

# **YJB Case Level Ethnic Disproportionality Toolkit Pilot: A Process Evaluation**

**In response to Recommendation 33 of  
the Lammy Review**

Youth Justice Board

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# Acknowledgements

The Youth Justice Board (YJB) would like to thank representatives from the pilot Youth Offending Teams (YOTs) and YJB partnership advisors for giving their time to take part in interviews. We would also like to thank Ministry of Justice (MoJ) analysts for taking time to review the toolkit and make recommendations.

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# Executive Summary

## Background

In 2014 and 2015, as part of its work to tackle ethnic disproportionality within the justice system, the Youth Justice Board (YJB) developed and piloted a Case Level Ethnic Disproportionality Toolkit with 20 youth offending teams (YOTs). The toolkit allowed YOTs to undertake a detailed level analysis of ethnic disproportionality in their local area.

In 2017, the Lammy Review - an independent review into the treatment of, and outcomes for, black, Asian and minority ethnic (BAME) individuals in the criminal justice system - recommended that the YJB commission an evaluation of what had been learned from the trial of the Case Level Ethnic Disproportionality Toolkit, and identify potential actions or interventions to be taken (Recommendation 33).

This evaluation was undertaken in response to that recommendation. The findings and lessons from it are informing the development and future rollout of a new revised Local Ethnicity Disproportionality tool, which will be rolled out to all YOTs nationally in 2018.

## Methodology

This was a process (rather than impact) evaluation and the methodology adopted the following three strands of inquiry:

1. A high-level analysis of the types of management information data in the toolkits focussing on key themes.
2. An analytical review of the toolkit by Ministry of Justice (MoJ) analysts with expertise in youth justice and ethnicity statistics.
3. Qualitative interviews with pilot YOTs and YJB partnership advisors.

While the evaluation offers useful insight and recommendations, there are limitations to the methodological approach in that it was not originally planned as an integral part of the pilot and was conducted 3 years after initial implementation.

## Key Findings and Recommendations

The toolkit and the YJB's involvement often served as a helpful spur to action for YOTs. Although taken on its own the toolkit did not necessarily change YOTs' approach to disproportionality, some YOTs found it could be helpful by adding detail and data to what they already felt they knew, and as such lent weight to commissioning decisions and discussions with other stakeholders, including the police, courts and community safety partnerships.

Some YOTs could struggle to find the resources to use the toolkit effectively. In the pilot, they were able to overcome this by being well supported by the YJB's

partnership advisors. However, any future toolkit for national rollout would need to be designed for YOTs to use completely independently with minimal resource. It would also need to address issues raised by MoJ analysts regarding how the analysis is conducted.

Finally, although the word “toolkit” suggests something which helps diagnose and fix a problem, the toolkit only highlights where disproportionality exists, and does not suggest solutions or offer ways to improve. YOTs suggested that it could also be helpful to have more direction or support on how they could address the issues the toolkit identified with disproportionality. One suggestion for how this could be done is through regional forums where YOTs can share effective practice on how they deal with disproportionality.

# Section 1: Introduction

## Background

In 2014 and 2015, as part of its work to tackle ethnic disproportionality within the justice system, the YJB developed two ethnic disproportionality toolkits to help youth offending teams (YOTs):

1. **A Summary Disproportionality Toolkit.** This gave all YOTs a snapshot of the ethnicity breakdown of the offending population compared to the general population aged 10 to 17 in their area, and allowed them to compare their level of disproportionality with that of other areas. This toolkit was originally made available to all YOTs in 2015, and newer versions were provided with updated data in 2016, 2017 and 2018.
2. **A Case Level Ethnic Disproportionality Toolkit.** This allowed a small number of YOTs which had identified disproportionality using the Summary Disproportionality Toolkit to undertake a more detailed level of analysis of ethnic disproportionality in their local area. This toolkit used local data and identified where there may be disproportionately in a YOT's caseload - such as sentencing tier, entry age, and seriousness of offending. In total, 20 YOTs received a local copy of the Case Level Ethnic Disproportionality Toolkit to pilot – four of them received it in 2014 and 16 in 2015.

In 2017, the Lammy Review - an independent review into the treatment of, and outcomes for, black, Asian and minority ethnic (BAME) individuals in the criminal justice system - recommended that the YJB commission an evaluation of what had been learned from the trial of the Case Level Ethnic Disproportionality Toolkit, and identify potential actions or interventions to be taken (Recommendation 33). The YJB agreed to undertake this evaluation.

In advance of the publication of Lammy's recommendations, work was already underway within the YJB to review and develop toolkits to help YOTs identify and tackle ethnic disproportionality. As a result of this work, in 2016, 2017, and then again in June 2018, the YJB published new versions of the Summary Disproportionality Toolkit with updated data. In June 2018, the YJB also launched the Reoffending Disproportionality Toolkit. The Reoffending Disproportionality Toolkit highlights over-representation of ethnic groups according to youth reoffending data. It allows YOTs to look at their own performance on reoffending and compare it with other YOTs, regional and national averages. Work on the Case Level Ethnic Disproportionality Toolkit is ongoing and is being informed by this evaluation. A new revised toolkit will be rolled out to all YOTs nationally in 2018.

## Overview of the Case Level Disproportionality Toolkit pilot

The initial stage of identifying potential YOTs to take part in the pilot involved the YJB analysing data<sup>1</sup> to identify which YOTs had disproportionately high levels of BAME children in the offending population compared to the general population aged 10 to 17 in their area and/or where there was a deteriorating trend. Using this list as a starting point, the YJB considered how to ensure the pilot contained a variety of types of YOT (by caseload size and location) when determining which YOTs to approach to take part in the pilot. The YJB also selected a smaller number of YOTs on the basis that ethnic disproportionality was low or there had been improvements over the data period analysed.

The YJB approached the selected YOTs to ask if they would be willing to work with the YJB in conducting an analysis of ethnic disproportionality in their local youth justice system. After the YOT agreed, the YJB populated the Case Level Ethnic Disproportionality Toolkit for the area, based on the most recent 3-year cohort available for that YOT.<sup>2</sup>

The toolkit was initially tested with the four YOTs in 2014:

- Hammersmith and Fulham
- Westminster
- Kensington and Chelsea
- Birmingham.

Following positive feedback and some further development work, the toolkit was then piloted in a further 16 YOTs in 2015. Twelve of these<sup>3</sup> were selected on the basis that analysis of their data highlighted ethnic disproportionality was high and/or there was a deteriorating trend. The remaining four YOTs<sup>4</sup> were selected on the basis that ethnic disproportionality was low or there had been improvements over the data period analysed, and as such they were seen to be “well performing”.

YJB partnership advisors for the relevant YOTs were trained to use the toolkit and analyse the data. They populated a template PowerPoint slide pack using graphs from the toolkit and added appropriate commentary. This slide pack was quality assured by YJB staff before the toolkit analysis and accompanying PowerPoint slides with commentary were shared with the relevant YOT management team for discussion and development of an action plan to address the issues identified in the toolkit analysis.

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<sup>1</sup> Three years' data was extracted from the Youth Justice Management Information System (YJMIS)

<sup>2</sup> The toolkit was populated and the analysis conducted once for each YOT. One YOT which was approached declined to take part in the pilot. All other selected YOTs agreed to take part in the pilot.

<sup>3</sup> These were Ealing, Hackney, Lambeth, Lewisham, Wandsworth, Bradford, Kirklees, Manchester, Trafford, Liverpool, Wolverhampton, Sandwell.

<sup>4</sup> These were Coventry, Leicester, Croydon, Waltham Forest.



# Section 2: Methodology

## Aims of the evaluation

The evaluation was undertaken between January and July 2018 and aimed to:

- Fulfil the Government's commitment to evaluate the trial of the Case Level Disproportionality Toolkit as recommended by Recommendation 33 in the Lammy Review.
- Ensure lessons are learned from the trial to inform development of the Case Level Disproportionality Toolkit and future national rollout that builds on and complements the Summary and Reoffending Disproportionality Toolkits.

## Research questions

The aims were reflected in the research questions, which were as follows:

- What have been the perceived benefits/strengths/advantages of implementing and using the toolkit?
- What were the perceived challenges/weaknesses/disadvantages of implementing and using the toolkit? How could the toolkit or its use/ implementation be changed/ improved?
- What was learned from using the toolkit? Did it highlight anything useful?
- What action was taken as a result of what was highlighted to users in the toolkit? What interventions did they employ, if any?
- What has been learned from the experience and/or what should be done differently for future development and rollout?

## Approach

The evaluation pursued three strands of inquiry and adopted a mixed methods approach, using both quantitative and qualitative data. The three strands were as follows.

### Strand 1: High level review of the data in the pilot toolkits

This involved a high-level analysis of the types of management information data in the toolkits focussing on key themes.

### Strand 2: Analytical review by Ministry of Justice (MoJ) analysts

MoJ analysts with expertise in youth justice and Section 95 ethnicity data were commissioned to review the Case Level Ethnic Disproportionality toolkit with the following questions in mind:

- Are these toolkits sensible for their intended purpose?
- Are the toolkits statistically sound?

- Are the data presented in the most appropriate way?
- Is there anything you suggest that could make these toolkits more useful to youth offending teams (YOTs)?

### **Strand 3: Qualitative interviews with pilot YOTs and YJB partnership advisors**

The evaluation aimed to interview staff who had been involved in piloting the toolkit in 10 of the 20 pilot YOTs. A purposive sampling approach was taken to ensure representation from the following groups:

- urban and rural YOTs
- YOTs with smaller and larger caseloads
- YOTs from London and other regions
- YOTs served by different YJB partnership advisors
- YOTs which did and did not share action plans with YJB following use of the toolkit
- YOTs from each of the three subgroups in the pilot – the four early testers, the 12 with high ethnic disproportionality, and the four where disproportionality was not an issue.

Interviews were conducted with 11 staff from 9 YOTs<sup>5</sup>. The difficulty in securing interviews was due to staff who were in post at the time the toolkit was initially trialled in 2014 and 2015 having since moved on. Despite the lower than anticipated number of interviews, analysis of the qualitative data suggests that a sufficient number were conducted to provide a rich variety of perspectives and experiences to answer the research questions.

Interviews were also conducted with the five partnership advisors who were involved in assisting the 20 pilot YOTs and were still in post in the YJB at the time of the evaluation. The interviews with both pilot YOTs and partnership advisors explored the following areas:

- usability of the toolkit
- lessons learned
- actions taken as a result of using the toolkit
- relationships with the pilot YOTs

Interviews were conducted by teleconference, with the interviewer assisted by a notetaker. Notes were written up and agreed between interviewer, notetaker, and interviewee following the interview.

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<sup>5</sup> We originally selected 10 YOTs to be representative of all those involved in the pilot. Of these 10, 8 took part, and, as our sample did not contain a YOT with good performance on disproportionality, we approached the 2 other YOTs in this group, and one of them took part.

## Limitations

As a process evaluation, the research was intended to assess how the pilot toolkit had been implemented and delivered, and extract the lessons learned regarding good practice and challenges. The evaluation was not intended to quantify the impact of the pilot toolkit on outcomes.

Also, while the evaluation offers useful insight into the implementation and delivery of the Case Level Ethnic Disproportionality Toolkit, it is limited by the fact that it was not originally planned as an integral part of the pilot and was conducted 3 years after implementation. Consequently, some YOT and YJB staff were unavailable for interview, not all staff interviewed were in post at all stages of the pilot's implementation and delivery, and the data collected in qualitative interviews comprise perceptions and recollections from some time after implementation.

# Section 3: Findings from the high level review of data in the toolkits

This chapter presents findings from a high-level review of the data contained in the toolkits.

## Key Findings

- The case level ethnic disproportionality toolkit comprised a detailed spreadsheet with guidance, 21 charts (including sub-charts), and suggestions for lines of inquiry.
- The data in the spreadsheet could be grouped into three main areas of exploration - (1) whether black, Asian and minority ethnic (BAME) children were more likely than white children to receive harsher sanctions; (2) whether there was anything in BAME children's offending behaviour which might reasonably explain the harsher sanctions; and (3) whether BAME children are more or less likely to receive the support they need in the youth justice system.
- However, the analysis conducted automatically within the toolkit was not always conducted in the manner best fitted to the issue being explored.

## Description of Case Level Disproportionality Toolkit

The Case Level Ethnic Disproportionality Toolkit consisted of an Excel spreadsheet presenting a Guidance section and 18 tabs containing 21 charts displaying local youth offending team (YOT) level 5+1 ethnicity<sup>6</sup> data.

The guidance section stated that the purpose of the tool was:

“To enable YOTs to analyse their local data to ascertain:

- (a) the level of any ethnic disproportionality within the local youth justice system and which of the main ethnic groups are over-represented, and
- (b) if there is disproportionality, where and how it arises within the local youth justice system.”

It then provided YOTs with suggested lines of inquiry for using the toolkit to understand how and why disproportionality occurs in the local youth justice system.

Most of the charts were pre-populated with data from the YJB, but five of them required data to be inputted locally.

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<sup>6</sup> These five broad categories are White, Mixed, Asian/ Asian British, Black/ Black British, Other

**Table 1: Charts in Case Level Disproportionality Toolkit**

Chart 1	A pie chart showing the ethnicity profile of all children in an area receiving a youth caution or court conviction.
Chart 2	The numbers of disposals received in each of the 4 tiers (custody, community, first tier, and pre-court) for each ethnic group.
Chart 3	The numbers of offences categorised in each of the 4 offence gravity groups (very high, high, medium, low) for each ethnic group.
Chart 4	The percentage distribution of offences categorised in each of the 4 offence gravity groups (very high, high, medium, low) for each ethnic group.
Chart 5	The percentage distribution across ethnic groups for each offence gravity group, (very high, high, medium, low).
Charts 6a and b	(a) Showed the average gravity score of all offences for each ethnic group, and (b) showed the average gravity score for those offences leading to custodial sentences.
Chart 7	Showed the numbers of children from each ethnic group who committed re-offences. This chart required data to be inputted locally.
Chart 8	Showed the re-offending rate for each ethnic group. This chart required data to be inputted locally.
Chart 9	The percentage distribution across the 4 different levels of intervention (intensive, enhanced, standard, none) for each ethnic group.
Chart 10	Showed for each of the 4 different levels of intervention (intensive, enhanced, standard, none), the percentage distribution across ethnic groups.
Charts 11a, b and c	(a) Showed, for each ethnic group, the proportion who were First Time Entrants (FTEs), (b) showed, for each ethnic group, the proportion who had five or more previous offences, and (c) showed, for each ethnic group, the numbers who had 0, 1-2, 3-4 or 5+ previous offences.
Chart 12	The ethnic distribution of the remand population compared to the ethnic distribution of all children in that area receiving a youth caution or conviction.
Chart 13	The ethnic distribution of the breach population compared to the ethnic distribution of all children in that area receiving a youth caution or conviction.

Chart 14	The average age of entry into the youth justice system for each ethnic group.
Chart 15	The average amount of time in months that children from each ethnic group spend in the local youth justice system.
Chart 16	The percentage of each ethnic group who are in full time education, training or employment (ETE). This chart required data to be inputted locally.
Chart 17	The percentage of each ethnic group who were deemed to be in appropriate accommodation. This chart required data to be inputted locally.
Chart 18	The differences in congruence between pre-sentence report (PSR) proposals and actual sentences for children according to ethnicity. This chart required data to be inputted locally.

The data contained in these charts were to allow the YOT to analyse their caseload to go beyond understanding simply whether BAME children were disproportionately represented within their caseload. As the raw data was contained in the toolkits, YOTs could also conduct additional analysis if they wished.

Although it was not grouped in this way in the toolkit, and the toolkit did not always conduct the most appropriate analysis to the question, the eight lines of inquiry in the toolkit could be simplified into the following three groups. These were as follows.

1) To investigate whether BAME children were more likely than white children to receive harsher sanctions. YOTs could do this by exploring:

- whether BAME children were receiving a higher sentencing tier outcome (Chart 2)
- whether BAME children were more likely to be remanded to custody (Chart 12)
- whether BAME children were more likely to be breached for non-compliance (Chart 13)
- whether BAME children were more likely to enter the system at a younger age and spend more time in the system (Charts 14 and 15)
- whether BAME children were less likely to have received the sentence proposed in their Pre-Sentence report (PSR)\* (Chart 18).

2) To investigate whether there was anything in BAME children's offending behaviour which might reasonably explain the harsher sanctions. YOTs could do this by exploring:

- whether BAME children have committed a higher gravity offence (Charts 3, 4, 5, 6a and b)

- whether BAME children have a greater number of previous criminal convictions (Charts 11a, b, and c)
- whether BAME children have committed a reoffence\* (Chart 7)
- whether BAME children have committed a larger number of reoffences\* (Chart 8).

3) To investigate whether BAME children are more or less likely to receive the support they need in the youth justice system. YOTs could do this by exploring:

- whether BAME children were more likely to receive a standard, enhanced or intensive level of intervention (Chart 9)
- whether BAME children were more likely to be in inappropriate accommodation\* (Chart 17)
- whether BAME were more likely to be Not in Education Training or Employment (NEET)\* (Chart 16).

(\* Denotes where there was a requirement for the YOT to enter the data locally.)

However, the automatic analysis conducted by the toolkit was not always done in the manner best fitted to direct the YOT to answer the questions above. For example, to investigate whether BAME children were receiving a higher sentencing tier outcome, the YOTs would have needed further analysis of the volume data presented in Chart 2. They would have also needed a calculation of the sentencing tier distribution within ethnic groups so that they could then compare across ethnic groups. Similarly, to investigate whether BAME children were more likely to be remanded to custody, the analysis would need to calculate the risk of each ethnic group being remanded to custody, rather than ethnic distribution of the remand population compared to the ethnic distribution of all children in that area receiving a youth caution or conviction.

Also, given the toolkit contained YOT level data, the actual numbers in each ethnicity category could be small, making it sometimes difficult to conduct detailed level analysis and ascertain the extent to which disproportionality was occurring. The guidance contained in the toolkit did not give any advice in this regard.

## Section 3: Findings from the analytical review by MoJ analysts

This chapter presents findings from the review of the toolkit by Ministry of Justice (MoJ) analysts with expertise in youth justice and Section 95 ethnicity data. They were commissioned to review the Case Level Ethnic Disproportionality toolkit with the following questions in mind:

- Is the toolkit sensible for its intended purpose?
- Is the toolkit statistically sound?
- Are the data presented in the most appropriate way?
- Is there anything you suggest that could make this toolkit more useful to YOTs?

Alongside reviewing the Case Level Ethnic Disproportionality toolkit, MoJ analysts also reviewed the Summary Disproportionality toolkit.<sup>7</sup> The version of the toolkit circulated to MoJ analysts was an updated version of what had been piloted (as some development work had already taken place on it follow internal YJB review).

### Key Findings

- Although the toolkit was a welcome initiative, it could be improved in two key ways.
- First, the toolkit should treat ethnicity as the independent variable throughout to ensure that the data is interpreted appropriately. For example, it should show the proportions within each ethnic group, receiving each tier of sentencing outcome (as opposed to the distribution of ethnicity within categories of outcomes).
- Second, the toolkit should moderate its claims that it can show “where and how” disproportionality arises. Rather, as currently constructed, it presents areas of disproportionality across the cohort (sometimes by comparing to general population ethnic distributions). This does not allow for unpicking the upstream drivers of ethnic group distributions occurring later in the system.

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<sup>7</sup> The review of the Summary Disproportionality toolkit made a key recommendation that it could look at relative risk of disproportionality occurring according to stages in the justice process, for example (1) arrests relative to the census distribution; (2) prosecutions relative to arrests; (3) cautions relative to arrests; and (4) convictions relative to prosecutions. This would assist in identifying where disproportionality emerges in the criminal justice process.



## Data Analysis

MoJ analysts welcomed the toolkits as a step in the right direction toward facilitating YOTs to think about ethnic equality in the service that they provide. However, they raised two key issues with the Case Level Ethnic Disproportionality toolkit.

The first key issue was that in some of the toolkit charts the direction of analysis could make it difficult to interpret the findings. They highlighted that it is customary to calculate proportions across the dependent variable to facilitate comparison by the independent variable. In this case ethnicity is the independent variable and the outcome of interest is the dependent variable. An example looking at offence gravity scores and ethnicity is presented below to illustrate this point.

**Table 2a & b: Example of why direction of analysis matters**

	<i>a) As presented in tool</i>		<i>b) Using ethnicity as the independent variable</i>	
	White	BAME <sup>8</sup>	White	BAME
Low Gravity	43%	53%	23%	17%
Medium Gravity	37%	62%	59%	59%
High Gravity	31%	68%	18%	23%
Very High Gravity	25%	75%	0%	1%
<b>Total</b>	<b>37%</b>	<b>61%</b>	100%	100%

In panel (a) of Table 2 (above), black, Asian and minority ethnic (BAME) children appear to be over-represented in all offence categories but especially at medium, high and very high gravity offences. However, if we look more closely we can see that the high proportions of BAME are mostly a function of the fact that there are more BAME children on that youth offending team's (YOT's) caseload – 61% are BAME, compared to 37% white. It makes sense, therefore, that BAME children exist at higher proportions in each category because of their greater volume overall. Presenting the data in this way tells us more about the proportions of BAME children in the overall caseload rather than whether BAME or white children commit higher gravity offences.

To understand whether BAME or white children on the YOT caseload are more likely to be convicted of higher gravity offences, we need to look at the distribution of offence gravity categories by each ethnic group (as has been done in panel (b) of Table 2). This clearly suggests that BAME children are somewhat more likely to be convicted of higher gravity offences but also, and importantly, BAME and white groups are both equally likely to be convicted of

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<sup>8</sup> White and BAME ethnic groups do not always add up to 100% due to ethnicity of some children being unknown

medium gravity offences (something that may not be so obvious from panel (a) of Table 2).

MoJ analysts recommended that throughout the toolkit, the analysis should treat ethnicity as the independent variable. This means the data presented should show the proportions of each ethnic group, for example, receiving each tier of sentencing outcome (rather than, for example, the proportion of custody cases that are BAME children).

## **Purpose of the Toolkit**

Second, MoJ analysts questioned whether the claim in the guidance section of the pilot toolkit that it can enable YOTs to analyse their local data on disproportionality to ascertain “where and how it arises within the local youth justice system” is accurate. Rather, they pointed out that it presents data on areas of disproportionality across the cohort regardless of the causal mechanisms.

To address the questions of “where and how” disproportionality arises would require the toolkit to unpick the stages of the youth justice system more fully, and show not just caution or conviction, but arrest, prosecution, caution and conviction as separate stages. Comparisons of distributions of outcomes across ethnic groups should be based on the population at risk at each stage. For example, only children who are convicted are at risk of being sentenced to custody (as opposed to all children who live in the local area). Therefore, when comparing the proportions of BAME and white children sentenced to custody, the analysis should examine them as a proportion of BAME and white children that are sentenced.

In addition to these two general points, some detailed comments were made on the composition and labelling of specific charts within the toolkit, which identified where (as mentioned in Section 2 above) the analysis within the toolkit was not always conducted in the manner best fitted to direct the YOT to answer key questions. This meant there was a risk of YOTs misinterpreting the data in a way that confirmed their existing perceptions about disproportionality in their YOT.

# Section 4: Findings from qualitative interviews

This chapter presents findings from interviews with five YJB partnership advisors who were involved in assisting the 20 pilot youth offending teams (YOTs), and interviews with 11 staff from nine of the pilot YOTs.

## Key Findings

- The toolkit was moderately easy to use, and although there were some challenges, YOTs were well supported in using the toolkit. However, any future toolkit would need to be designed for YOTs to be able to use it completely independently.
- Over and above the content of the analysis, YJB's involvement was a spur to action for YOTs. Although the toolkit often served as a helpful catalyst or helped YOTs make a case to partner agencies, taken on its own, the toolkit did not change YOTs' approach to disproportionality.
- With any future rollout of the toolkit, it would be helpful if there was greater support for YOTs about what they should do beyond the analysis stage.

## Participation in the pilot and the role of the YJB

The partnership advisors reported that the relationships with the YOTs in the pilot were generally positive as they were willing to be involved and receptive to the support YJB was providing. Likewise, YOTs generally reported that they had been happy to take advantage of the opportunity presented by the pilot as they knew that they had an issue with disproportionality.

Overall the partnership advisor's role was to promote the use of the toolkit and provide YOTs with assistance in completing the toolkit and analysing the data. One advisor commented that YOTs were persuaded to use the toolkit on the basis that the YJB would do a lot of the work for them. Although all advisors reported working with YOTs to complete, analyse and present findings from the toolkit, some advisors were more hands-on than others, doing the majority of the work in populating the toolkit, cleaning and analysing the data, presenting the findings to the YOT management boards or Heads of Service, and encouraging them to come up with an action plan to address any disproportionality issues highlighted in the analysis.

Training was made available to advisors to help them in their role supporting YOTs. However, some advisors became involved after the pilot started and they didn't necessarily receive the same level of training as was initially available.

## **Benefits and advantages of implementing and using the toolkit**

A key theme from interviews with advisors and YOTs was that over and above the content of the analysis in the toolkit, the YJB's involvement focused YOTs' attention and lent priority to the issue. Advisors and YOTs generally reported that the main benefit of the toolkit was that it shone a spotlight on the overrepresentation of certain black, Asian and minority ethnic (BAME) groups within the youth justice system, and demonstrated that tackling this issue was a priority area for the YJB.

Many YOTs reported that they knew they had an issue with disproportionality, but it was helpful to see the analysis and have the findings presented in graphs. Given the impact of austerity on local services, many YOTs would not have had the resources to complete data analysis and present the findings without YJB involvement and assistance in using the toolkit.

YOTs reported that they valued the support they received from partnership advisors in helping them present findings from the toolkit to their management boards, and prompting them to think about what actions they should take to tackle disproportionality. They perceived that it also lent weight to commissioning decisions and discussions with other stakeholders, including the police, courts and community safety partnerships.

Generally, partnership advisors reported that the toolkit was moderately easy to use, and that the initial workshop training was very useful in helping them understand how to use the toolkit and present the findings from it. There were mixed views from YOTs on whether the toolkit was accessible and easy to use. Although some YOTs reported that it was straightforward and easy to use, others (particularly those without information/data officers) felt it was a steep learning curve to understand the information contained in it and how to analyse and interpret it. Given the time that had elapsed between the toolkit being piloted and the evaluation being conducted, interviewees were not able to discuss exactly what was easy to use (or not) about the toolkit in further detail.

Some of those who had difficulties at the start of the trial sought support from the YJB in the form of telephone conversations with YJB analysts, and said they found this valuable, and that over time this enabled them to become more comfortable with using the toolkit.

YOTs saw a benefit in the toolkit bringing together local level data on disproportionality in their area, and it helped them understand where there were particular issues (e.g. to identify over-representation of BAME children in custody cases even when the YOT caseload as a whole didn't show over-representation). However, many reported that it didn't tell them much that they didn't know already. Rather, they felt it gave them detail and data to put weight behind what they already felt they knew.

## **Challenges and weaknesses in implementing and using the toolkit**

A key challenge was that YOTs could struggle to provide the resource to use the toolkit effectively, and were therefore reliant on the YJB to carry out this

work. YJB staff in turn sometimes struggled to provide YOTs with as much resource as they would have liked.

A further key challenge was that although the toolkit could help highlight where disproportionality exists, it did not suggest solutions or offer ways to improve on the identified issues. Although it was recognised that this may be too much to expect, there was a feeling that that the word “toolkit” implied something that would help you both diagnose and fix a problem. Partnership advisors reported that some YOTs may not have engaged with action planning following the toolkit analysis, because it didn’t necessarily tell them any more than they already knew. Most YOTs knew whether they had disproportionality issues and were already engaged with work to tackle them, so they may not have felt the need to create an additional action plan specifically focussing on disproportionality.

It was not always clear whether YOTs were doing anything differently in response to the analysis in the toolkit. It could be a challenge for the YOTs to complete a “disproportionality action plan” because actions to tackle disproportionality are difficult to isolate as they cut across every aspect of YOT work. YOTs could see completing a disproportionality action plan as just repeating what was in their annual youth justice plan. Also, where there were action plans, it was not always clear whether YOTs’ actions to tackle disproportionality were in response to the toolkit analysis or if it was just part of their regular practice. One YOT mentioned that the voluntary nature of reporting on disproportionality meant it could be a challenge to get it to be seen as a priority locally.

On a related note, some partnership advisors mentioned it could be a challenge to persuade YOTs which didn’t have an issue with disproportionality to engage with the toolkit as it was not a priority for them. This meant it could be difficult to ascertain whether their good performance in this area was due to luck or specific actions, and to identify actions which could be effective in tackling disproportionality.

Interviewees also mentioned that the issue of disproportionality went far beyond the remit of justice system, and needed to be dealt with from a wider perspective. It was suggested that it could be helpful to look at disproportionality across a wider range of issues, which could act as an early warning signal for disproportionality in the justice system (for example, disproportionality in school exclusions or looked-after child status).

In terms of usability, although most partnership advisors reported that the toolkit was moderately easy to use, some did raise issues. They weren’t always sure of how the data and analysis in the Case Level Disproportionality Toolkit related to that in other toolkits and this could cause confusion. It could be difficult to know everything about the technical details behind how the toolkit worked (for example data sources and formulae used in calculations) which could make it challenging to present to senior staff in YOTs. One partnership advisor described it as “a bit complicated and cumbersome”, and populating it was described as “fiddly and easy to make mistakes”.

Some partnership advisors felt that further follow up support beyond the initial workshop training would have been helpful. This was because:

- as home workers, they didn't always have the same opportunities to learn from colleagues
- the time lag between the training workshop and implementing the toolkit meant they had to relearn how to use some aspects of it
- in addition to training on using the toolkit, it would also have been helpful to have further support/ training on how to have the (sometimes challenging) conversations with YOT Management Boards about the findings.

It was suggested that regular meetings could have been beneficial for sharing learning and providing a forum to ask follow-up questions. Also, this could have been helpful to the development of action plans to address disproportionality, as this was where both partnership advisors and YOTs were less sure of how to progress.

The YOTs which raised issues about the toolkit's usability reported that they didn't necessarily have the resources to input data, and interpret the analysis appropriately, so were reliant on the YJB for support. Some felt they didn't have the internal resources to learn to use it to its full advantage. One YOT mentioned paying a consultant to help them use the toolkit. However, other YOTs said that the toolkit was not detailed enough and they would have liked the ability to analyse the data further (for example, breaking it down by age, sex, looked-after child status).

Another challenge was that sometimes the toolkit highlighted issues with the quality and completeness of YOT ethnicity data, and although this prompted the YOT to resolve them, it meant that they had not initially been able to use the toolkit to its full advantage, and it could call into question the credibility of the analysis. Also, the toolkit used 2011 census data for the 10-17 general population in the YOT. Given that some YOTs had experienced changes in the ethnic diversity of their 10-17 population during that time, this called into question the use of this data source and the credibility and usefulness of the analysis. Some YOTs also mentioned that the small numbers of children involved could make it difficult to spot patterns.

Two further challenges that were mentioned related to the YJB/ YOT relationship. Staff turnover, both in YOTs and in the YJB, could be a challenge as it took new staff some time to get up to speed with the toolkit, but generally it was felt it could be handled appropriately. The other challenge to the YJB/ YOT relationship was that with the YJB restructure, there is less resource for operational support, and it was felt that this could potentially make it more challenging for the YJB to enable change at an operational level.

## **Actions taken by YOTs**

A clear theme from the interviews with YOTs was that although the toolkit often served as a helpful catalyst or helped YOTs make a case to partner agencies, taken on its own, the toolkit did not change YOTs' approach to disproportionality.

Rather, actions taken to address disproportionality were also in response to growing pressure to address disproportionality both from external sources (e.g. the Young Review, the Casey Review, the Lammy Review), and from recognition that, often, tackling disproportionality was central to YOT work to

address issues such as high rates of first time entrants, reoffending, and custody etc.

Actions were sometimes part of a strategy already in place before introduction of the toolkit and it could seem artificial to YOTs to separate out actions to address disproportionality from their general work as it was so interwoven with their general strategic plans. They were also not all unilateral actions by the YOT, but sometimes part of multi-agency working. With these provisos, YOTs mentioned the following actions had been taken to address disproportionality:

- Working groups (both internal and multi-agency) were established to raise awareness of diversity issues with the YOT cohort, work towards reforming organisational culture, ensure a consistent understanding of issues, and act a forum for staff to raise questions for discussion and look for support and advice.
- BAME community groups were consulted for advice and support.
- Training was offered to staff, volunteers and multi-agency partners. This included unconscious bias training, training to raise awareness of identity issues and how they can affect the daily life of BAME children and their families, and training around tackling disproportionality in Stop and Search.
- YOTs developed their own systems of data monitoring which better fit their needs locally, and examine disproportionality in other areas too, e.g. looked-after child status.
- A local authority made tackling disproportionality and developing “sense of community belonging” a strategic focus.
- Criminal justice agencies across a local authority took part in a self-assessment exercise to understand what was being done across agencies to tackle disproportionality, which in turn led to training and support opportunities for staff.
- YOTs engaged with local magistrates, courts and Crown Prosecution Service (CPS) to raise awareness of disproportionality.
- The pre-sentence report process for children at high risk of receiving a custodial sentence was examined and amended to ensure that options for a community sentence were fully explored.
- A YOT worked with the Law Society to develop a leaflet to explain to children about the consequences of no comment interviews.

## Lessons for the future

Three key themes emerged when partnership advisors and YOTs were asked about what should be done differently for any future development and rollout of the toolkit – the first related to addressing issues of usability and resources required, the second to addressing the “what next?” question, and the third to how the issue is prioritised.

## 1. Usability and Resources

In relation to the issue of usability and resources required, partnership advisors noted that it would be difficult for them to fulfil the role they had played in the pilot with any future national rollout of the Case Level Disproportionality Toolkit. This was not just because of the amount of work involved in large-scale rollout, but also because YJB staff in a new restructured YJB now have much less involvement in the operations of individual YOTs so would not always have the required local level knowledge and understanding to have the necessary meaningful conversations with the YOT management boards. Partnership advisors felt that any future toolkit would have to be designed for YOTs to use completely independently (in line with other toolkits such as the Summary Disproportionality Toolkit and the Reoffending Disproportionality Toolkit).

Although some YOTs expressed a desire for a more detailed toolkit which could make it possible to break things down further (for example by age/gender/care status as well as ethnicity), this does seem to be outweighed by the need for a simpler more self-explanatory version for those that do not have the necessary resources to analyse the data and present the findings. Those that have a need for more detailed data analysis, would be free to develop their own bespoke data analysis tool (as at least one of the YOTs in the pilot have already done).

Other suggestions for improving usability included: ensuring all sections are pre-populated, ensuring the data (including data on the general population aged 10-17 in an area) is up-to-date<sup>9</sup>, and making regional analysis possible to counter the issue smaller YOTs have with assessing trends due to low numbers.

## 2. What next?

Interviewees reported that it would be helpful if there was greater clarity about what the YOT were expected to do beyond the analysis stage. Although some YOTs said that the toolkit was simply a stimulus and did not need to be anything more, there was clearly an appetite from some YOTs for more support on how they could address the issues the toolkit identified with disproportionality. One suggested support option were regional forums for YOTs to share: findings from the analysis; understanding of the issues; and effective practice on how they dealt with disproportionality. They could also use the forums to ask questions of their peers from other YOTs, and discuss potential ways forward.

It was also suggested that it could be helpful if the toolkit could actively suggest actions to approach common issues or offer a template action plan. At the very least, it was mentioned that if the toolkit does not go some way towards helping YOTs fix issues as well as diagnose them, it may be better to call it something other than a “toolkit”.

## 3. Prioritisation

It was felt that there needed to be stronger communication from the highest level in YJB that this was a priority. During the toolkit trial, communications were mainly from partnership advisors at the YJB rather than senior level staff. It was

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<sup>9</sup> Given the MoJ analyst point that it is usually more appropriate to consider the population “at risk” of receiving an outcome when examining disproportionality of outcomes (for example, only those being sentenced are “at risk” of custody, not the entire 10-17 population), the lack of up-to-date data on the 10-17 general population is not as major an issue as it may first appear.



felt that to encourage a culture of tackling disproportionality, it needed to be seen as a higher priority. As one YOT manager put it “If using the toolkit falls into the ‘nice to do pile’ then YOT managers will choose not to prioritise it.” There was no consensus however on whether reporting should be mandatory. Although some YOTs said it should be, others mentioned that each individual YOT is going to be different, and it is important that they therefore have the freedom to approach the issue in their own way.

It was also felt that YJB could do more to raise common disproportionality issues with other government departments (such as DfE) and agencies (such as HMCTS). For example, YJB could play a role in highlighting where high levels of BAME disproportionality in, say, school exclusions or looked-after child status could act as an early warning signal for disproportionality in the youth justice system, and encourage more preventative work at an earlier stage.

## Section 4: Conclusions and key lessons

Findings from the three strands of inquiry have been analysed and summarised below in response to each of the five research questions.

### **What have been the benefits/strengths/advantages of implementing and using the toolkit?**

The main benefit of the toolkit was that it shone a spotlight on the overrepresentation of certain black, Asian and minority ethnic (BAME) groups within the youth justice system, and demonstrated that tackling this issue was a priority area for the YJB.

Youth offending teams (YOTs) reported that they valued the support they received from YJB partnership advisors in helping them present findings from the toolkit to their Management Boards, and prompting them to think about what actions they should take to tackle disproportionality. It helped YOTs by giving them detail and data to put weight behind what they already felt they knew, and as such lent weight to commissioning decisions and discussions with other stakeholders, including the police, courts and community safety partnerships.

### **What were the challenges/weaknesses/disadvantages of implementing and using the toolkit? How could the toolkit or its use/ implementation be changed/ improved?**

A key challenge was that YOTs could struggle to provide the resource to use the toolkit effectively, and were therefore reliant on the YJB to carry out this work.

A further key challenge was that although the toolkit could help highlight where disproportionality exists, it did not suggest solutions or offer ways to improve.

Finally, there was a limit to what a toolkit exploring disproportionality within the youth justice system could achieve, as the issue of disproportionality goes far beyond the remit of justice system.

### **What was learned from using the toolkit? Did it highlight anything useful?**

YOTs saw a benefit in the toolkit bringing together local level data on disproportionality in their area, and it helped them understand where there were particular issues, such as identifying over-representation of BAME children in custody cases even when the YOT caseload as a whole didn't show over-representation. However, many reported that it didn't tell them much that they didn't know already. Rather, it gave them detail and data to put weight behind what they already felt they knew.

## **What action was taken as a result of what was highlighted to users in the toolkit? What interventions did they employ, if any?**

YOTs did not tend to take actions directly as a result of what was highlighted in the toolkit. Rather it served as a helpful catalyst, or provided YOTs with the data and detail to make a case to partner agencies. Also, actions were sometimes part of a strategy already in place before introduction of the toolkit, and it could seem artificial to separate out actions as being purely in response to the toolkit. That said, YOTs took a number of actions (both unilaterally and in partnership with other agencies) to address disproportionality, including training for staff, creating working groups to address disproportionality, working with the CPS and the courts, and consulting with BAME community groups.

## **What has been learned from the experience and/or what should be done differently for future development and rollout?**

Given the challenge YOTs faced in finding resource to use the toolkit effectively, any future toolkit should be designed with the primary emphasis on ease of use so that YOTs can use it completely independently with minimal resource.

To address the challenge of the “what next?” question, it could be helpful if more direction or support could be offered to YOTs on how they could address the issues the toolkit identified with disproportionality. One suggestion for how this could be done is through regional forums for YOTs to share effective practice on how they deal with disproportionality.

Finally, to address the challenge of YOTs being unable to tackle disproportionality in isolation, it could be helpful for other agencies to explore disproportionality across issues which are commonly precursors to disproportionality in the justice system (for example, disproportionality in school exclusions or looked-after child status) so that they could be dealt with at an earlier stage.