

**London Crime Reduction Board**

<b>Agenda Item</b>	<b>2</b>
<b>Subject</b>	<b>Disproportionality and race equality in the Criminal Justice System: the role of local authorities</b>
<b>Date</b>	<b>20 October 2020</b>
<b>Commissioned by</b>	<b>London Crime Reduction Board</b>
<b>Presented by</b>	Cllr Jas Athwal, London Councils Executive Member for Crime & Public Protection
<b>Report Author</b>	Tom Pickup, London Councils
<b>Summary</b>	This paper outlines the role of local authorities in tackling disproportionality in the Criminal Justice System and the broader activity to address racial inequality. This follows the Board’s consideration of disproportionality earlier in the year and a challenge that each sector conducts its own deep dive. It is informed by the Youth Justice Action Plan requested by the Mayor and goes on to identify key actions for London local government and next steps that would need to be developed in partnership to reduce racial disparities between different ethnic groups.
<b>Recommendations:</b>	<p>Board members are asked to:</p> <ol style="list-style-type: none"> <li>1. Note: <ol style="list-style-type: none"> <li>a) the programme of targeted activities that London local government is working on as its contribution to tackling disproportionality in the CJS and address broader racial inequality.</li> <li>b) The role of the CELC Policing group in co-ordinating delivery of next steps across London local government.</li> </ol> </li> <li>2. Consider developing a commitment across all LCRB partners to establishing inclusive workforces and exchanging best practice to support this.</li> <li>3. Broker discussions between safeguarding partners, City Hall, MPS, Probation Services and London Councils to explore and develop a pan-London consistent approach to tackling the common drivers of disproportionality in relation to serious youth violence and child criminal exploitation.</li> </ol>

	4. Broker discussions between local government and the Youth Justice Board to agree a framework for improved data sharing around disproportionality.
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**1. Introduction**

This report is London local government’s first contribution to the London Crime Reduction Board’s formal programme aimed at tackling disproportionality in the Criminal Justice System (CJS). This will build on previous reports the Board has received and follow from the Mayor’s ask to develop a Youth Justice Action Plan by providing a deep dive into the role of local authorities in tackling disproportionality, both in reference to the disproportionality experienced in the CJS (i.e. the over-representation of Black communities, but particularly young Black men) and the underlying causes that exacerbate the chance of people from these ethnic groups being exposed to and encountering the CJS.

The role of local authorities is both essential and multifaceted, comprised of activity and service provision directly targeted at reducing crime in addition to numerous services and practices that boroughs deliver to address wider inequalities (e.g. poverty, education). It is also important to recognise that much of this work is conducted in partnership with multiple stakeholders and partners. Given the broad range of activity local government undertakes this report adopts the view the disproportionate outcomes we see in the CJS are, to a significant extent, the product of underlying inequalities that can best be solved by tackling the wider systemic, societal and institutional challenges. Therefore, it will examine the important work of London boroughs to tackle racial inequality and disproportionality specifically in relation to crime, but also the work that addresses broader societal disproportionality that link to the drivers of crime.

In London Black communities, and particularly young Black men, are over-represented and are more likely to experience disproportional outcomes in the CJS, including the Youth Justice System (YJS). Therefore, in examining the work of local authorities, the report will largely focus on the local authority interventions as well as the experiences of Black communities. Reference to specific ethnic groups will be provided where possible.

The report will identify wider disproportional outcomes for certain ethnic groups in London, reflecting the underlying issues at play that contribute to the over-representation of particular communities in the CJS. It will examine current activity and best practice in local government, but also the challenges and barriers the sector faces in recognition that there is more work to be done. The report will also outline the next steps required from local government, with partners, to continue tackling disproportionality both specifically in relation to crime but also the underlying causes.

**2. Current state of play**

**What is the problem?**

The previous reports received by the Board around this issue highlighted the key challenges, namely the core concern around the link between racial inequality and disproportionate outcomes within the CJS. When interrogating this further it is clear that ‘BAME’ (Black, Asian

and Minority Ethnic) Londoners, particularly those from Black communities, are more likely to experience a range of negative outcomes when encountering the CJS.

These issues are exacerbated when examining the YJS which is characterised by over-representation of 'BAME' – particularly Black - children and young people who also have different experiences (whether it be decisions or outcomes) throughout most processes in the system. For example:

- Black children are more likely to be arrested than white children
- White children are more likely to get a caution than black children
- Black children occupy higher representation in more serious offence groups
- BAME children are more likely to be sentenced to custody
- Black children have experienced the lowest rate of decrease in first time entrants

When interrogating this further it has been identified that young Black men experience disparity arguably at every stage of the CJS – from policing, through the court system, to prisons and probation. For example, young Black men disproportionately:

- Experience a lack of trust and associated animosity with law enforcement.
- Experience the hard end of police enforcement (stop and search; tasers; traffic stops)
- Experience formal sanctions (rather than formal/ informal warnings and 'out of court disposals, reaching all the way to imprisonment (the court system amplifies disproportionality from the earlier stages of the journey of young Black men).

### **Why is it a problem?**

The over-representation of 'BAME' people in the CJS is an outcome of broader societal, systemic and institutional disparities that reduce the chances of this group 'doing well in life'. These issues include education (e.g. school exclusions), deprivation, health and career opportunities. Furthermore, the recent impacts of Covid 19 have exacerbated existing disparities and the resurgence of the Black Lives Matter movement following the George Floyd murder, has heightened activity to tackle racial inequality.

Preventing 'BAME' people from being exposed to, or considering criminality is more effective than intervening when they first make contact with or enter the YJS or CJS. Furthermore, addressing these wider systemic issues will have a positive knock-on effect on other outcomes relating to equality, opportunity and prosperity.

### **A journey of disadvantage and disproportionality**

The Youth Justice Board's "Exploring racial disparity"<sup>1</sup> is an effective tool that maps and highlights the multiple layers of racial inequality and disproportionality during key life milestones for 'BAME' communities across the country. While the YJB infographic helps present racial disparities there is opportunity to develop a more London specific "Journey of disadvantage and disproportionality" that can incorporate additional data sets and compile and utilise borough level data to better understand outcomes at key milestones for different ethnic groups in the capital. This also emphasises the need for a multi-layered response to tackle disproportionality from numerous angles to address the outcomes we see today. This

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<sup>1</sup> [YJB: Exploring racial disparity](#)

is also links to the drivers of crime and how the disproportionality experienced at key milestones exacerbates the chance of criminality.

### **3. The role of local authorities**

London local government is conducting a vast range of activity targeted both directly at tackling disproportionality in the CJS, and indirectly through services seeking to address underlying causes of disproportionality and racial inequality (e.g. Community Safety, YOTs, Children's Services, Education (particularly the role of schools), Public Health and Social Care). Local authorities are also responsible for providing youth justice services which are exercised through the statutory Youth Justice Management Board which consist of cross-sector representation. This activity is not only limited to ensuring representative service delivery but also to ensure local authorities foster inclusive organisations that are diverse and reflect the communities they serve.

This section will identify areas of good practice within local government which will highlight the services and practices that seek to tackle disproportionality in relation to crime and wider racial inequality across London and in local communities. It will also acknowledge the challenges, barriers and concerns for local authorities in addressing racial inequality and touch upon the pan-London work underway to overcome this.

#### **Ongoing activity and good practice**

##### **Youth Offending Teams (YOTs)**

YOTs have an instrumental role in tackling and preventing criminality among young people, this includes active work to support those groups that are more likely to encounter the Youth Justice System (YJS) and experience subsequent disproportionate outcomes. They are also a key component to a broader partnership approach to delivering youth justice services. Those ethnic groups that experience disproportionality differ across boroughs but are overwhelmingly represented by Black young people. In recognising this disproportionality and the need to prevent the persistent over-representation of certain ethnic groups in the YJS many YOTs have been providing tailored and appropriate services and support to these groups. Given the needs of different communities across boroughs and the need to focus on particular groups in different localities (e.g. people of Somali, Black Caribbean or Black African heritage) there is not a one size fits all solution when engaging with different ethnic groups, however there is important value in sharing good practice and understanding the important work undertaken across local areas. The following are examples of the work and activity being undertaken across boroughs, by YOTs to tackle disproportionality:

- Out of Court Disposals (OOC). OOCs are an effective way of providing a victim focused and constructive solution to an offence which can also divert or 'triage' young people away from the CJS. However, this option is currently under-utilised by young Black people – hence we see this group over-represented for first-time offending, reoffending and in youth prisons. The causes of this link to a lack trust and confidence in the CJS (i.e. increased likelihood of 'no comment' interviews) and a lack understanding about the options available to them having committed an offence. To tackle this, boroughs have taken steps to actively raise awareness of the alternative options available to those young people who have committed an offence and, by working with

partners, seek to increase the use of this option having recognised this as an important contributor to reducing the disproportionate number of young Black people experiencing court outcomes.

- Promoting the use of OOC. Some boroughs are using different techniques to raise awareness of the different options available to youth offenders. For example, Westminster have developed leaflets that are provided to offenders which detail the options available to them. They are also working with partners to develop videos for parents and appropriate adults articulating these options so they can better support the offender. Similarly, Hillingdon have developed leaflets that are shared with solicitors and court officers. Currently there is no pan-London approach to this work, therefore there is an opportunity to build on and develop this further to establish a common approach.
- Tackling disproportionality for young people requires a whole system approach - for instance, in addition to activity specific to local government, police custody suites and courts are key gatekeepers to the CJS for young people and reducing over-representation is a national priority for the YJB. One level of contribution from YOTs is through the disproportionality toolkit and their submissions to the YJB on national standards. The toolkit enables teams to identify where in the system disproportionality occurs and through submission to the YJB (the latest were in summer 2020) YOTs outline a cross-sector action plan (involving all key stakeholders) to tackle disproportionality. Through this there are examples of local collaborations to deliver change such as Haringey and Islington YOTs are working with City University in relation to serious youth violence and disproportionality<sup>2 3</sup>.

### Schools and Education

Schooling and education represent key milestones during any young persons development and the impact of a negative schooling experience, lack of education and poor educational outcomes can have significant implications for their life experience, including an increased likelihood of turning towards criminal behaviour. For example, studies on the drivers of crime find that disengagement with education contribute towards likelihood of offending i.e. the impact of teach expectations and bias, school exclusion, pupil and teacher perceptions, lack of positive role models<sup>4</sup>. This link is also evident when examining data trends, as, for example, young Black men of Caribbean heritage are among the highest rate of permanent and fixed exclusion and poorest grade attainment in London and they are also over-represented in both the YJS and wider CJS. Among Black young people trends also suggests disengagement with education increases in secondary school, rather than primary school, where the disproportionate outcomes become increasingly evident. To tackle this local authorities and schools have an essential role in addressing the disproportionate outcomes within education and ensure young people have the learning and skills to provide them with more positive life opportunities. Local authorities, working with schools and other partners, have established and are developing innovative practices and initiatives to improve

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<sup>2</sup> [Collaborative work between Islington YOS, Haringey YOS and City University](#)

<sup>3</sup> [Disproportionality Project, Evaluation Report - Islington and Haringey YOTs \(October 2020\)](#)

<sup>4</sup> ['Boys on Track': Improving support for white FSM-eligible and black Caribbean boys in London \(2018\)](#)

the schooling experience and attainment of disadvantaged young people. Several boroughs are leading these initiatives – for example:

*Lambeth: Raising the game*<sup>5</sup>.

This is a two-year project aimed at tackling the 7-10% academic attainment gap and high exclusion rates that Black pupils of Caribbean heritage experience in the borough. The project is based in selected schools across Lambeth working to improve outcomes at all key stages, to raise aspirations and to reduce exclusions for Black pupils of Caribbean heritage who underachieve in relation to their peers nationally and locally. The project consists of 3 strands:

1. Aim High - which intends to expose Black students of all ages to successful Black role models from different sectors and life experiences.
2. Diversifying the curriculum – a teacher lead initiative, within both primary and secondary schools, that develops tools for teachers, by teachers centred around actively incorporating Caribbean literature into pupil learning; showcasing diversity in different occupations – promoting the mantra of ‘the sky is the limit’ for Black pupils - and working across primary and secondary schools to support pupils transition.
3. Parental Engagement Network – a repository of tools and resources for parents, that will help them support their child(ren)’s learning.

The project has resulted in an 11% improvement for Black students at age related expectations at KS2 in comparison to their peers and 3% improvement at KS4, and an overall reduction in permanent exclusions by 49% and over 70% reduction for Black students of Caribbean heritage.

*Haringey Education Partnership (HEP): The BAME Achievement Strategy*<sup>6</sup>.

Haringey has the largest gap in Britain at GCSE between higher achieving White British students and lower achieving ‘BAME’ groups, especially those Black students of Caribbean heritage. In response, HEP have established a programme to address and improve ‘BAME’ achievement in the borough which is outlined in the BAME Achievement Strategy: Raising Black Caribbean and BAME Achievement:

- Achieve outcomes for all children and young people as good as, or better than, anywhere else in the country.
- Close the gaps in attainment for our different ethnic groups and disadvantaged pupils.
- Tackle related inequalities and negative outcomes such as exclusions, which impact on life chances.

To deliver the strategy HEP have established and created several resources for schools, public sector organisations, pupils and parents:

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<sup>5</sup> [Lambeth: Raising the game](#)

<sup>6</sup> [Haringey Education Partnership](#)

- Self-evaluation tools (for schools).
- Vulnerable to Underachievement Checklist which aims to:
  - to promote/target pupils for participation in extra-curricular activities or the need to maintain extra-curricular attendance records
  - to be proactive in rewarding pupils/ a group of pupils to build self-esteem, e.g. there could be a pattern by gender, ethnicity or ability
  - to reconfigure a tutor group where there are greater pastoral needs or for more staff training on attachment theory and how to respond.
  - to help governors in directing resources at greatest need or secure class-wide support from Early Help
- 'BAME' action plan template (for schools).
- 'BAME' children literature (for parents and pupils).
- Achievement database to capture key trends around education in the borough.

These are just two examples of important activity to improve the achievement and schooling experiences of young Black people - there are many other programmes and projects across boroughs that are actively addressing this challenge and making a real difference in outcomes. For example:

- Brent have an ongoing programme aimed at raising the achievement of young Black men – this has resulted in an improvement in exclusion rates for Black students of Caribbean heritage, including a 9.4% reduction in permanent exclusion in the last year.<sup>7</sup>
- Lewisham are conducting tailored activity to improve outcomes for 'BAME' pupils, with significant focus on addressing disproportionate schooling outcomes for Black pupils of Caribbean heritage.<sup>8</sup>
- Hackney have established a programme of work to improve outcomes for young black men, this includes, but is not limited to, addressing educational outcomes for young Black men of Caribbean heritage.<sup>9</sup>

### Children's Services

London local governments Children's Services have a core role in supporting young people and ensuring they can thrive throughout life. Across London, boroughs have been undertaking proactive work to improve outcomes for young people from different ethnic backgrounds – this includes an active role in tackling racial inequality. In addition to work of individual borough services, the London Innovation and Improvement Alliance (ALDCS's sector-led improvement partnership) have a dedicated disproportionality and anti-racism workstream which attempts to collate good practice across London. Examples of positive action includes:

- Establishing Youth Justice disproportionality sub-regional working groups, led by Directors of Children's Services, dedicated to reducing racial disparities for 'BAME' young people, particularly those from Black communities. The first of these groups have

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<sup>7</sup> [Raising the Achievement of Boys of Black Caribbean Heritage in Brent Schools \(see agenda item 6\)](#)

<sup>8</sup> [Educational outcomes for BAME children and young people in Lewisham schools \(see agenda item 6\)](#)

<sup>9</sup> [Hackney: Improving outcomes for young black men](#)

been established in North Central London with other sub-regions expected to follow and develop their own networks.

- Directors of Children's Services have been working with the YJB on a proposed alternative to custody provision in the London Accommodation Pathfinder project. Children from London are over-represented in the secure estate and 80% of those receiving a remand or custodial sentence are from 'BAME' backgrounds. The proposed provision will comprise four houses across London providing for twenty places which will be a direct alternative to custody. The Pathfinder will test approaches which, if successful, will directly address the disproportionate use of custody for 'BAME' and particularly young Black men in London.
- MoJ/YJB are supporting the Turning Point pilot in North West London which enables adults and children to benefit from diversion from prosecution when they have not made a full admission in police interview. Recommendations in the Lammy Review<sup>10</sup> found that this approach addresses issues around mistrust in the police – the pilot seeks to build on the success of the original Turning Point pilot in the West Midlands. Further London diversion pilots, which are specifically aimed at children, are also in discussion with the YJB to support the Board's strategic objective of reducing racial disparities in the YJS.
- Racial disparities are recognised as a key priority within the ALDCS adolescent safeguarding workstream. This pan-London work is currently being promoted through investment from the Tackling Child Exploitation Support Programme, which seeks to enable children's services and their partners to develop strategic approaches which respond effectively to exploited children. Central to this process is a reframing of our understanding of these children, which is trauma-informed, culturally competent and sees children as 'children first and offenders second'.

It is important to recognise that these are only a limited number of examples that present the role of local government and that there is merit in a more comprehensive programme of work to identify the range of good practice and important activity, in the interest of informing learning across public sector partners and possible future pan-London or sub-regional activities. Furthermore, it should be acknowledged that this work is not done in isolation, rather a cross-sector approach is essential to effectively address the challenges around disproportionality. Knowledge of existing practices and initiative should be used to drive new ideas that can be developed with a range of partners and stakeholders.

### **Challenges, barriers and concerns in tackling racial inequality**

Although there are many examples of good practice by boroughs to tackle disproportionality and racial inequality there are several challenges, barriers and concerns that local government must seek to address, similar to those experiences across the public sector

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<sup>10</sup> [Lammy Review](#)

landscape. At a high level, the following examples have been identified by boroughs<sup>11</sup> with the view that they can be tackled both individually and collectively:

1. Changing existing workforce and organisational attitudes.
  - This is a priority issue for an overwhelming number of London boroughs. While some boroughs have succeeded in establishing a representative workforce, generally there is an understanding that some local authority workforces fail to reflect the diversity of the communities they represent, this is particularly evident in more senior positions within local government.
  - There is a lack of consistent training and support for staff, including training in unconscious bias and trauma informed practice.
2. Some mainstream services fail to cater to the needs of Black, Asian and Minority Ethnic communities, reflecting the need to improve cultural competency within organisations.
3. Schooling practices and outcomes.
  - There remains disproportionate schooling outcomes for pupils based on their ethnicity e.g. exclusion. It is recognised that there needs to be more work to minimise exclusion and maximise inclusion. This includes active monitoring and interventions for Black young people facing exclusion (e.g. possibly through oversight of each case that comes to the exclusion panels so that decisions can be made before the exclusion has happened).
  - Need to promote a more inclusive school curriculum to ensure young people can better understand different cultural identities (e.g. representative and inclusive histories).
  - There needs to be an increased focus on raising Black boys' achievement and aspirations to tackle the persistent disproportionate outcomes and opportunities, throughout many aspects of life.
4. Lack of robust and granular data.
  - The lack of granular data (e.g. data that covers intersectionality) and data sharing among public sector partners (including between boroughs) limits the understanding of the experiences and outcomes of specific ethnic groups, and subsequent interventions.

London local government recognises a collective need, across boroughs and with other public sectors partners, to ensure the sector is more inclusive and proactively seeks to tackle disproportionality and racial inequality. A Chief Executive led working group (the Chief Executives London Committee Tackling Racial Inequality Working Group) has been established to demonstrate leadership in local government on this issue, accelerate action to ensure an inclusive workforce and challenge and improve practice across services. The working group will help guide and support London boroughs' efforts to become more inclusive, build trust and confidence with communities and actively tackle racial inequality.

#### **4. Next steps**

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<sup>11</sup> Findings are from the Chief Executives London Committee (CELC) Tackling Racial Inequality Working Group survey of CELC service area leads

Tackling disproportionality in the CJS requires an approach that addresses the disproportionate experiences and outcomes that exist in the wider CJS and responds to the underlying causes of disproportionality and racial inequality. But this approach requires continued and committed cross-sector partnership working to make a real impact on those most affected groups which are also able to actively incorporate their voice when establishing solutions.

There is already activity underway, both by local government and other partners in this area, but there is scope to develop existing action and establish new ways to tackle disproportionality. London local government remains committed to playing a central role in these efforts, however this work cannot be completed in isolation. The next steps local authorities are committing to have been separated into those directly related to tackling disproportionality in the CJS and those that can help tackle the underlying causes that contribute to the challenges within the CJS. Furthermore, there is scope for the LCRB to deep dive into some of specific activity described in this paper and elsewhere in local government.

### Tackling disproportionality in CJS – with a focus on young people

#### *Action(s) that require a partnership approach:*

- Out of Court Disposal – while work and exploration around this issue is underway, there is an important opportunity to embed an approach across London that makes better use of OOCs. This includes raising awareness, for instance by building on materials and programmes established in some boroughs to develop a pan-London approach, and better using and sharing data to understand the levels of fairness and inform how to ensure partners can get interventions right.
- Working with partners to build on local activity to establish a strategic pan-London approach around serious youth violence and child criminal exploitation.
- Developing a more joined up public sector approach across London's criminal justice agencies to establish inclusive workforces - this will help enable frontline and strategic managers to engage with the issues of disproportionality and racial inequality. This will help address underlying issues but also disproportionality in the CJS.

#### *Action(s) specific to local government:*

- Developing the work of London boroughs to support and advocate for young people, in particular to keep them out of the CJS. For example, reviewing existing contracts for appropriate adult services provision and understanding existing activity and levels of consistency across London.

### Tackling underlying causes

#### *Action(s) that require a partnership approach:*

- Improving data by developing existing data repositories (e.g. London Innovation and Improvement Alliance data) to establish a pan-London pitch around critical milestones, with the view of identifying when and what interventions are required. This includes improved data sharing and regular reporting - for example, in relation to crime, this take the form data sharing agreements disproportionality analysis between local authorities and YJB (e.g. on prevention, early intervention, OOC, court, post-court and resettlement from secure estate).

*Action(s) specific to local government:*

- Sharing best practice – the good practice shared in this paper exemplifies the positive activity underway and the need for partners to do more to promote, learn from and share experiences and outcomes e.g. proactive activity in schools to tackle disproportionate outcomes and sub-regional activity dedicated to tackle racial inequality. There is also merit in prioritising the identification and dissemination of good practice to help establish an immediate impact on practitioners' day-to-day work.
- Addressing local authority barriers to tackling racial inequality – the CELC Tackling Racial Inequality working group will continue to address these challenges at a pan-London level but there is also important work and progress boroughs are making individually. Furthermore, these challenges are not limited to local government, therefore additional action will need to develop and emerge with partners across the public sector.
  - Changing existing workforce and organisational attitudes – the CELC working group are undertaking a review of recruitment and workforce practices to encourage more inclusive organisations. Currently this work takes the form of reviewing data collection across boroughs to better understand where in the system the challenges are and where subsequent action is required. The group is also collecting and sharing examples of good practice to encourage learning between boroughs.
  - Tailoring service provision and improving cultural competency – the CELC working group is developing a Racial Equality Standard which will help local authorities benchmark themselves and understand what good, inclusive service delivery and practice looks like. This work appreciates that local authorities are in different levels of maturity around this issue and that learning can be developed between boroughs and service areas.
  - Schooling practices and outcomes – boroughs, in partnership with key stakeholders, will continue to progress the ongoing work to tackle this issue and current activity shows positive improvement for the Black community in some boroughs. Sharing good practice, such as the examples within the paper, will remain essential to help establish, develop and embed ideas and solutions.
  - Lack of robust and granular data – in relation to disproportionate outcomes for different ethnic groups in London, this is addressed in the above point around establishing a data repository and improving data sharing with partners and between local authorities. The issue around organisational data is also covered in

the above point around the CELC working group activity to improve workforce and organisational attitudes.