.g. learning difficulty, cultural needs, speech language communication needs and

preferred learning style.

AssetPlus Foundation training encourages the practitioner to remember that each young person will have experienced things differently and will consequently respond differently and to consider the key diversity areas.

### **Savings from demand changes in SCHs**

Recommendation that savings are taken.

#### *Equality considerations*

There is no specific equality issues associated with this reduction in budget as it arises from reduced demand.

### **Contract efficiencies on Secure Escorts**

Recommendation that savings are taken.

#### *Equality considerations*

There is no specific equality issues associated with this reduction in budget as it arises from an under-spend.

### **Underspend from the unpaid work order grant**

Recommend that savings are taken.

#### *Equality consideration*

There is no specific equality issues associated with this reduction in budget as it arises from an underspend.

### **Reduce evaluation of new youth justice initiatives and dissemination of effective practice**

Recommended that £0.2m savings are taken (rather than original consultation proposal to save £0.1m).

#### *Equality consideration*

While none of the proposed projects were focused on equality issues specifically, all YJB projects must consider any equality impacts. This will remain a key part of any future research proposal.

12. The available options for making the £13.5m savings were severely constrained given that the YJB has already reduced its budget by £287m (56%) in the last six years and that the YJB has taken steps to manage a

£12.2m shortfall at the start of this financial year. The YJB Executive Management Group (EMG) had considered whether there was scope to make any further cost reductions on its other major area of spend for secure accommodation - presently set at £142.2m for 2015/16. However, it was concluded that this was not a viable option as recent decommissioning means that there is now very limited spare capacity in secure accommodation. Furthermore, many of the services in the secure accommodation sector are provided through contracts that cannot be quickly scaled back without financial penalty and so are unlikely to provide significant in-year savings. In terms of the equality assessment on the protected characteristics, the proportion of black, Asian, minority ethnic (BAME) in the secure estate is 40% of the population as oppose to 18% BAME of young people sentenced in the community.

# Youth Justice Grant

13. Local authorities and youth offending teams (YOTs) must have regard to the principal aim of the youth justice system (to prevent offending by young people) in carrying out functions in relation to the youth justice system. Local authorities can assign a range of functions to a YOT, including functions to take reasonable steps designed to encourage children and young people not to commit offences. Functions are assigned at the local authority level and therefore will differ between YOTs. So in addition to carrying out statutory casework required by the courts, YOTs also undertake further work with children and young people on behalf of their host local authority. This primarily takes the form of prevention work with children and young people at risk of offending
14. YOTs' focus on advising courts on the sentencing of young people, assessing young offenders' needs and supervising young offenders serving community sentences, on licence following release from custody or on out-of-court disposals. Individual YOTs have discretion in delivering these duties and offer a wide range of interventions of varying intensity and regularity. This may include specialist programmes targeted at particular groups. YJB guidance indicates that YOTs should spend most of their time and resources on those young people who are most at risk of reoffending. YOTs, therefore, conduct assessments of young people's offending related risks and needs using a standardised assessment tool. This process ensures that YOTs focus their resources to those most in need of support and supervision.
15. The YJB has considered the effects of an in-year reduction to the YOT grant in 2015/16. Due to the local nature of YOTs, there is significant variation between them in terms of their cohort and how they operate and focus their resources. The impact on different groups will therefore vary depending on these factors, and crucially how a YOT chooses to manage a reduction to the grant, as well as the proportion of their budget which the grant represents.

## YOT Caseload

16. The YJB does not publish data on the characteristics of all young people in the YOT caseload. Data is not collected on preventative cases and there are technical limitations regarding data collection on aspects of some orders. Characteristics of young people that receive substantive outcomes (a court or out-of-court disposal) are, however, published as part of the annual Youth Justice Statistics publication. This data is taken from the YJB's Youth Justice Management Information System (YJMIS), based on data submitted by YOTs.
17. Whilst YOTs do not have a statutory responsibility to work with all young people that receive a substantive outcome, this group provides a suitable proxy to estimate the proportions of those with protected characteristics with whom YOTs work. YOTs also work with young people whose disposals

have carried over from previous years and with young people on prevention programmes. Although there is no regularly published data available on the number and characteristics of the young people with whom YOTs undertake prevention work, we expect the demographics to be similar to those who enter a pre-court or first-tier disposal, such as a referral order.

18. All data presented in this statement has been sourced from the annual Youth Justice Statistics 2013/14 publication (<https://www.gov.uk/government/collections/youth-justice-statistics>) unless otherwise stated.
19. Data relating to the demographics of the population of England and Wales is sourced from the Office for National Statistics (ONS), either from mid-2013 population estimates, or from the 2011 Census when mid-2013 population estimates do not provide data by age and ethnic group.
20. Our assessment also takes account of responses received as part of the formal consultation undertaken.
21. The amount of disproportionality of offenders varies by YOT.

## Race

22. The consultation responses received about race almost all focused on the over representation of black or BAME children in the youth justice system. The proposed reduction in the grant was believed to have a number of possible negative effects for this group:
  - Reduced capacity to respond to local circumstances and attempts to reduce the over representation of BAME children among their clients. One response specifically mentioned services aimed at diverting gang-involved young people from offending, another mentioned mentoring and outreach support for black boys.
  - Reduced scope for providing appropriate, tailored services to BAME children.
  - General negative impacts from a loss of YOT services due to BAME children being more likely to have been users of those services.
  - For some the over representation of BAME children in the criminal justice system already points to a disadvantage and they stated that a loss of funds was unlikely to improve this situation.
23. The total number of young people who received a substantive outcome has reduced by 61% since 2009/10. Table 1 shows the number of BAME young people in the youth justice system. Overall, in 2013/14, young people of White ethnicity made up 80% of those in the youth justice system, compared with 20% from BAME groups, after excluding 3,040 young people of 'Unknown' ethnicity (7% of those who received a substantive outcome). Numbers for BAME, however, have not fallen as dramatically (-50%) as for those of white ethnicity (-65%), meaning that BAME young people make up a larger proportion of the YOT core caseload than five years ago.

**Table 1: Trends in the number of young people in the youth justice system who received a substantive outcome by ethnicity, 2009/10 to 2013/14**

	2009/10	2010/11	2011/12	2012/13	2013/14	% change from 2009/10 to 2013/14	Share in 2013/14
Asian	4,295	3,567	2,938	2,174	1,880	-56%	5%
Black	6,482	5,949	5,239	3,928	3,315	-49%	9%
Mixed	3,784	3,529	3,024	1,583	2,046	-46%	5%
Other	494	373	419	316	305	-38%	1%
<b>BAME</b>	<b>15,055</b>	<b>13,418</b>	<b>11,620</b>	<b>8,001</b>	<b>7,546</b>	<b>-50%</b>	<b>20%</b>
White	89,367	69,602	53,309	39,871	30,983	-65%	80%
<b>Total</b>	<b>104,422</b>	<b>83,020</b>	<b>64,929</b>	<b>47,872</b>	<b>38,529</b>	<b>-63%</b>	<b>100%</b>

Figures exclude young people of 'Unknown' ethnicity.

24. Table 2 shows that whilst, at an aggregate level, there is a slight disproportionality of BAME young people who have received a substantive outcome compared to the general population, there is a more prominent disproportionality of particular ethnic groups. Black or Black British young people are over represented by five percentage points, but this is balanced to an extent by the under representation of Asian young people.

**Table 2: Ethnicity of young people in the youth justice system who received a substantive outcome compared to those in the general population**

Ethnic Group	Population Aged 10-17 (Census 2011)		YJS*		% Point Difference
		%	2013/14	%	
Asian/Asian British	466,825	9%	1,880	5%	-4%
Black/African/Caribbean/Black British	233,869	4%	3,315	9%	+5%
Mixed/multiple ethnic group	221,004	4%	2,046	5%	+1%
Other ethnic group	57,488	1%	305	1%	0%
<b>BAME</b>	<b>979,186</b>	<b>18%</b>	<b>7,546</b>	<b>20%</b>	<b>+2%</b>
White	4,358,720	82%	30,983	80%	-2%
<b>All categories</b>	<b>5,337,906</b>	<b>100%</b>	<b>38,529</b>	<b>100%</b>	



\*Young people in the youth justice system who received a substantive outcome. Figures exclude 3,040 young people of 'Unknown' ethnicity (7% of those who received a substantive outcome in 2013/14).

25. Table 3 shows that community and custodial disposals (e.g. Youth Rehabilitation Orders (YROs) and Detention and Training Orders (DTOs)), which require more intensive supervision from YOTs, are more likely to involve BAME young people than lower level disposals. BAME representation also varies by offence type. For example, over 50% of robbery offences resulting in a disposal in 2013/14 were committed by BAME young people (30% by Black or Black British young people), compared to 19% for all offence types. A full breakdown of 2013/14 data on disposal and offence types by ethnicity is included in the data tables at the end of this document (see table A1).

**Table 3: Proportion of young people receiving a youth justice disposal in 2013/14, by ethnicity**

Disposal Type	Ethnicity (% of disposal type)					TOTAL
	White	Mixed	Asian or Asian British	Black or Black British	Chinese or Other	
Pre-court	87%	4%	4%	5%	1%	<b>20,404</b>
First-tier	79%	6%	5%	9%	1%	<b>24,333</b>
Community	74%	8%	5%	12%	1%	<b>11,885</b>
Custody	67%	9%	6%	17%	1%	<b>2,702</b>
<b>ALL DISPOSALS</b>	<b>80%</b>	<b>6%</b>	<b>5%</b>	<b>9%</b>	<b>1%</b>	<b>59,324</b>

Figures exclude 3,551 disposals received by young people of 'Unknown' ethnicity. These disposals made up 6% of the total 62

26. There is some evidence of disproportionality of black and minority ethnic (BAME) people occurring in the youth justice system when compared with the general population – particularly for those who are in custody. The YJB believes that the Secretary of State would have considered this disproportionality when making the decision to reduce the YJB budget. However, given the Secretary of State's decision to require in year savings from the YJB budget, the YJB is now obliged to apply the reduction to our budget, paying due regard to the Equalities Act. As mentioned above the equality impact of a making the saving from the secure accommodation budget or the Youth Justice Grant would have a disproportionate impact on BAME young people given that they are disproportionately represented in custody and the community. BAME in the secure estate is 40% of the population as oppose to 18% BAME of young people in the community sentenced by ethnicity, and therefore the equality impact of a savings reduction on BAME young people in the community would be less acute.
27. The YJB Board is focussed on addressing the over-representation of BAME young people in the youth justice system, and have put in place a

‘disproportionality action plan’ to support this work. The plan is informed by feedback received from consultations with stakeholders and the findings from the Young Review. The YJB incorporates actions around disproportionality within its commissioning, monitoring and practice improvement functions, embedding them into the key priority areas in the YJB Business Plan.

28. The YJB has also developed a tool to display ethnic disproportionality. This work has advanced and supports a number of ‘YOTs’ in developing a better response to this issue. This will include the use of the ‘disproportionality toolkit’, which will allow them to develop lines of enquiry and their own action plans. We are working with three pilot YOTs to analyse their data in the areas where we see the highest levels of BAME children and young people in the youth justice system, to better understand and tackle the factors which contribute to their representation in the youth justice system.
29. In addition, the YJB’s Senior Police Adviser maintains links with the College of Police Standards Manager for Local Policing, who has oversight of a number of portfolios affecting the delivery of policing for children and young people including disproportionality and stop and search. Our police advisor is engaged with a communication group for consultation on stop and search training, is seeking to establish a foot-hold within the newly formed ‘Stop and Search Scrutiny Group’, will meet with the college stop and search specialist and has in addition ensured the College has links with, and knowledge of, the All Party Parliamentary Group’s work in this area.
30. Our action plan also includes specific engagement with other agencies and stakeholders in the youth justice system and as part of this work the YJB Chair, Lord McNally, has met with Baroness Young to discuss learning from the second phase of her report ‘Improving outcomes for young black and/or Muslim men in the Criminal Justice System’.
31. In addition, the YJB is working closely with voluntary and community organisations, such as Black Training and Enterprise Group (BTEG) to look at issues as they pertain to BAME children and young people.
32. We therefore consider that the proposal to reduce the Youth Justice Grant is not directly discriminatory but that there may be some indirect discrimination and the extent of this is dependent on how the YOT chooses to manage the reduction locally taking account of the specific variances and need in their area.

## Age and Sex

33. Age was mentioned in more consultation responses received than any other protected characteristic, it was felt that the cut in funding would hit more vulnerable young people hardest, given that children experiencing various types of social and economic disadvantage were overrepresented on YOT caseloads. However, given the local nature of YOTs, there is significant variation between them in terms of their cohort and how they operate and focus their resources. The impact on different age groups will therefore vary depending on these factors, and importantly how a YOT chooses to manage a reduction to the grant, as well as the proportion of their budget which the grant represents. Others mentioned that they felt reductions were

unfair towards young people because the equivalent adult services were not facing the in-year funding reduction.

34. The comments mentioned a variety of ways in which they felt young people under 18 would be affected by the proposed reductions: loss of services, reduction in quality of services, less time in contact with staff. The risks included: that more young people would enter the criminal justice system, that more would reoffend, and that safeguarding would suffer. A few respondents made the point that they felt these services are unlikely to be provided by others if YOTs are unable to sustain them.

### Younger children

35. Responses also discussed different impacts within the under 18 age group. Many responses indicated that they expected early intervention or preventative work to be most at risk if the funding were cut, something expected to have a more severe negative impact on younger children. Responses spoke of younger children “on the cusp of offending” and FTE’s likely to receive less support, with resources redirected to sustain statutory work and to “older complex offenders”. One service gave the example that the reduction would mean they were unable to continue to accept referrals for children under 10 (the age of criminal responsibility) which could lead to young children becoming further engaged within the criminal justice system.

### Older children

36. A few responses raised concerns about the impact on older children, that the reduction in funding could mean older children would receive a lesser service. Specific risks identified were that more of those near their 18th birthday would be transferred to adult services. Currently these young people stay with youth services if they are deemed to lack maturity, have special needs, or there are safeguarding concerns. The other concern was that a reduced service would mean less resettlement support for 17 and 18 year olds, particularly those leaving custody.
37. Table 4 shows that the majority of young people who received a substantive outcome in 2013/14 were males, irrespective of age. Young people aged 15-17 make up nearly 80% of those in the youth justice system.

**Table 4: number of young people in the youth justice system who received a substantive outcome in 2013/14, by age and sex**

	10	11	12	13	14	15	16	17	Total
Female	10	58	196	639	1,149	1,706	1,850	2,112	7,720
Male	106	366	906	1,994	3,752	6,241	8,812	11,656	33,833
Not Known	-	-	-	-	3	4	4	5	16
Total	116	424	1,102	2,633	4,904	7,951	10,666	13,773	41,569

### Share by sex

Female	9%	14%	18%	24%	23%	21%	17%	15%	19%
Male	91%	86%	82%	76%	77%	78%	83%	85%	81%
<b>Share by age</b>	0.3%	1.0%	2.7%	6.3%	11.8%	19.1%	25.7%	33.1%	100.0%

## Sex

38. Consultation comments about sex focused on girls/ young women's involvement in the criminal justice system.

## Girls

39. As with the protected characteristics discussed already, there was a fear expressed among the respondents that with less resources YOTs would be unable to offer tailored, gender-specific support. The responses stated that girls are already more "negatively affected" by their treatment in the criminal justice system, and that the programmes and materials designed for boys are not always relevant for meeting the needs of girls. One respondent raised the problem that, if there were staff redundancies within their service, it may not be possible to ensure there were female staff available.
40. There were also felt to be factors that were already placing girls at greater risk, and likely to be exacerbated by a reduction in resources, several responses highlighted that work around Child Sexual Exploitation had been a growing area of responsibility, and that this was part of the increasingly complex risks "in the field of human exploitation" that YOTs were facing.
41. The data shows that there have been year on year decreases in the number of under 18 year old female First Time Entrants since 2008 (and since 2009 for adult females).

<b>Females</b>			
12 month period to the end of March	<b>Juveniles</b>	<b>Adults</b>	<b>All ages</b>
2005	29,412	50,816	80,228
2006	33,341	57,803	91,145
2007	34,607	59,090	93,698
2008	32,090	59,523	91,613
2009	25,699	55,091	80,790
2010	20,243	52,371	72,614
2011	12,862	49,370	62,232
2012	9,353	45,020	54,373
2013	6,676	40,023	46,698
2014	5,101	39,145	44,246

2015	4,408	35,882	40,289
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42. The figures for under 18 year old females committing violent offences have also decreased year on year from 2009/10.

Proven offences committed by females aged under 18	2009/10	2010/11	2011/12	2012/13	2013/14
Violence Against Person	12,019	9,978	7,656	5,691	5,236

### Boys

43. Fewer responses considered a negative impact on boys and almost exclusively this was connected to issues of race. Those respondents highlighting an over representation of BAME boys in youth justice were presented above. However a couple of respondents spoke of the over representation of boys among their client groups more generally.
44. Table 5 shows that compared to the general population there is an over-representation of males and under-representation of females in the youth justice system. Older young people (15-17 year olds) are also over-represented.

**Table 5: Age and sex of young people in the youth justice system who received a substantive outcome compared to those in the general population in England and Wales (mid-2013)**

	Population Aged 10- 17 (mid- 2013)	%	YJS* 2013/14	%	% Point Difference
10-14	3,143,773	61%	9,179	22%	<b>-39%</b>
15-17	2,039,475	39%	32,390	78%	<b>+39%</b>
Female	2,525,731	49%	7,720	19%	<b>-30%</b>
Male	2,657,517	51%	33,833	81%	<b>+30%</b>
<b>All categories</b>	<b>5,183,248</b>	<b>100%</b>	<b>41,569</b>	<b>100%</b>	

\*Young people in the youth justice system who received a substantive outcome

45. Tables 6 and 7 show that the level of over-representation by age and sex varies by disposal type, with those young people receiving the more intensive community and custodial disposals being more likely to be male and older than those receiving pre-court and first-tier disposals.

**Table 6: Youth justice disposals in 2013/14 by disposal type and age**

Disposal Type	Age (disposals)				Age (%)				TOTAL
	10-14	15	16	17	10-14	15	16	17	
Pre-court	6,840	4,807	5,324	5,578	30%	21%	24%	25%	<b>22,549</b>
First-tier	4,281	4,566	6,851	9,759	17%	18%	27%	38%	<b>25,457</b>
Community	1,444	2,207	3,534	4,942	12%	18%	29%	41%	<b>12,127</b>
Custody	128	397	783	1,434	5%	14%	29%	52%	<b>2,742</b>
<b>ALL DISPOSALS</b>	<b>12,693</b>	<b>11,977</b>	<b>16,492</b>	<b>21,713</b>	<b>20%</b>	<b>19%</b>	<b>26%</b>	<b>35%</b>	<b>62,875</b>

**Table 7: Youth justice disposals in 2013/14 by disposal type and sex**

Disposal Type	Sex (disposals)			Sex (%)			TOTAL
	Female	Male	Unknown	Female	Male	Unknown	
Pre-court	5,036	17,501	12	22%	78%	0%	<b>22,549</b>
First-tier	3,939	21,512	6	15%	85%	0%	<b>25,457</b>

Community	1,628	10,499	0	13%	87%	0%	12,127
Custody	179	2,563	0	7%	93%	0%	2,742
<b>ALL DISPOSALS</b>	<b>10,782</b>	<b>52,075</b>	<b>18</b>	<b>17%</b>	<b>83%</b>	<b>0%</b>	<b>62,875</b>

## Disability

46. While some responses spoke about the impact on disabled people generally, most focused on young people with learning disabilities. One YOT estimated that 80% of their current caseload involved children with Special Educational Needs or learning difficulties. Many others mentioned more generally that children with learning disabilities were overrepresented in the youth justice system - including specific mention of those with Special Educational Needs, speech and language (communication) difficulties, people on the autistic spectrum, and those with Attention Deficit Hyperactive Disorder (ADHD). It was expected therefore that reduced funding would disproportionately impact this group if services had to be reduced.
47. A reduction in funding was felt to put the extra support and specialised interventions needed for this group at risk. Mostly the comments gave a general sense that the additional resource to support young people with learning disabilities would be difficult to provide.
48. A small number of responses also reported that they felt there would be an impact on those with mental health issues. Mental health conditions are a protected characteristic when they are long term and make normal day to day activities more difficult (when the condition is present). The responses pointed to the association between poor mental health and offending behaviour, saying that less resource would put these young people at a disadvantage. One response felt there needed to be a “comprehensive assessment of impact in this area”. Another gave an example of practice, where they had a dedicated worker from child and adolescent mental health services (CAMHS) to work with young people at the YOT which they said would be “at risk of being diluted with the withdrawal of further resources”.
49. Information on disabilities of young people with whom YOTs work is not available at a national level. Welsh YOTs will be adding mental health as a key performance indicator in 2015.
50. The Youth Justice Statistics 2010/11 included analysis of the characteristics and risk factors associated with proven re-offending, based on data from the Juvenile Cohort Study (JCS). This analysis looks at the risk factors and associated one-year proven re-offending levels of a group of young people in 30 YOTs between 1 February 2008 and 31 January 2009. The sample used for this analysis (n=5,453) was broadly representative of young people coming into contact with YOTs in terms of age group, sex, ethnicity and disposal category. These findings may not, however, reflect the current cohort.
51. The following tables show the proportions of young people in the JCS with risk factors relating to physical or mental or emotional health. Equivalent

national data is not, however, available to determine whether figures suggest an over-representation in comparison to the general population of 10-17 year olds.

**Physical health significantly affects daily life**

	<b>Number of people</b>	<b>% of total</b>
<b>yes</b>	386	7%
<b>No</b>	4,815	92%
<b>Don't know</b>	48	1%
<b>Total</b>	5,249	100%

**Formal diagnosis of mental illness**

	<b>Number of people</b>	<b>% of total</b>
<b>Yes</b>	242	5%
<b>No</b>	4,675	93%
<b>Don't know</b>	105	2%
<b>Total</b>	5,022	100%

**Referral to mental health services**

	<b>Number of people</b>	<b>% of total</b>
<b>Yes</b>	1,232	25%
<b>No</b>	3,611	72%
<b>Don't know</b>	148	3%
<b>Total</b>	4,991	100%

**Has deliberately harmed her/himself**

	<b>Number of people</b>	<b>% of total</b>
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<b>Yes</b>	605	12%
<b>No</b>	4,192	84%
<b>Don't know</b>	192	4%
<b>Total</b>	4,989	100%

#### **Has previously attempted suicide**

	<b>Number of people</b>	<b>% of total</b>
<b>Yes</b>	325	7%
<b>No</b>	4,480	90%
<b>Don't know</b>	170	3%
<b>Total</b>	4,975	100%

## **Gender reassignment**

52. There were no specific consultation comments about gender reassignment. Published national information on gender reassignment of young people with whom YOTs work is not available.

## **Marriage and Civil Partnership**

53. There were no specific comments about marital status. Published national information on the marital status of young people with whom YOTs work is not available.

## **Pregnancy and maternity**

54. No comments were received on this characteristic. Published national information on girls who are pregnant with whom YOTs work is not available. The table below shows that a small number of girls were mothers, pregnant or possibly pregnant on entering custody.

### Young Person's Status on entering custody

	2013/14
Mother	0
Mother/ Pregnant	2
Pregnant	5
Possibly Pregnant	2
Total	9

## Religion or belief

55. A small number of consultation respondents spoke of the work done by YOTs to prevent and protect young people from radicalisation. This was seen as one of a number of new areas of work that had “not been supported by adequate resourcing” and they believed would be limited or lost with a reduced budget. One response highlighted that “Muslims may be most at risk in the cuts” due to their disproportionate representation in the criminal justice system. This response mentioned Muslims as one of the groups highlighted for this by The Young Review.
56. There is no data held centrally on the religion and beliefs of young people with whom YOTs work, or in the youth justice system as a whole. In most cases, however, it is recorded locally.

## Sexual orientation

57. Only a couple of respondents made specific reference to sexual orientation. Young people who identify as lesbian, gay, bisexual or heterosexual were highlighted along with girls, looked-after children (LAC), BAME and Travellers, as a group that required the development of effective approaches specifically for this group, which may not be possible with reduced resources. Another response was that reduction in preventative work could result in higher levels of bullying and hate-crime, including against lesbian, gay and bisexual people.
58. The YJB does not hold any information about the sexual orientation of the young people with whom YOTs engage.

## Looked-after Children

59. Although ‘looked-after’ status is not a protected characteristic, it relates to age and was frequently raised in the responses. Three main points were made:

- Looked-after children (LAC) were disproportionately represented in the criminal justice system and so would be disproportionately affected by a reduction in youth offending services.
  - A reduction in funding puts specialised, specific provision for LAC at risk.
  - A lack of resources for preventative or restorative approaches could lead to even greater numbers of LAC, in particular, being criminalised.
60. According to data from the Department for Education in the year ending March 2013, looked after children were four times more likely to have committed an offence compared to all children nationally.

# Eliminating unlawful discrimination

61. One of the main themes was that respondents felt a reduction in funding would threaten the provision of support and services tailored to specific needs. This was because they felt that a reduction in funding would require a reduction in staff, or the de-commissioning of specific services. Respondents said that depending on the extent of the reductions, any or all of the groups with protected characteristics could be disadvantaged. Their belief was that any proposed reductions would lead to a more standardised approach, which may be less effective for some groups. This was also a main theme when specific characteristics, such as gender, race and disability, were discussed.
62. When responses did not address the protected characteristics directly, they generally referred more broadly to the vulnerability and disadvantage of the YOT service users. The concerns raised were similar to those for specific characteristics - that any proposed reductions would lead to less tailored support, and that as a group they would be more negatively affected than others. Respondents indicated that vulnerable and disadvantaged young people were over represented as service users of YOTs. Protected characteristics such as disability, age and race were seen as related to, and in some cases exacerbating, the vulnerability of the YOT cohorts.

## **Direct discrimination: Youth Justice Grant**

63. Our assessment is that the proposal to reduce the YOT grant is not directly discriminatory within the meaning of the EA 2010 as depending on how the YOT chooses to manage the reduction we believe it will impact equally on all young people with whom the YOT engages, irrespective of whether or not they have a protected characteristic. We do not consider that the proposal would result in young people being treated less favourably because they have a protected characteristic.

## **Indirect discrimination: Youth Justice Grant**

64. Indirect discrimination arises when an institution does something which appears to be neutral in terms of equality but which in terms of its impact particularly disadvantages people with a protected characteristic.
65. There is some evidence of disproportionality of BAME people occurring in the youth justice system when compared with the general population, particularly for those who are in custody and receiving more intensive disposal types (including custodial sentences) that require most YOT involvement. The evidence also shows that young people receiving more intensive community and custodial sentences (e.g. Youth Rehabilitation Orders (YROs), Detention and Training Orders (DTOs) are more likely to be BAME, male and 15-17 years old than those receiving cautions and first tier disposals.
66. YOTs may respond to a reduction in the level of the grant by reducing the range of activities and interventions which they provide and becoming more reactive and narrower in focus. Data gathered from the YOT stocktake

indicated that YOTs currently spend 69% of their time delivering community sentences and 11% delivering the community elements of custodial sentences (although it must be noted that the stocktake was based only on preliminary analyses and using a sample of 20 YOTs out of 157. These figures will also vary between individual YOTs).

67. This proposal may have an indirect impact on the groups set out above if as a result of a funding reduction YOTs were to reduce the range, intensity or regularity of activities which they offer in response to disposals where groups with protected characteristics are over-represented. The YOT stocktake undertaken by Deloitte earlier this year, reported that some YOTs have responded to previous funding cuts by cutting dedicated programmes (e.g. on resettlement) and YOTs may choose to respond to this grant reduction in a similar way. This would be a matter for individual YOTs and is not something that the YJB can predict or directly influence.
68. The YOT stocktake, reported that a number of YOTs indicated they may respond to further reductions to the grant by cutting back on the amount of prevention work that they undertake with young people at risk of offending (the YOT stocktake reported that 75% of YOTs deliver some form of wider preventative activity with young people). Although there is no regularly published data available on the number and characteristics of the young people with whom YOTs undertake prevention work, we would expect the demographics to be more similar to those entering the YJS via a pre-court or first-tier disposal, such as a referral order, than for more intensive disposal types.
69. Analysis of administrative data from a sample of 8 YOTs during 2008/09 and 2009/10 for the cohort of young people completing prevention programmes<sup>1</sup> indicated:
- Age: 88% per cent of the prevention cohort were of secondary school age (e.g. aged 11+) and the remaining 12% were of primary school age. 70% were aged 12 to 15 years.
  - Gender: 75% were male. Females were on average almost one year older than males (13 years and 5 months compared with 12 years and 6 months).
  - Ethnicity: 72% of the cohort were White, 21% were from an Asian or Asian British background, 4% were from a Black or Black British background, 3% were of a mixed ethnic background, and less than 1% were from another ethnic background.
70. Our assessment is that there may therefore be an indirect impact from this proposal on those with protected characteristics, if YOTs responded to a grant reduction by reducing the amount of prevention work which they undertake.
71. As set out above, individual YOTs work with different numbers of young people with protected characteristics and the YOT grant makes up a different proportion of the funding for individual YOTs. The potential impacts of this proposal will therefore vary between YOTs (who are also required to

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<sup>1</sup> O'Malley et al (2014) *Prevention Practice: Learning from Youth Crime Prevention Activity in Eight Youth Offending Teams during 2008/09 and 2009/10*. Youth Justice Board.

consider the equality impacts of their decisions when considering how to manage a funding reduction). The YJB believes that in particular areas where YOTs have a majority of their cohort made up of young people with protected characteristics (e.g. black or black British males in some London boroughs) it is likely that this proposal could potentially have a disproportionate impact, but this is dependent on how individual YOTs manage the reduction.

### **Discrimination arising from disability and duty to make reasonable adjustments**

72. Information on disabilities of young people with whom YOTs work is not available. Available information on the disabilities of the YOT workforce is set out above at para 30.
73. In so far as this policy for an in-year reduction to the grant extends to young people in the youth justice system and the YOT workforce, it would not be reasonable to make an adjustment for disabled people so that they are out of scope of the proposal. It remains important however to make reasonable adjustments to ensure appropriate support is given.
74. The Department of Health and YJB have developed a comprehensive health assessment tool (CHAT) to enhance the ability of youth justice services to screen and assess the health needs of young people. The CHAT includes sections on physical health, substance misuse, mental health and neuro-developmental disorders.

# Advancing equality of opportunity

75. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity by meeting the needs of young people who are engaged by the YOT and who share a protected characteristic. We do not consider that this proposal would have any particular impact on the achievement of this objective. While a reduction in the grant may mean that YOTs scale back on prevention work, this would impact all young people with whom YOTs undertake prevention work equally and the only indirect impact may be where a group is over-represented, as set out above.

## Fostering good relations

76. YOTs engage with a broad cohort of young people, both those who have offended and those who are at risk of offending. A small number of consultation respondents spoke of the work done by YOTs to prevent and protect young people from radicalisation. This was seen as one of a number of new areas of work that had “not been supported by adequate resourcing” and they believed would be limited or lost with a reduced budget. One response highlighted that “Muslims may be most at risk in the cuts” due to their disproportionate representation in the criminal justice system. This response mentioned Muslims as one of the groups highlighted for this by The Young Review.
77. There is some evidence that this proposal would have a minor but negative impact on the achievement of this objective.