

The Baroness Young Review:

Lewisham's response and actions to tackle the disproportionately negative outcomes experienced by Black and Muslim male offenders

December 2015

Forward

In Lewisham we are committed to making the borough one of the safest places to live, work and travel. We have a diverse and rich community, with a strong history within the borough.

To me, the strength of a borough is with its residents and their drive and commitment to challenge inequalities at all levels. Similarly, agencies approach and response to discrimination has to be challenged, assessed and changed where necessary. The London Borough of Lewisham, along with many large cities, recognises the importance of having an open and ongoing dialogue with our community and partners. We remain committed to integration, community engagement and community cohesion.

The findings from Baroness Young's review were both alarming and sadly recognisable. We as a borough and a partnership have taken the findings seriously, and therefore frequently revisit our response to the discrimination as described by the review.

It is my view that prejudice and discrimination in our society is a sign of failure which needs to be challenged, wherever it is seen and heard. For agencies that work in the Criminal Justice field, we have a further responsibility to ensure that our approach to our services are appropriate, and we recognise the detrimental and long-lasting impact of discrimination on individuals and groups within our community.

As the Cabinet Member for Community Safety, I aim to ensure that this work is prioritised, and to build trust and confidence between agencies, local communities and the local authority.

Section 1

Background

The disproportionately high numbers of black, Asian and minority ethnic (BAME) offenders and the poor outcomes they face in the Criminal Justice System (CJS) have been drawn to the attention of successive governments, voluntary and public sector agencies for decades.

The situation has frequently been the subject of independent scrutiny and attempted institutional reform. Yet despite this, poor results persist; arguably, we have now reached a critical point. The figures should be of great concern to all those with an interest in crime prevention and reduction and the rehabilitation of offenders. For example:

- There is greater disproportionality in the number of black people in prisons in the UK than in the United States.
- 13.1% of prisoners self identify as black, compared with approximately 2.9% of the over 18 population recorded in the 2011 Census.
- Similarly Muslim prisoners account for 13.4% of the prison population compared with 4.2 % in the 2011 Census.
- This figure has risen sharply since 2002 when Muslim prisoners were 7.7% of the prison population.
- In London the over-representation of BAME young people in the Criminal Justice system is 56.9% compared to 52.6% Census 2011. There is also an increase in this disproportionality as young people enter custody with 78.1% being from BAME background.
- In Lewisham, BAME people represent 12.5% of the overall Youth Offending Population entering custody compared to 3.75% of White. The BAME group are 2.8 times more likely to be within the YOS population than White and 3.3 times more likely to be within the custodial population.
- 27.2% of black ethnicity represent the custodial population of the overall people known to the National Probation Service in Lewisham compared to 27.2% of the overall population (Census 2011).

Disproportionality in the CJS and The Young Review

The Young Review began its work in November 2013 in order to consider how existing knowledge regarding the disproportionately negative outcomes experienced by black and Muslim male offenders could be applied in the significantly changed environment introduced under the Transforming Rehabilitation reforms.

The Review published its report, which was the result of a year long process that brought together a Task Group of representatives from the public, private and voluntary sectors, in December 2014.

Now in its second phase, led by the Black Training and Enterprise Group and supported by Clinks, with funding from the Barrow Cadbury Trust, Lankelly Chase Foundation, and Esmee Fairbairn Foundation, the Young Review is working to support Ministry of Justice and the National Offender Management Service to take forward the recommendations from this report.

Section 2

Exploring these issues in Lewisham

In spring 2015 the Safer Lewisham Partnership approached Clinks to discuss a half day workshop to explore the Young Review's recommendations and consider learning and implications for services in the borough. This workshop was held in autumn 2015 and attended by 23 professionals from services across the borough.

Presentation from Baroness Young of Hornsey

Baroness Young began by giving a presentation outlining the background to and aims of the Young Review and its key findings and recommendations.

Although many of the Young Review's recommendations are directed at national policy makers with the Ministry of Justice and National Offender Management Service there are a number which are of key relevance to local commissioners, policy makers and practitioners. These include:

Working with community partners and the voluntary sector

The voluntary sector has a vital role to play in supporting the development of social capital that can in turn facilitate positive resettlement outcomes. Therefore the emphasis should be on dedicated resources for community engagement and partnership working models, rather than commissioning frameworks and supply chains. Commissioners and providers should work in partnership with and grant fund community led organisations' that are able to build social capital within communities and support families experiencing the stigma of offending to facilitate resettlement and provide through the gate support. This should ensure effective engagement, at strategic and delivery levels, of voluntary sector organisations with relevant cultural knowledge that can demonstrably meet the needs of 18-24 year old black and Muslim offenders in prison and the community.

Involving 'experts by experience'

Representatives and organisations from BAME communities, working in partnership with the criminal justice system, were found to improve prisoners' perceptions of and relationships with institutions. Organisations and individuals including offenders and ex-offenders themselves, with an understanding of the lived experience of this group, should play an integral role in the planning and delivery of services.

Ensuring consistent and rigorous data collection

Data collection and monitoring should be standardised across the whole CJS, governed by a minimum set of data which includes not just ethnicity but also faith, language and age. There should be rigorous scrutiny of the actions taken in response to monitoring data collected that reveals disparities in outcomes for young black and/or Muslim men.

Facilitated discussion

Baroness Young's presentation was followed by quick fire discussion groups, facilitated as 'fish bowl' exercises, firstly with practitioners giving their reflections on how these issues manifest in their work while policy and commissioners listened and then policy makers and commissioners discussing the issues while practitioners listened. Although it was noted that many staff span both roles and that in reality this divide can be fluid.

The key areas of discussion included: (the full list of comments are noted in appendix A)

1. The Structure of CJ agencies
2. Finances - organisations not being able to access funding and not raising false expectations
3. Challenging the narrative
4. Trust
5. Risk factors including the approach taken by professionals being that the young person is seen as a young criminal subject to risk factors – not a traumatised young person
6. It takes time to build a relationship with the client and professional
7. Validity versus accountability - conflict of accountability and evidencing “what works”
8. Desistance agenda - moving away from programmes and processes and noting the importance of relational and holistic responses
9. former offenders and current offenders being involved in evaluating programmes
10. Equality is everyone’s business. Considering how to dovetail equalities priorities with others
11. how does the PREVENT agenda impact ? the perceptions of agenda can be in tension with building trust and ensuring communities not stigmatised

Working towards solutions

From these discussions we grouped together key areas of commonality and in small groups discussions continued of what needs to happen locally to progress towards solutions in each of these areas. The following themed areas were considered:

PREVENTION – Community / non criminal justice settings

This discussed issues such as engaging peer led community engagement. Consideration was given to starting very early with nurseries / primary schools/ parents and families and building resilience in Children and Young People by teaching them about their cultural history, struggles and achievements

The group felt strongly that the community needs to recognise their role in engaging with youths / people in their circle of influence. Not just leaving interventions to public services and focus on the role of service users/ how their first hand experience needs to actively inform the evidence of what works.

There were considerations about having well informed multi agency partnership work enabling a person centred approach whilst recognising the importance of treating people as individuals and building relationships based on trust. There was note of the value of education including self esteem/ self worth/ self confidence for young people.

The role of parents was considered noting that Increased support to parents was important alongside better communication to parents/ teachers and school family of role of educational and child psychologists

COMMISSIONING AND DELIVERY

There were comments about making the processes more understandable and providing training and support to voluntary and community sector groups in presenting adequate proposals for commissioning

There were requests made for greater consistency in approach to commissioning; every bid asking for the same thing in different ways with meaningful youth engagement with broad groups of young people who reflect the community.

The importance of Equality and diversity to be meaningful and embedded in commissioning priorities was clear with recommendations that use the Young Review report as a baseline for commissioning

EVIDENCE Vs VALIDITY Vs ACCOUNTABILITY

There were notes that often evidence required by funders is something unrealistic nor relevant

There were considerations about reducing the burden on agencies in terms of reporting with the recognition of ensuring that risk and accountability thresholds and measures are still met.

STRUCTURES

Comments were made about ensuring that the strategic vision or organisation has to be embedded throughout structures

Diversity awareness that is not dictatorial and patronising but leads to open conversations. Ensuring that there are cultures and environments to address discriminatory behaviour.

There were discussions about the forthcoming review of the youth justice system and how this may consider issues such as transition, what is the most appropriate groupings of ages (10-24/ 18-24 years) to reflect maturity etc? (Barrow Cadbury T2A)

WHAT'S THE DIALOGUE? LINK TO BUILDING TRUST

It was clear that the approach needed to be one of transparency in conversation to enable building trust across agencies and clients.

Having a better awareness of diversity, culture and background was noted with prioritisation to specific groups including staff, volunteers and managers working with young people. Rolling out the unconscious bias and cultural sensitivity training was seen as sound platform from which to build on.

Dialogue has to be meaningful. Share your experiences with them. Share your passion. Realness is key to engagement.

Some considered more focus on areas such as understanding of trauma and its impact, labelling and its impact, positive or negative language used. Conversations that encourage critical reflection were deemed important. direction that we all need to listen more to young people. There was comment that there needs to be more focus on issues affecting African Caribbean young men in particular. Ensuring that we all use language that young people know and respect was seen as important.

Throughout the workshop a number of issues were also raised and noticed of being of key relevance but outside the sphere of influence of those working at a local level:

- Policy/ statutory requirements from national agencies
- How the media portrays young people
- Impact of longer term outcomes of limited reduced funding to allow adequate prevention work

Section 3

Next steps

Nationally the Young Review is continuing to work with MoJ and NOMS to ensure its recommendations are taken forward. Recruitment for a permanent advisory group to the MoJ will be complete by the end of the year as well as for an advocate to work on behalf of the review undertaking influencing work at the highest levels of government.

In Lewisham the Safer Lewisham Partnership have committed to agree and oversee the partner agencies response to the Young Review and where possible encourage and assist changes as outlined below:

1. **Awareness raising** (consideration of unconscious bias) training for all staff within the Criminal Justice and associated service areas including schools, youth services and health services- helping to change the narrative.
ACTION – Lead officer from each identified agency to develop this training and agree multi agency delivery.
2. **Reviewing all agencies** within the Criminal Justice system and their approach to tackling disproportionality – (Youth Offending Service will be using the disproportionality toolkit)
ACTION – Members of the Safer Lewisham Partnership to undertake a self assessment and report back to SLP
3. Embedding and ensuring all Criminal Justice **commissioning and procurement** fully considers ethnically appropriate services
ACTION – a stocktake of commissioned services from CRC/ NPS and YOS
4. Developing a **peer network for parents and adults** through the Parents Standing Together network. Develop a wide network for peer support, mentors, advocates helping to develop trust and engendering community support and resilience across the board.
ACTION – work with agencies to develop further this model
5. Develop a **local reference group** linked to the SLP which will include young people, community groups, ex offenders, current service users. This group can act as a forum to discuss issues related to this agenda as well as any service redesign, commissioning or future developments.
ACTION – SLP to agree membership and periodically review

Appendix A - Flipchart notes of discussion between practitioners/ front line staff

Structure of CJ agencies

- effective partnerships work and are enabling, work of the community and voluntary sector is important
- There can be a tension between a focus from the community and voluntary sector on meeting needs and the risk assessments required by statutory agencies
- language can be too systemic
- what are peoples needs
- what language is comfortable for the community and balanced with agencies bureaucracy
- look at each part of the systems – stop and search to probation

Finances

- organisations can not access funding
- how can statutory agencies work with faith based groups in an effective way?

Challenging the narrative

- police in schools
- local authority working
- what is the persons potential
- what creates resilience?
- lots of energy concerned with responding but less focus on prevention work with young people

Trust

- young people don't trust adults or institutions
- move away from recording to face time but balance this with risk assessment – and making sure the job is done properly
- look beyond the traditional people of trust to work with offenders i.e. solicitors / role models – mentoring and former offenders

Risk factors mental health the same as Criminal Justice System

- seen as a young criminal subject to risk factors – not a traumatised young person

Conflict of interest

- takes time to build a relationship
- safeguarding

Flipchart notes of discussion between strategy/ policy / managers

- Continuity for offenders, through the gate services need follow through and partnership work to ensure that we don't raise false expectations
- Validity versus accountability
 - need for stats and evidence based
 - evidence not always clear when working with individuals and communities
 - conflict of accountability – if it goes wrong – finger pointing – “did it work “

- Resources put in – are best used
 - need to avoid duplication, provide support but also challenge to providers
 - managing anxieties
 - public perception of interventions
 - 18-25 year olds are at high risk of harm
 - Interventions may run counter to managing risk and what is seen is ok

- Desistence agenda
 - Good, enabling – moving away from programmes and processes / confirms importance of relational and holistic responses/ needs are more important
 - Need more honest conversations and not who can be blamed
 - Young Review helps identify good practice e.g. service user involvement – need to learn from this and use best practice in service design

- effective practice – NOMS programmes/ Custody programmes
- former offenders – use current offenders when evaluating programmes
- Preventative – link to stronger healthier / resilient communities – Public Health
- Participatory budgeting – example of neighbourhood working – and use this to inform commissioning
- Recognise behaviour – MH first aid / raising awareness of mental health

- Pressure on staff
 - meeting external agencies balanced with meeting local/individual needs
 - equality is everyone’s business but can be lost because not always embedded properly in various strands of work
 - how to dovetail equalities priorities with others

- how does the PREVENT agenda impact ?
 - perceptions of agenda can be in tension with building trust and ensuring communities not stigmatised
 - Young Review shows clearly how faith and cultural heritage are important in building resilience.

Working towards solutions

From these discussions we grouped together key areas of commonality and in small groups discussions continued of what needs to happen locally to progress towards solutions in each of these areas. The groups recorded their discussions on flipcharts:

PREVENTION – Community / non criminal justice settings

- Providing access for children or young people to practitioners in criminal justice agencies outside of formal structures
- Community led by peers in the community
- More Youth engagement
- Review effectiveness of present arrangements for dealing with troublesome children and young people
- Start very early working with nurseries / primary schools/ parents and families
- Community needs to recognise their role in engaging with youths / people in their circle of influence. Not just leaving interventions to public services
- More focus on the role of service users/ how their first hand experience needs to inform / actively inform the evidence of what works

- Importance of treating people as individuals and building relationships based on trust
- Well informed multi agency partnership work enabling a person centred approach
- Increase support to parents – parents standing together – advice and advocacy
- Resources to allow professionals to do preventative work
- Better communication to parents/ teachers and school family of role of educational and child psychologists
- Reduce criminalising young people through – heavy handed policy
- Keep the parents involved
- Education including self esteem/ self worth/ self confidence
- Schools education greater emphasis on inclusion within mainstream
- Change in practice to address trauma / psychological difficulties prior to entry to the CJS
- Encouraging young leaders – start early – primary schools
- Building resilience in Children and Young People by teaching them about their cultural history, struggles and achievements

COMMISSIONING AND DELIVERY

- Identifying those outside of formal structures who have the facility to gain trust to engage with those at risk or on the wrong side of the criminal justice systems
- Streamline accountability and assurance – which Board ? CYP/ or Adult ?
- CJS joint commissioning intentions by statutory agencies presented to voluntary sector groups in ways that are understandable
- Training and empowering community groups to present adequate proposals for commissioning
- Technical assistance to community / voluntary sector groups in responding to tenders
- Potential for joint commissioning through times of austerity
- Greater consistency in approach to commissioning – every bid asking for the same thing in different ways
- Meaningful youth engagement with broad groups of young people who reflect the community
- Equality and diversity to be meaningful and embedded in commissioning priorities
- Engagement to empower and encourage participation
- Use recommendations of this report as a baseline for commissioning

EVIDENCE Vs VALIDITY Vs ACCOUNTABILITY

- Have faith in the word of mouth evidence
- Clear about boundaries
- Open and transparent
- Bureaucracy associated with partnership
- Evidence required by funders is something unrealistic nor relevant
- Better application of flexible national standards to reduce paperwork for frontline staff
- Reducing burden for and increasing willingness for agencies / borough to share effective practice
- Removing the requirement and burden of local areas to evidence effectiveness / better links with universities and research opportunities

STRUCTURES

- Strategic vision or organisation has to be embedded throughout structures
- Normalise whistle blowing in police forces regarding bad practice
- Focus on meeting ethnic diversity issues – prioritise this area in local policy
- Relationships and roles of teams more clearly defined to enable better challenging or sharing information
- Criminalising young black men initially through stop and search.....
- Realistic caseloads to address areas that get pushed to the background e.g. diversity
- Diversity awareness that is not dictatorial and patronising but leads to open conversations
- Clearer communications between partners
- Address discriminatory behaviour. Take away the fear of reporting such behaviour
- Criminal age V chronological age does legal structures account for this?
- Overhaul of youth justice and criminal justice to reflect maturity (Barrow Cadbury T2A)
- Levels 10-24/ 18-24 (ages) what is best ?

WHAT'S THE DIALOGUE? LINK TO BUILDING TRUST

- Transparency in conversation is essential in building trust
- Going to young people and not waiting for them to come to you
- Better awareness of diversity, culture and background. Prioritisation education of staff, volunteers and managers
- Back it up with realistic, achievable process to ensure positive results
- Dialogue has to be meaningful. Share your experiences with them. Share your passion. Realness is key to engagement.
- Relationships are key ! – focusing on the essentials to helping to build and sustain change – the person in the profession
- Sometimes need for a dialogue that provides a reality check
- Understanding and communication – key to building trust
- Understanding of trauma
- More time to allow professionals 121 client time
- Not just talk but practical help – poverty issues
- Labelling (our language) not young offender they are young people who have offended .
- Help young people identify and pull off negative labels and use positive language
- Conversations that encourage critical reflection rather than reinforce the person being a victim of circumstance
- Where best to impact trust – school/ parenting ?
- focus more on issues affecting African Caribbean young men in particular
- There is a big shift from Serious Youth Violence and young people and more focus on making money and selling drugs
- listen more to young peoples needs
- Third party reporting system for young people to report incidents to the police
- Use language young people know and respect
- Authoritative mistrust – roll out of the unconscious bias training and cultural sensitivity
- Text use instagram/ tweet / facebook

Throughout the workshop a number of issues were also raised and noticed of being of key relevance but outside the sphere of influence of those working at a local level:

- Policy/ statutory requirements from national agencies
- How the media portrays young people
- Impact of longer term outcomes of limited reduced funding to allow adequate prevention work