

Report for: Corporate Parenting Advisory Committee

Item number:

Title: HMIP Thematic Inspection on “The experiences of black and mixed heritage boys in the youth justice system”

Report authorised by : Ann Graham, Director, Children’s Services

Lead Officer: Emma Cummergen, Head of Service Young Adults, Youth Justice and Haslemere

Ward(s) affected: N/A

1. Describe the issue under consideration

1.1 The purpose of the report is to inform Children and Young People’s Scrutiny of the outcome of the HMIP Thematic Inspection into “The experiences of black and mixed heritage boys in the youth justice system” April – June 2021.

2. Recommendations

2.1 To note the contents of the report and plan, directing any comments and observations to the Head of Service for Young Adults, Youth Justice and Haslemere.

3. Reasons for decision

Not applicable

4. Background information

4.1 Equal treatment within the criminal Justice system is a long-standing issue within the UK, evidence of racial disparity and the drivers for it within youth justice are complex many of which start long before the young person’s first interaction with police. However, it is clear from the large-scale evidence that this is a systemic problem, and the solutions to this relies on larger systems of power facing and challenging uncomfortable truths. The Lammy report highlighted much of this in 2017, and now Her Majesty’s Inspectorate of Probation (HMIP) chose “The experiences of black and mixed heritage boys in the youth justice system” as the subject of their thematic inspection in April – June 2021.

4.2 Haringey Youth Justice Service along side 8 other youth offending services from across the country (two others from London) were selected to take part in this inspection. It was the first of its kind and a tentative exploration into the critical issues of racial disparity within the criminal justice system.

- 4.3 Over the course of six weeks, Her Majesty’s Inspectorate of Probation (HMIP) 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). They commissioned the services of ‘User Voice’ to obtain the views of 38 boys who had been supervised by the different youth justice services. Of the 173 cases inspected 15 cases were from Haringey.
- 4.4 Haringey Youth Justice service was chosen due to the demographics of our caseload having a disproportionate make up of black and mixed heritage boys.

5. Context

- 5.1 The inspection took place over 3 months with the final report published late October 2021. The findings outline a bleak national picture, which illustrates the depth of racial disparity and disproportionality experienced by young black and mixed heritage boys engaged in youth justice services across the country as highlighted by national statistics.
- a) 41% -(the proportion) of children in youth custody in the year ending March 2020 who were black or mixed heritage
 - b) 35% -(the proportion) of children remanded to custody in March 2020 who were black. This has increased 14 percentage points, from 21%, since 2010
 - c) 2,166 black and 1,586 mixed heritage - 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
 - d) Twice as likely - 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.

6. Youth Justice Inspections

- 6.1 Youth Justice inspections are split into three domains:
- Domain 1 - Governance and Leadership
 - Domain 2 – Case Assessment
 - Domain 3 – Case Assessment Resettlement.

Nb. Domains 2 and 3 intertwine and all three provide a wider picture of the impact of youth justice practice. (Youth *Inspection Framework*: [Rules and guidance and rating characteristics for: Domain one \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/youth-justice-inspection-framework/))

- 6.2 The thematic inspection took place over the 17 – 21 May 2021, reviewing information from our case recording system, interviews with young people, parents, staff, partners, and volunteers. The inspectors also had an in-depth look at practice, policy, and procedure. Individual interviews with case managers were held and, alongside several focus groups which included our Youth Justice Partnership Board.

7. Overall findings

7.1 The final report was published in October 2021 which overall found significant deficits in the experience of young black and mixed heritage boys within the Youth Justice System: (Refer to Appendix One: The experiences of black and mixed heritage boys in the youth justice system October 2021)

“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”

7.2 A consistent theme of the national inspection findings highlighted high levels of unmet need for black and mixed heritage boys entering the youth justice system. Overall, the inspectors found that the 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.

7.3 Other themes of the inspection findings included:

- a) Education - high rates of exclusion, poor attainment and evidence of SEN not being fully addressed
- b) Exploitation - almost a third had been victims of child criminal exploitation.
- c) Evidence (recorded and verbal disclosure in interview) that the child had experienced racial discrimination.
- d) Social Care - a third of the boys had been subject to Child in Need or Child Protection plans.
- e) In over a quarter of cases, the child had a disability
- f) Economic depravity - 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.

7.4 Based on the outcome of the report, HMIP offer 18 recommendations that overarch the Youth Justice Board, The Home Office, DfE, Police Area Forces, Local Authorities, YOT partnership boards and YOS Managers. (Refer to Appendix Two: HMIP Thematic Inspection report recommendations Oct 2021)

8. Inspection feedback relating to Haringey

8.1 The published report presents an overall picture and conclusion with recommendations. For the purpose of this report, direct feedback in relation to Haringey Youth Justice Service has been highlighted below. Recommendations from the report have been reflected within our existing service improvement plan which also has a section addressing disproportionality.

8.2 Findings from Domain One: Governance and Leadership

- a) it was recognised that we were able to clearly evidence how leadership has supported with the culture change of the YJS around disproportionality over the past 2 years.
- b) Inspectors found the Stop and Search report which has a clear safeguarding lens, positive in terms shining a light on the issue.
- c) Inspectors found the Haringey Social Workers in School's initiative positive as well as the disproportionality project from the YJS - incorporating this with the social workers in school initiative to support with reducing school exclusions which disproportionately impact young black and mixed heritage boys.
- d) In terms of areas for improvement, the inspectors shared they felt that our Partnership Board needed to better understand the use of the data around disproportionality and how outcomes can be measured.

8.3 Findings from Domain Two: Post Court

- a) Inspectors were positive about the new pre-sentence report template which places the child and their narrative above the offence analysis. Inspectors commented that this was good evidence of diversity and identifying structural barriers.
- b) positive comments about the how the safety planning model is used and incorporated across the community and partnership work we undertake with our young people at risk of remand and how this has often achieved a safe bail support plan. This was seen as a positive approach to address the over representation of young black and mixed heritage boys being remanded. As a service, we will always offer bail support where appropriate. It is the responsibility of the Youth Justice Service (YJS) to use our privileged position and our trauma informed approach to ensure we are addressing the disproportional use of remand and detention for our black and mixed heritage boys.
- c) there was praise for the work the YJS does with the Library Services in using the libraries to mobilise the work we do and joint work with reparation and AQA certifications
- d) Inspectors were positive about the interventions we have in place to improve the experience and outcomes for the black and heritage boys, specifically virtual cooking club, the podcast, Met football tournament and the Ether programme.
- e) Inspectors recognised the motivation and understanding staff have of disproportionality, they further referred to our volunteers who were able to demonstrate how well they understand the cohort. It was also positively commented on that representation of panel members is reflective of the community we serve, which is something that youth offending teams have been known to struggle with.

8.4 Haringey was also identified as a 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.”

8.5 Improvement is required in the following areas:

- a) increased management oversight and quality assurance processes addressing diversity and structural barriers, ensuring that plans/interventions and assessments consider the needs of our diverse cohort fully.
- b) more mental health and speech and language provision and support for children and young people across both domain one and two.
- c) increased focus in capturing the voice of the fathers and specifically absent fathers in assessments and reviews to inform robust planning.
- d) Improve consideration of lived experiences of discrimination, impact of stop and search and excessive force to inform appropriate planning and interventions to achieve positive outcomes.

8.6 Findings from Domain Three: Out of Court Disposal

- a) Notably, improvements were raised around planning, specifically around safety and well-being and including interventions wider than just specific offending behaviour programmes.

9. Analysis

- 9.1 The initial reflections on the process and direct feedback were affirming. It was positive that the service was able to showcase the good work they are already doing to address disproportionality.

- 9.2 In terms of improvements highlighted, it is pleasing to know that our self-assessment is accurate with recommendations from the report already identified as actions within our disproportionality action plan.
- 9.3 The issue of not recording young people's experience of discrimination was an area that felt the most complex. Although it is recognised that we need to make a bigger focus on recording culture and diversity and ensure that it threads throughout our assessments and informs plans to continue address disproportionality, seeking a young person's experiences of racial discrimination is complex, demanding significant sensitivity to avoid retraumatising. To progress this, we are in discussions with our partners in practice London Borough of Islington and neighbouring borough Hackney to debate this area of concern and ensure a measured and proportionate approach in our practice.
- 9.4 The Haringey YJS Improvement Plan had already been produced and agreed by the partnership board in February 2021, however as a response to the thematic inspection recommendations, it has been subsequently updated it to include the areas for improvement raised by HMIP. (Refer to Appendix Three: Haringey Youth Justice Service Improvement Plan 2021-2022)

10. Progress to date

- 10.1 Progress to date within our action plan to address disproportionality includes:
- a) We are working on an in-depth partnership plan which will expect our partners to use their own data to help inform our work and better understand how we can make individual improvements to address disproportionality.
 - b) A new quality assurance tool has been developed; therefore, managers are actively analysing this when auditing a case and can support staff to highlight and triangulate information to provide more robust assessments with a diversity lens.
 - c) A temperature check was conducted with all staff to explore how many case managers were in touch with and or actively seeking out the voice of the fathers. This exercise highlighted to staff the need for more curious practice. This was followed by a practice development workshop on working with fathers and absent fathers.
 - d) Where young people have been stopped and searched by the Police, this is now being added to the assessment as a "significant life event". Open discussion with young people about their experience with police/in custody or their arrest/ of court are now fully expected as part of early engagement, to ensure we are capturing these lived experiences

- e) To improve the offer for young people who receive an out of court disposal, the service has developed bespoke informal education sessions on identity, culture, lived experience and stop and search.

11. Conclusion

- 11.1 Haringey YJS has a great deal to be proud of, when we look at the national picture, we know that we have already made significant changes to our practice to ensure that we are addressing racial disparity and disproportionality. We are using an identity lens in the interventions that we offer and there is a strong focus on service and practice development.
- 11.2 We use our privilege to champion the needs of our young people and openly challenge disparity. We will use the feedback to continue to improve and place a new focus on youth and family participation to ensure the voices of both the young people and their families continue to inform the delivery of our service.

12. Contribution to strategic outcomes

- 12.1 The objectives of the youth service are aligned with the priorities within the 'Borough Plan – Priority 2 (People) ' specifically:
 - a) Happy childhood: all children across the borough will be happy and healthy as they grow up, feeling safe and secure in their family, networks and communities.
 - b) Every young person, whatever their background, has a pathway to success for the future.
 - c) Strong communities where people look out for and care for one another.
- 12.2 This work contributes to the Mayor of London's Policing and Crime Strategy, Haringey's Borough Plan Priority 3 (Place), the Haringey Community Safety and Early Help Strategy It will also help to deliver on Haringey's Borough Plan, Young People at Risk strategy, as well as the North Area Violence Reduction Group (NAVRG).
- 12.3 Officers and partners work strategically across related work areas and boards such as Youth Justice, Safeguarding Children and Adults, Health and Wellbeing, Regeneration, Community Gold, Early Help and the Community Safety Strategy.

13. Statutory Officers comments

Finance and Procurement

- 13.1 The report does not directly present any financial implications to the council. The implications of any planned actions resulting from the outcome of the audit and updates to the Haringey YJS Improvement plan will reviewed when due.

Legal

- 13.2 There are no legal issues arising from the recommendations of the report. Consideration should be given to how the issues raised in the Thematic Inspection and the Action Plan should be shared across the Council's

services areas and with our strategic partners to ensure a joined up approach and response.

Equalities

- 13.4 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- a) Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - b) Advance equality of opportunity between people who share those protected characteristics and people who do not;
 - c) Foster good relations between people who share those characteristics and people who do not.
- 13.5 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 13.6 HMIP's thematic inspection has highlighted a number of equalities-related issues faced by Black and mixed heritage boys as a result of their disproportionate representation within the youth justice system, many of which are intersectional in their nature and impact. Haringey YJS's inclusion of the areas for improvement raised by HMIP in its Improvement Plan is a positive measure in addressing the inequalities faced by Black and mixed heritage boys within the youth justice system and society at large.
- 13.7 In order to ensure that the Council satisfies the Public Sector Equality Duty, it will be necessary to assess the equalities implications of individual pieces of work set out in the Improvement Plan to progress the Council's youth service on a case-by-case basis, including undertaking an Equality Impact Assessment where necessary. It is anticipated that, in doing so, this will involve a consideration of the equality's issues raised by HMIP as part of its thematic inspection.
- 13.8 Senior Leaders should ensure that it addresses these duties by considering them within its work plan, as well as individual pieces of work. This should include considering and clearly stating;
- a) how policy issues impact on different groups within the community, particularly those that share the nine protected characteristics;
 - b) whether the impact on particular groups is fair and proportionate;
 - c) whether there is equality of access to services and fair representation of all groups within Haringey;
 - d) whether any positive opportunities to advance equality of opportunity and/or good relations between people, are being realised.

13.9 Senior Leaders should ensure equalities comments are based on evidence. Wherever possible this should include demographic and service level data and evidence of residents/service users' views gathered through consultation.

14 **Appendices and References**

Appendix One: HMIP Thematic Inspection report - The experiences of black and mixed heritage boys in the youth justice system October 2021

Appendix Two: HMIP Thematic Inspection report recommendations Oct 2021

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

National Statistics. Permanent exclusions and suspensions in England and Wales. <https://www.gov.uk/government/statistics/permanent-exclusions-and-suspensions-in-england-2019-to-2020>

15 **Local Government (Access to Information) Act 1985**

N/A