

Research evidence



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STUDY 1

The State of Youth Justice 2020

Dr Tim Bateman on behalf of the National Association for Youth Justice (August 2020)

Theme 1 Race and criminalisation

Black, Asian and minority ethnic (BAME) children, viewed as a single group, are over-represented in the youth justice system: 27 per cent of children cautioned or convicted in 2019 were of BAME origin, compared with 18 per cent in the general population. Over the past decade this proportion has nearly doubled, rising from 14 per cent in 2010 (Ministry of Justice / Youth Justice Board). The term BAME is commonly used in policy and published data but can elide a broad range of difference and does not reflect the diverse range of experiences of specific “minority ethnic” groups. Relative to the composition of the wider 10-17 population, Asian children have been consistently under-represented among those receiving a substantive youth justice disposal. By contrast, 2.8 times as many black children come to the attention of the youth justice system as would be expected, given the composition of the general population within the relevant age range, and the extent of over-representation for this group has risen substantially since 2010. The representation of mixed heritage children in the youth justice population was consistent with the composition of the general community in 2010, but in the intervening years has doubled.

Wider inequalities provide an important context for explaining racial disparity in the youth justice system. The evidence for disproportionate levels of social

exclusion among BAME children is overwhelming and is explored in detail in the report. For example, black children are twice as likely, and mixed heritage children 50 per cent more likely, to be excluded from school than their white counterparts. In 2017/18, 89 per cent of boys in young offender institutions (YOIs) reported that they had been excluded from school (Green, 2019). Almost one in four children in local authority care are from a BAME background, with the most significant disproportionality shown by black and mixed heritage children. BAME children are also considerably higher risk of being a victim of crime, and there is a strong correlation between victimisation and offending Youth Justice Board data shows.

Almost one in three children arrested for a notifiable offence in 2019 was of BAME origin. In 2019, black people were subject to stop and search at almost 10-times the rate for the white population according to Home Office stop and search statistics. It is clear, too, that enduring socio-economic inequalities cannot account for the scale of increased disproportionality over the last

decade. The fall in first-time entrants has been less pronounced for BAME children than for their white counterparts. Between 2008 and 2019, the number of white first-time entrants to the youth justice system declined by 91 per cent but the equivalent decline for BAME children was 80 per cent, suggesting that increased diversion has benefited the former group to a much greater extent.

Overrepresentation increases in line with the intensity of youth justice intervention: BAME children who enter the system are more likely to receive harsher levels of punishment. BAME children comprised 26 per cent of children receiving a formal youth justice sanction but accounted for 35 per cent of those convicted, indicating that they were less likely to be cautioned. More worryingly, 42 per cent of children receiving a custodial sentence in 2019 were from a BAME background. In 2019, 48 per cent of children given a longer-term custodial sentence in the crown court for more than two years were from a BAME background. As shown in the graphic, while in May 2005 minority ethnic children accounted for one quarter of those in custody, by the same month in 2019, that proportion had risen to 51 per cent. Between 2005 and 2019, the

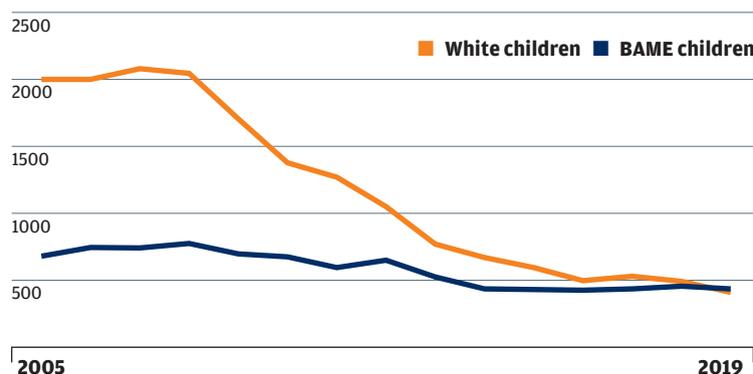
white population of the secure estate has declined by 80 per cent; the equivalent reduction for BAME children was just 38 per cent.

Disproportionality within the youth justice system is widespread, longstanding and deep rooted; the causes are complex and intertwined. In these circumstances, developing effective strategies to reduce it, is challenging. The Youth Justice Board’s latest business plan includes a commitment to “influence the youth justice system to treat children fairly and reduce over-representation”. Honouring that commitment will involve the promotion of reform where explanation is lacking. Adopting a child first practice that focuses on the long-term wellbeing of all children in conflict with the law, rather than seeing them in terms of the risks they embody, will also enhance the prospects that youth justice interventions do not exacerbate racial inequalities.

Implications for practice

- Substantial investment in community-based provision for young people in disadvantaged communities, reversing years of under-resourcing, is a prerequisite of reducing inequity for BAME children.
- Practitioners at every level of the youth justice system must be supported to examine their professional practice at an individual and organisational level, with the aim of reducing the impact of racial bias and tackling existing inequalities. Discriminatory actions, behaviours, policies and procedures must be identified and challenged, and plans to address them must be subject to rigorous accountability.
- Relationships of trust might be improved by ensuring that staffing in the justice system is representative of the communities it serves, through the introduction of targets.

POPULATION OF SECURE ESTATE BY ETHNICITY



Source: Youth Custody Service, 2020

Theme 2 Child first approach

While welcoming the explicit adoption of a child first ethos by the Youth Justice Board (YJB), the report contends that much of current practice, and the guidance that underpins it, continues to be influenced by an understanding of youth crime that relies on a risk paradigm and a commitment to punishment.

The publication of new National Standards in 2019 identify four principles that underpin the YJB's child first approach:

- Prioritising the best interests of children and recognising their rights
- Building on children's strengths through future-oriented interventions to facilitate the development of pro-social identities that promotes empowerment and encourages desistance
- Encouraging active participation and working in a collaborative manner with children and their families
- Minimal intervention and maximising diversion to promote "a childhood removed from the justice system".

The specification of these principles is indicative of a clear distinction between the philosophy now espoused by the YJB and that which informed the previous iteration of the standards. The section on out-of-court disposals does distinguish diversion into "more suitable child-focussed systems" from formal out-of-court sanctions but requires that the latter should be "prompt, robust and deliver targeted and tailored interventions". The section on court work does require that a strategy should be in place to reduce the "unnecessary" use of custodial remands but makes no comment on the desirability of minimising custodial sentencing and contains no guidance at all on the nature of pre-sentence report proposals, an important consideration in determining the level of child imprisonment.

The extent to which the YJB's move towards a more child-



Opportunities to divert children away from the youth justice system must be sought

friendly policy orientation will automatically lead to a changed youth justice practice is, accordingly to the paper, hard to discern. The "localism agenda", which has informed the delivery of local public services for a decade, means that the YJB, in common with other central policy making bodies, has less sway than it previously did. This reduced influence is likely to have been reinforced by the diminishing contribution that the board makes to youth offending team (YOT) budgets: between 2011 and 2019, the YJB annual grant to YOTs fell from almost £145m to less than £72m.

The limited research on the issue highlights an increasing diversity in models of youth justice practice. Smith and Gray (2019) point out that youth justice academic commentary has tended to convey "a relatively uniform picture" of the youth justice system, which is replicated broadly at the level of practice (Smith and Gray, 2019). They contend that such a "monolithic view" fails to capture adequately real-world applications of policy shifts at the centre. Drawing on an analysis of 34 local authority youth justice plans, covering the period up to 2016 when the Taylor Review first gave "child first" an official gloss of approval, they identify a range of contrasting models of provision, ranging from a more traditional "offender management" approach that prioritises addressing the

criminogenic risk factors of children subject to formal criminal justice sanctions, to, what they characterise as, a "children and young people first" model, in which YOTs have effectively been dissolved into a wider youth support service. Other evidence tends to support the suggestion that practice does not automatically follow shifts in policy. The introduction of a new assessment framework, in the form of AssetPlus, was intended to engender a shift in practice from one informed by addressing risks, to one that embraced a future orientated, strengths-based, focus on desistance. Kathy Hampson's research found that shifts in practice resulting from the revision of assessment procedures fell far short of what had been anticipated. YOT assessments continued, in large part, to be framed through a risk lens, generating intervention plans that were "offence-focused", highlighting children's deficits and past mistakes, rather than orientated on their future and building on their strengths (Hampson, 2018).

More than three years have elapsed since the Youth Custody Improvement Board concluded that the secure estate for children was not fit for purpose (Wood et al, 2017) and since HM Chief Inspector of Prisons confirmed that no YOIs or STCs could be considered safe places to detain children; but closure of these

institutions appears no closer than it did then. At the same time, any potential reform of the court system appears to have been sidelined despite Taylor's endorsement of a radically different model. Recent research confirms that the youth court cannot be considered a forum that treats those who appear before it as children first. A study, published by the Centre for Justice Innovation, confirms that many children were unable to follow proceedings and it was common for them to leave the courtroom without understanding the outcome or the rationale for any decisions made. Children rarely felt that they were listened to and some considered that the way they were treated in court was disrespectful. Frequently, children reported that they did not trust the court to be neutral and considered that the purpose of the hearing was to punish rather than understand them (RobinD'Cruz, 2020). The Youth Justice Board, whatever its aspirations, has limited influence in these spheres. In this context, it is clear that it would be premature to describe the experiences of children in conflict with the law as being predicated on child first principles.

Implications for practice

- Policies must treat justice-involved children as children first and foremost and be clearly distinct from adult policies. They must actively promote children's rights stated in the UN Convention on the Rights of the Child, reflect their developmental stage of maturation and capacity for change.
- Places and processes should be adapted to maximise the understanding and participation of children, including the use of child-friendly language. Professionals should be properly trained to understand child-specific issues and the paramount importance of children's welfare.
- Opportunities to divert children away from the youth justice system and custody must be continuously explored, alongside supportive, individually tailored interventions for children and their support networks. ➤

STUDY 2

Therapeutic Interventions for Peace

Power The Fight (September 2020)

Power The Fight's report details recommendations for improvement of therapeutic services in London, that have arisen from qualitative and quantitative research data from young respondents, families and professionals. The aim of the research was to evidence the experiences of young people, families and practitioners in order to improve the effectiveness of therapeutic responses to violence affecting young people in London.

Study design

The methods were designed to answer three core questions:

- How effective are current therapeutic responses to serious youth violence in London?
- What limitations currently impede effective use of therapy in this context?
- How can this be improved?

The report draws on qualitative and quantitative data from 102 young people, five families and 26 professionals providing extensive analysis of community experiences of therapeutic services. A sample of 14 professionals working across the sector were interviewed via video call and an open-ended questionnaire was completed by 12 further professionals in related roles. Five parents and guardians were contacted, a smaller number to allow time for therapeutic aftercare where needed.

It was central to the design of this research that young people were included, but it was not possible for this to be done in person due to Covid-19 restrictions. Given the increased risk of psychological harm through virtual in-depth interviews, data was collected through anonymous online surveys. The survey was distributed through the authors' networks, ensuring an ethical approach by ensuring practitioners could support young people through existing relationships and ensure no harm was caused.



ADOBE STOCK

More needs to be done to respond to the impact of violence on girls and young women

Key findings

- The majority of young people surveyed had a high proximity to violence (experiencing it either first-hand or through close friends), with experiences of violence most likely to lead to feelings of anger. Black and male respondents were less likely to talk about these feelings and more likely to deal with these feelings through retaliation.
- Therapeutic services that fail to understand the broader contexts and causes of youth violence risk harming young people further by making them feel they are the problem.
- The language and culture of formal therapy can be a barrier for engagement with practitioners urging for greater innovation and flexibility in how therapeutic interventions are defined and delivered.
- Marginalised groups often deeply distrust organisations and institutions due to experiences of structural harm through inequality in health care, education and criminal justice systems.
- For black people in particular, trusting relationships with professionals rely greatly on representation and cultural competency, with young people and families much more likely to speak with practitioners who share or understand their ethnic background and culture.
- The specific needs of women and girls in the context of community violence have been sidelined by male-focused interventions, leading to an absence of long-term girls' projects, peer-to-peer support and parent groups for engaging families affected by trauma.
- Referral systems are currently not fit for purpose; the threshold for engagement is too high and not effectively assessed, waiting lists are too long and there is a lack of ability to engage disenfranchised and socially marginalised groups.
- In maintaining trusted and supportive relationships with socially marginalised young people and families, frontline practitioners are often risking their own mental health and wellbeing by becoming emotionally embedded in communities and feeling accountable for their safety.
- There is a fundamental lack of clinical supervision for these high-risk roles, with many organisations having no internal referral process for their employees despite the harm their workers are continuously exposed to. This profession has a high "burnout" rate.
- Practice-based or professionals with "lived experience" are systemically undervalued and structurally excluded from decision making at a strategic level, often made to feel culturally out of place, tokenised or exploited.
- There is no cohesive strategy or

"wraparound" package of support in place; to provide immediate and long-term support for family and friends in the aftermath of a violent incident or traumatic loss.

Recommendations

The report concludes that effective therapeutic interventions to end youth violence are reliant on applied cultural competency and recommends pragmatic steps for service improvement. The report's recommendations are aimed at institutions and government bodies working with families and young people. These include:

- Cultural competency training at all system levels and clinical supervision for all front-facing practitioners.
- Multi-layered intervention designs that combine formal, informal and creative therapies with long-term engagement and community co-production.
- Collaborative referral management systems and community case mapping for holistic work with young people and families.
- Cohesive and effective partnership work, bringing together families, services, agencies and institutions through culturally competent organisations with the capacity to connect people and services.

Implications for practice

- These findings emphasise the importance of culturally competent and trauma-informed therapeutic practice, with practitioners being conscious of contexts and language surrounding violence affecting communities.
- More needs to be done to understand, consider and respond to the impact of violence on girls and young women, through the development of gender-specific interventions and long-term support.
- A therapeutic approach must ensure that frontline practitioners receive structured, accessible, consistent therapeutic support and clinical supervision to preserve their wellbeing alongside those they work with.

STUDY 3

Living Through a Lockdown: Reflections and Recommendations from Young People at Risk of Serious Violence

Street Doctors, Redthread, MAC-UK, (September 2020)

Standing Committee for Youth Justice members Street Doctors, Redthread and MAC-UK have published a report that documents the experiences of children and young people at risk of, or involved in, serious violence during the lockdown, highlighting the lack of support available at a time of distress, confusion and grief.

The joint research surveyed the experiences during lockdown of young people already in touch with the three organisations. It looked not only at the safeguarding implications of lockdown, but at young people’s fears for the future, and the positive elements of this strange time in society.

The study asked young people at risk of youth violence who have received support from one or more of the organisations to share their lockdown experiences. Responses were collected between May and June 2020. In total, 41 completed the survey, of which 61 were male, 59 per cent from London, and 39 per cent aged 17-19.

Key findings

- In total, 83 per cent encountered difficulties during lockdown, with isolation, boredom, and inability to access services key concerns.
- Many felt lockdown negatively impacted on their mental health (76 per cent), with anxiety, depression and loneliness key contributors to this decline.
- Many young people were concerned about lockdown’s impact on their education – 33 per cent mention school or college in their responses, rising to 64 per cent of 14- to 16-year-olds.
- Some 83 per cent felt their safety levels had been maintained or increased over lockdown. While still overall positive, those aged 20+ were least likely to rate their

- safety as increased or neutral.
- However, respondents in all age ranges felt nervous about the situation, with 63 per cent expressing concern. This was particularly the case in the Midlands and north (85 per cent)
- One in 10 respondents had been directly affected by Covid-19, with a close friend or family member dying of the disease.
- As well as the essential support of friends and family, more than a third of respondents noted the support of youth work and counselling services in getting them through lockdown.
- More than half of respondents identified specific deficits in the support they receive. As well as the support they would receive through school or college, health services, employment and social care were particularly highlighted.
- Young people are proud of how communities had come together, and 39 per cent were an active part of this community response.

Other themes

- Communication and Community Informed: Young people want to be informed.
- Transparency: Openness from the government and people in positions of power is valued by young people.
- Co-production: Involving young people in the design and dissemination of information would be key for reaching them effectively.

- Safety in the home: Family trouble during lockdown caused increased pressure for young people, and this is emphasised by the rise in domestic violence incidents nationally.
- Support: The young people surveyed said many statutory services had been delayed or cancelled, leaving them worried and alone. Counselling and youth work is an extremely important source of support for young people – those able to access this talked of the benefits.
- There needs to be a concerted effort to ensure that young people are provided with the resources and support they deserve and need, in order to ensure both their safety if there is another local lockdown in their area, and that they are able to maintain their wellbeing.
- Mental health loneliness: Young people felt isolated by lockdown and the lack of physical and social connection it brought.
- Boredom: Out of education and out of employment, young people struggled to keep themselves meaningfully occupied.
- Lack of support: With services stretched or shut, young people felt they had to deal with these issues on their own.
- Fear of loss and the future: Young people felt anxious about what post-pandemic life would look like for them.

Recommendations

- Authorities should consult with young people to produce targeted messages around local lockdown restrictions.
- Pathways to ongoing opportunities for community engagement and active citizenship should be created, publicised and managed in conjunction with local grassroots organisations.
- Schools, colleges and youth services must receive support to act as anchor institutions during local lockdowns, particularly for those known to be at risk of youth violence.
- Service delivery organisations must prepare clear digital engagement strategies to ensure consistency through any lockdowns, and practitioners should receive training on this.
- Funders should distribute small grants to local organisations who can help ensure consistent lower level support during local lockdowns.
- Referral criteria for support services should be temporarily relaxed during lockdown to self-referrals from young people or parents, particularly those struggling with mental health.
- The government must co-create and publish a long-term plan for young people to ensure they do not suffer disproportionately as a result of the lockdown. These plans should prioritise access to work and training opportunities for young people.

Implications for practice

- Communications about Covid-19-related changes and plans for recovery should specifically consider, and be co-developed with, children and young people.
- Services working with those at risk or involved in violence must receive enhanced and sustained investment to enable maximised opportunities for supporting the most vulnerable children and young people, developing routes into education, training and employment, and wider community engagement.
- Investment to guarantee mental health services are accessible will be paramount in the coming months.



Organisations must have digital engagement strategies prepared for lockdowns

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