

People Scrutiny Commission

28 November 2022



Report of: Executive Director - People

Title: Tackling Disproportionality in the Youth Justice System

Ward: All

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Recommendations:

That People Scrutiny considers and notes the report.

The significant issues in the report are:

- The Identifying Disproportionality in the Avon and Somerset Criminal Justice System report (March 22) outlines the findings of the review linked to priority themes within the criminal justice system, where data identified disproportionate outcomes for people from black and ethnic minoritised groups in Avon and Somerset.
- The Avon & Somerset Police and Crime Commissioner's Office and Chief Constable are leading on the programme management approach to implementing the recommendations from the report.
- Data indicates that there is disproportionality, particularly for black and multi-heritage young people at both a national and local level across the youth justice system.
- There are governance arrangements in place to oversee the development and monitoring of an action plan to implement the recommendations from the review, with a focus on improving data collation and analysis and actions to address disproportionality.

1. Summary

- 1.1 The Identifying Disproportionality in the Avon and Somerset Criminal Justice System report highlights the findings of a review and was published in March 22.
- 1.2 Data indicates that there is disproportionality for black and ethnic minoritised people, and particularly for black and multi-heritage children at both a national and local level across the youth justice system.
- 1.3 This report provides an overview of the plan to tackle disproportionality in Bristol youth justice services in the context of wider work to implement the recommendations from the review.

2. Context

- 2.1 Avon and Somerset Criminal Justice Board set up the Lammy Review sub group in February 2018 to look at disproportionality and produce a data picture of the journey of black and ethnic minoritised people through the criminal justice system.
- 2.2 The Identifying Disproportionality in the Avon and Somerset Criminal Justice System (CJS) report (March 22¹) outlines the findings of the review linked to priority themes within the criminal justice system, where data identified disproportionate outcomes for people from black and ethnic minoritised groups in Avon and Somerset. The five themes are: Stop and Search; Youth Justice; Out of Court Disposals; Prisons; the Judiciary.
- 2.3 This report is focussed on tackling disproportionality in the youth justice system and actions to address the report's recommendations for Youth Offending Teams (YOTS) and youth justice partners.
- 2.4 The focus of the Youth Justice theme concentrated on the school exclusions and the link to entry into the youth justice system for black and minoritised young people in recognition that inequalities early in the CJ system accumulates into larger disparities downstream.
- 2.5 The review sought to draw on the experience of those who work in the CJ system and young people with experience of school exclusion and the youth justice system.

Disproportionality across England and Wales

- 2.6 The Review found that disproportionality is seen across the youth justice system from arrest through to custody and that levels of disproportionality are increasing.
- 2.7 There has been a significant decline in the numbers of first-time entrants to the youth justice system across England and Wales. In 2011-2019 there was an overall 87% decline for children from white ethnic backgrounds however the proportion of black children entering the system increased from 9% to 16% and Asian children from 5% to 8%.
- 2.8 In 2017, 40% of the youth custody population were from Black and ethnic minoritised communities. This increased to 51.9% in 2020.

¹ [Identifying-Disproportionality-Report.pdf \(avonandsomerset-pcc.gov.uk\)](#)

2.9 Black children are particularly highly overrepresented in the system². National data shows that in 20/21, Black children account for 4% of the 10-17 year old population (Census data, 2011) but

- 18% of stop and searches (where ethnicity was known)
- 15% of arrests
- 12% of children cautioned or sentenced
- 34% of children in custody on remand
- Only 74% of children on remand go on to receive a custodial sentence.
- 29% of the youth custody population (increased from 18% ten years ago)
- Reoffending rate is 42.5% for black children compared to 35.3% for white children.

Disproportionality in Bristol

2.10 The report highlighted links between exclusion from school and entry to the youth justice system. It analysed data for children open to the Bristol YOT for 2017-2019 and found significant disproportionality in fixed term exclusions for children from Black, mixed and Gypsy, Roma and traveller communities.

2.11 According to the review, a 2019 report by Bristol Insight team found that over 90% of all children known to be subject to fixed term exclusions were either suspect or offender for a criminal offence over the previous twelve months. The review found concerns with the accuracy of school exclusion data and gaps and absence of data at a local level.

2.12 More recent data³, shows that in 2020/21 children in Bristol from mixed heritage were 2.6 times more likely and Black children were 1.6 times more likely, to be cautioned or sentenced than white children. Black and multi heritage children known to Bristol YOT were most likely to have received fixed term or permanent school exclusions.

2.13 Mixed heritage children have shown the greatest increase in the proportion of all children sentenced or cautioned in the last year - accounting for 16% of total in 2021 compared to 12% the previous year.

2.14 Whilst caution must be applied in analysis of data over short time periods due to the relatively small numbers within the cohort, there is a pattern of disproportionality within Bristol youth justice services, particularly for Black and multi heritage children.

Tackling disproportionality Bristol Youth Justice action plan

Governance

2.15 Avon & Somerset Police Commissioners Office and Chief Constable Sarah Crewe are leading on a programme to implement the recommendations from the Identifying Disproportionality Review. The programme management approach recognises that there is already significant activity across

² [The experiences of black and mixed heritage boys in the youth justice system \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

³ Source: Youth Justice Ethnic Disparity Tool

the sector and is designed to enable co-ordination and monitoring of progress. A launch event was held in October 22.

2.16 A subgroup of Avon & Somerset Youth Offending Team (YOT) managers is to be established in November 22 to progress implementation of the recommended actions for YOTs at an area level.

2.17 In Bristol, the Youth Justice Partnership Board, Chaired by Superintendent Mark Runacres, governs the work of the multi-agency Youth Offending Team. Tackling disproportionality is a key priority within Bristol's Youth Justice Partnership Plan.

2.18 A working group was established in May 22 to develop and oversee the action plan for both tackling disproportionality and improving inclusion in education, training and employment for children in the youth justice system, recognising these priorities are interlinked. This work reports into the Youth Justice Partnership Board.

2.19 The recommendations within the review and our actions are focused on both improving the collection and analysis of data to understand disparities and quantifying actions to address any disproportionality. include:

2.20 Improving data analysis within the YOT

Bristol YOT data analysis has been improved in line with the recommendations from the review to identify any disproportionality within the YOT. 18 plus 1 reporting of offence type and offence outcomes is now in place and the Ethnic Disparity toolkit is used to support continued analysis reported to the Youth Justice Partnership to inform action plans as patterns emerge.

2.21 Activity to tackle disproportionality within the YOT

The plan includes a focus on:

- Developing a culturally competent workforce including through, induction, training, and support. This includes commissioning bespoke training for the YOT to be delivered in 22/23.
- Improving quality of management oversight to ensure that the child's experience and impact of trauma and racism; their identity and culture are always considered and reflected in assessment, planning and intervention and reports to court and that impact of unconscious bias and adultification is considered throughout practice. This will include thematic audit activity in during 23/24.
- Reviewing recruitment, selection and progression pathways within the YOT to maximise opportunities for developing a service that is reflective of Bristol's communities.
- Ensuring that there is a good range of interventions and prevention and diversion services available, designed to meet the needs of children from black and minoritised communities including mentors with lived experience.
- Listening and learning from the experiences of young people with lived experience.

2.22 Improving collection of local school data and inclusion for black and minoritised children and young people in education employment and training

- A partnership YOT ETE Outcomes Group was established in May 22 to enhance packages of support for children and young people in the youth justice system to ensure they are accessing

an aspirational education, employment and training offer. Black and minoritised children and children with Special Educational Needs and Disabilities (SEND) are prioritised for discussion.

- Actions have been identified to work together in partnership and support education settings across the city in tackling disproportionately for any minoritised groups, these are included in the Directorate Equalities action plan, the Race Equality in Education Group action plan and other partnerships plans.
- City wide Inclusion events with a focus on race equality are planned for the 2nd December and 6th February, these include partnership work on a strategic school improvement tool on race equality and a focus on disproportionality and adultification. Discussions with schools are taking place, to progress and develop this strategy across the education sector in Bristol and monitor and evaluate impact and share best practice.
- A plan to improve monitoring and data for suspensions, panel based managed moves and exclusions is being taken forward by the Education and Skills Task and Finish group and is also reflected in other action plans including the Race Equality in Education group plan. There are current challenges in the accuracy of the data received from schools and discussions are taking place with schools to address this.

2.23 This action plan will continue to be developed and monitored locally via the Youth Justice Partnership Board.

3. Policy

3.1 The activity is linked to the Corporate strategy priority of Equality and Inclusion.

3.2 Tackling disproportionality in the youth justice system will contribute to achieving our One City Belonging Strategy and our vision for children and young people have the best start in life, to access education that is inclusive and to have their needs recognised at the earliest point in a system that collaborates to help them thrive.

4. Consultation

a) Internal

Not applicable

b) External

Not applicable – a range of partners were consulted in as part of the independent review and partners including young people will be involved in shaping and monitoring implementation of the recommendations from the review.

5. Public Sector Equality Duties

- 5a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion

or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

5b) The focus of this work is on tackling inequality within the youth justice system.

Financial / Legal implications

None outside of existing budget.

Appendices:

None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None.