



Further response from The Association of Youth Offending Team Managers (AYM) to the Justice Select Committee review on Youth Justice regarding Black, Asian and Ethnic Minority (BAME) children and the Youth Justice system

AYM recognises that addressing the issue of racial injustice is vital to our society and that disparity in the justice system has been an issue for far too long and that as the professional association for youth justice managers, AYM has a big part to play in relation to highlighting and challenging inequality and injustice where we see it within the criminal justice system and within our day to day work.

It is vital that those of us in positions of power and Influence use our voice to address these concerns and also vital to ensure that we listen to the experience of the children and communities that we deal with.

AYM is committed to the concept of 'explain or reform' that was proposed within the Lammy report.

The committee should be aware that in the year ending March 2019, Black children were over four times more likely to be arrested than White children (annual YJ statistics) this fact influences everything else that follows within the justice system and places BAME children at a significant disadvantage to their White counterparts.

The issue of serious youth violence is another key issue, socio-economic deprivation has been linked to serious youth violence, the evidence on links between ethnicity and serious violence (considering both offending and victimisation rates) is acknowledged as being limited. (Tackling Racial Disparity in the Criminal Justice System MoJ 2020). However, it is important to acknowledge the potential impact of serious violence strategies on Black, Asian and minority ethnic communities and we need to actively monitor how the response to serious violence affects different communities differently.

A multi-agency approach that tackles the root causes of serious violent crime is essential and we are committed to working with partners to ensure that children at risk of involvement in serious violence are supported and prevented from entering the Criminal Justice System.

AYM has held a dedicated meeting with sector colleagues following the Justice Committee's questions and concerns around disproportionality and would like to make the following suggestions in relation to possible options for future consideration:

- That equality and especially race equality, should become a duty for all public bodies in the same way that we have a duty across all agencies to safeguard children from harm.
- The Lammy Review "publish, explain and reform" recommendations should be enshrined in future legislation to direct public bodies to publish data on inequalities, explain, act or reform.
- Criminal justice agencies, Police and other Justice agencies (Courts, YOT, Probation, CPS and custodial institutions) should be required to engage with their local communities via an Information, Advice and Guidance type process, and that children and young adults should have a dedicated and distinct age appropriate process for engagement in order to share concerns, challenge agencies and co-produce solutions.

- Children and young adults should be supported and encouraged to be able to challenge where they encounter discrimination and perceived injustices across the system. This should be done within their communities and on an individual basis. Support should be commissioned from children's rights organisations and voice and influence groups.
- Public bodies, should as with child safeguarding, ensure their staff are also trained in cultural sensitivity and unconscious bias so as to ensure staff who meet the public and shape policy are aware of the impacts of their actions.
- Local Safeguarding Partnerships (or YOT partnerships) should work with Police Services or Police and Crime Commissioners to report and review local data on children (by race, gender and age) who are stopped and searched, subject to dispersal orders, arrested, outcomes of arrest, whether held in custody while awaiting charge, the range of RUIs applied to child suspects and the use of Tasers, handcuffs or spit masks on children.
- This will show whether cultural sensitivity and unconscious bias training is having any impact, YOT report local concerns around initial police responses to children in trouble which can appear disproportionate.
- Youth and Crown Courts should be added as bodies within local safeguarding partnership and should report on their sentencing trends in relation to children, specifically looking at any disproportionately in their use of Youth Detention Accommodation, custodial sentences; direct alternatives to custody programmes such as Intensive supervision and Surveillance and not guilty/community sentence outcomes.
- YJB should report on informal disposals and disproportionality across services and ensure uptake by children is the same for those arrested with the same characteristics. YJB should in addition measure whether children become FTE within the following year after being diverted by these processes.
- YJB statistics, currently focus on offences, we suggest that this needs to be balanced by a similar set of data that shows the pre-existing adverse childhood experiences, speech and communication needs and wellbeing concerns that are found in AssetPlus assessments for the cohort managed by Youth Justice Services.
- YOT Quality Assurance processes for Pre-Sentence Reports for Court and Referral Order panels should ensure that differences in ethnicity culture and a child's lived experience are explicitly highlighted
- Training events should be considered between local YOT, Court, and CPS to highlight that PSRs should present facts about adverse childhood experience in a clear and explicit way.
- YOTs should be required to report to the YJB on any disparity in compliance and enforcement actions resulting in return to court for breaches, and offer explanation, action or reform if disproportionately is shown to exist.
- The disproportionately found by other groups such as Gypsy, Romany and Traveller community should be reviewed and the YJB and local partnerships should be required to provide data and explanations and actions or reform plans.
- Public confidence in the (necessarily anonymous) Youth Court could be improved by clear and robust communication materials explaining processes and possible outcomes, materials that are readily available (in many forms and languages not just on-line) for any parent, carer, guardian where their child is in trouble with the law.
- Local Youth Justice Partnerships should have a focus on understanding and engaging with local BAME communities and grassroots organisations within those communities. This is essential to improve relationships and trust in the Youth Justice System in those communities

- The YJB should ensure that disproportionality should be central to the new YOT Management Board guidance which currently being looked at by AYM & YJB.
- YOTs should be encouraged to support peer reviews with disproportionality as a theme under the Youth Justice Sector Improvement Programme.
- HMI Probation should consider undertaking a multi-agency joint thematic inspection including Police & Courts around racial disparity and disproportionality with a focus on understanding the experience of BAME children within the justice system.
- The YJB should consider best practice in dealing with disproportionality to support improvements within YOTs via the YJB Resource Hub.