



Her Majesty's  
Inspectorate of  
Probation

## **The experiences of black and mixed heritage boys in the youth justice system**

A thematic inspection by HM Inspectorate of Probation  
October 2021

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## Foreword

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This fieldwork for this inspection took place between April and June 2021. The trial for the murder of George Floyd ran alongside it and concluded during this time. The impact of this case and the rise and influence of the Black Lives Matter movement were strongly felt in almost every service we visited during this inspection. It was clear that these events have reignited overdue discussion about racial discrimination and its impact.

Over the course of six weeks, we inspected nine different youth offending services (YOSs). We reviewed comprehensive evidence in advance from each area and in total examined 173 cases of black and mixed heritage boys (59 out-of-court disposal cases and 114 cases dealt with by the courts). We commissioned the services of 'User Voice'<sup>1</sup> to obtain the views of 38 boys who had been supervised by the different services. They told us about the support they had received and the challenges they face.

Prior to this thematic inspection, we analysed our own core inspection data from a 12-month period and found that the quality of service delivery to black and mixed heritage boys tended to be poorer than that of work delivered to their peers. This was especially evident in the out-of-court disposal cases. We were concerned in this inspection to find that when we looked at this type of work, with an increased focus on ethnicity and experiences of discrimination, we found an even greater disparity.

The boys whose cases we looked at had complex needs, and opportunities to support them earlier, outside of the youth justice system, had often been missed. It was therefore concerning to find that, when they came to the attention of the criminal justice system, the quality of services they received at this critical moment in their life was insufficient. 60 per cent of the boys subject to court orders had been excluded from education, most of them permanently, and the impact of this on their life chances was significant. Black and mixed heritage boys were consistently over-represented in custodial cohorts. In one service every child in custody was a black or mixed heritage boy and this is deeply worrying.

Addressing 'disproportionality' has been a longstanding objective in most youth justice plans, but our evidence indicates that little progress has been made in terms of the quality of practice. At a strategic partnership level there is a lack of clarity and curiosity about what is causing the disparity and what needs to be done to bring about an improvement. Partners are not collating data and using it effectively to analyse and address the barriers that contribute to the over-representation of black and mixed heritage boys in the criminal justice system.

Most services recognised that things have not been done well enough and stated their commitment to improve. In the last 12 months some YOSs have developed focused strategies and plans to address disproportionality and support anti-racist practice; however, any impact of this is yet to be reflected in the quality of casework. This current impetus must now be used to urgently improve practice, service delivery and outcomes for black and mixed heritage boys.

To be effective, there must be a clear vision, strategy and plan that is embraced by all partner agencies and understood by all those working with this group of boys. Training, support, direction and guidance for staff are critical, as is the ongoing monitoring and reviewing of progress and improvement. We will also introduce a more robust set of standards around this issue for our core youth inspections.



**Justin Russell**

HM Chief Inspector of Probation  
October 2021

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<sup>1</sup> User Voice is a charity created and run by people who have been in prison and on probation.

## Contextual facts

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Of the cases we inspected where black or mixed heritage boys were sentenced to court orders, we found that:

<b>60%</b>	had been excluded from school, the majority permanently
<b>Almost a third</b>	had been a victim of criminal exploitation
<b>Half of the boys</b> (where recorded)	had experienced racial discrimination
<b>A third</b>	were subject to Child Protection or Child in Need processes
<b>A quarter</b> (where recorded)	the number of cases in which the child had a disability

National statistics:

<b>41%</b>	The proportion of children in youth custody in the year ending March 2020 who were black or mixed heritage <sup>2</sup>
<b>35%</b>	The proportion of children remanded to custody in March 2020 who were black. This has increased 14 percentage points, from 21%, since 2010 <sup>3</sup>
<b>2,166 black and 1,586 mixed heritage</b>	The number of children who received a caution or were sentenced in the year ending March 2020. These represent 12% and 9%, respectively, of all children who received a caution or were sentenced in the period <sup>4</sup>
<b>Twice as likely</b>	The likelihood of Black Caribbean, and mixed white and black Caribbean children to have been permanently excluded from school in the 2019/2020 academic year compared to their white peers, (rates of 0.14 and 0.15, respectively, compared with 0.06) <sup>5</sup>

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<sup>2</sup> Youth Justice Board and Ministry of Justice. (2021). *Youth Justice Statistics 2019/20: England and Wales*. <https://www.gov.uk/government/statistics/youth-justice-statistics-2019-to-2020>.

<sup>3</sup> Youth Justice Board and Ministry of Justice. (2021). *Youth Justice Statistics 2019/20: England and Wales*.

<sup>4</sup> Youth Justice Board and Ministry of Justice. (2021). *Youth Justice Statistics 2019/20: England and Wales*.

<sup>5</sup> National Statistics. (2021). *Permanent exclusions and suspensions in England and Wales*. <https://explore-education-statistics.service.gov.uk/find-statistics/permanent-and-fixed-period-exclusions-in-england>.

# Executive summary

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## Inspection methodology

During the course of this remote inspection in April and May 2021, we examined the quality of work delivered by YOSs in Manchester, Lewisham, Nottingham, Haringey, Hackney, Leeds, Sheffield, Liverpool and Oxfordshire. All YOSs were selected due to the volume of their caseload and an over-representation of black and/or mixed heritage boys in their services, as recorded in the Youth Justice Board (YJB) disproportionality toolkit data. We looked at the work delivered through a lens that considered the child's ethnicity, their diversity and any experiences of discrimination.

We examined 173 cases of black and mixed heritage boys (59 out-of-court cases and 114 post-court cases), which had commenced within the previous 12 months. We interviewed 99 case managers. We also interviewed senior managers from the YOSs, and held focus groups with case managers, middle managers, partnership staff, volunteers and the youth offending service strategic management boards. Our work was also informed by surveys completed by staff, parents, volunteers and magistrates. We undertook a week of meetings with representatives from national organisations, including the Youth Justice Board for England and Wales, the Home Office, the Department for Education, Ofsted, the Magistrates Association, the Chief Executive Officer for the Association of Police Crime Commissioners and the National Police Chiefs' Council. An expert reference group contributed to this report by advising on strategic, technical and operational issues associated with the subject and services under inspection (Annexe 3). It represented the views of key stakeholders in the areas under scrutiny, and commented on emerging findings and final recommendations.

We commissioned the services of 'User Voice', who met with 38 black or mixed heritage boys to gather their perspectives on the services that they had received from the YOSs. The boys also helped us understand some of the challenges they face in their day-to-day lives and what could be done to help. A report from User Voice is published alongside this report. Key findings and quotations have also been incorporated in this report. Inspectors spoke with a small number of parents whose children were, or had been, involved with the YOS and who requested a meeting.

## What we learned about the boys

In all services we inspected, staff and managers told us that the large majority of black and mixed heritage boys in the youth justice system had experienced multiple adverse childhood experiences (ACEs) and had high levels of need, such as special educational needs (SEN) and mental health difficulties, which had not always been identified or properly addressed until they came into contact with the YOS. This raises questions and concerns about the support they received from mainstream services before their involvement with the youth justice system. Reports of high levels of unmet need for black and mixed heritage boys entering the youth justice system was a consistent theme of this inspection. There was a general consensus among YOSs that, had problems and difficulties been addressed earlier in the children's lives, there could have been a different outcome for them. In the post-court cases we inspected, 60 per cent of the boys were, or had been, excluded from school, the majority permanently. Almost a third had been victims of child criminal exploitation. In half of the cases inspected there was evidence (where it had been recorded) that the child had experienced racial discrimination. A third of the boys had been subject to Child in Need or Child Protection plans. The majority were not 'heavily convicted' (i.e. they had only one or no previous convictions), and in over a quarter of cases (where information had been recorded) the child had a disability. They were reported to be more likely than other groups of children to have an education, health and care (EHC) plan, and equally as likely again to have special educational needs that had not been identified or addressed. The boys had grown up in the poorest areas of their towns and cities and had often been exposed to the violence and family breakdown associated with poverty.

Racial discrimination was also a feature in the lives of the boys. For the most part, they accepted it as being 'just the way it is'. This acceptance is as significant as the experience itself, when considering their development, their circumstances and their future.

### **What we learned from the boys**

User Voice spoke to 38 boys across the nine inspected areas. The majority talked about the challenges they faced growing up in relation to their environment and peer associations and friendship groups, which for many were determined by living in the same locality and shared experience rather than conscious choice. The boys spoke at length about being subject to police stop and search and racial profiling. This was especially significant for those who lived in London.

When discussing their involvement with their individual YOSs, the boys were not always clear about the role of the YOS or what support it could offer them. For some, their sentence plan or out-of-court intervention was something they just had to get through. They often felt they did not need any support from professionals, or at least they could not articulate what advice and guidance might be helpful. For some there was a sense that interventions worked best when the YOS had limited contact with them, but this also led to them viewing their interventions as having a 'tick box' feel. When interventions were more intensive and challenging, this was recognised as having greater benefit and promoted better engagement. Almost all of the boys described positive relationships with their workers, stating that they felt listened to and understood. Only two of the 38 boys said that the ethnicity of their YOS worker was significant to them. This suggests that the skills, understanding, knowledge and integrity of the worker and the relationships they form with black and mixed heritage boys are the most important factors in supporting and promoting meaningful and effective engagement.

### **Governance and leadership**

Addressing disproportionality has been a longstanding priority for most YOSs and an objective in youth justice plans for a number of years. However, until recently there had not been sufficient impetus to improve and deliver high-quality services that achieve better outcomes for black and mixed heritage boys. To reduce the over-representation of black and mixed heritage boys in the criminal justice system, there must be a clear local understanding of what is driving it in the first place, with a detailed, robust working plan in place to address it. We did not find this to have been the case in most areas. A number of services have more recently put action plans in place but progress is yet to be seen in the casework being delivered.

There was a theme of disconnect. In terms of understanding need, the staff working with the boys had a detailed awareness of the challenges they faced and the risks associated with their safety and wellbeing and risk of harm to other people. However, they did not always understand the bigger picture, strategic priorities and statistics. At partnership board level, there was knowledge of national data regarding disproportionality and local data for different ethnic groups, for example re-offending and custody statistics, but not enough granular detail about the local needs of black and mixed heritage boys to enable board members and strategic leaders to tackle what might be driving their over-representation.

Where board members had knowledge of local disproportionality in their own service areas, such as health or education, this tended to relate to black, Asian and minority ethnic children and families as one group. There was not enough understanding of the situation for separate ethnic groups, whose experiences are different and whose specific over-representation is of concern. In addition, board members are not using data from their own service areas, for example data on police stop and search and school exclusions, to understand how policies, procedures and practice in individual services might be impacting on any over-representation in the YOS cohort. Over the past year there has been more strategic focus on meeting the needs of black and mixed heritage boys, but the degree to which this was happening varied considerably across the services we inspected. Our inspection findings show that much more needs to be done to understand and then meet the needs of this group of children.

## **Staffing**

We found that the majority of staff had manageable caseloads that gave them the opportunity to build positive relationships with the children they worked with, and they did this well. The amount and quality of training that had been delivered varied across services but most staff had received unconscious bias training and race equality training. The majority felt that this had prepared them 'quite well' for working with black and mixed heritage boys. However, our findings on the quality of casework indicate that more training, supervision and support are required.

Some staff appeared to lack confidence in discussing culture and/or experiences of discrimination, which meant that specific challenges faced by black and mixed heritage boys were not fully explored, understood or addressed. Most staff reported that their supervision was sufficiently focused on diversity and the needs of black and mixed heritage boys, but we found that discussions did not routinely ask the right questions.

In most services, there was a lack of black and mixed heritage volunteers, and some have struggled to recruit staff and managers that reflect this group of children. In particular, there is a lack of black and mixed heritage male staff, and not enough mentors, particularly given that the absence of a suitable male role model was often cited as a challenge for this group of children.

The majority of staff felt their organisations promoted a safe space to discuss issues of race and racism and they felt confident that, if they raised concerns, they would be responded to appropriately. However, we found that staff did not always raise concerns when they felt that children had been discriminated against, for example in relation to stop and search activity. An example of this was the case of a boy who was being stopped and searched five times per week and, while the case manager thought this was concerning and that the child was being targeted, it was not raised with colleagues or managers. This lack of attention and escalation could suggest that black and mixed heritage boys in the youth justice system experiencing racism may have become normalised, not only to the boys themselves, but also to those working with them. Staff were conscious that most of the boys would have experienced racial discrimination, but they rarely considered the impact of this in assessments or attended to it in the work delivered, unless the child articulated it as an issue themselves.

Just under half of the case managers we spoke to felt that induction processes did not sufficiently cover issues of race and equality.

## **Partnerships and services**

Despite their over-representation, there are few services commissioned specifically for black and mixed heritage boys. Good-quality specialist commissioned services were the exception rather than the rule. Where voluntary and third-sector organisations were available, they were not known to all staff and volunteers, so were not routinely used. Where they were used, they were often an 'add-on' to other interventions. Staff did not always maximise the benefit of the services through effective communication and joined-up working to support children to reintegrate into the community. In relation to mainstream services, we found that black and mixed heritage boys were less likely to have been referred to Early Help services when they were younger but were more likely to be involved with statutory children's social care. Within YOS interventions, work with statutory partners such as education, children's social care and the police, was not always well coordinated to meet the child's needs. YOSs reported serious challenges in finding suitable education and training provision for boys who had been excluded from school. Other challenges highlighted included access to accommodation for children who were at risk of remand or leaving custody.

## **Information and facilities**

We found limited evidence that feedback and information from black and mixed heritage boys and their parents or carers were being collated and used in a meaningful way to identify any barriers to access or improve services.



Services were all able to extract data from their recording systems to produce management reports. The quality of these varied, however. Information such as whether children had a disability or had been excluded from school was not always recorded clearly on cases files and the recording of children's ethnicity was not always accurate. Information received on the ethnicity of children tended to be input on the system based on what had been recorded by the police or at court. This was not always checked with the child, which meant mistakes were not rectified. The errors and gaps in information recording called into question the reliability of the data reports produced.

Many staff told us that they were not aware of the data and information regarding the over-representation of black and mixed heritage boys in their services. This raised concerns about the connection between strategy and practice and how well staff were being brought along with the services' stated ambitions to address over-representation and promote equality.

There was very little data and analysis in relation to community resolutions and almost no understanding of community resolutions that had been issued by the police outside of the YOS out-of-court disposal processes. Information relating to 'street community resolutions' was not being shared between the police and the YOS so it was not possible to assess which children were receiving them. The lack of access to local data on rates of stop and search for black and mixed heritage boys made it difficult for YOSs and partnerships to assess its impact on over-representation. Equally, because information on education placements was not being reliably recorded on YOS databases, and detailed and consistent information was not being exchanged at operational levels, it was difficult for services to clearly understand any links between over-representation and school exclusion. Overall, information was not being used well enough and this was recognised by a number of services as an area where improvement is required.

Most of the staff we met were taking a flexible approach to their work. In part, this was because of the pandemic, but many had been working this way for some time in order to manage risk, as many children did not feel safe attending the office.

### **The quality of casework**

There were significant deficits in the quality of casework being delivered to black and mixed heritage boys in both statutory and out-of-court disposal work. Overall, we found the quality of assessment and planning to be inadequate in both types of work. The direct work delivered to black and mixed heritage boys requires improvement. Reviewing activity in relation to statutory casework was inadequate for children subject to court orders, as was joint working for out-of-court disposals. In 40 per cent of out-of-court disposal cases and in half of statutory cases, the child had experienced racial discrimination (where information had been recorded) and in the large majority of cases, the impact of this had not been explored or considered. The poor standard of assessment impacted on the quality of planning and the overall delivery of work. More positively, there was evidence that case managers formed meaningful relationships with the children and their parents or carers. However, these were not always used to get 'under the surface' and examine the challenges the boys were facing and how these might be linked to their offending. If YOSs are to be truly child first and trauma-informed in their practice, understanding the lived experiences of children and analysing their impact on them is critical. Discussion about these assessed issues should form the basis of any intervention with a child, and with black and mixed heritage boys this includes exploring the impact of any discrimination or marginalisation they have experienced.

### **Final reflections**

HM Inspectorate of Probation will continue to examine issues of ethnicity and equality as part of our local youth inspection programme. We are committed to improving how we do this as we review our standards and methodology in light of our findings in this inspection.

## **Effective practice**

Areas of practice that enhanced the quality of the work delivered to black and mixed heritage boys:

- A clear anti-racist stance taken by leaders raises staff's confidence to advocate for black and mixed heritage boys in their work.
- Well-coordinated work with third-sector and community organisations enhances the quality of service delivery.
- Providing effective support to parents and carers of black and mixed heritage boys promotes their engagement.
- The effective use of data is reflected in better quality service delivery.

## Recommendations

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### **The Youth Justice Board should:**

1. publish data to show how well individual youth offending services are addressing disproportionality; this data should refer separately to different ethnic groups
2. revise the guidance on case management to consider diversity, particularly ethnicity and structural barriers at each stage of the youth justice process.

### **The Home Office should:**

3. publish local and national data on:
  - a) stop and search statistics, broken down by gender and age as well as ethnicity
  - b) 'release under investigation' statistics, including outcomes, broken down by gender and age as well as ethnicity.

### **The Department for Education should:**

4. make sure that the special educational needs of black and mixed heritage boys are assessed and responded to at the earliest opportunity and work with Ofsted to include this in their inspection framework
5. improve guidance on exclusion to make sure that schools monitor disproportionality in rates of fixed and permanent exclusions and consider the impact of adverse childhood experiences, racism and personal circumstances in their response to black and mixed heritage boys. Work should begin with Ofsted to capture this in its inspection framework
6. In line with their public service equality duty and the Lammy principle of 'explain or reform', the Department for Education should hold academy trust chains and local authorities to account for monitoring rates of racial disproportionality in the use of permanent exclusions and for taking action to tackle this.

### **Police area forces should:**

7. share with Youth Justice Management Boards local data on:
  - a) stop and search statistics, broken down by gender and age as well as ethnicity
  - b) 'release under investigation' statistics, including outcomes, broken down by gender and age as well as ethnicity.

### **Local authorities should:**

8. provide suitable and timely accommodation placements and support packages for black and mixed heritage boys who are facing remand or being released from custody
9. make sure that, where children and families are moved to a new location as a result of concerns about their safety, the accommodation and placements provided are suitable and sustainable to meet their needs
10. ensure that black and mixed heritage boys are receiving their legal entitlement to education, including alternative provision when this is deemed necessary, and that the placements are suitable to meet their needs.

**YOS partnership boards should:**

11. have a vision and a strategy for improving outcomes for black and mixed heritage boys, and make sure these are known and understood by YOS staff and partner agencies
12. ensure that all board members contribute data from their individual services that identifies areas of disproportionality and the action being taken to address them, and that this data is used to develop a joint strategic needs assessment
13. have a joint set of partnership targets, for example with schools and children's services, for improving service delivery to black and mixed heritage boys, and make sure mechanisms are in place to track, monitor and evaluate outcomes.

**YOS managers should:**

14. establish effective processes for gaining feedback from black and mixed heritage boys on the services they receive and use this feedback to assess, review and improve the quality and suitability of service provision
15. make sure that staff understand what is expected of them in their work with black and mixed heritage boys and that they are inducted, trained and supported to work effectively with this group of children
16. improve the quality of management oversight to make sure that it is sufficiently focused on diversity and what this means in practice and that there are clear escalation routes to address any barriers to black and mixed heritage boys accessing the services they need
17. address gaps in specialist provision for black and mixed heritage boys, either by delivering it in-house or by commissioning it from appropriate local community organisations and evaluate referral and uptake rates for the services provided
18. offer suitable and appropriate support and intervention to the parents and/or carers of black and mixed heritage boys and regularly review the uptake and suitability of this provision.

# 1. Introduction

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## 1.1. Why this thematic?

Our analysis of data from our YOS inspection programme (2019/2020) raised questions about the poorer quality of services being delivered to black and mixed heritage children, especially for out-of-court disposal cases. In addition, our local inspections have frequently found that the proportion of black and mixed heritage children on YOS caseloads is significantly greater than in the wider 10 to 17 population, in the areas we visit.

These concerns about differential supervision and disproportionality mirrored broader concerns about the treatment of black people by criminal justice systems in majority white societies. This has been brought into sharp focus since the murder of George Floyd by police officers in Minnesota, USA.

This work follows our recent inspection of racial equality in the adult probation system (HM Inspectorate of Probation, 2021) and links to related inspections conducted by other criminal justice inspectorates over the past 12 months. The Criminal Justice Joint Inspectorate business plan includes a proposal for a system-wide review of disproportionality on race grounds, which it is recognised can start at the point of arrest. Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) is designated as lead for this review, which will assist in developing our understanding further.

This inspection helps shed light on the distinct experiences of black and mixed heritage boys known to YOSs.

## 1.2. Background

### Over-representation

The vast majority (99 per cent) of children of all ethnicities are not involved in the youth justice system and the last decade has seen a significant reduction in the numbers of children entering that system and custody. However, of that small number of children who are involved in the criminal justice system and on YOS caseloads, a disproportionate amount are black or of mixed black and white heritage and this disproportionality (if not the actual numbers) continues to rise.

In 2018, a higher proportion of black children were remanded in custody, had a higher custodial sentence rate and received longer custodial sentences than their white peers. Black boys were also more likely than white boys to serve a greater portion of their original sentence (Youth Justice Board and Ministry of Justice, 2021).<sup>6</sup>

Black, Asian and minority ethnic children, viewed as a single group, are over-represented in the youth justice system: while 18 per cent of 10–17-year-olds come from a minority ethnic background, 27 per cent of children cautioned or convicted in 2019 were of black, Asian and minority ethnic origin. Moreover, this latter figure is almost twice the proportion cautioned or convicted in 2010 (14 per cent).

It is important to note that the picture varies by ethnic background. 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.

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<sup>6</sup> Youth Justice Board and Ministry of Justice. (2021). *Youth Justice Statistics 2019/20: England and Wales*. <https://www.gov.uk/government/statistics/youth-justice-statistics-2019-to-2020>.

By contrast, 2.8 times as many black children come to the attention of the youth justice system as would be expected given the proportion of black children in the general population within the relevant age range; moreover, 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 (National Association for Youth Justice, 2020).

### **Black and mixed heritage girls**

Eight percent of 10–17-year-olds identified as black or mixed heritage in the 2011 census. Black and mixed heritage girls made up only two per cent of the children who received a youth caution or sentence in the year ending March 2019. However, they made up 14 per cent of the girls receiving one of these disposals – approximately 1.75 times higher than their representation in the general population (assuming equal proportions of boys and girls). This disproportionality is less than that of black and mixed heritage boys, who made up 20 per cent of the overall cohort of boys cautioned or sentenced by the courts – approximately 2.5 times higher than their representation in the general population.

Despite their low representation in the youth justice system generally, black and mixed heritage girls are over-represented in the youth custodial population. They make up 31 per cent of the custodial cohort, which is a concern. In autumn 2021, HMI Prisons will lead a thematic inspection of girls in custody and their resettlement and will be joined by colleagues from HM Inspectorate of Probation, Ofsted and the Care Quality Commission. This inspection should provide further insight into the experiences of black and mixed heritage girls and the quality of services delivered to them.

Our inspection findings over a two-year period show that black and mixed heritage girls in our samples received a better-quality service from YOSs than their white counterparts. For out-of-court work, there was some disparity in services delivered to black and mixed heritage girls in relation to assessing risk of harm to others, the YOS's recommendations for out-of-court disposals and the joint work with police to implement out-of-court disposals (a five per cent difference). There was a 10 per cent difference between the quality of planning to keep black and mixed heritage girls safe and the quality of planning for their white and mixed heritage counterparts. However, sub-sample sizes are small so none of these differences are statistically significant.

Based on the numbers, if we had included girls in this inspection, we would expect 18 cases in a sample of 150, for example, which would make it difficult to draw any firm conclusions.

We acknowledge that black, Asian and minority ethnic children, and those from a Gypsy, Roma and Traveller background, experience unique challenges that may bring some into contact with the criminal justice system, and that the services they receive will not always sufficiently meet their individual needs. However, in light of the issues highlighted above, a decision was made for this thematic inspection to focus specifically on the experiences of black and mixed heritage boys in the youth justice system.

### **Equality legislation**

On 05 April 2011, the public sector equality duty (the equality duty) came into force. The equality duty was created under the *Equality Act 2010* and replaced the race, disability and gender equality duties. The first of these duties, the race equality duty in 2001, came out of the Macpherson Report. Before the introduction of the race equality duty, the emphasis of equality legislation was on rectifying cases of discrimination and harassment after they occurred, not preventing them happening in the first place. The race equality duty was designed to shift the onus from individuals to organisations. For the first time, public

authorities had an obligation to positively promote equality, not merely to avoid discrimination. The broad purpose of the equality duty is to integrate consideration of equality into the day-to-day business of public authorities. If you do not consider how a function can affect different groups in different ways, it is unlikely to have the intended effect. This can contribute to greater inequality and poor outcomes. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected in the design of policies, including internal policies, and the delivery of services, and for these issues to be kept under review.

### **The Lammy Review (2017)**

In January 2016, the then Prime Minister David Cameron invited David Lammy MP to conduct a review of the treatment of and outcomes for black, Asian and minority ethnic individuals in the criminal justice system in England and Wales. The Lammy Review (2017) covered both the adult and youth justice systems. Lammy stated that his 'biggest concern' was the increasing disproportionality within the youth justice system. The report recognised that many of the causes of over-representation lay outside the criminal justice system, where Lammy said the answers also lie. He linked the issues to the fact that black (and mixed heritage) children in the UK are twice as likely to live in poverty as those from a white background, more than twice as likely to grow up in a lone parent family, and more likely than white boys to be permanently excluded from school and to be arrested as a teenager. Lammy states that these issues start long before a young man or woman ever enters a plea decision, goes before a magistrate or serves a prison sentence. Although these problems must be addressed, this cannot be done by the justice system alone. The review calls on every criminal justice agency to 'explain or reform' racial disparities in its practices. The report made 35 recommendations for the adult and youth justice systems.

In February 2020, the Ministry of Justice published *Tackling racial disparity in the criminal justice system: 2020 update*. This included a review of progress in responding to the Lammy Review, which is summarised below:

#### Improving data collection and our evidence base:

The Ministry of Justice and YJB have been working to improve methods of collecting data on ethnicity and to expand the evidence base on disproportionality in the youth justice system.

The YJB has expanded the YOS case management system to capture more ethnicity characteristics (18+1, as used by the Office for National Statistics).<sup>7</sup>

The Ministry of Justice issued a call for evidence on disproportionality at local/regional level and links to other factors.

#### Improving the trustworthiness of the youth justice system:

The YJB has improved and expanded the use of the summary Ethnic Disproportionality toolkit. It is also developing a research project to explore the trustworthiness of the youth justice system.

#### Improving parental engagement:

Lammy identified that engagement with parents of ethnic minority children is seen as tokenistic. Since then, the Ministry of Justice has undertaken a project to look at parental

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<sup>7</sup> Self-defined ethnicity (SDE) codes are a set of codes used by the Home Office in the United Kingdom to classify an individual's ethnicity according to that person's self-definition. The codes are also called "18 + 1" codes, as there are 18 of them, plus one code (NS) for "not stated".

engagement and ways of better empowering parents to play a role in their child's journey through the youth justice system. The project involved various stakeholders, including charities and practitioners, to gain their insights into good practice for parental engagement. It highlighted a number of important aspects of engagement of parents, including the need to:

- acknowledge the potential for a multi-generational lack of trust in the criminal justice system within ethnic minority families, and to address it by promoting transparency and concentrated engagement
- understand the value of, and develop, closer partnerships with peer and community organisations in supporting parents with a black, Asian and minority ethnic child in the youth justice system
- ensure that parents can access appropriate resources to help them understand and navigate the system, to facilitate and encourage them to support their child and to challenge the decisions and actions of their child, where necessary.

#### Ethnic disparities prior to entering the youth justice system:

Work is underway to understand and explain the links between race disparity and factors such as socio-economic circumstances, education and disproportionate arrest rates. The Cabinet Office Race Disparity Unit is developing a cross-government youth ethnic disparities study.

#### Entry into the youth justice system:

The YJB has completed a project on stop and search of children and young people. It is also looking at how it can add value to work being done by the police to ensure a child-centred approach.

#### **YJB Disproportionality Toolkit**

In 2014 and 2015, the YJB developed and piloted a Case Level Ethnic Disproportionality Toolkit with 20 youth offending services (YOSs). The toolkit allowed YOSs to undertake a detailed analysis of ethnic disproportionality in their local area. An evaluation of this pilot revealed several issues (YJB, 2018):

- The toolkit was only able to highlight where disproportionality was present. It did not provide direction or support on how to address the issues.
- Although the toolkit did not necessarily change the YOSs' approach to disproportionality, some found that it could be helpful in adding detail and data to what they felt they already knew. As such, the toolkit data enabled them to make more informed commissioning decisions and have better partnership discussions.
- Some YOSs struggled to find the resources to use the toolkit fully without the YJB's support within the pilot. This highlights the potential issue that just having access to disproportionality data does not mean action to use it would be guaranteed.

Furthermore, the toolkit data and findings are not currently publicly available. This limits transparency and public scrutiny, and potentially minimises the accountability of YOSs to address disproportionality issues.

#### **Policing**

HMICFRS published its report *Disproportionate use of police powers: A spotlight on stop and search and the use of force* in February 2021. The report recognises that disproportionality persists and no police force can satisfactorily explain why. In 2019/2020 black people were



almost nine times more likely than white people to be stopped and searched. In some forces, the likelihood was much higher. Black people were also 18 times more likely than white people to be searched under section 60 of the *Criminal Justice and Public Order Act 1994* (HMICFRS, 2021). Stop and search figures are not published by age as well as ethnicity so it is not possible to provide figures on disproportionality in its use on children under 18 – a critical gap in our knowledge which needs to be corrected.

### **1.3. Aims and objectives**

**The inspection sought to answer the following questions:**

- Do the governance and leadership of YOSs support and promote the delivery of high-quality, personalised and responsive services for black and mixed heritage boys?
- Are staff within the YOSs empowered to deliver high-quality, personalised and responsive services that meet the needs of black and mixed heritage boys?
- Is a comprehensive range of high-quality services in place that enables personalised and responsive provision to meet the needs of black and mixed heritage boys?
- Is timely and relevant information available and are appropriate facilities in place to support a high-quality, personalised and responsive approach for black and mixed heritage boys?
- Are the pre-sentence information and advice provided to courts sufficiently analytical, personalised, and free from discrimination and bias, and do they support courts in making fair and objective decisions?
- Does service delivery focus sufficiently on diversity factors and understanding barriers to engagement?

### **1.4. Scope of the inspection**

The scope of this inspection covered the work of YOSs and the coordination of service delivery with partner agencies. We considered both how partners worked together to understand and meet the needs of black and mixed heritage boys and also to what extent they considered the boys in their own separate agencies. We looked at work done with black and mixed heritage boys at all stages of the youth justice system, including diversion. In doing so, we do not dismiss the experiences of other ethnic groups, but rather recognise that separate pieces of work may be needed to explore these.

We scrutinised management information on any disproportionate impact of processes such as enforcement, recall and breach, and we challenged senior and operational managers about the data where appropriate. Our inspection samples were restricted to black and mixed heritage boys, and therefore we cannot ascertain through our cases whether there has been any disproportionate impact in relation to other groups of children in the services we inspected. However, as shown above, we have analysed data from our core inspections to assess any disparities.

## 1.5. Report outline

Chapter	Content
2. The boys	Our understanding of the needs of black and mixed heritage boys and their feedback on the services they have received and the challenges they face.
3. Governance, leadership and staffing	How national and local strategic leadership supports the delivery of high-quality services and how staff and managers are empowered to deliver a good-quality service to black and mixed heritage boys. The use of data to assess the effectiveness of services delivered.
4. Partnerships, services and facilities	The effectiveness of partnership working. The availability of services and whether they support a tailored and responsive service. The suitability of facilities to deliver services to black and mixed heritage boys.
5. The quality of casework and reports	How the work supports the desistance and safety and wellbeing of black and mixed heritage boys. The quality of assessment, planning, delivery of interventions, reviewing practice and joint working to support the desistance and safety and wellbeing of black and mixed heritage boys.

## 2. The boys

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### 2.1. Profile and need

Black and mixed heritage boys in the youth justice system often have complex presenting needs, which raises questions and concerns about the support they receive from mainstream services, their journey into the justice system and their level of unmet need. YOS staff, including specialist staff, were consistent in their view that when this group of children first present at the YOS they are more likely than their peers to have a raft of needs that have not been addressed. They will most probably come from the most deprived areas, where there are high levels of violence that impact on their development and world view from a young age. There is a general consensus that they have experienced discrimination and that they are more likely to have been excluded from school. In 60 per cent of post-court cases, the child was, or had been, excluded from school, the majority permanently.

In almost a third of the statutory cases we inspected the child had been affected by criminal exploitation. In half of the cases there was evidence (where information had been recorded) that the child had experienced racial discrimination, but the impact of this was only considered in 10 per cent of assessments. This is a concern given its significance for the child's development and perception of their place in the world. A third of the boys given a statutory court order had been subject to a Child in Need or Child Protection plan and were highly vulnerable. The majority were not 'heavily convicted' (i.e. they had only one or no previous convictions). In over a quarter of cases where information had been recorded, the boy had a disability.

We found that black and mixed heritage boys were less likely than their peers to have been referred to Early Help services in their formative years and the reasons for this were not fully understood. One service told us that a significant number of Early Help referrals are made by general practitioners and that black and mixed heritage boys and their parents were less likely to attend medical appointments and that this could be an explanation, although this had never been explored.

YOS education staff told us that black and mixed heritage boys are more likely than their peers to have an EHC plan, and equally likely to have special educational needs that had not been identified or addressed. Emotional and mental health needs, as well as substance misuse problems, featured highly among this cohort of boys.

The level of unmet need among this group of children is worrying, and it is also concerning that there is limited understanding about the barriers that may be blocking their access to support before they enter the youth justice system. Issues of trust were frequently cited as a possible reason, but there was little evidence that this was the problem. Trust was a theme central to this inspection, and when boys struggled to engage and interventions were slow getting off the ground, an explanation given was that it was because time was being taken to 'build trust'. This was unrealistic given that some interventions were less than three months long, so it was critical that trust-building happened alongside delivery of the intervention.

YOSs must be careful to ensure that concerns about building trust with black and mixed heritage boys do not become a barrier or an explanation for engagement difficulties. In one case where the child had not engaged, the closing comments on the case file from the manager were that the 'family did not engage due to their Jamaican heritage'. There was no consideration that the approach taken was not the right one or that the YOS should consider what might have been done differently.

Case managers had an awareness of the presenting needs of black and mixed heritage boys, but we found that there was a lack of detailed understanding at partnership level. This meant that necessary changes in policy and practice within partnerships, services and agencies to address the needs of black and mixed heritage boys and prevent them becoming involved in offending were not happening. The overall understanding of the level of the children's needs was piecemeal in most services and partnerships.

## 2.2. What the boys told us

We commissioned the services of User Voice to assist us in getting the perspectives of black and mixed heritage boys in the youth justice system. The User Voice peer researchers who joined our team identified as black or mixed heritage and they had lived experience themselves of going through the criminal justice system. Prior to fieldwork we asked each YOS to gain consent from the boys whose cases we were inspecting, and any other black or mixed heritage boys who were involved with the YOS at the time of the inspection to speak with User Voice. We are grateful for the insights of the 38 boys whose feedback we have used to inform our findings.

### Growing up

A striking feature across eight of the nine YOSs was that children grounded their offending in their environment and the influence of their peer group, which was an ongoing challenge and cause of stress for them. They spoke about how easy it was to get caught up in behaviours that they would never have considered by themselves. Due to their young age, they were not always equipped with the experience and skills to resist this.

Information provided by the YOSs showed that the majority of black and mixed heritage boys that they work with come from the poorest areas of their towns and cities, where people are living in close proximity. The boys often live on large estates or in densely populated areas, where they have less control over who they come into contact with. In this setting, they do not have the same opportunities to opt in or out of relationships that other children might have. It is in these circumstances that they can become vulnerable to grooming and child criminal exploitation, something that we saw in a significant number of the cases that we looked at. One boy described his local area in London as a 'war zone', stating that making the wrong decisions can lead to being killed or sent to prison. Another child described the stress that he had felt living in London and the positive changes to his life brought about by moving to a new environment where he felt safe and supported.

He told us:

*"I'm going to college on a part-time course and I play for a semi-professional football club ... I'm in a different programme right now. I'm staying with family and they are keeping my head straight and making sure I don't slip up. I feel that I am in a better place up here so everything is working great".*

It is well documented that, when children are exposed to a traumatic event, including violent crime, their response may vary. Some children become fearful. They may prefer to stay at home, and they may have trouble sleeping and concentrating in school. Some children exposed to violence start to resolve their own conflicts in a violent manner, especially if they don't have access to the support and guidance that they need to help them. Others can become desensitised to violence and the pain and distress of other people. Some retreat into a shell, avoiding people and the world around them. Children with long-term exposure to violence are at an increased risk of: behavioural, psychological and physical problems; academic failure; alcohol and substance use; adolescent anti-social behaviour; and adult criminality. When children repeat the violence, they have experienced

themselves without suitable and effective support and interventions, they can perpetuate a cycle of violence that continues through future generations. This reflects what we saw in the cases we looked at, where boys often had older siblings and other family members who had been involved in crime, and which had affected them in their formative years.

### **Experiences of discrimination**

The children were asked specifically about their experiences growing up as black or mixed heritage in society. One boy stated that his appearance led to him being negatively stereotyped by others. *“I think on paper I’m not that bad but once people see me all the assumptions follow: big, black and bearded.”* The concept of ‘adultification’ was raised across a number of the services inspected. Staff felt that other professionals and services often perceived black and mixed heritage boys to be older than they were, and we saw evidence of this in the work we inspected. If practitioners attribute inappropriate maturity to a child, then their difficulties with or anxieties about engaging with services, which are not unusual given their young age, are more likely to be interpreted as ‘choosing not to engage’ or not wanting help. What we learned from the boys who spoke with us is that they often don’t know they need help, or, if they do, they don’t know what it looks like until they receive it.

A number of boys highlighted that they felt stereotyped by the criminal justice system based on their ethnicity, and that this led to them being treated unfairly. One individual cited an example where he was charged with an offence alongside a white friend, but, while he was sentenced, his friend was released with no further action. The child felt this difference in treatment was solely due to the colour of their skin. He told us:

*“When I was first arrested, I was with my friend that is a couple years older than me and white. Despite us both being charged and arrested that day, he was not on the order with me as the charges were dropped against him. He got NFA [no further action] and I was left to suffer the consequences alone. There’s no doubt in my mind that if he was black, we both would have been in trouble. It didn’t even matter about the age difference, the system just stereotyped me as guilty because of the colour of my skin. Black is guilty in their eyes”.*

Experiences of discrimination were not limited to the criminal justice system. One boy spoke of racism he had experienced at college, which forced him to drop out of his course as he feared for his safety.

*“I recently had to leave my college, which was a good one, but I was the only black kid attending. It was not in my area and it was not a place I could continue to study as I could feel tension building, as other students kept asking where I came from. I think I’m done with college now, not really interested in attending a new one. What I really want to do is a railway course so I can go work on the train tracks. I think that’s something I would enjoy – away from a lot of people.”*

### **Relationships with the police**

The boys demonstrated a degree of fatalistic acceptance that they are treated differently based on their ethnicity. Police stop and search was discussed in this context and, while it was evident that this was a stressful experience, it had also become normalised and an accepted part of everyday life. There were, however, regional differences when the boys spoke about their experiences with the police. Boys who lived in London cited this as a greater challenge than those living in other areas. Indeed, some boys who had moved from London to other regions spoke with clarity about the difference this had made in terms of their contact with police and their improved sense of wellbeing as a result of not being stopped and searched on a regular basis.

Comments from boys when discussing their experiences of being repeatedly stopped and searched included the following:

*“I’m ready for it. I’m a young black boy so it’s normal. It’s not a good thing because I’m targeted but I’m used to it”.*

*“Sometimes I feel like it’s targeted because if I was the only black person sitting in a park and you’re profiled as a drug dealer or you’re looking like you’re going to commit some type of offence. When, realistically, you’re just in the park, trying to have your own space and just get out of the house. ... When they see a white friend, who is wearing the same clothes as me the policemen wouldn’t look their way at all. Like if I was to wear an expensive coat I would get stopped and searched by the police because I’m wearing an expensive coat but if a white person was to wear an expensive coat nothing would happen.”*

*“Because I got stopped four times in a week, then I got fed up and I had to record them because for my own safety and like because I don’t know what [the police] can do... I kind of feel like they target mixed race people.”*

### **Programmes and interventions**

Only a quarter of the boys we spoke to felt offending programmes and interventions fully met their needs, while half told us that they sometimes met their needs. Some children reported that interventions helped them most with their decision-making and understanding the consequences of their actions for victims and other people affected by their offending. Others discussed how they benefited positively from specific programmes such as those focusing on music and sport.

Just over a quarter of the boys we spoke with reported that programmes and interventions rarely or never met their needs. There was a sense that they didn’t understand the purpose of the interventions and that they got little out of them. They did not always find them to be relevant. Many felt they were already aware of the consequences of their actions and therefore that element of the programmes was of limited value. There was a view that the programmes did not address their underlying problems and difficulties or the factors that were driving their offending or the challenges they faced in extricating themselves from situations and the manipulation of others. The boys we spoke with said that they were not always aware of the intervention plan that had been put in place for them, so it is possible that they did not understand the purpose of their interventions and the overall aims of the work.

### **Relationships with YOS staff**

The boys were broadly positive when asked if they had been treated fairly as a black or mixed heritage boy by youth offending services. Fourteen per cent reported that they were treated fairly all of the time, while just over two-thirds stated that they were treated fairly sometimes. None of the children we spoke to felt that they had been discriminated against based on the colour of their skin by any staff member at a YOS.

Honesty and transparency were considered to be important elements of the support received from YOS workers. However, the boys did not feel that this always happened. They felt that attending the YOS was a better option than going to custody, but that they did not always feel challenged or stretched by the interventions they received. This reflected what we saw in much of the casework we inspected. There was often an absence of the difficult conversations that are necessary to support children to consider their life experiences and the impact these have had on them, their identity, their thinking and their behaviour. Some

boys said that, at times, the work felt superficial.

One boy told us how his intervention helped him to explore his thoughts and feelings:

*"Yeah, yeah literally that's what came to my mind. It's more like therapy to be fair... we were talking about things that affect me... so that was beneficial to me. It made me understand more things that I didn't really like to think about, different aspects. I actually realised some things were kind of important that I kind of brush off but it was good to talk about it because it's kind of made me see things that were beneficial".*

### **The ethnicity of staff and diversity awareness**

Almost all the boys we met with described positive relationships with their YOS workers. When discussing how well their YOS worker understood their needs and experiences as black and mixed heritage, the vast majority (36) of boys did not consider the ethnicity of their worker as being a significant factor. The skills and knowledge of the worker and the relationships they formed with the boys were more important in supporting and promoting meaningful and effective engagement.

Two boys did say they felt their black YOS worker could better relate to their experiences, such as being stopped and searched by the police. This understanding helped foster a positive relationship between these boys and their YOS workers. One boy told us:

*"I have a really good relationship with my worker... he looks after me and keeps me in line. He is black so I feel that he knows what I'm going through. He makes sure that I keep making good decisions when I'm out".*

Another child stated that his white YOS worker had spoken to him about an employment opportunity specifically for black teenagers, which aligned with his interests. The boy felt this demonstrated that the YOS worker had considered his ethnicity, and when the subject arose the worker spoke comfortably and did not create an awkward atmosphere. He told us:

*"I can tell that he kind of took that (ethnicity) into account as well because he talked to me about Lewis Hamilton because I was talking to him about how I want to get into engineering and vehicle maintenance and stuff when I'm older. So, he was talking about how Lewis Hamilton has created a programme for young black teenagers to get involved in stuff like that. So he's understood things from that perspective but it's not like he talked to me awkwardly about it, he talked to me in a nice manner, so in everything he said, there's not one thing he said that made me feel uncomfortable to be honest".*

### **2.3. Conclusions and implications**

Black and mixed heritage boys in the youth justice system are likely to have grown up in the most deprived areas. Their families are affected by the issues linked to social disadvantage and the limitations this can have on their lives. Inter-generational racism is part of their lived experience and the impact of this cannot be ignored by workers trying to form relationships with children and families. Any hesitancy in relation to engagement should be considered in this context in the first instance.

From the cases we inspected it was evident that almost all of the boys had experienced loss and significant trauma in their formative years, and experiences of racial discrimination had been a feature of their lives. The impact of this on their development and identity cannot be ignored or underestimated. Where children have committed serious offences, we cannot minimise or negate the risk of harm that they can pose to other people and the protection of victims is of paramount importance. Additionally, failing to identify and address risk of harm

issues with children can add to their stress and anxiety, especially if they themselves recognise how damaging their behaviour has become. Equally, their circumstances and life experiences have to be fully considered in analysing their behaviour and their vulnerability. Effective interventions with children who have complex lives, have experienced trauma and pose a risk to others require a balance of support. The children also need challenge in the interventions they receive. This was recognised by the boys we spoke with; some described their YOS interventions as 'tick box' or a 'check-in', but where workers invested in getting to know them and in carefully challenging them, the boys were more likely to engage and benefit. There was a sense that the boys did not know what it was that they needed until they received it.

When children offend, it is a pivotal moment in their lives; they are in crisis. To help them to change their behaviour, we must understand what underlies their offending and any barriers that may hamper their progress. The role of case managers in advocating for the child is critical. For children who have often been let down by adults who have not noticed when they needed help and support, it is important that they experience a positive relationship with a professional. They may not want to discuss what has happened to them or what is continuing to happen in their lives. This can be painful and shameful for them, and their perceived reluctance to engage must be responded to appropriately. Practitioners require a high level of skill, support and reflection to ensure that they are attending to the underlying issues linked to the child's offending if they are to get to the root causes of the behaviour. To support engagement and progress, it is important that children are fully involved in planning their intervention, that they know what is happening and why, and that their strengths are focused on, with long-term goals identified and supported. Organisations need to have high aspirations for this group of children, as it can be difficult for them to do this themselves.



## 3. Governance, leadership and staffing

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### 3.1. National leadership

During this inspection we met with national leaders across the justice sector who told us that there has been an increased focus on addressing disproportionality in the last 12 to 18 months. There was agreement that there needs to be a better understanding about what is driving and contributing to racial disparity, and positive action taken to address it. There was a general consensus across all agencies that there is a need to focus more on looking at the front end of the system to understand what is causing the increasing over-representation of black and mixed heritage boys.

#### **The Youth Justice Board for England and Wales**

The YJB has stated its ongoing commitment to tackling over-representation and this is reflected in its strategic priorities with reference to over-represented children, and in commitments made in its strategic and business plans.

To date, the YJB has struggled to measure progress in relation to the over-representation of black and mixed heritage boys in the youth justice system. The data that is available does, however, show that the recognised recent improvements in the numbers of first-time entrants, re-offending rates and numbers in custody are disproportionately benefiting white children. At a national level, discussions across government have been hampered because the approaches taken by different organisations to addressing and prioritising disproportionality have not always been well aligned.

The YJB's disproportionality toolkit is available for YOSs to help them identify whether certain ethnic groups are over-represented within their service. There are no expectations that YOSs will use the data to support improvement, and currently there is no published data showing how YOS partnerships are performing in this area. The YJB uses the toolkit data at its Performance Oversight Board to see where there are problems in order to target scrutiny.

The YJB's resources, however, are constrained by decreasing budgets, and its ability to directly support improvement with local YOS management boards has significantly reduced in recent years. The YJB has shared its disproportionality toolkit with the Association of Police and Crime Commissioners to help it set priorities. It has also produced 'Understanding Racial Disparity: infographic' (see Annexe 4), which highlights disparities between different ethnic groups of children to identify factors linked to over-representation.

As part of the YJB's ambition to reduce ethnic disproportionality, it has worked with the Alliance of Sport to secure grant funding from the London Marathon Charitable Trust for 'Levelling the Playing Field', a sports and physical activity project to benefit children from black, Asian and minority ethnic backgrounds who are at risk of entering, or are already within, the youth justice system.

The YJB's *Case management guidance* (2018) covers issues of race and disproportionality. The YJB recognises that it requires strengthening to set out expectations and offer clearer direction. It has delivered training for heads of youth offending services on their responsibilities under the *Equality Act 2010* in order to promote improvements in practice and is also in the process of producing a checklist for YOS management boards on disproportionality.

In order to increase the representation of minority ethnic staff in senior leadership positions in YOSs, the YJB is leading on the Elevate programme to support the development of Black,

Asian and minority ethnic managers and their recruitment into strategic leadership roles. The programme is supported by the Association of Youth Offending Team Managers, which provides mentors for aspiring black managers.

The YJB promotes a 'child-first' approach to practice. This focuses on 'treating children as children', making sure that interventions are developmentally led and, wherever possible, minimising children's contact with the youth justice system through diversion work.

## **Policing**

Over the past 10 years the number of children in the youth justice system has reduced, as significantly fewer are subjected to statutory court orders. Out-of-court disposals are increasingly used and now make up a large percentage of the cases being managed by YOSs. However, details about the use of informal out-of-court disposals that don't lead to a criminal record are limited, as no national ethnicity data has been collected since this type of out-of-court disposal was introduced in 2013. This means that it is not possible to say with any degree of certainty that they are being applied equally to children across different ethnic groups.

An attempt to reduce ethnic disproportionality in the use of out-of-court disposals is the focus of a current police pathfinder programme being carried the National Police Chiefs' Council (NPCC). This is being led by a commander from the London Metropolitan Police force. The aim is to generate effective practice in relation to community resolutions. The YJB is linking with the College of Policing to consider guidance in relation to out-of-court disposals. The YJB is also determining whether data collection can be improved so that it can be used to assess the impact of out-of-court disposals on reoffending rates. This will support the analysis of any correlation between the administering of diversion interventions and the over-representation of black and mixed heritage boys in the statutory youth justice system.

In relation to safeguarding and stop and searches, police officers are not expected to notify children's social care that they have carried out a stop and search, as the volume of notifications would be overwhelming and it is assessed that it could make it more difficult for social workers to identify risk. The expectation is that if police officers identify any concerns, they should make a referral if they deem it necessary. It is also expected that if a child is arrested then children's social care and the YOS should be informed. However, during fieldwork we found that this does not always happen. The NPCC is considering whether police officers should be informing parents/carers when a child is stopped and searched. A pilot is currently taking place in Sussex to test this. This issue of stop and search and safeguarding is also on the agenda in Haringey, where work is taking place to improve information-sharing between the police, social care and Early Help when children are stopped and searched. The aim is to offer timely support and intervention to children and their families at the earliest opportunity.

The NPCC recognises that more needs to be done to make sure that 'proactive policing' policy is not affecting some ethnic groups more than others and that local crime strategies don't inadvertently contribute to disproportionality. It is acknowledged that there needs to be more focus on rewards and recognition for officers who are good at, for example, community engagement. Improved communication with communities about stop and search and the rationale for its use is also needed. In recognition of the need for change, police training has been revised to include training to improve officers' understanding of the traumatic impact of stop and search on children.

The NPCC, following the rise of the Black Lives Matter movement, has set up a programme of work to tackle race disparity. It is establishing an advisory panel with an independent

chair to look at issues such as how the police work with the community, and how they recruit and train officers.

The NPCC acknowledges that the lack of granular data on stop and search, and the fact that it is not possible to see from current published data how many black and mixed heritage boys are stopped and searched each year, is a significant shortfall. It has plans in place to publish more detailed data next year.

### **The courts**

The Magistrates Association has delivered some training on disproportionality and is working with the YJB to develop a protocol to reduce the criminalisation of children from ethnic minority groups. This will include sentencing, the journey of the child into the justice system and out-of-court disposals. The aim is to get key stakeholders and partners to sign up to the protocol and consider it in their delivery of services.

The Magistrates Association told us that courts have seen longstanding and serious issues concerning the availability of suitable accommodation for children on bail, and failures can and do result in custodial remand. Given the increasing disproportionality of black and mixed heritage boys being remanded in custody, this is a serious concern. It was also reported that children are sometimes released from custody after serving a sentence and do not know where they will live, because they can't go home and are waiting for accommodation. Again, this is more likely to affect black and mixed heritage boys due to the number of them in custody in England and Wales. It was also reported that, when boys attend court, they often do not have an adult who can take responsibility and are left without support or suitable advocacy.

There is a gap in training for magistrates in the area of youth justice and it was suggested that magistrates could benefit from taking part in joint YOS training. We saw a good example of this in Lewisham, where the youth bench had participated in trauma-informed practice training to help them understand and have confidence in the approach the YOS was taking. Similar activity had taken place in Manchester.

The Magistrates Association recognises that there is a lack of diversity among magistrates and it has developed a recruitment strategy to address this. It has reached out to communities to explain the magistrate's role in a bid to promote recruitment. Work to improve diversity among magistrates is ongoing, but there has been some progress, with 29 per cent of magistrates in London now coming from ethnic minority communities and 12 per cent nationally. The Magistrates Association has also worked closely with the Judicial College to improve the quality of diversity training.

The Magistrates Association is concerned about the quality of legal advice that children are receiving at police stations at the point of arrest. This was echoed by the Centre for Justice Innovation, which told us that many solicitors are unclear about what out-of-court disposal schemes are available and do not always offer the right advice. The Centre for Justice and Innovation recommends more use of 'Outcome 22' to address concerns that black and mixed heritage boys are more likely to give a 'no comment' interview at the police station and therefore miss the opportunity to be dealt with via an out-of-court disposal. Outcome 22 refers to a police outcome code which can be used when the police decide to defer prosecution until the accused has been given the opportunity to engage with an intervention activity which is aimed at keeping them out of the criminal justice system. Using this approach means that, if a child does not admit guilt when arrested but agrees to comply with a contract of intervention, they are decriminalised, receiving no further action for the offence, and the case is closed by the police.

Leeds Youth Justice Service were part of the Ministry of Justice Chance to Change pilot for deferred decision making on out-of-court disposals, which allows for interventions without an admission of guilt. If a child successfully completes a contract of intervention, they receive an Outcome 22. Chance to Change has now been rolled out across West Yorkshire. In Oxfordshire, children are not automatically precluded from receiving an out-of-court disposal if they initially give a no comment interview to the police. The case can still be discussed at the out-of-court disposal panel, and if it is deemed appropriate, the child can be offered the opportunity to engage with an out-of-court disposal assessment. Should the child make admissions as part of this assessment then they can be considered for diversion intervention. Inspectors noted both of these examples as good practice.

### **3.2. Local YOS partnership governance and leadership**

#### **Vision and strategy**

Addressing disproportionality has been a priority in most youth justice plans for a number of years. During our discussions with YOS managers and board members, most agreed that there had been a lack of clarity about how over-representation would be reduced and not enough action had been taken. Until recently, most services did not have a specific strategy or action plan driving the delivery of high-quality services to black and mixed heritage boys, and this was evident in our casework findings. Some services have still to put appropriate plans in place.

In the majority of YOSs, dedicated YOS managers have been strong and consistent advocates for black and mixed heritage boys, but there are limitations to the impact that they can have alone, given the longstanding and complex needs of this group of children. There was a consensus at a senior leadership level that many of the problems, such as school exclusions, unmet SEN needs and policing approaches, are contributing to the over-representation of black and mixed heritage boys within the YOS cohort. However, we saw little evidence that partners were signed up or committed to a shared vision that was sufficiently focused on improving outcomes for these boys. There were good strategic links between the YOS and other boards, such as community safety, and we saw examples of the benefits of the violence reduction unit in some areas. In some regions, funding from the Office of the Police and Crime Commissioner was supporting prevention projects, but not all services were receiving this equally.

Boards did not have mechanisms in place to continuously measure and monitor progress against a set of shared targets and objectives. There was an ambition for improvement but it was not always clearly defined. Not all services were using the YJB disproportionality toolkit or other data to develop an understanding of which children they needed to focus on to reduce over-representation. For example, in one service it had not been noted until it was raised by inspectors that mixed heritage boys were five times more likely than white boys to be known to the YOS. Moreover, black and mixed heritage boys were viewed as a single group, despite one of these groups (mixed heritage boys) being significantly over-represented compared with the other.

We found that successes, such as reductions in the numbers of school exclusions and numbers of children in care, did not apply equally to black and mixed heritage boys, especially those in the youth justice system. The reasons for these disparities were not sufficiently understood. Barriers were not being addressed, such as the lack of suitable accommodation for children facing custodial remand, an issue raised with us by the Magistrates Association and others. We saw this dealt with well in Sheffield, where processes had been put in place to make sure there were no delays in providing placements when needed. In other areas, this remained a significant barrier.

Most staff knew that addressing disproportionality was a priority but many were not aware of a stated vision or specific approach that they should be considering in their day-to-day practice. It was clear from our casework findings and meetings that communicating effectively with staff on this issue is imperative if services and partnerships are serious about improving.

### Poor practice example

In one inspected YOS, staff were unaware of any strategy or plan to address disproportionality and felt that they had little or no control over what happens to black and mixed heritage boys in the criminal justice system. They recognised that black and mixed heritage boys are over-represented nationally. However, they were unaware of issues of disproportionality within their service, as no information, statistics or data analysis were shared with them. Not all staff felt that there was a safe environment to discuss issues of race and equality and diversity.

### The role of YOS board members in highlighting issues of disproportionality and advocating for the YOS

Board members did not always have a thorough understanding of how practices and processes in their own agencies were impacting on the longer-term outcomes for black and mixed heritage boys. For example, we found that this group of children were less likely to have been referred for Early Help services. The reasons for this had not been analysed and no action had been taken to address it. The limited detail about this over-represented group of children meant that partners could not hold each other to account effectively or be confident that the right resources were in place. In one service, an enhanced case management process had been put in place and this had been chosen in part because it was considered to meet the needs of children from ethnic minority groups. But we found that no black or mixed heritage boys had benefited from the support and that this had not been identified prior to this inspection.

From our meetings with staff and managers, it was clear that their concerns about school exclusions, unmet SEN and police stop and search were consistent and ongoing. There have been some improvements in the last 12 months. For example, Greater Manchester Police have commissioned a police academic to examine the force's application of stop and search processes and use of force. The findings will be used to review and change current processes. However, overall, partnership boards are not doing enough to address some of these key issues and this requires significant improvement. We noted that changes in board members, gaps in attendance and a lack of seniority of those in attendance may be impeding progress. We also noted in some areas that boards lacked diversity in terms of the ethnicity of members. It is important that the diversity of board members reflects all children and families the YOS works with, so that issues such as disproportionality are considered from all perspectives.

The disproportionate rate of school exclusion for black and mixed heritage boys was one of the most significant and consistent themes of this inspection, and national data supports the concerns raised (Annexe 5). Equally, the level of SEN for this group of boys was repeatedly raised as a concern. Some YOSs had representatives attending school exclusion panels and other similar multi-agency meetings focused on education, but almost two-thirds of the children subject to statutory court orders had been excluded from school, and for many this had happened before they had come into contact with the YOS. Addressing this requires urgent action from board members and senior leaders.

Earlier this year, the Secretary of State for Education announced that there will be a consultation on revisions to the guidance on both behaviour and exclusions later this year. This process is now underway and will hopefully address some of the issues highlighted in this inspection, particularly in relation to behaviour management strategies, school exclusions and managed moves.

Health partners need to consider why black and mixed heritage boys who have been referred to child and adolescent mental health services (CAMHS) at a young age have not always received the support they need by the time they come into contact with the criminal justice system. Social care representatives need to give thought to why this group of children are not benefiting from Early Help services and why they are over-represented in statutory social care services. Policies, procedures and processes should be examined to see if the current approaches are going far enough to meet the needs of this group of children and their families at the earliest stages.

We found that local police stop and search data and information on children released under investigation is not shared at partnership board level, which means that any disproportionality in the application of police processes cannot be examined. In Leeds, the Youth Justice Service, along with other West Yorkshire services, are paying West Yorkshire Police for this data to help it make sense of the children's experiences. This degree of scrutiny is necessary, as is a high level of challenge across agencies if change is to be achieved.

We noted that, despite issues being discussed at management board level, problems such as those relating to education provision are not being dealt with. We were therefore pleased to see that in Sheffield the local authority was taking a holistic approach to identifying and addressing issues of discrimination. This system-wide approach, the level of scrutiny and the commitment of the local authority and political leaders provide an important opportunity to improve the life chances of children known to youth justice services.

### Good practice example

In Sheffield, cabinet members and the council's Chief Executive Officer have arranged for the Race Equality Commission to undertake an independent strategic assessment of the nature, extent, causes and impact of racism and race inequality within the city. The Commission will make recommendations for tackling these issues. The assessment will focus on a number of areas, including business, crime and justice (including youth justice), education, health, sport and culture. The Commission will hold a series of hearings with key stakeholders and people from the local community to discuss their evidence and their experiences of racism and racial inequality in their everyday lives. By gathering evidence from a range of individuals, the Commission will be able to get a stronger idea of the nature, extent, causes and impact of racism and what the commensurate inequalities have been for the people of Sheffield. Once they gain a better understanding of any issues of structural racism and racial disparities, the intention is to take action to disrupt them and to identify those with responsibilities to make the necessary changes. This affirmative action and whole-system approach being taken by senior leaders demonstrates a real commitment to change.

### **The role of YOS leaders in supporting effective service delivery and addressing disproportionality**

Most YOS managers had a good understanding of the issues affecting black and mixed heritage boys. However, our findings from this inspection indicate that managers have not

had sufficient oversight of the quality of practice within their services to assess if the work being delivered to black and mixed heritage boys is good enough.

### Equality and diversity policies and guidance

The majority of services referenced wider local authority equality and diversity policies in relation to their practice and expectations. A minority of services had created specific guidance, for example when assessing factors relating to the child's self-identity and their personal and social situation. Lewisham YOS had created a YOS-specific equal opportunities policy, along with a disproportionality policy, and it was in the process of developing an anti-racist strategy. The equal opportunities policy set out how the YOS would 'continually strive to challenge direct and indirect discrimination in its organisation, personnel practices, and provision of services'. It also set out expectations in relation to assessment and planning and referred to structural racism and social graces as factors to be considered. Sheffield YOS, as part of its work to develop anti-racist approach to practice, had produced guidance for staff working with black and minority ethnic children and their families. This document set out questions, prompts and things to think about when analysing a child's circumstances and lived experiences. The guidance is a working document that is being continuously reviewed and updated to incorporate learning and feedback.

### Use of management information

All services were able to extract data from their system to produce reports. The quality of these varied, however, and were dependent on the information contained in the case file. Information, for example, about a child's disability or whether they had been excluded from school were not always clearly recorded in cases files. The ethnicity of the child had been incorrectly recorded in a number of cases, and staff could not always provide this information during discussions. The reports that services produce to understand the needs and the profile of the children are therefore not always reliable. Information on offence type and risk level (for post-court work) was more reliable.

Gaps in recording meant that services may be under-assessing children's needs, making it difficult to establish an accurate evidence base for this group of children. There are added complexities for community resolution cases where AssetPlus has not been used. This made it more difficult to extract the data necessary to understand the level of need for this substantial group of children. This raised questions about the quality of the data being provided to the YOS partnership board to inform its understanding of need at strategic level. Details about the presenting needs of the children are critical to ensuring that sufficient resources are in place and to guide commissioning. It is also necessary to have sufficient detail to measure impact and progress. We noted a correlation between the effective use of data and a better quality of service delivery.

In order for services to assess whether their pre-sentence report recommendations are followed by sentencers (the so-called concordance rates), the case management system report screens need to be completed. In some services, this was not happening, or was not happening consistently. With the high level of concern about black and mixed heritage boys being sentenced more harshly than their peers and being more likely to be sentenced to custody, we would expect YOSs to have consistent reliable processes in place to measure the concordance rates across ethnic groups. This was done well in some services but not across the board.

We found that staff were interested in the data when we presented it to them. It provided a backdrop that helped them to understand and make sense of what needed to be done better and where they needed to focus. It is possible that this information has not been shared with staff as it is not fully understood within the system. One senior manager told us

that it was only during this inspection that they had realised that they had not been using data well enough. They had not appreciated the importance of doing so or the value of scrutinising information reports to identify inequalities in service delivery and outcomes:

*“We were really interested that this inspection separates out black and mixed heritage and it made us think – we don’t consider them as two separate groups even though the outcomes for mixed heritage children are so much worse”. Team managers*

*“We can hypothesise about over-representation but we recognise we don’t know the story and we realise this needs to improve”. Service manager*

We saw good examples of managers using court user group meetings to discuss disproportionality in sentencing and in more than one service we saw that managers had changed the format of pre-sentence reports to put the personal circumstances of the child before their offending. These changes had been made with black and mixed heritage boys in mind and recognised the need to place their offending in context given the evidence that they are likely to receive harsher sentences than their peers. Haringey and Hackney YOSs had analysed data for breach rates and outcomes for black and mixed heritage boys. This led to a review of policy around engagement and enforcement, which are beginning to show an improvement.

#### YOS staff views on organisational culture

In most services, staff were aware that there were concerns about disproportionality but they did not always have a detailed enough understanding of the service’s response or any plans for improvement. Where there was a clear vision and strategy in place, and where addressing inequality was firmly on the agenda, staff felt empowered and confident to advocate for black and mixed heritage boys. For example, they did this in court, when liaising with education providers or, on occasions in challenging discriminatory or stereotyping language they heard being used by other professionals.

In almost every service, there had been some discussion about the Black Lives Matter movement, but some staff told us that this was as far as the conversation had gone. Some were concerned that the recent focus in issues of racism and discrimination were reactive and would not be sustained. In some, but not all, areas, there had been little follow-up or discussion with staff about what they might need to help them improve their awareness, skills and confidence. Most staff we met with felt that they would benefit from more support and guidance. Inspectors shared that view, given how difficult discussions about this topic can be, especially for those having the conversation with the children directly affected by the issues.

Most staff felt that there was a safe culture in the YOS where they could discuss diversity, ethnicity and race. It was therefore surprising to see that less than two-thirds of staff responding to our survey said that they had raised concerns about children being discriminated against, even though the majority of respondents had observed it. Managers need to make sure that staff are aware of how to raise concerns and that they feel confident action will be taken when issues are raised.

Inspectors received a range of views on the quality of YOS leadership:

*“Leaders have to be ambitious, confident and committed and the emotional impact of the work needs to be understood, as it can be the biggest challenge. You need a resilient workforce, a clear focus and a sheer determination”. YOS manager*



*“When I stand up in court and address these issues [of discrimination] I know I have the backing of the management team”. Court worker*

*“It would be disingenuous to say the managers are all operating in the same way and paying equal attention to this issue – the training has helped with this and opened the door to more meaningful discussions in supervision but there is work to do”. YOS manager*

*“I don’t feel some of the management team take these issues seriously. When concerns are raised regarding the racism children are experiencing, no action is taken. There was a view amongst managers that this inspection was not needed, which was worrying”. YOS worker*

*“An effective team of black managers and wider workforce who are culturally competent contributes to a high-quality service to meet the needs of black and mixed heritage boys”. YOS volunteer*

### **3.3. Staffing**

#### **Staff skills and profile**

The majority of staff we met felt that they had manageable caseloads that gave them sufficient time and opportunity to form meaningful relationships with children and families, and we found this was an area of strength in practice. The ethnicity of staff and managers reflected that of the children in the majority of areas, but some services were experiencing challenges in recruiting a diverse workforce, particularly volunteers and mentors. Some staff responding to our survey felt there was not sufficient representation in their staff and management teams and they identified this as an area that requires improvement.

Most staff responding to our survey felt that their service promoted a culture that supported safe discussion about ethnicity, racism and the particular challenges that black and mixed heritage boys might experience. Almost all staff we met with felt that this had improved since the rise of the Black Lives Matter movement. People described discussions happening more freely and openly across services and between all staff members. This is a positive development and should not be underestimated. Creating a significant cultural shift is an important step in the process of change. However, YOSs need to make sure that these discussions are extending beyond staff groups and are also taking place with the children the service works with.

We identified that staff did not always raise concerns when they considered that children had been discriminated against. This suggests there is a risk that black and mixed heritage boys experiencing racism in the youth justice system may be going unchallenged. We saw a correlation between concerns about racism being escalated and services having a clear vision that was well communicated. We noted that concerns were more likely to be raised in relation to children on statutory court orders. This may be reflective of the more intensive work being delivered as well as the trust that develops between the worker and the child over a longer period of intervention. The majority of staff who did raise concerns were satisfied with their managers’ response.

In some areas, staff and volunteers felt that ‘all children should be treated the same’ and this, together with our casework findings, indicates there is some way to go in terms of training and understanding.

We noted a proactive response by Leeds Youth Justice Service, who have experienced some challenges in diversifying their staff team. To address this, they have worked with PATH

Yorkshire which is a not-for-profit organisation that assists employers and organisations in tackling the under-representation of black and minority ethnic groups in their workforce.

### Good practice example

Leeds Youth Justice Service has worked in partnership with PATH Yorkshire for the last 20 years and have generally had at least one PATH trainee in their service throughout that time. The PATH programme provides trainees with the experience and skills they need to successfully apply for a job within youth justice or a related field. The service currently has five employees who have started their youth justice career as a PATH trainee, including one who has since qualified as a youth justice officer through the Youth Justice Foundation Degree and one operational manager. Other trainees have found employment in youth work, family support or prevention projects. The partnership with PATH is a valuable means by which the Youth Justice Service in Leeds can address the structural disadvantages many people from black, Asian and minority ethnic communities face in the jobs market and ensure that the service has a diverse workforce which meets the needs of children and families from all communities.

### Management oversight

Management oversight was not routinely evident in case records, and managers did not use a wide enough range of methods to scrutinise and review the quality of work. Quality assurance processes did not focus enough on issues relating to diversity, which made it difficult for services to have clear sight of trends and emerging issues. This also meant that the impact of training was not being assessed and reviewed and any additional support needs of staff were not being identified. We could not see evidence that managers were picking up on issues that affected the quality of service delivery in order to escalate or address them. We also found that work that was below standard was being countersigned. Overall, we found that management oversight was not driving the required improvements to service delivery. Management oversight in relation to supporting desistance and managing the safety and wellbeing of black and mixed heritage boys was sufficient in less than half of post-court cases and in just over a third of out-of-court cases. There was significant variation between the best and worst performing services. When we looked at oversight with a specific focus on diversity, we were concerned to find that, overall, it was effective in only 18 per cent of statutory cases and in just 13 per cent of out-of-court disposal cases.

### Staff support, supervision, learning and development

Most staff had received unconscious bias training.<sup>8</sup> They had found it useful but were aware of its limitations. It provided staff with awareness and insight but did not give them the skills or confidence to engage with issues of race and ethnicity in their direct work with children and families. In Lewisham, training in cultural competence and anti-racist practice has been delivered, not just to YOS staff, but also to YOS police and partnership staff. The inspection team noted this as good practice in creating a shared understanding and approach across agencies. Training worked best when it was delivered across teams and services, as this promoted discussion, which is an important element of learning. However, many staff had

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<sup>8</sup> Unconscious bias refers to the deep-seated prejudices we all absorb due to living in deeply unequal societies. A report produced by the Government Equalities Office in 2020 stated that there had been 'no evidence' that the training improved workplace equality.

completed online unconscious bias training by themselves. Staff also told us that training was often optional and not ongoing, and this undermined its value.

Strong foundations for learning need to be set from the beginning, when staff join services. It was therefore disappointing to find out from case managers we interviewed that only half of them felt that their induction had given them sufficient knowledge to support their work with black and mixed heritage boys. Many were not aware, for example, of the specialist or community services available for this group of children, and this was a missed opportunity at the outset.

Overall, most staff considered that the training they had received had equipped them 'quite well' to work effectively with black and mixed heritage boys. However, the assessment and analysis of diversity needs were inadequate in the large majority of inspected cases, which clearly indicates that more training and support are required. Many staff appear to lack confidence in discussing culture and/or experiences of discrimination, which means that specific challenges faced by black and mixed heritage boys are not fully understood or addressed. If staff don't feel knowledgeable or confident in discussing diversity issues with children, there is a risk that these will be avoided and overlooked.

We saw examples of clinical support offered to staff, for example through case formulation meetings where the cases were discussed and guidance was offered. However, we saw few examples of staff being able to access specialist clinical support to discuss any concerns or anxieties that they may have about their own practice and how their own life experience or world view may influence their understanding or approach to their work with black and mixed heritage boys.

Supervision did not provide sufficient direction and there was little evidence that issues relating to race, ethnicity and diversity had been discussed. In a number of the areas we visited, volunteers had not received any training and they were not aware of any specific approaches being taken to consider the diversity of black and mixed heritage boys.

We received a range of views from staff and volunteers about diversity in practice and organisational culture:

*"We have started referencing Lammy report and highlighting discrimination issues in PSRs [pre-sentence reports]. Recent unconscious bias training was really helpful. Quality assurance that specifically highlights race/cultural factors has made me realise how colour-blind my assessments have been and how this is doing a disservice to my ethnic minority children".* Case manager discussing their learning

*"We treat everybody the same – it is a child first approach".* Case manager discussing their approach to working with black and mixed heritage boys

*"Both management and staff promote a safe environment where matters relating to race can be discussed openly without the fear of being judged. In my view this is really important as staff are able to express their own ignorance on certain topics while also being able to share with colleagues' discussions, they have had with black young people which they have found to be effective. Such an environment enables staff to develop their confidence and not be wary of bringing up matters of race when working with black and mixed heritage children".* Case manager discussing the importance of organisational culture

*“I know they need an interpreter when their eyes glaze over”*. Case manager discussing work with parents and carers whose first language is not English

*“Although I do not believe black and mixed youths are discriminated in the YOS, if I did come across an incident of this, I would not know how to advise the youth or to get them specialist help. This is probably because it’s never been an issue”*. Case manager discussing the escalation of concerns about discrimination

*“Supervision could be better, rather than focusing on who has been referred where, I would benefit from thorough reflective case discussions which focus on diversity and the cultural needs of the children”*. Case manager talking about the support and supervision they receive

### **3.4. Conclusions and implications**

There is clear evidence that black and mixed heritage boys and their families have experienced marginalisation and have not received the same level of support from services as their peers before coming into contact with the youth justice system. The reasons for this are still not clearly understood, but what is evident is that this has impacted on the boys’ perception of services and the support they offer and this may also affect their motivation to engage. ‘Turning this around’ is a challenge youth justice practitioners face. For many of the black and mixed heritage boys involved with the YOS, this is the last chance they may have as children to get the support they need.

The revised YJB disproportionality toolkit, which was rolled out in 2018, is available to all YOSs to use on a voluntary basis. We found, however, that it is not being consistently utilised. In part, this is because it tells services much of what they think they already know. Our inspection findings suggest that they would benefit from more direction on how they could address the issues the toolkit identifies. The YJB has put some positive initiatives in place such as ‘Levelling the Playing Field’, but more oversight and accountability for YOS performance on disproportionality is needed to drive improvements in practice. Guidance that sets out expectations and assists youth offending team practitioners and managers on effective practice with black and mixed heritage boys would support improvements.

This report has highlighted significant concerns regarding policing practices in some forces in relation to black and mixed heritage boys. This has been a consistent theme, from the boys themselves, among practitioners, managers and strategic leaders. One of the main concerns relates to the use of stop and search and also the limited data available for examination and scrutiny. In addition, data on differential use of community resolutions by ethnicity needs to be collated for analysis, so that any disparity can be identified.

Improving outcomes for black and mixed heritage boys is not achievable by YOSs alone. Partnership boards should ensure that reducing over-representation in the justice system is a standing item at meetings. All partners should be expected to submit data from their own services to show what action they are taking to improve outcomes for black and mixed heritage boys in, or at risk of entering, the youth justice system.

Currently, YOS management boards are not using data and information effectively to understand and address the needs of black and mixed heritage boys. They cannot therefore be confident that they have sufficient resources in place or that organisational processes are not disadvantaging this group of children.

Senior leaders and board members do not have processes in place for gathering the views of black and mixed heritage boys and their families. Without this information, it is not

possible to assess whether what is being delivered is meeting needs or having an impact. Mechanisms need to be established to give a voice to the children and their families, and their feedback should be used to consider, assess and improve the effectiveness of service delivery.

Not all staff are aware of their YOS's vision or what is expected of them in practice. Management oversight and supervision lack focus in terms of diversity and are not driving improvements, resulting in a gap between strategic ambition and current service delivery. Staff consistently told us that they were not aware of the data and information regarding the over-representation of black and mixed heritage boys in their services. They had received training on these issues but they had no context within which to place it, as they did not fully understand what they were being asked to address. Staff need to know what is expected of them and they need to be given clear guidance and direction so they can be confident that they know 'what good looks like'.

As we learned from the boys we spoke to, black and mixed heritage boys don't always recognise the impact that experiences of discrimination are having on them and don't recognise that they may need help. They are more inclined to 'get on with it' and this can involve dysfunctional coping mechanisms that are damaging to themselves and to other people. Managers need to be aware of how challenging this work to address this can be and make sure service-wide learning opportunities are harnessed. Specialist, clinical support should be provided where needed to enable staff to consider the emotional impact of the work and help them to process their own anxieties, thoughts and feelings.

## 4. Partnerships, services and facilities

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### 4.1. Partnerships and services

#### **Commissioning quality services to meet the needs of black and mixed heritage boys**

In many services, the substantial cuts to funding of youth and community services were cited as a challenge. The impact on black and mixed heritage boys was thought to be highly significant, as the loss of local services in their communities meant that they could no longer access opportunities and activities that had once been available to them. The loss of these services, and the informal support provided by trusted adults within the community, was repeatedly referenced as a contributory factor to the increasing numbers of black and mixed heritage boys coming into contact with the criminal justice system.

Cuts to YOS and partnership budgets and the lack of funding for out-of-court disposal work were raised as challenges to service delivery. YOSs and partnerships increasingly depend on bidding for funding to support projects. The short-term nature of the funding means that initiatives often don't have time to become established before the financial support ends. This provides little opportunity for evaluation to support applications for further investment. In some regions, Police and Crime Commissioners are providing funding for youth projects via some violence reduction units. However, any contributions are discretionary and not guaranteed.

In some areas, we saw good examples of third-sector organisations being used to support children. However, staff were not always aware of them, and there was limited sharing of knowledge about culturally appropriate services that were available. Some staff and volunteers were aware of community provision but often this was a result of their own personal experiences and familiarity with the local communities.

We saw a good example of work being done to strengthen links with community providers in Nottingham. A YOS manager had coordinated safeguarding training for some local organisations to ensure that they understood their safeguarding responsibilities and processes. In Sheffield, a team manager had been recruited to lead on developing and promoting relationships between statutory and community services to support service delivery to children at risk of criminal exploitation. Due to the disproportionality of the children affected by this issue they are aiming to focus on the communities where there is significant representation of minoritised children and families.

One boy who had committed an offence against a school told us about his valuable experience of working with a community organisation. His case manager had made arrangements for him to complete a reparation project that not only improved his self-esteem but also encouraged him to think about future goals for himself:

*“She also got me to work with an organisation called Bicester Green, who specialise in carpentry I think, either way they allowed me to make a table and paint it – something I really enjoyed. I was even allowed to present my creation back to the school. I was so grateful for help and support from her... I’m hoping I will be able to continue to learn new skills with Bicester Green, maybe an apprenticeship or something. To be fair, I’m not picky, building and construction are also areas I would like to work in”.*

Two areas were directly commissioning specific services to meet the needs of black and mixed heritage boys. Hackney and Haringey YOSs had contracted the organisation Wipers<sup>9</sup> to deliver their 'Ether' eight-session programme aimed at black, Asian and minority ethnic young men involved with the youth justice system. This programme directly addresses issues around race, identity and perceptions of self, as well as self-esteem and confidence, attitude and behaviour and independent thinking.

Of the 164 staff who responded to our survey, less than a quarter told us that they always have access to the right specialist and mainstream services to meet the desistance and safety and wellbeing needs of black and mixed heritage boys. Half said that they usually had access and the remainder said that services were rarely or never available. We saw limited evidence of specialist services being delivered in the cases we inspected.

In our meeting with third-sector organisations who are members of 'Clinks',<sup>10</sup> there was a sense of frustration from small organisations that work specifically with minority groups, as they feel excluded from bidding for funding due to bureaucratic and complex processes. There was concern that youth organisations have ceased to exist because of the challenging funding environment. The need for specialist services was strongly felt, and it was not just about ethnic representation but authenticity. As one person told us:

*"It isn't just about children seeing people who look like them. It is about having someone who can understand their experience, be relatable and who has the right level of skill to help".*

One provider who had secured funding to deliver therapeutic support to YOS children from minority backgrounds said that levels of referrals from YOSs were low, even though the support being offered was grant-funded and available for free. They were of the view that YOSs weren't making referrals as they have decided the children don't need those services, despite there being clear evidence to suggest they do. The general view was that specialist organisations need to be woven into the support from the beginning and that this does not happen often enough. This view was supported by our casework findings.

We found limited evidence that feedback from black and mixed heritage boys and their parents or carers was being collated and used in a meaningful way to improve services or to inform commissioning decisions. In some services, information was drawn from the AssetPlus self-assessment (where these had been completed), but this did not provide feedback on how the services had been experienced by those receiving them. The self-assessment documents work best when they are completed with the child and/or their parents and carers and used as a tool to prompt discussion and to gain understanding. We found that they often lacked detail and their content was of limited value.

In discussion with staff, we found that they were not always consulted about the services the YOS had commissioned or had put service level agreements in place with. They did not feel that the quality of what was being provided was sufficient or that feedback from external providers was given despite agreements being in place. This meant that interventions were fragmented and not holistic, making it difficult for case managers to assess and review the impact the interventions were having on the children.

We were pleased to see this example of the delivery of creative interventions and well-targeted commissioning:

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<sup>9</sup> Wipers is a youth justice social enterprise that specialises in working with vulnerable and disadvantaged young people.

<sup>10</sup> Clinks supports, promotes and represents voluntary sector organisations that work with people in the criminal justice system and their families.

## Good practice example

In Haringey we saw some good examples of partnership work and creative projects being delivered to black and mixed heritage boys. There was access to projects such as 'Red Snapper', an intervention which aims to tackle stigma around mental health in the black and minority ethnic community. The YOS had developed a music offer, to support children to express themselves constructively, especially those from minority ethnic groups. They were working in partnership with Sony Music to provide opportunities for children to take part in an internship. They can also be provided with a mentor to support them with achievable goals if they want to go into the music industry.

Wipers had been commissioned to deliver the Ether programme, which is an eight-session programme aimed at black, Asian and minority ethnic boys involved with the youth justice system. Sessions also include discussions about stereotypes, breaking barriers and perceptions of masculinity. Two further programmes for 2021 have also been commissioned. During lockdown the YOS has been delivering a virtual cooking club, an initiative aimed at improving life skills. Children are encouraged to cook food that represents their own individual culture and heritage. The YOS has produced a disproportionality podcast, which focuses on the lived experiences of ethnic minority children who have grown up in Haringey and gone through the justice system. The podcast was produced by an organisation called 'Bird Podcast'. The YOS manager and a local councillor were also interviewed to give a wider perspective on disproportionality. The podcast has been shared with partners. The podcast gave children the opportunity to discuss their experiences and it has been shared with others and made available to the public to raise awareness.

## Work with statutory partners, providers and other agencies

### Education

Education was raised as a challenge in every service we inspected, and school exclusion and part-time timetables were a real concern. In Sheffield, for example, we were told that 52 per cent of children in pupil referral units were from black and minority ethnic backgrounds, and of these only five per cent successfully reintegrated into mainstream education. There was a similar picture in Nottingham, where black and mixed heritage boys were twice as likely as their peers to be permanently excluded from school. All schools in the city are academies and the exclusions were linked to a small number of schools: 60 exclusions this year were from three individual schools. The council has an inclusion policy in place but there is no government policy that requires all schools to participate, which can prove challenging for local authorities.

In one service an inspector noted a case where a boy had been excluded from school permanently following some fixed-term exclusions and was transferred to a pupil referral unit. The pupil referral unit assessed that, with more support and advocacy from the YOS, Early Help services and family therapy, the boy could have remained in mainstream education. The school had requested a psychological assessment but this had never been undertaken, so they could not know whether they were meeting his needs and providing the correct response. In this case, the partnership response was lacking and this had a detrimental impact on the child's life chances.

Besides the obvious disadvantage exclusions cause in terms of education, they also meant that, in at least one area we inspected, children who were at risk of custody were excluded



from being considered for Intensive Supervision and Surveillance. This was due to the service not being able to provide the required 25 hours of support, part of which is usually made up by attendance at an educational institution.

We were concerned to be told about the numbers of boys who were entering the justice system with identified SEN. In addition, we were told by health workers and other YOS staff in some services that there was also a significant number of boys who they assessed as having previously unidentified SEN when they came into contact with the YOS. This was because the issues had not been identified at school, or because the boys had not been assessed due to being excluded from school, possibly due to behavioural issues linked to their SEN. Where EHC plans were in place, some were out of date and therefore meaningless. We saw a small number of plans that had not been reviewed for several years. Where plans were in place, they were not always used to inform the work being done with the child. In one area, we were especially concerned to see these examples of negative and judgemental language used in EHC plans to describe a child and his behaviour:

*"School staff report that Paul struggles to make appropriate friendships. He shows little empathy, is manipulative and has obsessive behaviours. He can be paranoid and likes to show his own strength".*

*"The educational psychologist reports that Paul has significant needs in this area, which appear to be related to his life experiences. Paul is reported to be obsessed with his hair and does not like it out of place. He often leaves the classroom to check on it".*

Because information on education placements and hours was not always recorded correctly on YOS databases, and detailed and consistent information was not being exchanged at operational levels, it was not clear how the YOSs were able to understand any links between over-representation and school exclusion. In Oxfordshire it was noted that a good range of data was available in relation to education and school exclusions. The service is using their analysis of this data to work with individual schools and trusts where disproportionality is evidenced. The data also informs Oxfordshire's black and mixed heritage disproportionate exclusions multi-agency task and finish group.

### Children's social care

Work with children's social care to provide suitable accommodation to support bail applications was highlighted as a challenge across a number of services. Inspectors noted in eight of the 25 remand cases inspected that accessing suitable and timely accommodation placements had been an issue. Where children had bail initially declined, we saw some good examples of work between the YOS and children's social care to revisit support packages, which then resulted in bail being granted. For many children the offences they had been charged with were considered too serious for bail to be a feasible option but in one area we saw a case where a child had been charged with a grave crime, but the partnership had worked effectively to put risk management plans in place and secure bail. It is concerning that children who have not been convicted of an offence should spend even one night in custody if this is not absolutely necessary, particularly considering that 66 per cent of children remanded in custody do not go on to receive a custodial sentence.<sup>11</sup> The experience of being in custody is traumatising for children, and agencies need to be more coordinated to prevent this happening. In Sheffield, we noted that there were no barriers to children accessing accommodation when it was needed, as effective processes had been established

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<sup>11</sup> Youth Justice Board and Ministry of Justice. (2021). *Youth Justice Statistics 2019/20: England and Wales*. <https://www.gov.uk/government/statistics/youth-justice-statistics-2019-to-2020>.

at a strategic level and escalation pathways were in place if barriers were encountered. Staff told us this worked well in practice.

Feedback from services suggested that there have been some improvements in the work with children's social care. We saw some excellent examples of partnership work between the YOS and children's social care. The focus on contextual safeguarding has contributed to improvements but this was not consistent across the inspected services.

### Policing

In almost every service, staff and managers highlighted stop and search as a serious concern, and this was more significant in the London areas. Staff spoke at length about stop and search, and the boys we met gave extensive accounts of the challenges they faced in relation to stop and search and the impact it has on them. Some of the boys who had moved from London to other parts of the country spoke of the relief they felt at being able to go about their daily activities without being stopped and searched. When they reflected on this, they recognised the impact it had on their sense of wellbeing. We were concerned to hear about some of the policing approaches being used, including the use of tasers and forceful restraint on children. In one service, a YOS worker told us that they had been having a meeting with a boy on his front doorstep (due to lockdown restrictions) when a police car pulled up and officers 'stopped and searched' him. The YOS worker challenged this and highlighted it with their manager. The lack of access to local data on rates of stop and search segmented by both age and ethnicity makes it difficult for YOSs and partnerships to assess its impact on over-representation.

There was very little data and analysis in relation to ethnicity and the use of community resolutions as a diversion from the criminal justice system and almost no understanding of community resolutions that had been used by the police outside of the YOS out-of-court disposal processes. Information relating to 'street community resolutions' was not being shared between the police and the YOS. During the inspection, we learned that in Staffordshire no community resolutions are issued without the child being referred to the YOS for their input on the most suitable disposal. This system was established following a serious incident involving two children who were thought not to have been known to services. It emerged that the children had received a number of street community resolutions without the YOS being aware of it, and without support being offered and an assessment completed. We considered Staffordshire's approach to be good practice but recognise that challenges with the funding and resourcing of out-of-court disposals might make it difficult for a system like this to be put in place in some areas.

The example below shows the effective use of data to assess the quality and impact of service delivery:

#### **Good practice example**

Hackney YOS has developed a good evidence base to enable it to understand disparity and over-representation, not just in terms of ethnicity within the YOS cohort but also so that it can cross-reference the numbers of black and mixed heritage children outside the YOS who are in care or subject to child protection processes. This highlights the multiple levels of disadvantage experienced by this group of children and assists the partnership in considering its approach. It used learning from a 2019 peer review to support its learning and development in this area. The Safer Young Hackney Board (YOS management board) requested a briefing and update from its police representative on stop and search practice across the borough. A dip sample of 35 out of 74 young black males who were

stopped in May 2020 with an outcome of 'no further action' found that 23 did not show sufficient grounds for a stop and search. The information recorded was lacking in detail and the process appeared not to be a proportionate response. Training for police officers was identified to address this. The Chief Inspector of the Central East Basic Command Unit contacted the supervisors of those officers in order to remind them of the expected procedures.

The Lammy Review (2017) indicated that black and minority ethnic children were significantly underrepresented in YOS out-of-court cohorts. Hackney YOS recognised that, while some disproportionality was occurring, it was lower than the Lammy Review suggested. More children in Hackney appeared to be given, and then taking, the opportunity to take responsibility for their action at this early stage at a greater rate than found elsewhere. A research project was set up with Middlesex University to test and assure the figures. The second phase of the research is to investigate and analyse the work to see if improvements could be made and/or to identify the successful elements of the approach. Research is planned and due to begin in the coming months.

### Support for parents and carers

We found there was little support in place for the parents of black and mixed heritage boys. The Lammy Review highlighted the need for services to promote the involvement of parents when their children come into contact with the criminal justice system, and the impact of trust on the engagement of those from minority ethnic groups. However, we did not see many examples of culturally competent parenting programmes and support in the YOSs inspected. We did note some good practice examples, however. For example, we were impressed with the therapeutic approach being taken in Lewisham:

#### **Good practice example**

The Lewisham YOS family therapy team (LYFT) provides broad therapeutic support to children and families. The Lewisham Adolescent Resources and Therapy Service is part of Lewisham CAMHS, which provides assessment, treatment and care for children in, or at risk of entering, the criminal justice system. Alongside this, the service has a small team of black African/Caribbean therapists, representative of the Lewisham population, who deliver family functional therapy interventions. The LYFT delivers therapy to children and young people aged 11 to 18 years old and their families, where there is offending or identified risk of offending. The interventions involve a whole-family, strengths-based, systemic approach. The team of therapists work in collaboration with the YOS speech and language and liaison and diversion worker. The YOS restorative justice practitioner is also part of the team.

Every child involved with the YOS attends an induction with their parent at the beginning of their intervention. At their initial appointment the practitioner facilitates a restorative meeting with the child and their parent or carer. Children and families have access to family mediation and there is access to interventions for those who have been affected by domestic violence. The LYFT has created one pathway for referrals for YOS children and their families, meaning that their needs are more easily assessed and met. There are recognised benefits in having an ethnically diverse team of therapists, as this reflects the community and is important in terms of engagement. But staff and managers are clear that understanding barriers and not being afraid to try new ways to engage are of equal

importance. Interventions are home-based and delivered at times when the families are available. It is a gradual approach that recognises the challenges of gaining trust. Staff are tenacious, flexible and realistic about gaining engagement.

At the time of the inspection in May 2021, Haringey YOS was working in collaboration with the Tavistock and Portman Clinic to create a space where parents can come together with trained therapists who will work with them to create their own support system.

Forty-three parents or carers responded to our survey asking them about their experiences of the YOS. The feedback was largely positive. The majority of respondents considered the YOS staff to be skilled and committed, with a good understanding of the diversity needs of their children. Most felt they had been included in the assessment and intervention planning for their child.

Here are two examples of feedback that outline different experiences of the services received:

*“The YOS have been very committed to being trauma-informed in their approaches when working with this child. YOS have shown a good understanding of the reasons for the challenges he faced and found creative solutions to overcoming barriers. They have worked very closely alongside me to strive for the best outcomes for the child”.*

*“The staff turnover made it difficult for my son to engage with YOS. Communication channels and other forms of contact deteriorated over time. I was not fully aware of all offences, consequences, repercussions and the toll it would take on the family. More tailored support in this area would have enabled us as a family to adequately support my son. Overall I feel let down as a parent by the service delivery. To date I have not been signposted to other parents experiencing such difficulties by way of a support group or any other active platform for change, intervention and learning how to cope from the lived experiences of other families”.*

#### Other key services

In the majority of YOSs, children had access to mental health services and speech and language provision. We noted, however, that referrals were not always made or followed up sufficiently to check if the boys had engaged with the services. This meant that any barriers or concerns that the boys had about attending appointments were not fully explored. We noted that in post-court work only half of the boys who had mental health, speech and language or substance misuse concerns identified in their initial assessment went on to receive the intervention. If referrals had been made to the relevant agencies, it would appear there had been little follow-up to ensure that the work was delivered. In relation to speech and language, we noted that an assessment was often completed but no direct work was delivered to the child by the speech and language therapists.

Inspectors received a range of comments from YOS staff and managers in relation to partnership working and service delivery:

*“When accessing specialist services, a referral is needed but often the threshold to access the service is too high or there are significant time delays between referral and take-up of service”.* Case manager explaining barriers to accessing services

*“Like most YOSs, we are still struggling with the exclusion of black and mixed heritage boys from education and then struggling to help them get back into mainstream school”.*

Manager speaking about challenges accessing education provision

*“There needs to be improvements with child and adolescent mental health services (CAMHS). A significant number of black children have never been engaged by CAMHS, resulting in escalating mental health concerns and crisis. It would benefit the YOS if CAMHS and other key partner agencies were acknowledging similar concerns to us regarding the need for specific support for black and mixed heritage boys. For example, when undertaking assessments, it is not acceptable to offer three appointments by letter then close the case because the child ‘did not engage or answer phone calls’. Mental health services need to be far more proactive and creative in their engagement of black and mixed heritage boys”.*

Feedback from a case manager

*“Many professionals consider the injustices black and mixed heritage boys experience, but still tend to minimise this, rather than providing holistic support”.* Case manager when discussing what could be done better in their service

## **4.2. Facilities**

### Use of YOS and other community premises

Case managers have been finding creative ways of working with children during the pandemic, meeting them outdoors and delivering sessions online. As this inspection was carried out remotely, it was not possible for us to visit the YOS sites, so we cannot comment on the YOS facilities themselves.

Staff were using libraries and schools to support engagement, and children were often seen at home. This provided good opportunities for the case worker to connect with the family, develop relationships with parents and carers and observe the environment the child was living in.

In some areas, prior to the pandemic, referral order panels generally took place in the YOS building rather than more community-based and informal venues such as family centres, youth clubs and schools as set out in the referral order guidance.<sup>12</sup> In terms of building trust, holding meetings in familiar settings where children and families feel comfortable and which are accessible is seen as a positive approach and one that should be promoted. As one referral order panel member reflected:

*“There used to be venues that could be used for panels in the community but this has stopped now and it is limited. This can make it harder for some children. One panel member noted that some panels should be held in XXX, as this is where most black and mixed heritage boys live and feel safe but this no longer happens”.* Referral order panel member

In one area, the YOS had changed the format of its referral order panel reports to reflect its child-first approach. However, this had resulted in the information contained in the reports being stripped back to focus almost entirely on the child’s perspective on their offending and circumstances. This meant no background information was provided and the reports didn’t

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<sup>12</sup> Ministry of Justice. (2018). *Referral order guidance*.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/746365/referral-order-guidance-9-october-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746365/referral-order-guidance-9-october-2018.pdf)

address diversity or any issues of discrimination. This made it difficult for panel members to put bespoke plans in place that reflected the child's individual circumstances. In other services panel members told us that they had not been provided with details of community provisions or YOS resources that are specific to black and mixed heritage boys, and that they consider this to be a gap.

### **4.3. Conclusions and implications**

Gaps in the understanding of the needs of black and mixed heritage boys make it difficult for YOSs and partnerships to be confident that they have sufficient resources, or the right resources, in place. Challenges and barriers, such as access to education, have not been dealt with at board level and this is a source of frustration for the staff working directly with black and mixed heritage boys, given the significance of education in supporting desistance. The correlation between youth crime and school exclusions is well documented and addressing it must be a priority for local authorities and policy makers. Similarly, YOSs, particularly in London, say that stop and search practices are directly linked to the disproportionality they see in their services. The fact that there is no published local or national data available to assist YOSs in their analysis means that there are gaps in understanding and challenges to effective partnership working with the police.

We saw some good examples of partnership work, both within statutory services and with the voluntary sector, but this was not consistent. Staff and volunteers told us that they did not always have access to the services they needed to meet the needs of black and mixed heritage boys and inspectors noted significant gaps in service provision in the inspected cases. One gap consistently mentioned by staff and volunteers was suitable mentors who could maintain contact with the boys beyond the end of their interventions. This is a gap that services should work to address. YOS managers should make sure that all staff and volunteers know what specialist services can be accessed in the local communities and promote their inclusion in the delivery of interventions.

There is not enough focus on working with parents or carers of black and mixed heritage boys and this limits the impact of the work delivered to the boys themselves. Parents need to be able to access support that meets their needs and helps them deal with the challenges they are facing in trying to support their children, challenge and manage their behaviour and keep them safe. We learned in this inspection that trust can be a barrier; but with commitment and patience, relationships can be formed that support the delivery of effective work.

Where partner agencies and other services are involved, the delivery of interventions to black and mixed heritage boys need to be better coordinated. They should work together to form a single holistic intervention with a clear focus, and this needs to be continuously reviewed to assess its effectiveness. This should be done with the input of all involved professionals. We found that too often, a lack of feedback and poor communication between agencies undermined the work that was being delivered. This needs to be addressed through robust management oversight arrangements and focussed supervision.

## 5. The quality of casework and reports

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### 5.1 Pre-sentence reports and post-court casework

We inspected 45 pre-sentence reports (PSRs) and 114 post-court orders. Our key findings are summarised below. A detailed breakdown is included in Annexe 6.

#### Strengths

- Children and their parents or carers are supported and encouraged to contribute to PSRs and assessments.
- PSRs and sentencing recommendations are appropriate and proportionate.
- Workers form meaningful relationships with children and their parents or carers.
- Children are encouraged to comply with the conditions of their court order.

#### But

- Experiences of discrimination are rarely explored with children and their families.
- The impact of structural barriers on the lives of black and mixed heritage boys are not given sufficient consideration.
- Children and their parents or carers are rarely given the opportunity to read and discuss PSRs prior to attending court.
- Assessments are not sufficiently analytical, for example with regard to keeping the child safe.
- Data held by other agencies is not used well enough to inform the work delivered to black and mixed heritage boys.
- The services and work delivered do not always reflect or meet the assessed level of need.
- Bail support packages provided to the courts do not provide a robust alternative to custodial remand.
- Planning does not take into account the diversity of black and mixed heritage boys and does not involve them and their parents in the planning process.
- Reviewing does not respond to barriers to engagement or fully assess the child's progress against their plan of work.

#### Pre-sentence reports

The majority of the PSRs inspected had been prepared for sentencing in youth court. Just over half were sufficiently analytical and personalised to the child, supporting the court's decision-making. Overall, reports did not consider the impact of structural barriers on the lives of black and mixed heritage boys or explore their experiences of discrimination.

While there was evidence of liaison with other agencies in the preparation of PSRs, the boys and their parents or carers rarely had the opportunity to read and comment on the report before sentencing. This was a missed opportunity to support the child, attend to any anxieties and fully engage the parents or carers from the start.

Below are two boys' responses when asked how they would like to be more involved in their PSR:

“Maybe I would like the process explained to me and the opportunity to read it before the judge”.

“I would like to know what it says about me and the chance to say something in my defence”.

Many of the boys did pose a risk of harm to others and in some cases the risk of harm to others was significant and the offences were serious. While risk of harm and safety and wellbeing were mostly categorised appropriately, PSRs did not always include enough analysis of why this was the case and how the risk could be managed and reduced. We tested to see if risk of harm was over-estimated in assessment as well as in PSRs and found that this was not the case. Overall, the risk of reoffending, risk of harm to others, and safety and wellbeing assessments were detailed and balanced.

Appropriate language was used in the reports but the information included had not always been verified as rigorously as we would expect. For example, one report referred to the child having been violent and aggressive at school, and when the inspector asked for more detail and context the case manager struggled to provide it. This was because the information had been directly copied from records on another system. As a result, a report used for sentencing a child included information that was not properly understood by the person who wrote it. Issues regarding gaps in information provided for sentencing were highlighted by the magistrates who responded to our survey. Specifically, they mentioned the lack of detail in information provided from other agencies such as schools and children’s social care.

Two YOSs had changed the layout of PSRs to prioritise the child’s background and history and then place their offending in context. We considered this to be good practice.

## 5.2 Post-court casework

The key characteristics of our sample of 114 cases are shown below:

Characteristics	Inspector judgement
Excluded from school	60% overall and of these: 58% were permanently excluded and 42% temporarily
Affected by criminal exploitation	30%
Experienced racial discrimination	50% (not clear from available information in 33% of cases)
Subject to Child in Need or Child Protection plans	32%
Children who had a disability	26% (not clear from available information in 20% of cases)
One or no previous convictions	54%

### Assessment

The overall quality of assessments was undermined by a lack of attention to the child’s diversity. In half of the cases, staff had not accessed important information held by other agencies, which meant that the child’s background and life experiences were not properly understood. Linked to this, we saw sufficient assessment of structural barriers in less than a third of cases. This is a concerning finding, given that the barriers to accessing support at the right time were cited as a key issue for this group of children.



Almost all staff we met during this inspection believed that the majority of black and mixed heritage boys will have experienced some degree of discrimination, but the impact of this was explored and considered in only a small minority of cases.

We would expect to see a holistic assessment that focuses on the child's development, their circumstances and an analysis of the underlying problems linked to offending, while balancing this with strengths and positive factors to work on. The child's strengths and protective factors had been considered in most cases. However, we found that the analysis of offending behaviour lacked depth and was weak overall. This limited understanding of what was driving or contributing to the child's offending meant that planning and other elements of practice were compromised.

In three-quarters of cases, the child and their parents or carers participated in the assessment process, and their views were taken into account. In most cases it was the mother or a female carer who was involved. There was little consideration given to including fathers in the assessment process, and this followed through to the rest of the intervention. There was a lack of consideration of the significance of fathers in their sons' lives. If the father was not living in the family home, he was not contacted and there was a view that they probably would not be interested in being involved in supporting their child, without this being properly explored.

Almost half of the boys were classified as having a 'high' or 'very high' level of concern about their safety and wellbeing. Inspectors agreed with the assessment in almost every case. Despite the correct classification being made, however, assessments fell short when analysing how to keep the child safe and considering what interventions and controls were required to promote their safety and wellbeing.

We did not specifically inspect work delivered to manage risk of harm to others in this inspection, but we did consider the accuracy of the risk of harm classification at the initial assessment stage. Inspectors agreed with the case manager's classification in most cases. In the 10 (of 114) cases where we did not agree, the risk had been under-assessed.

The case below demonstrates the case manager's understanding of the long-term effects of racism and discrimination and the impact on the child, his thinking and his behaviour.

### Good practice example

Myron is a 17-year-old black British boy who received a 10-month referral order when he was found in possession of a knife. The referral order assessment and report explored the impact that growing up in an area with ongoing racial tensions had had upon Myron. He and his family had experienced verbal and physical racial abuse in his local area, and Myron also suffered discrimination in school. The assessment and report did not negate any risk issues but it did consider how these experiences had contributed to Myron's decision to carry a knife and the impact they had had on his sense of belonging, self-esteem and overall wellbeing. The assessment analysed how Myron's race and culture informed his lifestyle choices and the areas of the city in which he felt safe and the restrictions this placed on him and his opportunities. Overall, the assessment provided a clear insight into the pervasive and destructive effects of racism on the child's life.

In the following case we were concerned to find that, despite the child discussing life events, including racism and loss, the impact of these experiences on his safety and wellbeing were not considered.

### Poor practice example

Michael identifies as black British of Caribbean and African heritage. He has never met his Jamaican father, who was deported before he was born. This is referenced in the assessment but the impact on him is not analysed. The case manager highlighted the impact of historical sexual abuse on Michael and how, after counselling, he still struggled to come to terms with the trauma. When an inspector met with his case manager, they referred to conversations with Michael regarding his experiences of racism and how angry it made him. Michael had raised a concern that, when police officers attended his home address to speak with him in connection with a crime, they broke the door down and 'dragged' him out of his house in handcuffs. He said that, when they visited his white male friend's house in relation to the same crime, they knocked on the door and asked to speak with him. Despite Michael disclosing this experience and its impact on him, the practitioner made no reference to it in the assessment. Michael remained on a Child in Need plan post-sentence because of his vulnerability linked to the historical sexual abuse. Despite Michael talking to his case managers about his experiences of racism and loss, the emotional impact of this was not considered in the assessment of his safety and wellbeing.

### Planning

The planning process should prioritise the most critical issues and presenting needs first. Work on a reparation project, for example, may need to happen further down the line if the child has unmet mental health problems or there are concerns about their safety and wellbeing that require attention. Overall, the sequence in which interventions would be delivered was not clearly set out.

There was a focus on developing and supporting strengths and protective factors in only two-thirds of cases. This was disappointing, as we would expect to see some strengths, no matter how small, for development in every case. A sense of achievement and recognition is important in building motivation, and the YOS must hold high ambitions and aspirations for children who might struggle to do this for themselves. Equally, given what we know about the structural barriers that can affect the progress of black and mixed heritage boys, we would expect planning to take into account anything that might impact on their ability to engage, but this was considered sufficiently in less than half of cases. Where the child had an EHC plan, it was not always clear what needed to be done to make sure the delivery of interventions was suitable.

We consider it good practice for children to have a copy of a plan that they can refer to and that they understand and have contributed to. From our contact with User Voice, we found that some of the boys did not fully understand the plan of work that had been set for them. Not knowing what you are expected to do may create anxiety for children and could impact on their motivation to engage. The child and their parents or carers participated in planning in only two-thirds of cases. This was a missed opportunity to meaningfully involve them in the process, and to promote and support their engagement.

There was sufficient alignment with other agencies' plans (e.g. child protection or care plans) in less than two-thirds of cases. This was a particular concern when considering the high level of need of the boys and the requirement for a multi-agency approach in the majority of cases.

Planning effectively promoted the safety and wellbeing of the child in less than half of the cases inspected. It was not always clear what professionals should be doing to help keep children safe. Only a third of cases included effective contingency arrangements to manage identified risks. Given that their circumstances can often change quickly, with concerns escalating, not enough thought had been given to what would be done to keep the child safe.

### Implementation and delivery

The table below shows the YOSs' initial assessment of the needs of the children in our sample of 114 cases and the number of cases that then received services to meet that need. The level of service delivered had not met assessed needs in any of the cases, with some stark shortfalls, including for mental health, substance misuse, self-identity and discrimination.

Identified need (out of 114 inspected cases)	Assessed need	Service delivered
Substance misuse	66	35
Physical health	5	2
Learning and education, training and employment	77	61
Living arrangements	51	34
Speech, language and communication	27	15
Lifestyle	82	52
Mental health	50	24
Resilience	32	15
Self-identity	58	17
Discrimination	32	13

When we met with staff, they were able to discuss the work they had done with children in more detail than had been recorded on the case files. We took what they told us into account in our overall assessment of the quality of work delivered. In a number of cases, workers told us that they had discussed culture, heritage and background with the boys and that they had, where appropriate, discussed experiences of discrimination with them. Workers could not identify any reasons for not recording this information, but it did raise questions about management direction and expectation as well as the confidence of staff.

It was positive that in most cases staff worked hard to develop and maintain an effective relationship with the child and their parents or carers. However, it was not always clear how this relationship was then used to support the delivery of effective interventions that were balanced equally between support and challenge. As noted in the feedback we received from boys themselves, some felt that they had good relationships with their workers but sometimes contact felt more like a catch-up than a structured piece of work. One boy described how the challenging but supportive role of his case worker had helped to shift his thinking:

*“My YOS worker listens to what I have to say, which I respect because it makes our conversations meaningful. X [YOS worker] always seems to give me good advice and although I do not always see eye to eye with it, I respect the honesty and the effort he puts in to work with me... I’m sure, but I must admit X [YOS worker] is the one that helped me to see*

*college was an option for me. I already had a job but over time X [YOS worker] slowly pushed me to pursue my interests and look into college courses”.*

Interventions were not always tailored to meet boys’ individual needs and their diversity was reflected in only a third of cases. There was little long-term planning and consideration for ongoing support beyond the end of the YOS intervention. We were concerned about the level of involvement of other agencies in the work delivered to support safety and wellbeing. It was well coordinated and effective in less than two-thirds of cases.

The majority of boys received continuous encouragement to comply with their order and complete it successfully. Where enforcement was required, this was addressed appropriately. There were a small number of cases where inspectors felt action was not taken when it was necessary to impose a boundary.

This following case example demonstrates the need for interventions to be bespoke and tailored to the needs of the child rather than their offending behaviour alone. It also highlights the serious vulnerabilities and welfare concerns we saw in many of the cases we inspected:

### **Poor practice example**

Vincent is a 17-year-old boy of mixed heritage (white British and Black African – recorded on the database as mixed white and black Caribbean). He was subject to a 12-month youth rehabilitation order. There were clear concerns about his substance misuse. He had ADHD, suffered from anxiety and had potential undiagnosed health conditions. He was out of school for two years before he had an EHC plan. The inspector noted that the plan contained ‘worrying, stereotypical language’. The plan was not reviewed for five years and this was only done when the YOS officer pursued it. Vincent attended a special educational needs school. He had assaulted his mother, and he had been the victim of a serious assault by 20 males, resulting in a broken eye socket. Children’s social care offered voluntary support to his mother but this was not taken up. Rather than anger management, weapons awareness and substance misuse awareness, the YOS interventions should have focused on Vincent’s mental health, speech, language and communication, family support and experience of services, in which he has clearly experienced some discrimination. The YOS intervention was offence-focused but did not support desistance or safety and wellbeing as it failed to address the key issues. Vincent had told his worker he had experienced discrimination by the police but this was not explored further. The assessment did not analyse the impact of Vincent’s life experiences or fully take into account his personal circumstances. As a result, the intervention did not target the right areas of need.

### **Reviewing**

It is important that cases are reviewed regularly and in response to changes in circumstances. Consideration should be given to the child’s safety and wellbeing and desistance from offending. Fewer than half of the inspected cases had been reviewed sufficiently well.

The absence of other agencies where it would have been appropriate to involve them meant that there was no shared understanding of the child’s current circumstances among all of the professionals working with them.

There had been changes to the risk of harm posed by the child in 62 of the 114 cases we inspected. YOS case managers responded to these changes in only half of these cases. We agreed with the reviewed risk classification in most cases. In the small number where we did not agree, this was because the risk level had been underestimated. Information that was no longer relevant was not always removed or re-assessed at the review stage, so it was difficult to know what was a current concern and what was no longer a worry. There are implications to this, because the information contained in assessments is often shared and read by others who will see the child in the context of what is written. Therefore, it must be regularly refreshed to avoid an inaccurate cumulative picture being presented.

Consideration of diversity needs was poor and we saw evidence of attention being paid to this in only a quarter of reviewed cases. Where reviewing considered changes in the child's circumstances, it did not always examine the impact of the changes well enough. Staff did not sufficiently review the plan of work to consider what had been delivered, and what had gone well and what hadn't. There was not enough attention paid to whether the plan of work was having the desired impact and whether the child was responding well. We saw little evidence of the reviewing process being a meaningful experience for the child with them being offered feedback on their progress. It was also a missed opportunity to get feedback from them on how they felt the intervention was going and whether it was having a positive impact and meeting their needs.

#### **Good practice example**

Regular reviewing is evidenced throughout the case and there is a coordinated approach with other agencies. The case manager regularly updates partners and requests updated information to inform reviewing. This results in changes to ongoing work to promote safety and wellbeing. The child was subject to a Child in Need plan, but through partnership working and the timely sharing of information, child protection processes were applied due to concerns about neglect. Services worked well together to devise a plan that was communicated to the parents, who were involved in meetings. The boy was also aware of the plan to support his safety and wellbeing. These plans were regularly reviewed through child protection reviews and regular communication with partners. The boy was engaged with a local culturally specific counselling service. There was evidence of a trauma-informed intervention focusing on adverse childhood experiences, and attention was paid to making sure the interventions took his identity as a black boy into account.

#### **Poor practice example**

The review of the formal assessment, and any other reviewing documents, does not provide any further information following a social care assessment of the family and subsequent closure of the case. No police input is provided. The non-compliance report does not explore the reasons why the boy has not engaged and barriers that might be impacting on his engagement, however. It uses negative and charged language about the boy being lazy and defiant. Strategies to avoid exclusion are not included in the review.

### **Evaluation of progress made**

Workers developed meaningful, trusting relationships with children during the course of the court order in three-quarters of cases. In two-thirds of cases this also extended to relationships with parents or carers. We saw that, by the end of the intervention, or up to

the point at which we inspected the cases, there had been improvement in strengths and protective factors for just under two-thirds of boys. There had been progress in terms of desistance and safety and wellbeing in just under half of cases. Overall, not enough attention had been paid to identifying, analysing and addressing structural barriers that may impact on the child's progress.

### Work with children on remand

YOSs work with a small number of children who are facing a remand to secure accommodation. We reviewed 25 such cases as part of the inspection. We found the bail and remand information provided to the courts to be sufficient in only eight cases. Where bail had been declined and the child remanded, their bail applications were not always re-visited to offer more robust alternatives.

We found that relevant agencies worked together to support and promote a coordinated bail support package as an alternative to remand in just under half of cases. YOS staff and managers told us that work with children's social care to secure suitable addresses for children facing remand was a longstanding challenge which had, in a number of cases, been escalated to the management board but there had been little to no improvement.

In all but three cases there was clear evidence that processes for looked after children had been applied appropriately. However, we were concerned to find that regular remand planning meetings took place with input from the child and their parent or carer in only half of cases.

### 5.3 Out-of-court disposals

We inspected 59 out-of-court disposals. The key characteristics and findings from our sample are shown below. A more detailed breakdown is included in Annexe 6.

Characteristics	Inspector judgement
Excluded from school	24 overall and of these: 11 were permanently excluded and 13 temporarily
Affected by criminal exploitation	9
Experienced racial discrimination	23 (not clear from available information in 24 cases)
Subject to Child in Need or Child Protection plans	6
Children who had a disability	17 (not clear from available information in 18 cases)
Age of the majority of children	12 to 14 years

### Strengths

- The classifications of risk of harm and safety and wellbeing are accurate in the majority of cases.
- There is sufficient focus on developing and maintaining a relationship with children and their parent or carer in most cases.
- Risk assessments are accurate and well-balanced in the majority of cases.
- Children are encouraged to engage with their out-of-court disposals.

## **But**

- Assessments and the delivery of interventions do not pay enough attention to diversity factors.
- The impact of structural barriers on the lives of black and mixed heritage boys are not considered, nor are experiences of discrimination.
- Information held by other agencies is not used well enough to understand the experiences of the child and the social context of their lives.
- Planning does not support the delivery of the services most likely to prevent further offending.
- Planning does not focus sufficiently on community integration or ongoing support for the child beyond the YOS interventions.
- Not enough attention is paid to the child's understanding, or their parents' or carers' understanding, of the implications of receiving an out-of-court disposal.

## **Assessment**

We expect to see the assessment completed using a suitable tool that includes an assessment and classification of safety and wellbeing, risk of reoffending and risk of harm to others. In seven cases there was no assessment of the safety and wellbeing of the child or of any risk of harm they posed to other people.

In some YOSs, assessments were completed before making a decision on the most suitable disposal. In others the information used to inform decision-making was often taken from what was recorded on various databases, such as police and education systems. In some cases, children and their parents and carers were informed of the out-of-court decision once it had been made and without them having had an opportunity to contribute to any assessment. The theme of mistrust of black and mixed heritage boys and their families was consistent in this inspection, and not including the child and their parent or carer in the assessment process from the outset, with a chance to contribute by providing valuable context, was a missed opportunity to promote transparency, engagement and trust.

In over half of the cases the analysis of the factors underlying the child's behaviour and their attitude towards it was insufficient. To fully understand what is driving a child's behaviour, it is important to consider their individual personal circumstances and the context of their lives. Understanding the challenges that children face that might be impacting on their behaviour is imperative if interventions are to be well targeted. Taking diversity into account is an important element of this. It was therefore disappointing to find that diversity had been suitably considered in only a quarter of cases.

The cohort of boys whose cases we inspected were vulnerable. They had experienced high levels of trauma and the impact of that was ongoing. They were navigating challenging situations linked to their environment and their identity, and trying to manage these without the maturity to make good decisions. Often, their choices and options were limited and some were exposed to circumstances out of their control, for example due to exploitation from others.

Information from other agencies was not always included and considered in assessments when it should have been. This missing detail meant that the circumstances of the child were not fully considered in a holistic way. Where information had been gathered, it had not been pulled together to understand what might be happening in the child's life. This analysis is important given that children cannot always explain what they are experiencing, as it is often too difficult for them. Sometimes experiences, no matter how difficult, can become

normalised and sometimes children simply don't have the language to express their thoughts and feelings. Having a detailed understanding of the background of the child and their life experiences, and taking an inquisitive approach, means that difficult subjects can be approached sensitively with children in a way that makes it easier for them to talk about their experiences and their impact upon them and on their behaviour.

While we agreed with the risk classification of safety and wellbeing in the majority of the cases, we noted that a detailed understanding of what lay behind the classification level was absent in too many cases. The gaps in analysis undermined the overall quality of practice, as the assessment drives planning and all other elements of service delivery.

In seven cases there was no assessment or classification of risk of harm to others. For the remainder, we agreed with the classification level in all but six cases. In these six cases, we viewed the risk level to have been underestimated.

### Good practice example

The assessment is comprehensive and strengths-based. It evidences the involvement and engagement of the child and his family in its development. There are examples of the case manager triangulating information and then summarising with his own evaluation. The analysis of the child's self-identity and heritage is particularly strong. For example, the child self-identifies as black but comes from a mixed heritage background and the case manager acknowledges and explores the impact this might have for the family in terms of their mutual understanding of needs. The pre-panel assessment template naturally guides the practitioner down a route where themes of racism and discrimination can be explored and, in this instance, there is a sophisticated understanding of impact and need. The case manager is able to identify and help the child to articulate his own understanding of his heritage and explore broader themes of discrimination, such as his experience of police stop and search.

### Planning

Deficits in assessment meant that planning was not always personalised to the needs of the child and did not analyse the underlying factors linked to offending. In a significant number of cases, the out-of-court disposals that were delivered were generic and not relevant to the child or did not address the child's wider needs. For example, in one case, the plan was governed by the fact that the service had decided there would be a maximum of six sessions for a youth caution. These were broken down into two sessions of weapons awareness, two sessions of dealing with peer pressure and two sessions focusing on the consequences of offending. The plan was not personalised and did not take into account the child's EHC plan and developmental needs.

In almost half of cases the plan of work hadn't been prioritised appropriately. In one case, the child did not receive a much-needed harmful sexual behaviour intervention, as the youth conditional caution did not allow sufficient time. The offence that was committed within a family setting raised concerns about the welfare of the child and his risk to younger children. An AIM3 assessment was completed that indicated high levels of risk, but no intervention was delivered as there was not enough time before the disposal ended. Better planning would have allowed the assessment to have been completed before the caution was issued, providing time for the much-needed work to be delivered. Poor planning in this case meant that a child assessed as high risk of harm and highly vulnerable did not get the intervention he needed.



Planning took sufficient account of the diversity of the child in only one-fifth of cases and considered the child’s familial and social context in less than half of cases. There was not enough focus on the child’s strengths and protective factors. This does not fit with desistance theory, which aims to help the child develop a sense of hope and optimism and encourages them to develop areas of their life that will help them to move away from crime.

Overall, we found that planning effectively supported desistance in less than half of the inspected cases. Evidence tells us that black and mixed heritage boys are more likely to be impacted by structural barriers than their peers, so we were concerned to find that this was considered in just a third of cases. Further, planning did not take into account long-term objectives, which meant that opportunities for community integration were missed.

The quality of planning to promote the child’s safety and wellbeing was poor. Risks were sufficiently addressed in just half of cases where concerns were identified. Planning did not always involve other agencies where it would have been appropriate. There was sufficient alignment with other plans (e.g. child protection or care plans) concerning the child in half of the cases we inspected. We were concerned to find that contingency arrangements for the child’s safety and wellbeing had been set out in only a quarter of cases. Given the levels of vulnerability of the boys and their classification of risk, this was inadequate. The complexity of the boys’ circumstances meant that risks and threats to their safety and wellbeing could shift and increase quickly, and effective responses would need to be swift. We could not see what action would be taken and by whom should there be an increase in concern.

## Implementation and delivery

The below table shows the YOS assessed needs of our sample and the number of 59 out of court cases that then received services to meet that need. The gap between the level of service delivered and assessed needs was a little less stark than in the post-court sample but nonetheless concerning once again for mental health, substance misuse, self-identity and discrimination.

Identified need (out of 59 inspected cases)	Assessed need	Intervention delivered
Substance misuse	25	17
Physical health	1	0
Learning and education, training and employment	32	19
Living arrangements	23	12
Speech, language and communication	13	8
Lifestyle	39	29
Mental health	15	5
Resilience	17	12
Self-identity	25	9
Discrimination	15	6

In two-thirds of cases, the services delivered were those most likely to support desistance, and staff paid sufficient attention to sequencing the work. Given the short length of the

majority of out-of-court disposals, we would expect the work delivered to support community integration into services, including mainstream services, to offer ongoing support to children as they exit the YOS. We were therefore disappointed to see this done well enough in less than two-thirds of cases.

Of the factors that were assessed as having an impact on desistance, the one addressed most was 'lifestyle'. This was largely met by the delivery of offence-focused work, which we saw provided in three-quarters of relevant cases. Alongside this, we would expect to see work delivered to address the wider needs linked to offending. This includes education, training and employment and mental and emotional health, which were addressed less well. Overall, we found that the interventions delivered were tailored to the specific needs, circumstances and background of the child in only 22 of the 59 cases we inspected.

Developing and maintaining an effective working relationship with the child and their parents or carers was an area of strength, and we saw evidence of this in the large majority of cases. Again, however, we saw little involvement of the boys' fathers.

We saw effective multi-agency work in half of the cases inspected and this meant that service delivery was not well-coordinated and did not go far enough to support the child's safety and wellbeing.

### **Joint working**

In some services, the assessment was not completed until after the disposal had been decided. In these services, decision-making was informed by a short screening, and without input from the child and their parents or carers. This undermined the decision-making process and meant that the YOS could not advocate for the children as well as they could if they had met with them to discuss the offence.

The recommendations made by YOSs for out-of-court disposal outcomes, conditions and interventions were appropriate and proportionate in less than two-thirds of cases. Where we didn't agree with the disposal decision, this was mainly because we felt that the matter could have been dealt with through a less onerous and more holistic intervention. For example, one child received a youth conditional caution for a low gravity offence that could have been dealt with by a community resolution and supported by other services that could better meet his needs. The child had identified learning needs and had been on a Child Protection plan for neglect and low school attendance. The decision to impose a youth conditional caution had been made without meeting the child. Should the child offend again, he will likely receive a statutory court order as a result of receiving a youth conditional caution on this occasion. Recommendations did not routinely consider the degree of the child's understanding of the offence and their acknowledgement of responsibility. We found the YOSs' recommendations to be sufficiently well informed, analytical and personalised to the child in only half of the cases we inspected.

The following examples demonstrate how the processes and approaches to out-of-court decision-making can have lasting implications for children.

#### **Good practice example**

The case manager recommended a youth caution based on the child's poor compliance with two previous community resolutions. The out-of-court-disposal panel recognised that he and his family needed additional support rather than a criminal justice intervention. They took into account that children's social care was undertaking a Section 47 assessment. In light of this, and taking into account the child's wider circumstances, the panel agreed that a community resolution was a suitable disposal. The panel also

recommended additional interventions to address the child's emotional wellbeing and support his learning needs

### Poor practice example

The child was 12 years old when a knife was found in the bottom of his bag at school. He has SEN and this was first identified but not acted on when he was four years old. He was referred to CAMHS at the age of nine. No interventions were delivered at that time. He has low mood and feels isolated. He has been bullied and is being physically abused at home. None of this was considered when the policy to impose a youth conditional caution for possession of a knife was imposed. Given his circumstances and the context of the offence, a lower tariff intervention with welfare support would have been a more appropriate disposal, but not all the information was known at the decision-making panel, as nobody had met with him and his family. The concern is that, if this child comes to notice again, he will get a statutory court order next time. An assessment should have been completed before any disposal decision was made

### Evaluation of progress

During the course of the out-of-court disposal, workers developed meaningful, trusting relationships with children. In two-thirds of cases, this also extended to relationships with parents or carers. We saw that, by the end of the intervention, or up to the point we inspected the case, there had been an improvement in strengths and protective factors for just under half of the boys. There had been progress in terms of desistance in 60 per cent of cases and progress had been made in terms of safety and wellbeing in just 37 per cent of cases. Not enough attention had been paid to identifying, analysing and addressing structural barriers that may impact on the child's progress. There was improvement in the child's engagement with the YOS and other services in just over half of the cases.

## 5.4. Conclusions and implications

The statistics for black and mixed heritage boys remanded in custody is a national concern which is well documented. We were therefore concerned to find that the information provided to the court to support bail applications fell short in so many of the cases we inspected. We assessed it to be inadequate in six of the nine services. YOSs need to ensure that they work in partnership with other agencies to provide robust and credible alternatives to custodial remand in every case where this is an option.

The quality of PSRs varied considerably and in some YOSs they were outstanding. We were, however, concerned to find poor standards in other areas. The PSR has serious implications for children and they are counting on YOS staff to make sure the reports are balanced and represent them fairly and fully. There must, of course, focus on the risk of reoffending and risk of harm to others, and it has to be acknowledged that risk is often high. However, the child's offending must be placed in context and their lived experience and the challenges they have faced and continue to face must also be detailed. Reports should be analytical and set out in detail how any presenting risk will be managed and reduced through an individualised package of intervention that goes beyond offence-focused work. Children and parents or carers should have the opportunity to read the report prior to court to make sure they understand what has been written and to have an opportunity to ask questions and make comments.

When staff are undertaking assessments, they should be curious about the child's self-identify and for black and mixed heritage boys this includes their ethnicity. From the cases we inspected, we could see that discrimination was a feature in many of the boys' lives. This was affirmed by the boys who spoke with User Voice and by the staff we spoke with. This needs to be given more consideration in all aspects of practice, as it may not only be contributory factor to the child's involvement in the youth justice system, it may also be a barrier to them moving on in their lives.

Interventions need to be tailored to the needs of the child. We found that they worked best when the worker took a thoughtful and creative approach to engaging the boys whose cases we looked at. There needs to be a balance between support and challenge, as this gives the intervention meaning and purpose and promotes engagement. We found that most workers formed good relationships with the boys they worked with, but they need to make sure that they use these relationships to do the skilled work that is required to assist and support change.

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## Annexe 1: Glossary

<b>Adultification</b>	Adultification bias is a form of racial prejudice where children of minority groups are treated as being more mature than they actually are by a reasonable social standard of development.
<b>AIM3</b>	AIM3 is a 25-item framework for assessing harmful sexual behaviour in children and adolescents. It is designed to help practitioners consider relevant targets for intervention, in addition to quantifying risk and levels of supervision.
<b>Child and Adolescent Mental Health Services CAMHS</b>	Services that support children and young people with their mental health.
<b>Child protection</b>	Work to make sure that all reasonable action has been taken to keep to a minimum the risk of a child coming to harm.
<b>Education, health and care plan EHCP</b>	The purpose of an EHCP is to make provision to meet the special educational needs of a child or young person. This aims to secure the best possible outcomes for them across education, health and social care, and to prepare them for adulthood, as they grow older.
<b>Education, training and employment ETE</b>	Work to improve an individual's learning, and to increase their employment prospects.
<b>Intensive Supervision and Surveillance ISSP</b>	The Intensive Supervision and Surveillance programme is the most rigorous non-custodial intervention available for children in the youth justice – it is a direct alternative to a custodial sentence.
<b>Out-of-court disposal panel</b>	A multi-agency panel that assesses the most appropriate out-of-court disposal for children who are being considered for diversion from the youth justice system.
<b>Positionality</b>	Positionality is the social and political context that creates your identity in terms of race, class, gender, sexuality, and ability status. Positionality also describes how your identity influences, and potentially biases, your understanding of and outlook on the world.
<b>Pre-sentence report PSR</b>	When somebody pleads guilty to an offence, or is found guilty after trial, the court may request a pre-sentence report to assist them in sentencing.
<b>Referral order panel</b>	When a child is sentenced to a referral order, they are required to attend a youth offender panel. The panel, the child, their parents/carers and the victim (where appropriate) agree a contract aimed at repairing the harm that has been caused and addressing the causes of the offending behaviours.

<b>Section 47</b>	A Section 47 enquiry means that children’s social care must carry out an investigation if they have ‘reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm’. The aim is to decide whether any action should be taken to safeguard the child.
<b>Self-identity</b>	Self-identity is a combination of personality traits, abilities, physical attributes, interests, hobbies, and/or social roles that form personal identity.
<b>Social graces</b>	The social graces are a framework for understanding aspects of identity and how they shape practice. It asks practitioners to be aware of how their identity influences their thinking.
<b>Structural barriers</b>	Structural barriers are obstacles that collectively affect a group disproportionately and perpetuate or maintain stark disparities in outcomes. Structural barriers can be policies, practices and other norms that favour an advantaged group, while systematically disadvantaging a marginalised group, in obtaining needed resources.
<b>Trauma and toxic stress</b>	Trauma is the emotional, psychological, and physiological residue left over from heightened levels of toxic stress that accompanies experiences of danger, violence, significant loss, and life-threatening events.

## Annexe 2: Methodology

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During the course of this remote inspection, we inspected the work of youth offending services (YOSs) in Manchester, Lewisham, Nottingham, Haringey, Hackney, Leeds, Sheffield, Liverpool and Oxfordshire. All YOSs were selected because black and/or mixed heritage boys were over-represented in their services. We looked at the work delivered through a lens that considered the child's ethnicity, their diversity and any experiences of discrimination. For the purposes of this inspection, we looked at assessment, planning, delivery and reviewing of work to support desistance and safety and wellbeing in post-court cases and we assessed the quality of joint decision-making in out-of-court disposal cases. We paid attention to the classification level of risk of harm at initial assessment and reviewing stages but did not inspect work delivered to manage and reduce any risk of harm.

We reviewed comprehensive evidence in advance from each YOS and examined 173 cases of black and mixed heritage boys (59 out-of-court cases and 114 statutory), which had commenced within the previous 12 months. We interviewed 99 case managers. Senior managers from the YOSs were interviewed and focus groups were held with case managers, middle managers, partnership staff, volunteers and the Youth Justice Partnership Board. We undertook a week of meetings with representatives from national agencies: The Youth Justice Board for England and Wales, the Home Office, Department of Education, Ofsted, the Magistrates Association, the Chief Executive Officer for the Association of Police and Crime Commissioners and the National Police Chiefs' Council.

We commissioned the services of 'User Voice', who met with 38 black or mixed heritage boys to gather their perspectives on the services that they had received from the YOSs. They also helped us understand some of the challenges they face in their day-to-day lives and what could be done to help. Inspectors spoke with a small number of parents whose children were, or had been, involved with the YOS and who requested a meeting.

In each YOS we inspected, we conducted electronic surveys with case-managing staff (164 returns) and volunteers (76 returns). We gathered the views of parents (43 responses) by conducting a survey that was distributed on our behalf by the YOSs. A survey was circulated nationally via the Magistrates Association and we received six responses.

To support the inspection team, which was drawn from black, white and mixed-heritage backgrounds, we commissioned the services of Inside Out Wellbeing to provide clinical supervision and support. A team of black therapists devised and delivered culturally sensitive individual and group sessions to the inspection team. There was a slightly different structure to the meetings depending on the positionality of the team members in terms of ethnicity. The support of the therapists allowed inspectors to reflect on the impact of the work they were doing. For some people, it provided a reflective space; for others it was a valuable learning opportunity and a space to consider cultural competency and humility. The support and input provided proved to be of great value in both the planning for, and delivery of, this inspection.



The ethnicity of children whose cases we inspected is shown below:<sup>13</sup>

<b>Pre-court sample breakdown of ethnicity of children</b>	
Black African	24%
Black Caribbean	17%
Any other black/African/Caribbean background	7%
Mixed white and black African	9%
Mixed white and black Caribbean	29%
Mixed white and Asian	3%
Any other mixed/multiple ethnic background	5%
Not recorded	5%

<b>Post-court sample breakdown of ethnicity of children</b>	
Black African	24%
Black Caribbean	24%
Any other black/African/Caribbean background	12%
Mixed white and black African	2%
Mixed white and black Caribbean	24%
Mixed white and Asian	4%
Any other mixed/multiple ethnic background	11%
Not recorded	1%

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<sup>13</sup> In some circumstances, figures may not total or may exceed 100. This is due to the rounding up/down of figures.

## Annexe 3: Expert reference group

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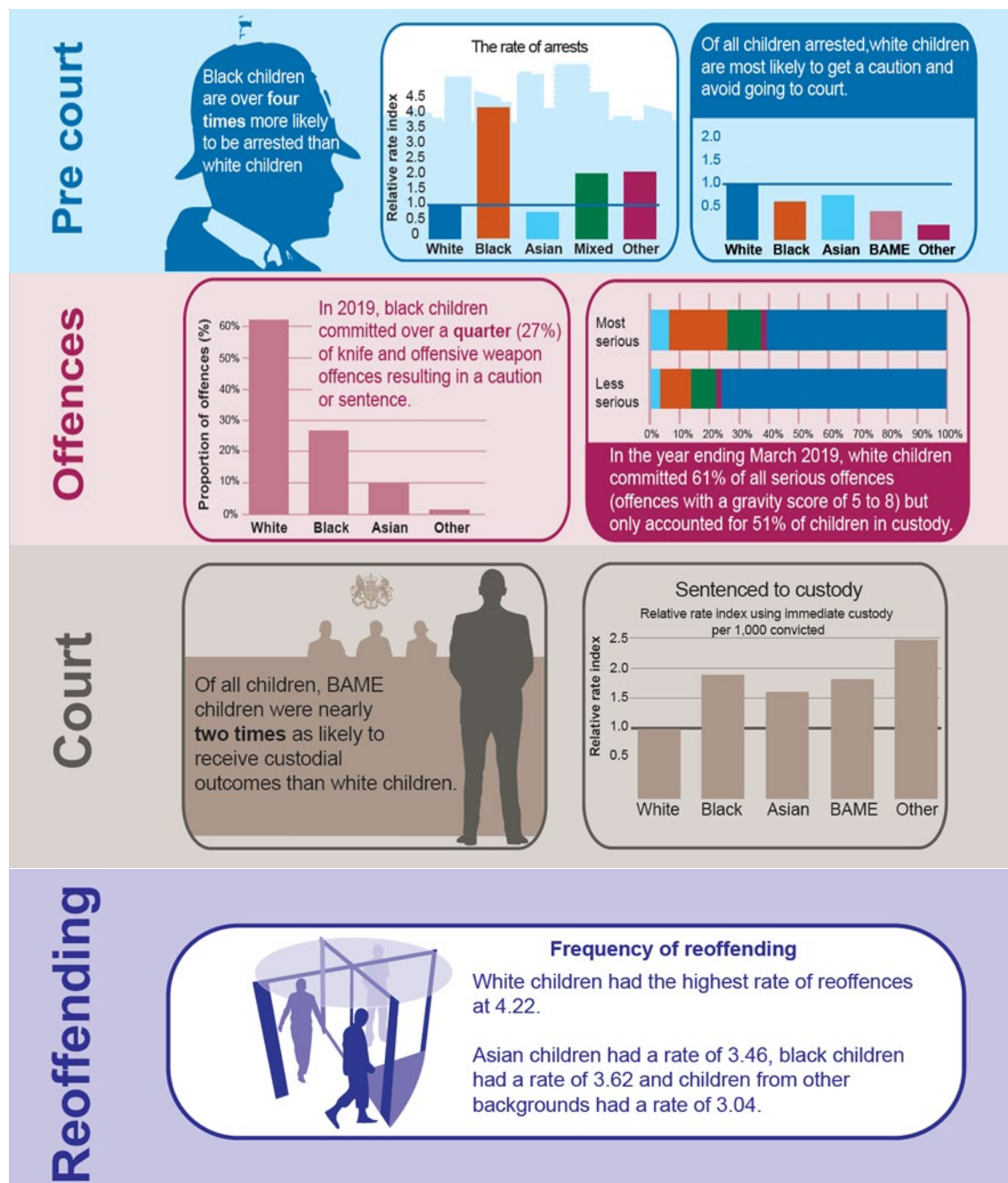
An expert reference group contributed to this report by advising on strategic, technical and operational issues associated with the subject and service under inspection. The group represented the views of key stakeholders in the areas under scrutiny, and commented on emerging findings and final recommendations.

Group membership included:

- Keith Fraser – Chair of the Youth Justice Board for England and Wales.
- Pippa Goodfellow – Director of the Alliance for Youth Justice (AYJ) and Trustee for the National Association for Youth Justice (NAYJ).
- Dr Patrick Williams – Senior Lecturer in Criminology at Manchester Metropolitan University.
- Michelle Edwards – Head of Newham Youth Offending Service.
- Lloyd Robinson – Director and Contracts Manager at Get-to CIC.
- Dr Tim Bateman – Reader in Youth Justice at the University of Bedfordshire.
- Aika Stephenson – Co-founder of Just for Kids Law.
- Dr John Wainwright – Co-Director of Global Race Centre for Equality (GRACE) and the youth justice strand lead for the University of Central Lancashire.
- Sammy Odoi – Founder and Managing Director of Wipers.
- Jenny Oklikah – Chief Executive Officer for Fight for Peace.

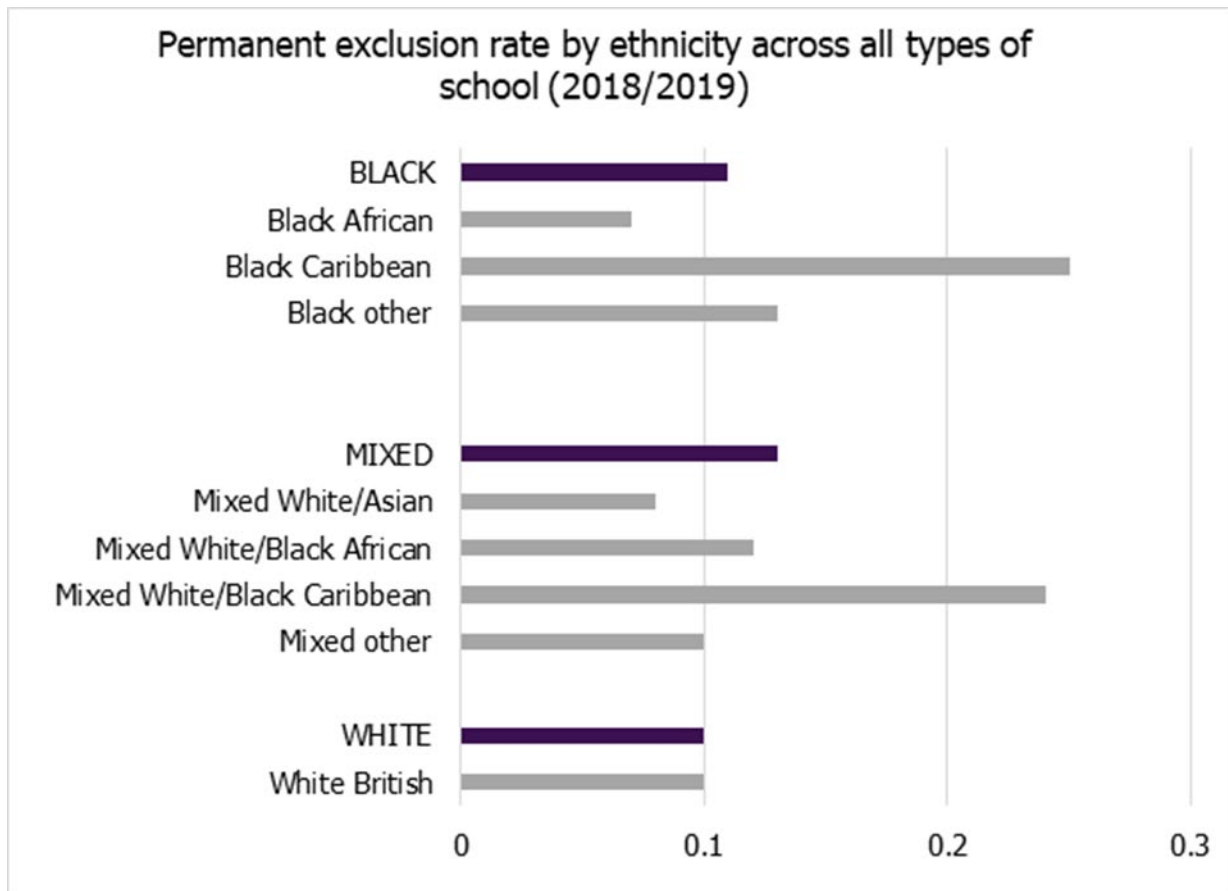
## Annexe 4: Racial disparity

The following racial disparity infographic has been produced by the YJB and highlights disparities between different ethnic groups of children to identify factors linked to over-representation.



## Annexe 5: School exclusion data

National data on school exclusion broken down by ethnicity.



## Annexe 6: Case assessment data

### Post-court work

Is the pre-sentence report provided to the court sufficiently analytical and personalised to the child, supporting the courts decision-making?	Number of cases	%
Yes	23	51%
No	22	49%
Does the bail support information provided to the court offer a robust alternative to remand?	Number of cases	%
Yes	8	32%
No	12	48%
Other	5	20%
Have relevant agencies worked together to support and promote a coordinated bail support package as an alternative to remand?	Number of cases	%
Yes	12	48%
No	13	52%
Does assessment clearly identify and analyse any risks to the safety and wellbeing of the child?	Number of cases	%
Yes	66	58%
No	47	42%
Does the assessment explore the impact of experiencing discrimination on the child's desistance?	Number of cases	%
Yes	10	10%
No, and should have	87	90%
Not applicable	16	-
Does assessment sufficiently analyse how to support the child's desistance?	Number of cases	%
Yes	43	38%
No	70	62%
Does planning set out the services most likely to support desistance, paying sufficient attention to the available timescales and the need for sequencing?	Number of cases	%
Yes	66	59%
No	46	41%
Does planning take sufficient account of the diversity of the child?	Number of cases	%
Yes	27	24%
No	86	76%

Does planning consider the impact of any structural barriers which may affect engagement?	Number of cases	%
Yes	41	41%
No	59	59%
There were no structural barriers	12	-
Does service delivery reflect the diversity of the child?	Number of cases	%
Yes	39	34%
No	75	66%
Does the implementation and delivery of services effectively support the child's desistance?	Number of cases	%
Yes	68	58%
No	48	42%
Does reviewing take sufficient account of the diversity of the child?	Number of cases	%
Yes	22	25%
No	65	75%
Does reviewing lead to the necessary adjustments in the ongoing plan of work to support desistance?	Number of cases	%
Yes	43	50%
No	43	50%
Does reviewing consider and respond to any barriers affecting engagement	Number of cases	%
Yes	26	39%
No	41	61%
Not required	21	-
Does reviewing focus sufficiently on supporting the child's desistance?	Number of cases	%
Yes	42	48%
No	46	52%

### Pre-court work

Does assessment clearly identify and analyse any risks to the safety and wellbeing of the child?	Number of cases	%
Yes	27	46%
No	32	54%
Does the assessment explore the impact of experiencing discrimination on the child's desistance?	Number of cases	%
Yes	3	6%
No, and should have	45	94%
Not applicable	10	-

Does assessment sufficiently analyse how to support the child's desistance?	Number of cases	%
Yes	25	42%
No	34	58%
Does planning set out the services most likely to support desistance, paying sufficient attention to the available timescales and the need for sequencing?	Number of cases	%
Yes	32	54%
No	27	46%
Does planning take sufficient account of the diversity of the child?	Number of cases	%
Yes	12	20%
No	47	80%
Does planning consider the impact of any structural barriers which may affect engagement?	Number of cases	%
Yes	17	33%
No	34	67%
There were no structural barriers	8	-
Does service delivery reflect the diversity of the child?	Number of cases	%
Yes	22	38%
No	36	62%
Does the implementation and delivery of services effectively support the child's desistance?	Number of cases	%
Yes	36	61%
No	23	39%
Are the recommendations by the YOT for out-of-court disposal outcomes, conditions and interventions appropriate and proportionate?	Number of cases	%
Yes	32	59%
No	22	41%
No recommendation made	5	-
Are the YOT's recommendations sufficiently well-informed, analytical and personalised to the child, supporting joint decision making?	Number of cases	%
Yes	29	49%
No	30	51%