

Tackling inequality between ethnic groups in London's Youth Justice System

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Ethnic disproportionality summary

- Young people from BAME ethnic groups make up 18% of the population aged 10-17 in England and Wales. In the year ending March 2015, 23% of arrests of under 18s were BAME young people, and BAME young people made up 39% of the secure estate population.
- These figures mask differences in representation between different BAME groups. Black and mixed-parentage young men are acutely over-represented, while Asian young people are generally under-represented.
- In general, the over-representation of Black young people increases as they progress through the YJS

Key contextual factors

- People from BAME backgrounds are more likely than the general population to live in inadequate housing and areas characterised by poverty
- School exclusions – Black Caribbean pupils are three times more likely to be excluded.
- 2011 Census recorded 21% of lone-parent families are from BAME backgrounds with higher rates among some black backgrounds.
- Looked after Children – BAME is one of the characteristics used for the ‘harder to place’ category.
- BAME people are more likely to be diagnosed with mental health issues and to experience poor outcomes from treatment

Journey of the child through the youth justice system

1. Pre-court
2. Court
3. Sentencing (community and custodial)
4. Secure estate

Pre-court

- **Stop and search** – BAME people are more likely to be stopped and search by the police, and this disparity is particularly stark where young black men are concerned.
- **Arrests** – Black children and young people are arrested at 3 times the rate of their white counterparts.
- **First Time Entrants** – Black children and young people now make up a greater proportion of FTEs than they did previously.
- **Out-of-court disposals** – Although numbers in the system have decreased, the decrease for black young people has fallen at a slower rate than their white counterparts, and they are less likely to receive an out-of-court disposal and more likely to proceed to magistrates court for an indictable offence.

Court

- Under-18 data for the Crown Courts suggests that black children and young people have a 10% higher not guilty plea rate than for white children and young people (this data is not available for youth courts).
- Black and mixed-parentage young people represent 41% of custodial remands, and are 14 times more likely to be remanded than their white counterparts.
- The rate of BAME young people remanded to custody who are subsequently found not guilty, is disproportionately higher than white children and young people.
- Lack of diversity within the judiciary and legal professions.

Sentencing

- In 2014, a greater proportion of young people from black backgrounds received custodial sentences (11%) and a smaller proportion received community sentences (70%) compared with white young people (8% and 74% respectively).
- Across all the groups custodial sentences have fallen, but the decrease is slower for black young people, resulting in a greater disparity than existed previously.
- Black young people are four times more likely to get a detention and training order than their white counterparts (BAME twice as likely).
- Black young people are eight times more likely to be sentenced to a long term custodial sentence than their white counterparts (BAME three times more likely).

The secure estate

- HMI Prison inspection reports have highlighted that black and Muslim children and young people report having more negative experiences in custody than their white counterparts.
- The 2014 Young Review report suggests that Muslim prisoners report the worst experiences in the general custody population.
- BAME young people report experiences that range from direct and outright racist language to more subtle discrimination and processes that do not account for their cultural needs.
- Emerging MMPR (Managing and Minimising Physical Restraint) data shows that the number of restraints per 100 young people in the secure estate was 1.3 times higher for black young people than white young people.

What might be some of the reasons behind ethnic disproportionality in the YJS?

- BAME young people are more likely to be impacted by demographic and environmental criminogenic factors
- Unconscious bias may affect all stages of the YJS, possibly exacerbated by unrepresentativeness of YJ professionals
- Negative social representation of BAME groups may also be a factor.

YJB Strategic Plan

Our Board has identified three cross-cutting themes:

1. Addressing the over-representation in the youth justice system of young people from Black and Minority Ethnic backgrounds and looked-after children
2. Engaging and hearing the voice of the young person
3. Meeting the needs of victims.

Key areas of work for the YJB

- Ethnic disproportionality toolkit.
- Identification of examples of effective practice.
- Further analysis of the data from the secure estate Equalities Monitoring Tool.
- Improve recording of ethnic data
- Roundtable events with representatives from the voluntary sector.
- Roundtable with head teachers and discussions with representatives from faith groups

Recommendations for future actions

- Leadership focus at national and local levels.
- Disproportionality as a stated aim for the MoJ.
- Improving data.
- Workforce development.
- Learning from other sectors.

Questions and Comments

