

Exploring racial disparity in diversion from the Youth Justice System



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Glossary

Children – refers to those under 18 years of age and those for whom there are extended support entitlements beyond 18 (those with special educational needs and disabilities, care leavers).

Community Resolution - can vary depending on the location in which it is offered and can involve restorative practices including a simple apology, an agreement to pay for any damage done and/or a meeting with the family or the school, through to a 3-month period of support and supervision by the Youth Justice Service.

Contextual Safeguarding – is an approach to understanding, and responding to children's experiences of significant harm beyond their families (see [here](#) for more detail)

Deficit-based – refers to approaches that focus on the needs, problems or behaviours of individuals or groups when seeking to understand, assess or respond to an issue, often in the context of suspected risk or harm. Such approaches see the person(s) as the problem, rather than contextually understanding their experiences and seeing them as part of the solution.

Discrimination – there are different forms of discrimination which children may encounter.

Direct discrimination - A person is treated less favourably than another because of a protected characteristic.

Indirect discrimination - a policy, rule or practice applied equally has a worse effect on people who share a certain protected characteristic.

Harassment - any form of unwanted words, conduct or actions that annoy, offend, alarm, violate dignity or cause distress.

Victimisation - A person receives detrimental treatment because they complained about discrimination.

Disproportionality – occurs where groups are under or over-represented in data or services and/or disproportionately (unequally) experience an issue compared to the general population. Disproportionality can occur in a wide range of contexts including child protection, educational exclusions and youth justice, for example.

Diversion – the Youth Justice Board defines diversion as '*where children with a linked offence receive an alternative outcome that does not result in a criminal record, avoids*

escalation into the formal youth justice system and associated stigmatisation. This may involve the YJS delivering support / intervention that may or may not be voluntary and/or signposting children (and parent/carers) into relevant services. All support should be proportionate, aimed at addressing unmet needs and supporting prosocial life choices (Youth Justice Board, 2021). Diversion should be viewed as part of a process during which there are multiple points of intervention, prior to contact with the Youth Justice System, at the initial point of contact with the police or emergency services, during the design and delivery of intervention and through processes of reintegration [Academic Insights - The 'Sequential Intercept Model' – a trauma-informed diversionary framework](https://www.justiceinspectorates.gov.uk/academic-insights-the-sequential-intercept-model/) ([justiceinspectorates.gov.uk](https://www.justiceinspectorates.gov.uk))

Neurodivergence - non-medical umbrella term that refers to the way that some people's brains learn, process or function; in a manner that 'diverges' from the 'neurotypical' general population. Neurodivergence often includes intellectual/learning disability; specific learning disorder; communication disorders; attention-deficit/hyperactivity disorder; and autism spectrum disorders. However, a word of caution is noted about over-reliance on clinical diagnoses as basis for a definition, given that many children will not have been assessed and diagnosed in the education and youth justice systems, or they may have levels of impairment that do not meet the criteria for a diagnosis.

No Further Action (NFA) - means that the police have decided not to charge a child with an offence. This may be because there is not enough evidence or it is not in the public interest to do so. However, should further evidence emerge the police can decide to prosecute. There is no time limit on this.

Outcome 21 - can be utilised in cases where the police are informed of a [criminal offence](#) but decide it is not in the public interest to investigate further. Outcome 21 was created with the aim of enabling the police to record behaviour, such as [sexting](#), without the allegation being disclosed on a Disclosure & Barring Service (DBS) check.

Outcome 22 - may be invoked in cases where investigations have taken place and, although the outcome is recorded as an NFA, **action is taken to prevent reoffending or change behaviour by addressing the root cause of the offending**. This might include attending a victim awareness course, engagement with addiction services or referral to a domestic abuse perpetrator programme. It might also include some form of restorative justice or practice with the victim. It can be used as an alternative to a formal Out of Court Disposal, prosecution or further investigation. However, the Outcome will not be recorded

until **after** the diversionary activity has been completed. Outcome 22 does not require that **children admit their guilt or accept** responsibility. This differentiates it from other outcomes such as a Community Resolution or a Caution where an admission is required. Typically, as with other diversionary outcomes, the child will work with the Youth Justice Service for a period of 3 months following the issuing of an Outcome 22 disposal.

Peer group mapping – is a process whereby professionals (from different agencies) can map associations between different young people, and contextually consider the strengths, risks and vulnerabilities within these networks (see here for more detail).

Procedural justice – the four key principles of procedural justice are voice, neutrality, respect and trust. Procedural justice theory states that if people (including children) are treated in a way that they feel is procedurally fair and equitable, they will view those in authority as more legitimate and respect them more. They are more likely to comply and engage, even when the outcomes of the decisions or processes are unfavourable or inconvenient ([HMIP. 2025](#)). It's about how power is exercised, not whether it is exercised.

Professional curiosity – means avoiding assumptions and instead proactively exploring what might be going on individuals, families and groups; seeking to understand what lies beneath the presenting issues and maintaining an open mind.

Protected characteristics – refers to categories set out in The Equality Act 2010, against which a person cannot legally be discriminated. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Relational or relationship-based practice – are approaches which prioritise the relationship between practitioners and children/young people and/or families. The relationship is seen as a key part of the intervention, with emphasis placed on creating meaningful connection to promote positive change.

Restorative (approaches/practices) – describe behaviours and practices which aim to empower people to find solutions to and reach their full potential; with a focus on repairing harm and addressing conflict in ways that strengthen relationships.

Trauma-informed practice/care – though not precisely defined, the term is used to describe approaches that embed an understanding of trauma and its impact on people. Trauma-informed approaches should be applied to organisational policy and culture, as well as direct practice.

Turnaround is an early intervention programme introduced by the Ministry of Justice in 2022. Funding from the programme enables youth justice services to provide services to children who have been identified as involved in anti-social or offending behaviour.

Turnaround assessments and services recognised that children who come into contact with the criminal justice system often have a variety of needs which require a joined-up response from services.

Youth Caution - is a formal warning that is kept on record by the police. It can be given to young people under the age of 18 who have committed a criminal offence. In many areas, a child will be offered 3 months supervision by the Youth Justice Service following the issuing of a Youth Caution.

In some cases, the victim of a crime may be invited to meet to discuss the offence. They will be informed of this beforehand if this is the case. The Youth Justice Service may also invite the child to participate voluntarily in some work aimed at helping them to stay out of trouble.

Youth Conditional Caution - is a formal warning that is kept on record by the police. It can be given to young people under the age of 18 who have committed a criminal offence. A Youth Conditional Caution will include at least one condition. This means that the child must attend the meetings with the Youth Justice Service (usually for 3 months) and carry out any conditions set for them by the panel. Failure to abide by these conditions will mean that the child will have to go to Court.

Executive summary

There is a substantial body of research on racial disparities in the sentencing of children people in the youth justice system, but there is limited evidence on racial disparities in pre-court diversion from the system. The present research investigates the nature and extent of racial disproportionality at the gateway to the youth justice system and the factors that explain it.

The research was funded by the Nuffield Foundation and undertaken by researchers from The University of Bedfordshire and Manchester Metropolitan University between 2022 and 2025.

Background to the Research

The past decade and a half have seen an overall decline in the number of children entering the youth justice system. This can be explained in part by the implementation of a 'Child First' approach by youth justice practitioners and the Police. However, evidence shows that the greater use of diversion has not benefitted all children equally because minoritised children have been significantly less likely to be offered diversion.

What is Diversion?

At the gateway to the youth justice system a child may be dealt with in different ways depending upon the seriousness of the offence they are believed to have committed. This means that if children are not charged, with associated prosecution, or are not formally cautioned, they may be diverted into another form of intervention that aims to address their behaviour. The least intrusive measure is the Community Resolution, which may involve a single visit by a police officer in order for the child to make an apology or agreeing to pay for damage done, or more substantial interventions over 3 months, as happened on our fieldwork sites in the North of England. In certain areas outside of London, police can use Outcome 22 – a Home Office code indicating that diversionary interventions have taken place without requiring an admission of guilt. This measure will not appear on the child's "police record". Beyond this, in ascending order of seriousness and the intensity of the professional intervention, are Triage, Enhanced Triage, Turnaround, Youth Caution and the Youth Conditional Caution, decided by a multi-agency panel of experts. Youth Conditional Cautions will appear on a child's "police record". Beyond this is a referral by the multi-agency panel to the Police to consider prosecution and an appearance in Court.

The research aimed to answer the following questions:

- o To what extent are outcomes at the 'gateway', to the Youth Justice System (YJS) characterised by ethnic disproportionality?
- o Do outcomes vary for different minoritised ethnic groups?
- o How does decision-making in respect of minoritised children differ from that of White children?
- o Does decision-making differ between different ethnic groups?
- o What are the factors influencing this decision-making?
- o What are the obstacles to increasing diversion for minoritised children?
- o What measures in policy and practice would facilitate more equitable decision-making?

Methods

The research involved:

- o A literature review of the relationship between ethnic disproportionality and diversion in the youth justice system in England and Wales.
- o A two-part survey of Youth Justice teams in England and Wales providing qualitative responses (n=27) and quantitative data of youth justice outcomes (n=20) over a three-year period (2019-2022).
- o Detailed field work in four research sites, two in London, one in the Midlands and one in the North of England. This included interviews with 34 children and 51 professionals, and the interrogation of quantitative data held by the Police and the Youth Justice services and analysis of 42 case files. Police data was also provided by two sites.

Key Findings

Disproportionality and Diversionary Outcomes

The research asked how far outcomes at the 'gateway', to the Youth Justice System (YJS) are characterised by ethnic disproportionality and whether outcomes vary for different minoritised ethnic groups. The findings showed that:

- o Our findings are in line with previous studies which show that ethnic disparities in outcomes increases with the intensity of the youth justice interventions.
- o In particular, the offences committed by minoritised children are treated more severely, resulting in more intensive diversionary outcomes compared to their White peers who have committed the same offences.
- o Moreover, Black and Mixed Heritage children, and particularly Black boys, are the most likely to be over-represented at **all** stages of the Youth Justice System. In contrast, Asian boys are under-represented in all youth justice outcomes.
- o The quantitative data gathered from the national survey showed that Black boys are more than twice as likely as their White peers to receive a Community Resolution or No Further Action (including Outcome 20, 21, 22). This finding needs to be considered in the context of the fact that Black boys are proportionately more likely than White boys to be arrested in the first place and so are more likely to receive any kind of disposal.
- o This finding means that there is disproportionality at the gateway to the system. Interpretation of this is not straightforward and this research does not provide conclusive answers. The statistics could indicate that positive practice is taking place, and Black boys are receiving diversionary rather than higher tariff outcomes. It could also indicate negative practice, and that Black boys are entering the system because they are more likely to be identified as potential offenders.
- o However, when decision-making is administered by joint decision-making panels (which include representatives from several welfare and CJS agencies), rather than solely by the police, Black boys are 75% more likely to receive an out-of-court disposal than their white peers, reflecting a lower rate of disproportionality at this point in the Youth Justice System.
- o The findings showed Mixed Heritage boys are twice as likely to receive informal diversions and statutory outcomes than their white peers. However, there is less disparity at the regional level than is the case for their Black peers.

- o The number of girls in the quantitative data was too small to include in the quantitative analysis, but their experiences as reported in the interviews and recorded in case files are included in other chapters of the report.

The Importance of Family and Educational Experiences

- o The home, family and personal histories of the children in the sample were complex and often extremely difficult.
- o These experiences were central to children's accounts and their explanations of the issues that had contributed to their behaviour and entry to the Youth Justice System.
- o Domestic violence and other forms of abuse, difficult relationships with parents and siblings, bereavement, parental substance misuse, family criminality, poverty and educational problems were present in the majority of cases. This chimes with much other research into youth justice but the familiarity of these findings should not detract from the seriousness of the issues involved and how they directly or indirectly contributed to children's behaviour.
- o Almost all children in the sample had been excluded from school, often on multiple occasions. A high proportion were known to have SEND and in the cases of a further group there were concerns that they had undiagnosed SEND. Youth justice teams were often supporting children and their families to be assessed for SEND.
- o The children themselves were aware of the difficulties they had faced in the classroom and that help was needed, and they appreciated where there had been understanding and flexibility in the approach taken by schools and individual teachers.
- o Several children in the study reported experiencing racism at school, from both teachers and peers. When this was reported, they often felt ignored or treated unfairly. Some also felt their behaviour was stereotyped or they were treated differently to their peers.
- o The relationship between school experience and offending can operate in different ways. In this study it was clear that the multiple forms of 'exclusion' that had taken place, together with frequent moves meant that children usually lacked a stable school base where they felt safe, consistent, trusting relationships with teachers and positive peer group networks. In some cases, the challenges of the school environment and peer groups made it more likely that children would carry weapons or get into disputes with peers that led directly to police involvement. In other cases, the relationship was more tangential, but children's lack of safety and fulfilment at school, together with family stresses, meant they were more likely to engage in anti-social and dangerous behaviour.

The Policing of Children and Young People

- o Children's ethnicity is not being consistently recorded by police.

- o Where data was available, there was evidence of very high levels (two-thirds and above) of No Further Action decisions for children who had come to police attention but whose cases were not immediately pursued, usually on evidential grounds. White children were over-represented in this group.
- o These findings are concerning given that NFA cases can be re-opened at a future and unspecified date, resulting in anxiety, stress and confusion for the children and families concerned.
- o In line with the Youth Justice system more generally, there were very small numbers of girls in this study. However, our qualitative data indicated that girls were often viewed through a 'welfare lens' by all the agencies involved in diversionary decision-making.
- o Official police data and children's accounts suggested that minoritised children, and especially Black and Mixed heritage children, are frequently subjected to over-policing.
- o Minoritised children reported multiple negative interactions with police. These included being repeatedly stopped and searched. Many of them spoke about 'informal stops', that were not officially recorded by the police, during which they were questioned about their whereabouts and activities.
- o Youth justice professionals felt that minoritised children were more likely to be treated negatively by the police. Minoritised professionals recognised and empathised with these experiences.
- o Children's accounts of their arrests varied; some felt they were treated with respect and as individuals, while others felt they were treated poorly, with some experiencing violence. Professionals also reported ways in which adultification could take place during this process.
- o Most children who had been taken to the police station had received legal advice from a solicitor. This had often resulted in advice to give a 'no comment' interview which meant that they were not eligible for the majority of diversionary options. This is a concerning finding, especially in areas where Outcome 22 and Chance to Change (see Glossary) did not exist as decision making options, and where the child would not have the option of being dealt with through an out-of-court disposal.
- o A range of adults had acted in the role of Appropriate Adult for the children in the study. There was evidence of the advantages of professional youth justice workers taking on this role.
- o Children had been held in police cells for lengthy periods and talked about the stress associated with this, even though they were checked regularly.

Decision-making, Diversion and Disproportionality

- o The offences for which the children had received diversionary interventions mainly involved the carrying of illegal substances, carrying weapons and fighting or other forms of physical assault.
- o The format of community resolutions varied between local areas, ranging from a single home visit to a minimum of three months of interventions. There was evidence

of local areas facing challenges in designing interventions that are both appropriate to the child's needs and effective in supporting desistance.

- o An assessment by multi-agency specialists may be the first time a child can access mental health, speech and language, and/or Drug and Alcohol services.
- o However, case file analysis suggested limited professional curiosity during assessment to the impact of race, culture and ethnicity within the decision-making process.
- o Where collaboration is ineffective, vulnerable children risk not receiving joined-up support from youth justice and child protection systems.
- o Adultification bias often prevented Black and Mixed Heritage children who from being recognised as vulnerable. This challenge is particularly evident in cases involving county lines or children with care experience.
- o However, in some areas there is evidence of strong links between Out-of-Court and MASH (Multi-Agency Safeguarding Hubs) panels with senior leaders from social care and youth justice as members on both partnership groups and an expanded understanding of identifying and responding to Child Criminal Exploitation.

Diversionary Interventions

- o Diversionary practice varies depending upon the availability of particular expertise within the youth justice service and the third sector.
- o There were often long gaps between the incident leading to police and youth justice involvement, and the actual diversionary support package.
- o Youth justice staff saw their role as trying to develop a support package that would meet children's needs. This often included addressing long-standing issues regarding education, accommodation and family support.
- o There was a lack of evidence about how racism and other issues of identity and community were considered in relation to the design and delivery of diversionary support. There was uncertainty on the part of professionals about what this might mean in practice, and there was no consistent recording in case files.
- o Evidence from children emphasised that the acceptability of the support depended to a large extent on the quality of the relationship that had been built between the youth justice worker and the child. These relationships were characterised by friendliness, informality and care.
- o There was limited evidence of the monitoring and reporting of outcomes from diversionary support packages. The reasons for this are not clear from this research but require consideration at local level.

Recommendations

This research has generated a large amount of data and there are many issues that could be considered as recommendations. Each of the recommendations below has been developed in partnership with policy and practice colleagues. However, we recognise that each of the issues highlighted in the recommendations is complex and will require

discussion at local level. This is especially important in light of the variations in practice across the country.

Decision-making, Diversion and Disproportionality

Local decision makers often lacked the data or mechanisms through which to monitor local practices and take action. To strengthen local processes, we recommend:

- Inclusion in Youth Justice Plans of the practical steps by which the agency and the professionals within the Youth Justice Service could reduce and eliminate racial disproportionality within the system.
- We recommend strengthened evaluation practices around decision making processes and diversionary interventions to measure impact on rates of racial disparity at the local and national level, combined with the sharing of learning about good practice.
- Local areas should review and monitor the extent to which their recording practices enable reporting on disproportionality, in relation to diversionary outcomes. This should include:
 - Reporting on disproportionality to be a standing item at Joint Decision-Making Panels.
 - Membership of Joint Decision-Making Panels to be reviewed with the aim of including wider representation including the YJS, Police, victim liaison and local authority education representative, third sector and members of the local community.
 - Accurate recording of a child's basic demographic data, including ethnicity, when they come into contact with the police. This should include the removal of 'unknown'/'not applicable' categories when all agencies, particularly the police, record a child's ethnicity.

The Policing of Children and Young People

There is a need for more consistency in how decisions are co-ordinated between the YJS and police officers on the street, and how charges are agreed between arresting officers and custody sergeants, and signed off by an inspector. To facilitate this, we recommend that:

- At a local strategic level, Police and Crime plans should look to take a Child First approach, outlining how the four-tenet principle can be interpreted and actioned by police services and their partnerships.
- Police officers receive training about how to interact with children on the street, including training on issues of identity, including race and racism, the impact of childhood trauma and neurodivergence.
- The College of Policing to further review all relevant police guidance, training and scrutiny of the use of strip searches, ensuring a child-first approach and

reducing the risk of adultification of Black and Mixed Heritage children through a focus on the child's safety and wellbeing.

- The national adoption of Outcome 22. This would ensure a consistent national framework through which all children can access diversionary interventions without the admission of guilt.
- The police should add the category of Outcome 22 to their recording data, rather than having this recorded as NFA. This should contribute to the consistent adoption of Outcome 22 across the country.

Arrest and custody

- The introduction of a presumption against bringing children to the police station to be held. Instead, the power *not* to hold children should be utilised and arrangements made to see them/bail them to an arranged appointment.
- Where possible, police officers 'check in' with a senior officer before bringing a child into the station at the point of arrest.
- Custody sergeants should be required to record who is put forward for diversion and this information shared promptly with the YJS.
- Ensure child-friendly police custody areas. This includes waiting areas, interview rooms, the provision of an appropriate room for professionals to speak to the child safely and police cells (if absolutely necessary according to the UNCRC).
- Youth Justice professionals should be consulted in all custody suite decisions involving children to ensure informed decision-making on case progression. This consultation may occur in person or via an 'on-call' system, enabling youth justice services to access local authority education and social care databases to advise custody sergeants on the child's social care, health, education, mental health and family or care backgrounds.

Legal advice

- Legal advice for children to be mandatory, rather than optional.
- All duty solicitors should be trained by youth justice specialists before they can represent children.
- Collaboration and training of local defence solicitors to be formalised to ensure improved and consistent practice to support young people interviewed under caution.

The Importance of Family and Educational Experiences

Children's experiences of family and school were amongst the major themes emerging from this research. The complexity of children's family and home experiences highlighted the need for a co-ordinated multi-agency response in order to meet children's needs effectively.

In respect to school, there were several areas of concern, including the very high levels of school exclusion, undiagnosed learning needs, and a reported lack of challenge to racist incidents. The different ways in which racism can take place in schools and colleges has been the subject of many reports, and these issues are subject to existing guidance from the Department for Education. The accounts of children and professionals in this study suggested that practice is not always consistent, that racism is not always acknowledged or challenged. It is therefore recommended that:

- At local level (through governing bodies/Multi-Academy Trusts/groups of schools/colleges/alternative provision) regular reporting and analysis of exclusion statistics and case studies of individual exclusions in relation to race and ethnicity and to identify evidence of disproportionality. This should take place in addition to OFSTED monitoring and review of schools' practice in relation to exclusions and the protected characteristics of the children concerned.
- Youth justice practitioners attend school exclusion hearings and appeals where there is police or youth justice service involvement, to help advocate for the child and family, and work with the school to meet the child's needs with a view to keeping them in school.
- In cases where a child has suspected/ recognised SEND/ neurodivergence there should be a presumption against school exclusion, and an alternative plan for educational provision that meets their needs established. This should include timely assessment of their learning needs.
- In cases where children are engaged with youth justice services, designated safeguarding leads in schools to liaise with youth justice services to support children to remain in school where possible. Where this is not possible, planning for their future education, training and employment should take place before the child is excluded.
- Situations will arise in schools where the police will need to be called. In cases where youth justice or other services are involved, it is recommended that schools also make contact with the relevant agency to ensure that all information is readily available to support effective decision making.

Chapter 1: Introduction

This report presents the findings of a study of racial disproportionality in diversion from the Youth Justice System (YJS) in England & Wales, undertaken between 2022 and 2025 by researchers from the University of Bedfordshire and Manchester Metropolitan University. The research was funded and supported by the Nuffield Foundation, and the project benefited from the advice and help of an expert Steering Group.

1.1 Aims and objectives of the research

Our research examines decision-making at the gateway to the youth justice system (initial contact with the police, including arrest). Its aim is to:

- Identify the extent and nature of racial disproportionality at the gateway to the youth justice system and the factors that explain it.
- Produce recommendations for policy and practice, highlighting how decision-making would need to change to reduce racial disproportionality.

Specifically, we sought answers to the following questions:

1. To what extent, and if so why, are formal and informal outcomes at the entry-point, or 'gateway', to the Youth Justice System (YJS) characterised by racial disproportionality?
2. Do outcomes vary for different ethnic minority groups?
3. How does decision-making about diversion or prosecution in respect of minoritised children differ from that of White children?
4. Does decision-making differ between different minority groups?
5. What are the main factors influencing decision-making at the gateway to the system?
6. How are these impacted by a child or young person's ethnicity?
7. What are the obstacles to increasing diversion /informal outcomes for children from ethnic minority backgrounds?
8. What measures would facilitate more equitable decision-making at the gateway to the YJS?

The study utilised a mixed methods strategy and was completed in three stages. The first stage involved a review of the existing literature on racial /ethnic disproportionality within the youth justice system, focusing on the gateway to the system and diversionary strategies.

The second stage was a national survey of 157 Youth Justice Teams (YJSs) in England and Wales and was undertaken to determine the nature of their diversionary approaches, the rationale for using them, their outcomes, and examples of good practice.

The third stage of the study involved detailed fieldwork in four areas of England, covering the North, Midlands and London. Interviews were carried out with diverse samples of 50 professionals and 34 young people. A sample of 42 case files for children on diversion was selected and interrogated in relation to the histories of the young people concerned and the decision-making processes through which they arrived at the gateway to the youth justice system. Quantitative data for the four areas (including a mix of police and youth justice data) for the past three-five years was analysed.

1.2 Language and terminology

The way in which racial and ethnic identities have been described historically have reflected discourses rooted in colonialism and racism. Language continues to be contested, a process which may reflect differing perspectives but can also challenge and stimulate. Throughout this project we found considerable variation in the classifications used by professional agencies to describe minoritised groups – and we reflect on this further in our discussion of findings. In this report, and further to feedback from Steering Group colleagues, this study uses the term ‘minoritised’ to refer to Black and minority ethnic groups, but to provide specific descriptors wherever possible. In interviews, and again where possible, we asked children and professionals to give their preferred description of their racial and gender identities and have used these in our labelling of quotes.

1.3 Outline of the report

The remainder of this chapter provides an overview of the policy, practice and research context of the study and its methods. Chapter 2 discusses findings relating to ‘Justice by geography’. Chapter 3 considers the range of familial and educational factors present in the lives of the children who formed the interview and case study samples, and how these interacted with the youth justice system. Chapter 4 presents and discusses findings relating to the policing of children. Chapter 5 explores processes of joint decision making in the youth justice system. Chapter 6 examines the data relating to the types of interventions experienced by the sample, and children’s views of this. Chapter 7 explore the main factors influencing decision-making at the gateway to the system. Chapter 8 presents our conclusions and recommendations for policy and practice.

Given the range of data sources used in this study, each chapter identifies the data used in the analysis and discussion within each chapter. It is important to note that all the data collected relates to England only, and therefore to English policy and legislation on diversion.

1.4 The background to the study

This section presents summary information from the literature [review](#) that provided the foundation for the study (Bateman et al, 2023). Evidence of both the numerical over-representation of children from minoritised backgrounds in the youth justice system and discriminatory outcomes is well established (Lammy, 2017). In his 2017 review of ethnic minority people in the justice system, David Lammy MP observed that ‘disproportionality’ amongst children in the youth justice system was his ‘biggest concern’. His report noted that racial disparities were increasing. Indeed, whereas in March 2012 19 percent of children receiving a formal sanction came from ethnic minority communities, by March 2022 this had risen to 29 percent (Youth Justice Board, 2023). While in 2012 less than one third of the children in custody were non-White, a decade later they constituted more than 50 per cent (Youth Justice Board, 2023).

Both this and other research (see for example Pitts, 2008, Harding, 2014) suggests, that the numerical disparities in the youth justice system are exacerbated by inequalities beyond the system. Minoritised children, and particularly Black and Mixed Heritage children, suffer disproportionately from living in areas of concentrated social disadvantage, high crime, difficulties in the educational system and lack of access to legitimate opportunity (Pitts, 2008).

However, there is also ample evidence that these disparities can be exacerbated by involvement in the criminal justice system. Black children, for example, are far more likely to be stopped and searched on the street by the police (HM Government, 2024), less likely than their White peers to be cautioned rather than charged and, once convicted, are subject to more severe penalties for similar offences (Lammy, 2017). This has led researchers to suggest that for minoritised children, contact with the criminal justice system is, of itself, criminogenic (Becker, 1973, Miller & Gold, 1984).

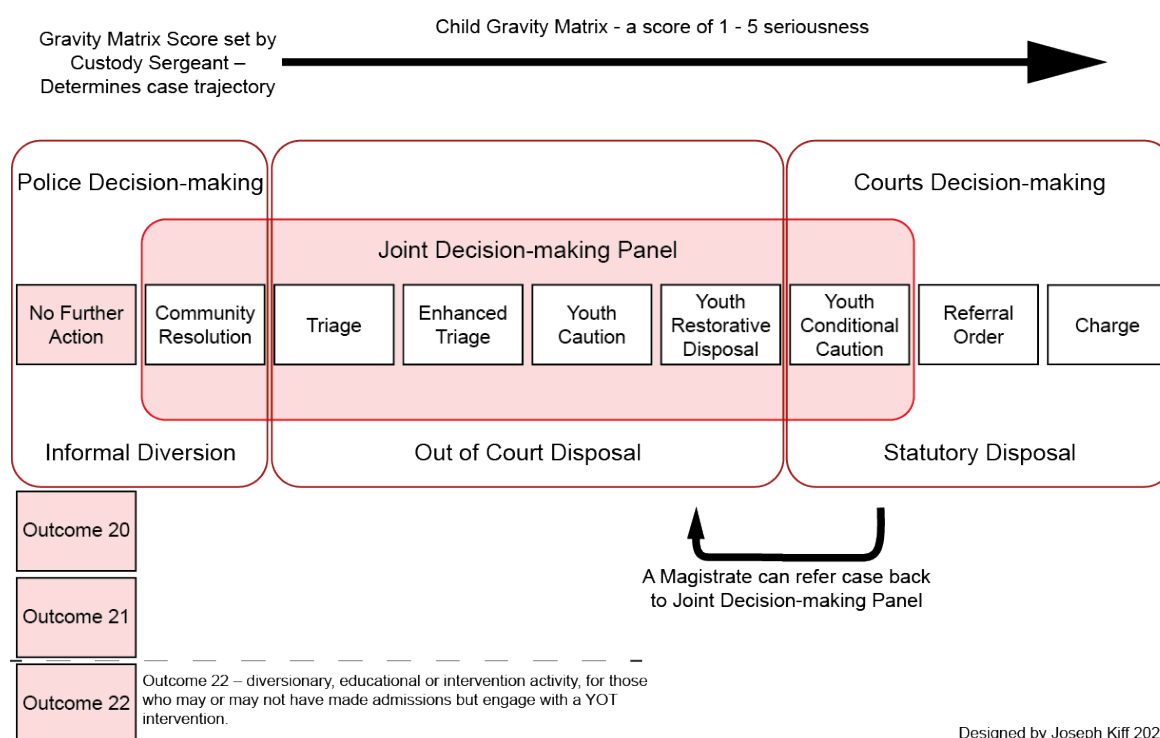
The evidence concerning disproportionality and the criminal justice system is, therefore, considerable – but many questions remain. This study therefore seeks to extend the evidence base and develop the policy and practice discussion through exploration of the ‘how’ of diversion. Specifically, the project has tried to examine the processes of decision making, and how these may be significant in understanding the relationship between

diversionary outcomes for children and racial disproportionality. As a result of this, the intention has been to strengthen equity within the system.

1.5 Modelling diversion in the youth justice system

In order to facilitate understanding of the decision-making process regarding diversion, the diagram presented below at Figure 1.1 was developed.

Figure 1:1: A simplified schematic illustration of decision making in different parts of the Youth Justice System



The diagram sets out the different stages of decision making and the different outcomes available, together with the professional structures or institutions responsible. The report findings emphasise the many ways in which these elements of the system vary geographically, but this model provides a way of understanding the system overall and has provided a useful reference point for the project. The different chapters will therefore refer to the various stages of decision making in line with the diagram.

1.6 The case for diversion

Research indicates that children who are diverted from formal sanctioning in the criminal justice system avoid the negative consequences of system involvement (Smith et al, 2004).

These consequences include acquiring a criminal record, interrupted or attenuated education, training or employment and social stigma, which may well exclude them from future educational and vocational opportunities and skew their self-perceptions (Goffman, 1963, MacNeil et al, 2009). Beyond this, formal contact with the justice system, particularly at an early age, can deepen and lengthen the child's 'criminal career' (Becker, 1963). Despite the evidence that diversion yields better longer-term outcomes than formal sanctioning, it is only in the last two decades that diversion has undergone a resurgence. This development can also be viewed as being in line with the values and principles of a 'Child First' approach (Case and Haines, 2015), and the development of a system that is child friendly and rights based.

1.7 Falling numbers

The decline in the number of children entering the youth justice system in England and Wales in the past two decades reflects changes in central government policy and criminal justice practice with regard to offending by children. These changes were driven in large part by a shift in the way children in trouble with the law were perceived. A mounting body of evidence was showing that *Adverse Childhood Experiences* could predispose traumatised children to criminal involvement, as both perpetrators and victims. The proliferation of violent drug-dealing gangs in the early 21st century, using vulnerable children as 'runners' sparked the realisation that many of them were, in fact, victims of *Modern Slavery* and were therefore to be regarded as casualties of *Child Criminal Exploitation*. This highlighted the vulnerability of many children drawn into the criminal justice system and blurred the distinction between perpetrator and victim. This also gave impetus to the development of *Contextual Safeguarding*, an approach designed to respond to children's experiences of significant harm beyond their families.

It is of course ironic that the emergence of the resulting discourse, and this new sensibility, occurred at a point where the capacity of public services to deal with this new reality was, arguably, at its lowest point since 2010. Thus, economic reality, the impact of austerity on public services, as well as this new sensibility played a part in the burgeoning popularity of diversion (Scull, 1984).

In 2008 the government established a target to reduce new entrants to the youth justice system by 20 percent by 2020. However, this target was met within 12 months of its adoption and the decline has continued; falling by a further 78 percent between 2012 and 2022. While welcome from a humanitarian perspective, it is also the case that this reduction

served to alleviate pressures within a depleted criminal justice system and the Youth Offending and Police services in particular.

The number of children arrested for a notifiable offence rose between 2002/03 and 2006/07 but began to fall sharply thereafter, leading to a reduction of 68% by 2013/14. This pattern broadly reflects the same policy shifts that have impacted on the treatment of children in trouble more broadly (Muncie, 2008).

The 'narrative' accompanying this shift suggested that youth justice should now turn away from a focus upon individual and familial risk factors to a more thoughtful understanding of vulnerability and trauma. Central to this emerging discourse was the idea that whenever possible children in trouble should be diverted from the criminal justice system altogether because of its tendency to worsen the problems to which it was the purported solution.

This renaissance of diversion was encapsulated in 2022 in the launch of the Youth Justice Board's 'Child First' strategy (Youth Justice Board, 2022; Case and Haines, 2015). The strategy is based upon 'four 'tenets':

1. To see children as children: Prioritise the best interests of children, recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.
2. To develop pro-social identity for positive child outcomes: Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
3. To collaborate with children: Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.
4. To promote diversion: Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system (Case et al, 2021).

Clearly, diversion is at the heart of the Child First strategy and has grown significantly in the past decade. However, 'on the ground' its use remains far from uniform, ranging from 85 percent of cases diverted in some areas and six percent in others. Indeed, the Youth Justice Board has recently noted the lack of consistent definitions, assessment tool or data recording standards' and the limited nature of national and local oversight and governance of prevention and diversion work.

However, the rapid growth of diversion did not benefit all children equally and minoritised children were significantly less likely to benefit from the diversionary option than their White peers. While first time entry to the Youth Justice System has declined for all children (78 percent over the past decade), the fall has been noticeably more pronounced for White children than for those from minoritised communities. In 2022, the number of White children entering the youth justice system for the first time was 83 percent below that in 2012; the equivalent figure for Black children was 71 percent (Marshall et al, 2023). Recent analysis of data for community resolutions undertaken by the police indicates that White children constituted a higher proportion of these cases, in comparison with those attracting a court disposal: 73% of White children compared with 66% minoritised. To date there has been no in-depth analysis to establish whether diversion has benefitted all children equally, yet an implicit aim of a Child First strategy is to achieve racial justice throughout the system. That said, implementation of Child First is proving difficult.

1.8 Barriers to the implementation of 'Child First'

One barrier to embedding a Child First approach has been a tension between the organisation championing the approach and the one regulating professional practice 'on the ground'. As one of the present authors has noted:

... the policy shift away from risk narratives is meeting with a number of challenges on the ground. Previous research has argued that despite attempts by the YJB (Youth Justice Board) to move towards desistance-based and child-first approaches, the risk culture continues to dominate front-line practice (Day, 2023).

She continues:

This difficulty appears to have been exacerbated by a growing awareness among front-line staff that the HMIP (Her Majesty's Inspectorate of Probation)

appears to prioritise risk assessment, risk management and the completion of offence focused work over child-first approaches in their inspections. This suggests a potential tension centrally between the YJB and HMIP about where the focus on youth justice work should lie.

It is worth noting that an emphasis on risk assessment, and perceptions of what might constitute 'risk' extend into other children's services, including safeguarding (Brodie et al, 2021).

This tension may relate back to the very drivers of 'Child First' as an approach, namely the extent to which children coming into contact with the criminal justice system are perceived as 'children' and how far the behaviour which has resulted in youth justice involvement renders them 'undeserving' of childhood status. Children who receive youth justice services have not, therefore, been 'written into' a script that recognises their need for protection and support in their development into adulthood (Mayall, 2000). The concept of 'adultification' is also relevant to this. Davis and Marsh (2020) highlight the ways in which the intersection of a child's race, gender and individual experiences can result in their being treated as less vulnerable than another child of the same age. They provide examples from different Serious Case Reviews to illustrate how the needs and vulnerabilities of black boys who have died have not been taken seriously. In these cases, adultification meant that their age was not treated as an indicator of need and vulnerability, or their rights as children. Addressing this, Davis and Marsh argue, requires an intersectional approach that recognises the different dimensions of the child's individual identity, alongside a recognition of the structural factors which contribute to children's marginalisation.

Another barrier, highlighted by Hampson (et al, 2024) is the difficulty of realising the 'collaboration' which is believed to be central to the realisation of Child First. Indeed, Hampson and her colleagues question whether effective collaboration is possible. In the present study, differences in the policy priorities and practice of different agencies were most clearly visible in respect to the educational experiences of the children studied. To this extent, it is suggested that research into diversion cannot take place without due consideration of the child's life 'in the round' and the interaction that takes place between different agencies.

1.9 Methods

As noted above, the study methodology had three main elements stages: a literature review; a national survey; and in-depth fieldwork in four areas (involving interviews with children and professionals, analysis of quantitative data held by the relevant agencies and analysis of case file data).

1.9.1 The national survey

The national survey took place between May and October 2023 and was distributed by email to all 157 Youth Offending Teams in England and Wales. The questionnaires (see Appendix 1) were designed and administered using Qualtrics. There were two parts to the survey:

Part A focused on Youth Justice Service diversionary strategies for children.

Part B asked participants to provide data on offences and outcomes by ethnicity and gender for different age bands over the past three financial years.

Survey A received 27 responses (a rate of 16 per cent) and Survey B 19 responses (a rate of 11 per cent). We received responses from rural, county council, and major cities across England, including London (see appendix for more details).

It had been anticipated that these surveys would present challenges in terms of response rates, especially in relation to Part B. To assist in managing this, piloting for both surveys was undertaken in June 2023 with the four fieldwork sites. Further to this, it was anticipated that the national survey would present difficulties in terms of response, especially in relation to Survey B. Reminders and extensions to the deadline were put in place in order to optimise response rates. A couple of areas contacted the research team to explain that they wanted to complete the survey but were currently subject to time constraints and in these cases we were happy to be flexible. The invitation to talk or email questions to the research team worked well, resulting in a fruitful dialogue. This helped us understand some of the complexities of the data like the different ways in which ethnicity and diversionary outcomes were categorised).

Although response rates to the survey were disappointing, the qualitative questions elicited comprehensive comments from respondents. Our survey covered a wide geographical area and, although we cannot be certain, it seems reasonable to conclude that the issues identified were indicative of issues nationally. However, it became clear that data monitoring systems in local areas were unable to generate reliable data on ethnic/racial disproportionality, although this was being developed in some areas. A further problem was

that monitoring and reporting on disproportionality requires additional population level data and analysis that was not be readily available for all areas.

The third stage of the research involved the interrogation of relevant quantitative data held by Youth Offending and Police services on the four research, one in the North of England, one in the Midlands and two in London boroughs. This data was augmented by in depth qualitative interviews with youth justice professionals and children with experience of diversion, as well as the construction of case studies.

However, at this stage we encountered difficulties establishing data sharing agreements on the research sites because there is very little guidance available on how this might best be done. Work to establish the data sharing agreements began in late 2023 but were not completed in some areas until June 2024. It is obviously important that access to data pertaining to children is treated carefully for both GDPR and ethical reasons. However, delay was often caused by an absence of clear processes for the negotiation of data sharing and ethical governance with researchers. There is no single template for a data-sharing agreements and research projects will vary in respect to their data needs, but the absence of guidance and protocols may hinder, or even act as a barrier to, research being undertaken.

1.9.2 Interviews with children

Interviews were conducted with 34 children in touch with Youth Justice Services (see appendix for full details of the children's characteristics). Initial meetings took place with youth justice service staff to give an overview of the research and were followed by informal discussions with practitioners about interviews with them and the young people. The building of these relationships required a willingness '*to seem to waste time just sitting about and listening*' (Boas, 1908) in order to be able to respond when an individual had time to be interviewed, or to talk through the possibility of a child being available. Inevitably, as with most research with children, there were missed appointments and wasted visits. Ultimately, however, slightly more interviews were undertaken than had initially been planned.

From the outset it was recognised that interviews with both children and professionals were highly sensitive. The interviews asked questions about racism and discrimination, and carried the potential to re-traumatise the children concerned. Ethical judgements in such contexts are necessarily dynamic and dependent on the experience and awareness of the interviewer, supported as appropriate by youth justice service staff. It was therefore

important to talk about this issue during initial negotiations with the fieldwork areas, including the fact that both interviewers were White.

Interviews were set up via youth justice service staff in the four fieldwork areas. It was explained that the interviews would be as relaxed and informal as possible. Children could choose to have a parent/carer/other family member or a worker present, and this was the case in four interviews. The researchers tried to contact the worker/child to ask if there was any food or drinks that the child would like, and some fried chicken or a Frappuccino would often help to create a relaxed atmosphere. Inevitably, some children were keener to talk than others, although arguably the fact that they felt able to say no to some questions, or even not to participate very much, indicates the exercise of some agency within the process.

Interviews began with some general questions about the child's life and interests, before moving on to more specific questions about their experiences of the youth justice system generally and the diversion specifically. Children were given a £20 voucher as a thank you for their participation.

In terms of sample selection, the aim was to ensure a diverse sample in terms of ethnic background and gender. The fieldwork sites were different in terms of their demographic profile, so there were differences in the make-up of samples in the four sites. The interviewees ranged from 12 to 17 in age at the point of interview (though this does not necessarily mirror age at the time of the events leading to youth justice involvement). It is also important to note that, while children were asked to describe their gender and ethnic identities as they wished, it was not always possible to ask these questions (and so there is some missing data). Tables 1.1 and 1.2 below present the sample in terms of gender identity and ethnic identity for both the interview and case study sites:

Table 1.1: Gender identity breakdown of the interview and case study samples

<i>Gender identity</i>	<i>Number of interview participants</i>	<i>Number of case file participants</i>
<i>Male</i>	21	30
<i>Female</i>	7	10
<i>Non-binary</i>	1	2
<i>Not known</i>	5	-
<i>Total</i>	34	42

Table 1.2: Ethnic identity breakdown of the interview and case file samples

<i>Ethnic category as described by interviewees</i>	<i>Number of interviewees</i>	<i>Number of case file participants*</i>
<i>Black</i>	7	11
<i>Asian</i>	-	3
<i>Mixed Heritage</i>	7	3
<i>White</i>	12	24
<i>White other</i>	4	-
<i>Gypsy Roma Traveller</i>	1	-
<i>Totals</i>	34	42

It is important to note disparities between areas in terms of the balance of ethnicities in the case file sample, where the demographics of the fieldwork sites were more apparent. Therefore, 11 of the 12 Black children in the case file sample came from the two London boroughs, while 15 of the 24 White children came from the Midlands and North areas.

1.9.3 Interviews with professionals

We also interviewed 50 professionals. The aim was to include as wide a range of roles and experiences as possible. These interviews were set up within the field sites, either through the facilitation of managers, individual meetings or recommendations by other interviewees. The sample of professionals had a diverse range of ethnicities including 33 professionals identifying themselves as White, and 17 professionals identifying as being from minoritised groups including Black African, Black Caribbean, Black British, British Pakistani, Indian, Mixed Heritage, and Mixed White. These proportions reflect regional variations in the composition of YJS workforce. For example, field sites in the North of England had a higher

representation of professionals identifying as White, whereas London field sites had a more ethnically diverse workforce.

This sample included a diverse range of professional roles beyond Youth Justice Teams, incorporating participants from Youth Justice Police Officers, Child and Adolescent Mental Health Services, Speech and Language Therapy, Behaviour Attendance, Children Missing, Education, Youth at Risk services, and the Community Sector (see Appendix 3). Moreover, the knowledge and experience they had gained in the roles they currently occupied was enriched by the wealth of experiences they brought from other related roles in, for example, youth work, social work and education, in which they had previously worked.

1.9.4 Case file reviews

In addition to the interviews, the research team aimed to examine the case files of 10 children who had experienced diversion in each of the fieldwork areas. There was some slight variation in this, and eventually a total of 42 files were randomly selected across the four areas were examined and details recorded using a single questionnaire.

The sources of information for the case files varied across the four areas – depending on assessment and record keeping processes. There was also variation in terms of the detail available on such issues as decision-making family background. Analysis of the information required a high level of researcher judgement in terms of what was actually present or not, and whether the absence of information meant the absence of a particular issue.

Throughout, there was a lack of reference to racial and ethnic identity but also gender and sexuality. The ways in which the child's view was recorded also varied, although there is some evidence of recording the child's view in around half the cases.

1.9.5 Analysis

All qualitative data was fully transcribed, coded and analysed using NVivo 14. Initial coding was undertaken by one member of the research team and then reviewed by colleagues, with some amendments made. Quantitative data was analysed using Excel.

1.10 From research to policy and practice

Difficulties and delays notwithstanding, the study proceeded smoothly in practical and logistical terms. A striking feature of this study has been the support for the research from the youth justice sector. This has been reflected in the commitment and interest of the steering group, but also in the dialogue that emerged at different stages of the study with practitioners in the field.

At the same time, there has also been a sense of weariness when the project has been described and explained. Youth justice professionals are aware, often well-aware of the eradication of ethnic disproportionality as a priority for the service. But for some, and especially the Black professionals interviewed in the course of the study, there was a strong sense of having “been here before”, and scepticism about the potential for change. These perceptions were based on past experience of projects and initiatives, as well as knowledge and experience of the pervasive nature of racism in social and institutional structures. We suggest that these conversations and experiences need to be taken seriously if the implications of the study findings are to be considered thoughtfully, and to have the potential for change.

This weariness has given the research team pause for thought in terms of the potential impact of the study. We recognise that the findings from the study are complex and that to see shifts in policy and practice emerging from this project is far from easy, and to this extent we recognise the need for ongoing conversation and reflection with practice and policy colleagues.

Chapter 2: Justice by Geography

2.1 Introduction

The primary question for this study has been the extent to which racial disproportionality is evident at the gateway to the system and the factors that explain this—this required examination of the outcomes for different ethnic groups.

This chapter examines the concept of 'Justice by Geography', which has emerged as a strong theme in the study's findings. Applying this concept has permitted examination of the extent to which, and why, formal and informal outcomes are characterised by racial disproportionality. The chapter is based on an analysis of quantitative data obtained from Youth Justice Services in England (n=24). Central to this has been the calculation of the Relative Rate Index (RRI), which illustrates the regional variation experienced by different ethnic groups.

2.2 Background

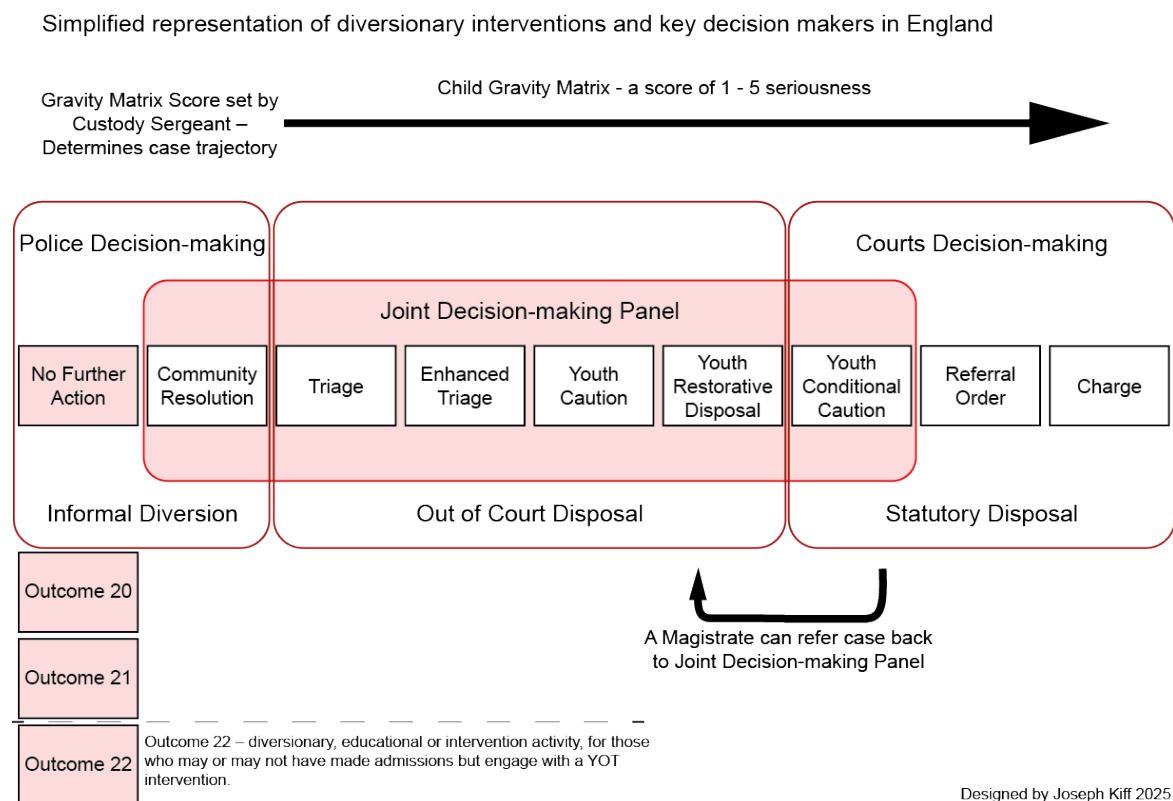
The idea of 'Justice by Geography', first coined by Tutt and Giller (1987), refers to significant variations in youth justice outcomes in different geographical locations, meaning that young people with similar antecedents who commit offences of similar gravity receive markedly different criminal justice outcomes. Factors influencing regional differences include youth justice practice's "philosophical foundations" (Goldson & Briggs, 2021). Here, areas with higher custody rates often adopt an "offender management" model, which emphasizes the gravity of the offence as opposed to the needs of the child and the difficulties they may confront. Concerning pre-court decision-making processes, Kemp and Gelsthorpe (2003) identified custody officers as key decision-makers in higher custody areas. Moreover, Bateman and Stanley (2000) found that in high custody areas, magistrates tend to express a lack of confidence in social workers' and probation officers' capacity to offer adequate supervision.

In contrast, lower custody areas prioritise welfare-oriented approaches, focusing on the child's needs and the difficulties they face. These areas rely more on diversion into educational or therapeutic interventions. Goldson and Briggs also highlight the crucial role of leadership in shaping local sentencing cultures and influencing professional practice.

2.3 The Relative Rate Index (RRI) model

The present study focuses on the variation in outcomes by ethnicity at the point of entry to the youth justice system using the RRI. Deciphering the decision-making processes associated with the Youth Justice System(s) is difficult. Figure 2.1 below presents how the study understands the different points of decision-making across the system and the predominant agency acting at these points.

Figure 2:1: A simplified schematic illustration of decision making in different parts of the Youth Justice System



Drawing on the quantitative data gathered in the study, we analysed the outcomes of the youth justice system at three key points (Informal Diversion, Out-of-Court Disposals, and Statutory Outcomes) as categorised by the leading agency. The RRI measures regional variations in disposals according to these three categorisations. The RRI indicates where ethnic disproportionality is more significant or lower for children of Black, Asian, Mixed Heritage and Other ethnicities.

Twenty English local authorities provided the data through our national survey, which has been incorporated with data from four fieldwork sites to provide a sample size of 24 for 2019-2022. Due to the limited reported outcomes for girls in this sample (19% of outcomes) and the partial nature of the data, we have not applied the RRI to explore racial disparities by gender in this study.

The RRI compares the rates at which minoritised ethnicities receive particular disposals and compares these rates with those of their White peers (the reference group). In this study, a “rate” is defined as the number of persons experiencing an outcome out of the total population who were ‘at risk’ of experiencing such an outcome. In this report, the “total population” is the number of 10–17-year-olds in the four ethnic categories and the “White” category within the authority at the time of the 2021 Census.

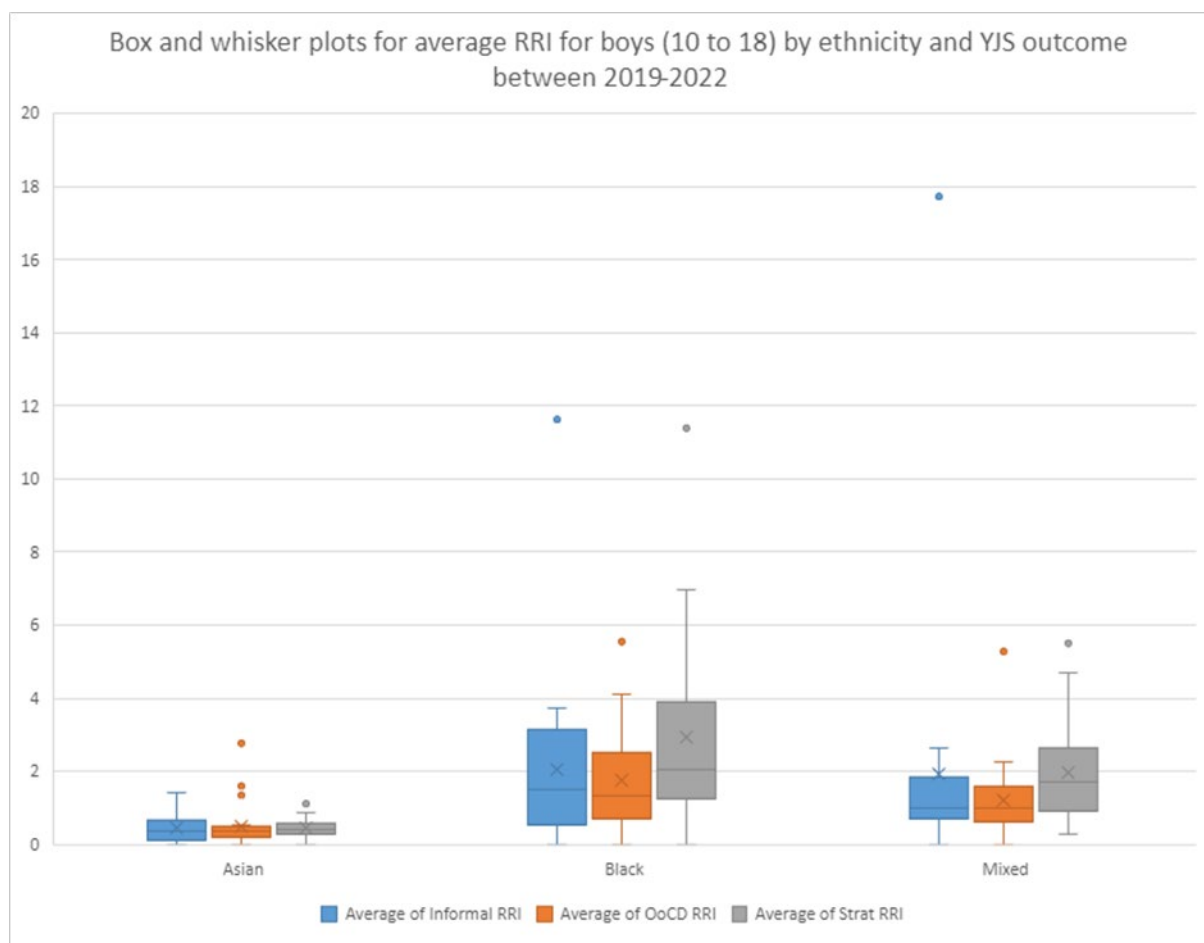
The RRI is calculated by dividing youth justice outcomes per ethnic group by the population ‘at risk’. The rates of Black, Asian, Mixed Heritage and Other ethnic groups are then divided by the rate of White groups. Where the resulting RRI is greater than 1, there is an overrepresentation compared to their White counterparts. For RRI numbers below 1, the reverse is true, and there is an under-representation of this ethnic group. The closer the RRI is to 1, the lower the disproportionality rate between ethnic groups and their White counterparts (Uhrig, 2016).

2.4 Findings

2.4.1 The Relative Rate Index (RRI)

Figure 2.2 and Appendix 5. show the RRI values for informal diversion, out-of-court disposals and statutory outcomes broken down by ethnicity as reported in a *Box and Whisker* graph. These graphs provide insights into the distribution of RRI across local areas by reporting the mean and geographical variation as the range between the upper and lower quartiles (known as the interquartile range or IQR). The higher the reported range, the greater the scale of “justice by geography” (See Appendix 5 for details).

Figure 2.2: Box and whisker plot showing RRI values for informal diversion, out-of-court disposals and statutory outcomes by ethnicity



Relative Rate Index (RRI) data analysis reveals significant racial disparities in youth justice outcomes. Black boys are over twice as likely as their White peers to receive informal diversion, 75% more likely to receive an out-of-court disposal, and three times more likely to receive a statutory outcome. This is an important finding, but is also difficult to interpret as it could be interpreted both positively or negatively: positively in that it indicates Black boys are not excluded from diversionary options, but also negatively as Black boys are more likely to come into initial contact with the criminal justice system.

These disparities also vary significantly by geography. For informal outcomes, the geographical variation is 2.42 RRI points, with the upper quartile (Q3) at 2.99 and the lower quartile (Q1) at 0.56. For out-of-court disposals, the variation is 1.62 RRI points, with Q3 at 2.37 and Q1 at 0.74. The most pronounced disparity is in statutory outcomes, where the geographical difference reaches 2.50 RRI points, ranging from 1.33 (Q1) to 3.83 (Q3).

Similar disparities are evident for Mixed-Heritage boys, who are twice as likely as their White peers to receive both informal diversions and statutory outcomes. The regional disparities for Mixed-Heritage boys are less pronounced than those of Black boys, with RRI rates of 1.03 for informal diversion and 1.52 for statutory outcomes.

In contrast, Asian boys are significantly underrepresented across all disposals, receiving youth justice interventions at a rate 50% lower than their White peers. The regional difference observed for Asian boys is the smallest, with Informal outcomes having a 0.49 difference in RRI rates and OoCD and statutory outcomes having a difference of 0.3 between Q1 and Q3. This pattern is consistent across informal, out-of-court, and statutory outcomes, marking a notable divergence from trends observed in other minority ethnic groups. A table of all the data points in Fig 2.2. can be seen in Appendix 5.

The findings of this study are in line with previous studies that show the level of disparity rises with the intensity of the youth justice interventions as children progress through the system: Black children, and particularly Black boys, are the most likely to be over-represented at all stages of the Youth Justice System (ZK Analytics, 2021). Significantly, Black and Mixed Heritage boys at the gateway of the youth justice system are significantly less likely to be treated as “Children First”. However, the findings also indicate that decision making practice, specifically where local areas make use of Joint Decision Making Panels, also make a difference.

These findings provide compelling evidence that racial disproportionality is a question of ‘(In)Justice by Geography’, because the populations most overrepresented in this sample experience the highest geographical variation. For these groups of children, when decision-making is primarily dispensed by the police (informal diversions) and the courts (statutory outcomes), they experience higher rates and greater regional difference from their White peers. Conversely, the reported RRI suggest effective multi-agency working at Joint Decision-Making Panels result in lower rates of racial disparity, with lower geographical variation, while still not being equitable.

To address these complexities, analysis structured around a ‘whole system’ approach is essential for understanding the factors contributing to these divergent rates of racial disproportionality. Accordingly, the structure of this report will examine key decision points in the system. Chapter 4 will explore the children’s experiences at the point of arrest and their receipt of disposals dispensed by Police services. Recognising the significant influence of

arresting officers and custody sergeants on the trajectory of cases and racial disparities downstream in the system. Chapter 5 will then focus on the role of Joint Decision-Making Panels. Further considering the factors contributing to lower disproportionality levels in Chapter 7.

Chapter 3: Children's family and educational experiences

3.1 Introduction

This chapter addresses some of the extraneous factors that propel children towards the gateway to the Youth Justice System. These factors are significant for all groups of children but are often compounded for minoritised children. Existing research on youth offending has identified a multiplicity of influential factors, often existing in combination, including education, school exclusion, socio-economic deprivation, the care system, incidents of child sexual exploitation (CSE) and/or child criminal exploitation (CCE) (see, for example, Youth Justice Board/Ministry of Justice, 2020; Case and Browning, 2021; Redgate, Dyer and Smith, 2022; Marshall et al., 2023). Many of these findings are echoed in the present research.

These factors tend to frame decision making about diversion and prompt investigation of their family lives. Of all these factors, education emerges especially strongly as a determinant of the children's involvement with the criminal justice system. The findings in this chapter are drawn from:

- Qualitative interviews with 34 children in the four fieldwork sites.
- Qualitative interviews with 50 professionals in the four fieldwork sites.
- Analysis of 42 case files in the four fieldwork sites.

3.2 Home and family

The children had complex and often very challenging home and family circumstances, including divorce, estrangement and experience of care. Two children in the sample talked about their experience of care. Safeguarding concerns are evident in around half of the case file sample (20 cases) and it is possible this could be true of other cases but had not been recorded. In 13 case file cases exploitation was noted as an issue, usually child criminal exploitation, though – as Marshall et al. (2023) has observed – there was a lack of clarity in respect to how the boundaries between the safeguarding issues arising from exploitation and the youth justice outcome were being managed. Nine of the 13 were from the London fieldwork sites. Domestic violence was a feature of a third of cases, and a significant minority

in both samples had also experienced bereavement or other forms of loss. The sample therefore presented multiple issues which, singly or combined, could represent traumatic experiences in their lives (Porteous, Adler and Davidson, 2015; Spacey and Thompson, 2022).

For example [Researcher notes from case files]

History of domestic abuse with mum, recently an allegation emerged that dad had sexually abused young person and older sister when they were younger. Not pursued as dad has died. Dad was an alcoholic, recently died so struggling to reconcile grief and wanted dad to face justice for what he has done. She [the child] is very angry and has had six missing episodes in the last 90 days. (Child 25)

Father DV perpetrator towards mother pre and post natally until separated. Reports of physical assault between siblings and towards their mother. YP's mother, father and brother have offending history. (Child 5)

Young people recognised the effects of these experiences:

Me, I also dealt with a lot of things inside the whole, whether it was abuse or people coming inside our house. I saw a lot of things that I don't think any teenager should see because they really affect them. (Child 27)

In some cases family-based issues had contributed directly to the child's offending. Wainright and Larkins (2020) found that, for their sample '*issues of race, ethnicity and racism were never explicitly named as reasons for being involved in offending behaviour, or as means for reducing their offending. However, family appeared to be a covert, and legitimate, way of talking about identity that made implicit reference to ethnicity*' (p11) and this is evident in some of the interview narratives where children discussed their families and communities. Children defended their families while recognising that their family histories and contexts were sometimes dangerous, and the source of the incidents that had led to police involvement.

Three cases involved assault within the family home. There was also known criminality within the families of 11 children – some of which was thought to directly affect the child's behaviour. Thirteen children were recorded as having been victims of crime. In one case the

child (Child 3) called the police during a family altercation in a car park while drunk and had then resisted when they tried to handcuff him.

In another case the child's brother, whom he described as 'going down the wrong path' had been fighting and he had got involved:

What led to it basically as I was explaining, my brother was drunk and then [supermarket], and then we got caught and he started fighting with the workers and some random person gets involved and then my brother fights because of him. Then I turned around because I was running away and then I see my brother on the floor getting punched in his face and I just ran over and tried to help and then I got [inaudible]. I had to go to the police station a few months after the altercation. (Child 5)

Poverty is rarely discussed within files, but some examples were provided in the interviews, with some children explaining that their reasons for offending were directly linked to the poverty of their families or explaining their behaviour as resulting from their families' straightened circumstances. Children were aware of the marginalisation and deprivation of the communities in which they lived. As with other features of social exclusion, poverty is disproportionately experienced by children from Black and minoritised groups (Joseph Rowntree Foundation, 2024; Hawes et al, 2023).

Nevertheless, family relationships were usually perceived as important, and for some interviewees the key source of support in their lives:

I tell my mum everything, she knows everything so I mostly, then there's some teachers in my school. I wouldn't go to them for the most ones, I'd go to my mum, she's known me my whole life. (Child 25)

My relationship with is good with my nan because even from really young, she was the first person to hold me and she would always look after me on weekends or any time my mum went to work. So moving in with her, it wasn't too much different because I already have that built up relationship with my nan anyway (Child 27)

Some children, therefore, had reliable relationships in their lives, but others did not, and were dislocated from their families as well as from other sources of support, most obviously schools. Child 2, who had repeatedly gone missing, said:

There's a few times where I've been taken to custody and they've tried turning me away saying, "No, she's too young, she can't be in here, it's not safe for her to be here," but then they still put me there because they say ... I've stayed in custody twice because my mum wouldn't let me go home and I had no mates or anything I could stay with, so two nights I spent there and they were like, "We can't keep her here without a reason." (Child 2)

Child 21, who had moved from living with one grandparent to another, said:

One of the reasons why I actually done what I done, and why I got arrested was because every time I used to ask him for money to go out, he used to say, "We ain't got no money." I was like, "Okay, you ain't got money, so I won't really ask for money anymore." Obviously I still asked him for money because if I stop asking him for money he's going to be what the hell, how this money come so quickly. So then I just started doing it. I was already an angry kid because I never had my parents and I used to think my grandparents were my parents, so because I was an angry kid obviously from primary school, I've been aggressive, always. I can't remember the last time that someone has spoken shit to me and I haven't hit them. That's literally every time every time someone has spoken shit, it doesn't matter if I'm outnumbered or not, I'm fighting, because that's all I've know, I taught myself everything. (Child 21)

The wider narrative in many interviews, illustrated by these quotes, showed that children were using a variety of strategies to navigate their everyday lives, which presented many, interconnected challenges. Their histories and current circumstances illustrated the importance of recognising the complex and intersectional nature of their identities and experiences in understanding the incidents leading to youth justice service involvement.

3.3 Offending and victimisation

Many, though not all, of the children interviewed talked openly about the incidents that had resulted in youth justice involvement, though some were unclear about timelines and the nature of the decisions made. Where information was available on the most recent offence,

the carrying of weapons – usually knives, but in one case a sword – was the most common offence, followed by fighting – mainly at school but also at home and in the community. Fighting was most common for girls in the interview sample. In the case file sample assaults were most common (12 children), followed by possession of a weapon (nine children), possession of drugs (cannabis) (seven children) and two cases apiece of burglary and taking without consent.

The sample was evenly split between those with a previous offending history and those who had not (21 children apiece). Seven children were identified as being associated with/belonging to a gang (all in London) and in a further four cases this was noted as a possibility. The influence of friends and peers features strongly in many cases where gangs are not mentioned.

In 13 case files the child was recorded as having been a victim of crime, not including cases where abuse of different kinds, including domestic violence, were present. Although the interview did not ask specifically about feelings of safety, some young people commented on their communities or schools as places they did not feel safe (see also MOPAC, 2023). Some of the sample were long term residents, others were new arrivals to their present communities. Their ethnic identities were significant in their experience of community, and they talked about both positives – food, different cultures – and negatives – stereotyping, racism associated with their ethnic identities.

Yeah, [Location] Gypsy Roma is normal but also you have those type of racists, fully Romanian people who like to say different stuff about you but it doesn't really matter. For example in the UK, when I first came here and I was a little bit younger, people didn't really show that side of the racism and stuff because I was younger probably. But, as you get older, you start to see and understand the way people think and then it's not right. (YP34)

I think ethnicity has played a big part [in my growing up experience], especially when I used to live in [location]. One of the major things is obviously all the other people, there were a bunch of different cultures but most people were either of Jamaican heritage or Nigerian, Ghanaian, that's mainly the thing [inaudible 0:09:19] but I feel like also people got judged a lot because in my old area, it was mostly just Black people. There were some White people as well

but you just saw a majority of Black people and the majority of them would commit crimes as well. (Child 27)

No, since 2020 Black boys have been getting racially profiled, it's not right. I go to [organisation], about three security guards are following me around, they think I'll steal, I just don't like it. (Child 26)

More generally there was a strong sense of being identifiable and labelled accordingly, as a result of ethnicity, the area the child came from, individual clothing and size or build. However, community experience was rarely mentioned in case files and in relation to the design and delivery of diversionary interventions.

In both the interviews and case file samples it was difficult to demonstrate any clear associations between the offence, the outcome and child's ethnicity. Children in the interview samples who had been involved in fighting and assaults were most likely to receive Community Resolutions, but some of this group also received Outcome 22s and in one case the situation had been de-escalated to a restorative justice intervention within the child's school. In the case file samples there were a little more consistency in outcome, despite differences in the diversionary outcomes available across the fieldwork sites. For example, Community Resolutions were the most common outcome for assaults across three areas (North, Midland and one London borough) but in the two London boroughs (three cases) the outcomes included a Youth Caution, a Youth Conditional Caution and a Triage intervention. Where the offence involved possession of a knife or bladed article, children in the North and Midlands were again more likely to receive a Community Resolution, while in the London boroughs YCCs or YCs and Triage again featured. In two cases (n=42) the researchers examining the files questioned the significance of ethnicity – in one case a child stopped on the street for sharing a spliff with another child received informal diversion, and in another the focus of recording, specifically concerns about gangs, seemed different in respect to a Black boy.

3.4 Educational experience

The interview and case file samples revealed a group of children who were in a variety of educational settings. The majority were receiving some form of education, but almost all had experienced some type of school exclusion, and many had experienced multiple exclusions,

including from alternative provision. The current educational location of the case file sample is presented in Table 3.3 below:

Table 3:1: Current education of the case file sample (n=42)

	<i>London Borough 1</i>	<i>London Borough 2</i>	<i>Midland Area</i>	<i>North Area 2</i>	<i>Totals</i>
<i>Alternative education, including PRUs</i>	2	1	3	4	10
<i>Mainstream school/college</i>	5	6	1	1	13
<i>NEET</i>	4	2	1	1	8

It is important to note that some of the children were attending and doing well at school.

An A* student with aspirations to study engineering and manufacturing. (Case file Child 2)

Attends local school. No attendance issues (97%). Expected to achieve good grades. Good at drama, aspires to be a footballer. (Case file Child 3)

Many children in the interview sample could also talk about some lessons they enjoyed at school, or teachers they liked. But the accounts of the majority of children attested to the struggle that was their day-to-day experiences of school. This included difficulties in both their peer group and in relationships with teachers. And while some case files emphasised strengths, others seemed problem focused:

Struggling at school, sees things Black and White...Young person has no empathy, can come across as rude.' (Case file Child 26)

Attendance 69.9%. YP engages very little, leaves classes to walk around the school. Doesn't wear uniform. Recently excluded for damaging school property. (Case file Child 10)

Some children recounted instances of racism in their day-to-day schooling. This included racist name calling from both fellow pupils and teaching staff. In one example, the child admitted they had called a teacher an inappropriate name, but the teacher had reacted as follows:

and the teacher came and took me out with another teacher, he was like, "You say you're half Black right?" and I was like, "Yes," and he was like, "How do you like it if someone called you a nigger?" He said, "See what you look like, you look like [inaudible]". I didn't even take offence to it at the time, I kind of found it funny, because I was still just young in Year 7, I was still thinking about the teacher thing, so I didn't think too much into it. After I realised, I had my White and my Black friend and they told me, "No, that's not right, that's wrong." We tried reporting to a certain teacher, there's one teacher we trusted who taught us, so she helped us write a letter and reporting and everything. I think he actually did end up leaving. (Child 17)

In another case, the child's older sibling who was present at the interview explained her understanding of how multiple fights and issues at school had arisen:

'...she has missed out quite a lot. She was attending a secondary school from Year 7 to Year 8, through fighting and physical stuff she was excluded permanently and was sent to a Pupil Referral, from the Pupil Referral she was given a managed move to the school where she is now, where she's getting the intervention. They're trying to find out the reasons why, now she touched on a bit of situation where she hasn't faced straightforward racism, it's more to do with colourist...We come from [country], our families are Jamaican, my mum is mixed race and people are always asking [name] is she's mixed, or she's not fully Black, when both of our parents are fully Black, so those are the kind of situations. I think a lot of the time when she was getting into problems, it's not straightforward that she's in the juvenile system, it's through challenges and things that have been happening at school through bullying and all sorts. (in relation to Child 33)

There was also a sense amongst some interviewees of injustice in terms of the way they were treated within the school when things went wrong, and that this could be due to racism:

I just think that the school is just a bunch of racists to be honest. But the thing is, it was the same in my primary school. There was, hang on – it was me and my mate, the only two Black kids in the whole of Year 6. I got picked on the most. [My mate], she was good, she could be perfectly fine, she could be writing, she gets sent out of the classroom for no reason. It makes no sense. (Child 13)

Children could feel they were in a 'no win' situation, even when there were parts of school they enjoyed and where they felt they excelled.

I think it was starting from the school where obviously I think the head teacher, the headmasters, they were all of a White ethnicity and me being of Mixed Heritage and they already knew about my situation already, that I've a single parent. So when I'd get into a lot of altercations in school, not caused by me but I'm just trying to defend myself, they would always put the blame on me, I always felt like I'd have the blame. I understood that it wasn't just me as well because I see a lot of other people of maybe similar ethnicity to myself that would get the same type of punishment. Then I saw maybe other ethnicities that wasn't Black, getting less punishment. Maybe that isn't their intentions, maybe that's now how they feel but I feel like that's how they put it on us and how they made us feel. (Child 32)

Overall, minoritised children reported experiences of both direct and indirect racism within school from teaching staff, other children and the systems within which they were educated. These findings correspond with other research showing the multiple forms of racism children and their families experience in the UK, and the associated impact on peer and family relationships, mental health and wellbeing, and educational experience and attainment (King's College, 2023). We found that children's experiences of racism within education cannot be separated from their experiences of institutional racism within the criminal justice system.

3.5 School exclusion

Exclusion is part of the social climate of the school, including disciplinary practice at all levels. Gill et al (2024) describe a continuum of exclusion, from standing outside a classroom through internal exclusion, suspensions, off site alternative provision and managed moves to permanent exclusion. They also note how this may sit alongside different forms of 'self-exclusion' which range from lateness to lessons through different forms of absence and truanting to elective home education (p12). The experience of children in both our interview and case file samples illustrated these multiple forms of exclusion and, consequently, the weak attachment between the child and the school.

This continuum was often evident within the schooling experience of the children we spoke to, which included spending significant periods of time in isolation within the school, to those

who felt they had made the decision not to attend school, and those who had been formally permanently excluded.

They would get in my face and start yelling, then I would get angry quick, then I get put in isolation, then... [Child 31]

I don't go to school still. Stopped going to school – schools not for me, man. My mum's pretty much dropped [me] out, I can't lie but I'm doing, I'm Year 10 now. Obviously I'm going to do my mocks at some point and then do my GCSEs at some point, revise in that time and that but other than that, I'm going to try and go to college, do something and get a legal job and that. [Child 15]

... Year 7, you were suspended once, weren't you, for assault? Year 8, he was suspended eight times and then from September to October – no, November, well, December, he got kicked out. He was suspended three times and then permanently excluded. (Parent, Child 1)

Permanent exclusion had, therefore, often been preceded by non-attendance, short-term suspensions and isolation within the school. This had often resulted in feelings of alienation and a sense of despair – for children and parents – that the situation could be mended and underlying problems and needs addressed. Exclusion in its different forms was always accompanied by a range of other issues, most notably the impact of home circumstances (as described above) and learning needs that had not been recognised or diagnosed. This echoes other research highlighting high levels of Dyslexia and Attention Deficit Hyperactivity Disorder (ADHD) (Chitsabeson et al, 2007; Office of the Children's Commissioner, 2011; Chitsabeson et al, 2016).

The primary reason for permanent exclusion - persistent disruptive behaviour – has remained consistent over time at around half of permanent exclusions, followed by physical assault against a pupil (16%) and physical assault against an adult (770 permanent exclusions or 13%), with a similar proportion for suspensions (Department for Education, 2024).

The reasons for exclusion in our sample largely followed these patterns:

I got kicked out January last year [...] Year 11. I got kicked out because I was in English and me and my mate were sat on the front row and there's four lads behind us, and they were all shouting stuff at me and my mate, so we stormed out, chucked a chair across the room. Then sat in the office getting shouted at and it was like, one minute to the bell and I told this teacher, "Fuck off." I got excluded. (Child1)

I got kicked out of school for too much behaviour points. Basically like if you're in class here, you get three warnings and then if you mess up three times, you'll get like a behaviour point, and if you get a certain amount, like 20 in a month, you'll get like excluded for like three days, or they'll put you in isolation or something (Child 23)

How I ended up in the PRU, I've got ADHD, so I just heard, I knew that the behaviour points I had were just stacking up on each other from talking, walking around, but I hadn't been diagnosed. The school took too long to get my parents a form to help with the diagnosis, so I only got diagnosed after I got kicked out, and then they realised most of the problems was because of the ADHD, but there was also stuff like vaping and getting caught with vapes. I got caught with a screwdriver, but that's because I took it from the janitor's thing, so they didn't really do anything about that because they knew that I wasn't doing anything with it. Fireworks, I threw fireworks into the school during lunch, causing trouble outside of school, throwing stuff at people, throwing stuff at houses and just vaping, alcohol and that. (Child 18)

There seemed to be a number of issues at play within the sample in relation to such difficulties. In some cases it was clear that the children's educational experiences had been beset by difficulties from primary school – sometimes linked to undiagnosed or unrecognised learning needs (Wallis-Maclean, 2025). In other cases these needs appeared to have been recognised only when behavioural issues at school had escalated or after the child had come to the attention of the youth justice service:

...because before, my mum was trying to get me help for ADHD and they didn't even see me and denied the request, so they don't know who I am, they didn't know I even existed until my mum put the new request in and they still didn't

want to see me. Don't know why and then as soon as that fight happened, it's like, "Oh, yeah, we'll help you now." (Child 7)

However, these issues also interacted with children's experiences of direct and indirect racism, and their feelings of being treated unjustly. The disproportionate numbers of some minority ethnic groups, specifically Black African-Caribbean boys and Roma/Gypsy/Traveller children who are excluded from school has been well-established since the earliest available exclusion statistics (Brodie and Berridge, 1996) but has remained largely static. All the minoritised children in the sample were excluded from school.

3.6 School exclusion and offending patterns

Research has shown that the relationship between school exclusion and crime in children's lives varies depending upon whether exclusion precedes offending or not (Berridge et al , 2001; Daniels et al, 2003; Arnez and Condry, 2021). The precise relationship notwithstanding, exclusion has consistently been found to increase children's vulnerability to dangerous situations, including involvement in offending and criminal exploitation (Gill et al, 2024).

For eight out of the 34 children we interviewed, the challenging behaviour resulting in criminal justice involvement had been identified in the school or college, either by teachers or (in one case) by visiting police officers. This behaviour usually involved knife carrying, possession of illegal drugs, or fighting.

Int: Could you tell me what happened?

Child: I brought a knife.

Int: You brought a knife into school? What happened on that day, tell me a bit of the story?

Child: I had it in and then another day, they call me into the office and then they searched me, they called my mum, they called the police and the police searched me. Then they just took it, and then I went home. (Child ??)

At school I kept on getting bullied and the school wouldn't sort it out, so I felt scared, I had a fight with the older kids, then they tried to come up to me after school and tried to jump me, and then they still didn't sort it out, so then I felt scared so I brought a knife to school, and then it still didn't get sorted out, and then I was the one that got in trouble for bringing the knife in. (Child 10)

Although the information from interviews varied in the level of detail, it often seemed that exclusion had been immediate in response to such incidents (albeit within a context of other difficulties), with the police called and children sent home. Exclusion as a response to these behaviours was not viewed as helpful by the children in our study:

Yeah, I've always said that like kicking a kid out of school is not right, because you're going to kick the kid out of school yeah, and he may not be in school, or she may not be in school for however long, yeah, and they could get in trouble in whatever time they've been out of school, and like you never know, or like something could happen to them and like they die or something. I don't think its right kicking a kid out of school. It just sets them up for failure. That's what I think. (Child 23)

Zero tolerance of weapons and drugs is a feature of the majority of school behaviour policies, and as Chapter 4 will discuss, these offences score highly on the police gravity matrix. Other research into children's experiences of zero tolerance policies have argued that they can serve to exacerbate inequalities for a range of marginalised and minoritised groups (see, for example, Lloyd and Bradbury, 2023; Lloyd and Walker, 2023; Davis and Marsh 2020). There was a strong sense within children's accounts that they were perceived (and often perceived themselves) as 'naughty rather than needy' (Deakin and Kupchik, 2016, p288).

Around half of the children we spoke to were currently being educated in alternative educational provision or had experience of this. Some reported that this was having negative effects on their education:

It's just worse, because it's just everyone, it's just a school full of troublemakers. It's a school for people that got kicked out for the same reason as you, so it literally makes it worse. It's not like they put you around better people, they literally put you around worse people. I didn't really get into trouble there except for the knife, and I got caught with edibles once in that school, but apart from

that I didn't really get in that much trouble. I got caught vaping a couple of times, but they didn't care. (Child 18)

For others, the move to alternative provision had been positive in providing more support and understanding of their learning needs (see, for example, Malcolm, 2015; Malcolm, 2019).

However, any benefits of alternative education could also be overturned in the context of schooling that was generally disrupted:

I went to [PRU] for a while. Then I got sent back to a normal school because in PRUs, I knew everyone at [PRU], I got along with everyone, so I didn't really do nothing bad innit, I didn't really have no vex or anything, I knew everyone there, cool. They sent me back to a normal school, got kicked out again in around Year 9, Year 10ish. Then after I got kicked out I went back to another PRU...(Child 28)

3.7 School as a positive influence

There was also evidence that some children had positive experiences at school, usually as a result of good relationships with peers or teachers, and where there had been flexibility in the way children could learn. Many of the children in the sample spoke of positive relationships with individual teachers.

School has been okay, the teachers who take care of you, you had people to talk to. A lot of friends, a lot of friendships to be made, yeah I liked school. (Child 39)

I didn't dread school though, I did get support as well out of them. I'm not saying I got no support and everything and it was all bad, but there was certain bad experiences more than I should have if anything. There was more support with helping me concentrate in lessons and stuff like that. I didn't have any help through lessons or nothing, it was just more like if I got angry, if I didn't get along with the teacher they'd say, "Because we know all that you can do the work, we'll let you do it in this other room. Just sit in this room, do your work."

They actually did kind of make arrangements for me, because they could have just told me, “Sit in this class with the teacher,” and just [inaudible] you don’t get along and you feel like you’re not [inaudible]. (Child 17)

Children also recognised the key part that school played in determining their futures, and the potential for this to be a more positive experience. When asked how things might be changed, one child said:

For schools, I’d want to spend it on mentors and just support workers in general. I think that comes up, that’s really expensive after a while. So using that, it can just be maybe a mentor or teaching assistant that doesn’t know you at all, doesn’t know anything at all, doesn’t know anything about you. So when you tell them about your situation, you’re the first person to tell them about your own situation instead of anybody else. Then they can understand first coming from you. Also having the thing of maybe being pulled out of class to help get things off your chest can be good. (Child 32)

To this extent many children in the interview sample welcomed support that enabled them either to cope better in the classroom or helped them find ways of achieving in new educational settings.

3.9 Conclusions

The sample of children and young people in this study demonstrates the multiple, cumulative disadvantages and adverse circumstances that were present in most of their lives. These issues included poverty, racial discrimination, criminal and sexual exploitation and abuse of different kinds, school exclusion and interventions by ‘the authorities’. There is therefore a need to focus on the interactions between these varying disadvantages and children’s involvement in the criminal justice system (Parsons, 2019). Children often recognised the ways in which family and educational experiences had affected them and continued to influence their lives. Many, if not most, also lacked adults who would advocate on their behalf.

Direct and indirect forms of discrimination, on the basis of ethnicity ‘*exacerbate the impact of socio-economic disadvantage*’ (Bateman, 2020, p44). This does not mean that children’s family, community and educational experiences inevitably propel them towards the youth justice system, and indeed there was evidence of aspects of children’s lives which provided support and feelings of safety. That said, the racism experienced and reported by

minoritised children in this sample indicates the multi-layered nature of the inequality and discrimination that many were dealing with, and which they did not see being addressed by adults in positions of authority. In turn, these experiences could influence their responses to policing and the processes associated with the criminal justice system, for example legal advice. The next chapter examines in greater depth our study findings regarding the policing of children.

Chapter 4: The Policing of Children

4.1 Introduction

This chapter will explore both quantitative and qualitative evidence about the policing of children at every stage from initial contact on the street through to decisions made about them in the police custody suite. Understanding these processes is central to answering the study research questions about processes of decision making and how this might differ for minoritised children and White children. This then offers the prospect of identifying how more equitable decision making at the gateway to the YJS might be facilitated and how the potential obstacles to increasing diversionary and informal outcomes for children from minoritised backgrounds might be removed. The findings are drawn from:

- Quantitative data from two police areas in England.
- Qualitative data from interviews with 34 children across all 4 fieldwork sites (please see Appendix 2).
- Qualitative data from interviews with 50 professionals across all 4 fieldwork sites (see Appendix 3)

4.2 Setting the Context

In its *Children and Young Persons Policing Strategy 2024 - 2027* the National Police Chief's Council commits itself to:

... the creation of a culture of Children Centred Policing across the whole of policing in England & Wales.

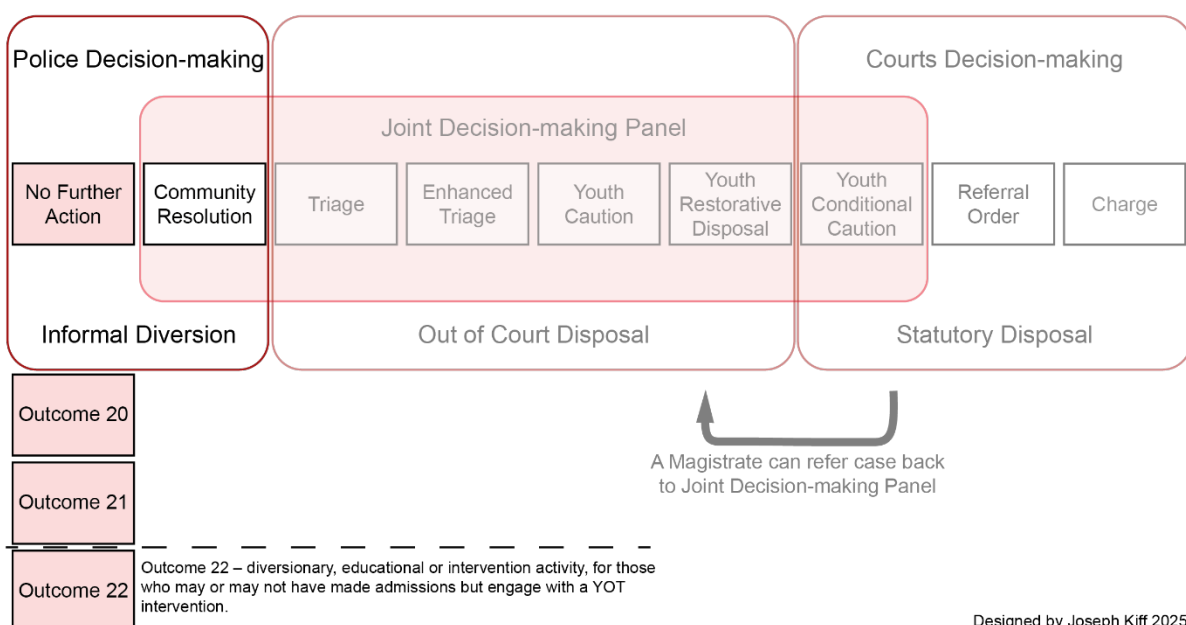
This commitment is based on three pillars; 'your trust', 'your voice' and 'your future', and in many ways echoes the Youth Justice Board's "Child First" strategy. MOPAC recently issued additional guidance about how to integrate the four tenets of Child First Justice (As children, building pro-social identity, collaborating with children and diverting from stigma) into front

line policing in London. Tenet four – diversion from stigma is particularly pertinent here and MOPAC stated that officers should ‘presume constructive diversion and minimal criminal justice intervention at each stage and view all situations through a stigma/ ‘identity lens’ (Hazel et al, 2023: 5). However, despite this the NPCC acknowledges that:

To do this we must build trust and confidence with children and young people by delivering excellent Child Centred Policing that protects, respects and reduces harm

The NPCC also acknowledge in their 2024 strategy that trust is particularly low amongst children from ethnic minority backgrounds, and that the police should work with partners to divert children from prosecution wherever possible. The MOPAC position statement also acknowledges that introducing Child First approaches into policing will require a culture shift (Hazel et al, 2023). This chapter provides a timely and important insight into the experiences and perceptions of children who were, at the time of interview, being supported by the Youth Justice Service on a diversionary support package. Figure 4.1 illustrates the focus of this chapter on outcomes primarily dispensed by the Police.

Figure 4.1. Highlighted section of system primarily associated with Police decision-making



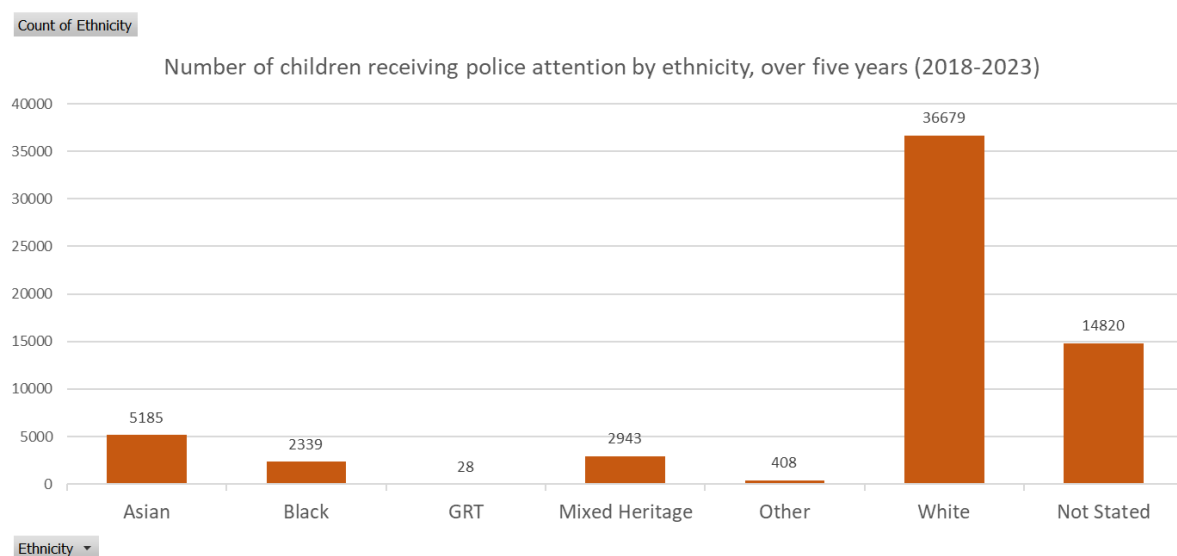
4.3 Findings from Police Area datasets

4.3.1 Descriptive statistics from Police Area 1

The first data set is from Police Area 1 in England and contains information on all outcomes for children from the previous five years. It is broken down by age, gender, ethnicity, offence, and police outcome. Over a 5-year period, 62,402 crimes were recorded by the police where children were involved. The data reveals some pertinent findings, although some of the findings are less surprising, showing, for example, that the peak age for police involvement with children is 15-17 (54%), and that boys attract the attention of the police far more regularly than girls (72%).

The ethnicity of children who received a recorded police outcome (from NFA through to charge) over the five-year period has been broken down as follows:

Figure 4.2 Number of children receiving police attention by ethnicity



The 2021 Census data from the Police Area reveals that there is an over-representation of Mixed heritage children, and a slight under-representation of Black and Asian children. It is of concern that in 24% (14,820) of cases a child's ethnicity is not stated/ recorded. When comparing this data with census data, police practice varies significantly *within* the police area. In one city, Black Girls were 2.3 times more likely to be charged with an offence than White Girls, and Black Boys were 1.4 times more likely to be charged. However, in another city within the same police area, Black Girls and Boys were less likely to be charged with an offence than their White counterparts. However, in this same city, children of mixed heritage

were 1.14 times more likely to be charged than White children. It is therefore crucial that police areas examine local practices across localities to understand why such disparities exist within a police area.

When a child is arrested and/ or apprehended for an offence the police will gather evidence to establish:

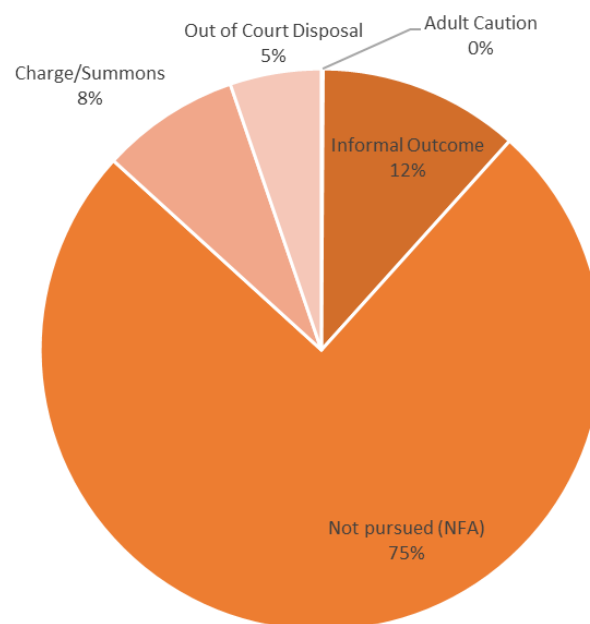
- The seriousness of the offence – as determined by the Police [Child Gravity Matrix](#).
- The quality of the evidence
- Whether prosecution would be in the public interest and
- The likelihood of getting a conviction

4.3.2 The use of No Further Action/ Release Under Investigation/ Police Bail against children – Procedural (In)Justice?

When considering outcomes – the data highlights some important findings. Police Area 1 showed that over a 5-year period:

Figure 4.3 Police outcomes for children over five years

Police outcomes for all children over five years (2018-2023)



The first striking point to be made here is that 75% of children who receive police attention are not pursued and are therefore subject to a No Further Action decision. The most

common reason for this is 'evidential difficulties'. The breakdown of ethnicity of the 'not pursued and NFA' category is:

Table 4.1: No Further Attention [NFA]/not pursued by ethnicity in Police Area 1

<i>Ethnicity of Children</i>	<i>Total number 'not pursued/ NFA'</i>	<i>Percentage</i>
<i>Asian</i>	3713	8%
<i>Black</i>	1684	4%
<i>Mixed</i>	2149	5%
<i>Other</i>	293	0%
<i>White</i>	27777	59%
<i>Not Stated</i>	11,228	24%
<i>Total</i>	46868	100%

Of immediate concern is that 24% of children's ethnicities are not accurately recorded and are simply marked as 'unknown' or 'not applicable'.

From the available data, it is apparent that the proportion of White Children who are NFA'd/ not pursued is broadly consistent with Census 2021 population data for the areas. There is an under-representation of Asian, Black and Mixed heritage Children during this stage of police decision making.

The high proportion of children who are not pursued appears to be a consistent theme as Police Area 2 data also reported that NFAs accounted for 60% of all outcomes for children, and that White and Mixed heritage children are over-represented in this figure, and Black and Asian children are underrepresented:

Figure 4.4: Police Area 2 data: NFAs rates per 1000 of the population, by ethnic group



Kemp et al (2023) also found high levels of NFA in their study. This is particularly concerning when we consider the poorly defined loose framework for releasing children on either police bail or release under investigation (RUI). A child can be released on police bail for up to 12 months, whereas they can be RUI'd indefinitely.

There are a number of issues related to procedural justice related to the apparent overuse of NFA/ RUI for lengthy police bail periods for children. 'No further action' means that there is insufficient evidence to pursue a case against an individual at the point this decision is made. However, if evidence emerges at a later date (without time limitations), the case can be reopened. The use of lengthy police bail/ RUI periods is particularly problematic for children when we consider that 80% of children in the Youth Justice System have SEND (Department for Education, 2022). Expecting them to recall details of a historical incident is unrealistic and unfair. The children we interviewed also described confusion, stress and frustrations associated with being either on RUI or on police bail for prolonged periods of time that ranged from weeks to several years:

Child: I think I only knew I was coming here a couple of weeks ago. That stuff happened in April, I only knew I was coming here a couple of weeks ago.

Int: so around four months gap.

In some cases, it had not been clear whether the police were going to be involved or not.

Int: Then you found out you got this Community Resolution, you had to wait six months before you knew the police had picked it up and that you were going

to go to the police station, was that a surprise when they got in touch with you then after six months?

Child: I thought it was all done with because my brother got convicted and went to prison and went to court as well and I had nothing happen to me so I was like nothing happened. Then six months later I was like, "What the hell?" (Child 5)

For some the lack of clarity in decision making, even when they were aware, had been very frustrating and impacted on preparing for GCSE exams. YP6, a White 15-year-old boy explained:

Int: You've not been charged or anything, you're just waiting?

Child: Yeah, I'm just waiting.

Int: What's that like?

Child: Horrible, I can't believe the amount of stress, especially around GCSEs, horrible.It could be years on bail to be honest, it's horrible. I could be in college, I could have a full-time job and still having to go back to the police station to talk about some stupid night that happened when I was 15. (Child 6)

4.3.3 The challenge of not recording ethnicity

Table 4.2 reports the average rate per 1000 for outcomes by ethnicity in Police Area 1 over a three-year period. These rates show White children are the most represented ethnic group across all four outcomes. However, 23.5% (8375 of 35604) of outcomes in the years 2019-22 have no stated ethnicity. 6344 (75%) of outcomes with no ethnicity stated are a NFA outcome. The proportion of instances when a child's ethnicity has not been recorded accurately makes it difficult to understand the rates of disproportionality.

Table 4.2: Police Area 1: Average Rates per 1000 of outcomes for children by ethnic group for years 2019-22

Ethnicity	Not pursued (NFA)	Informal Diversion	Formal Diversion	Charge/Summons
Asian	19.1	3.6	1.3	3.1

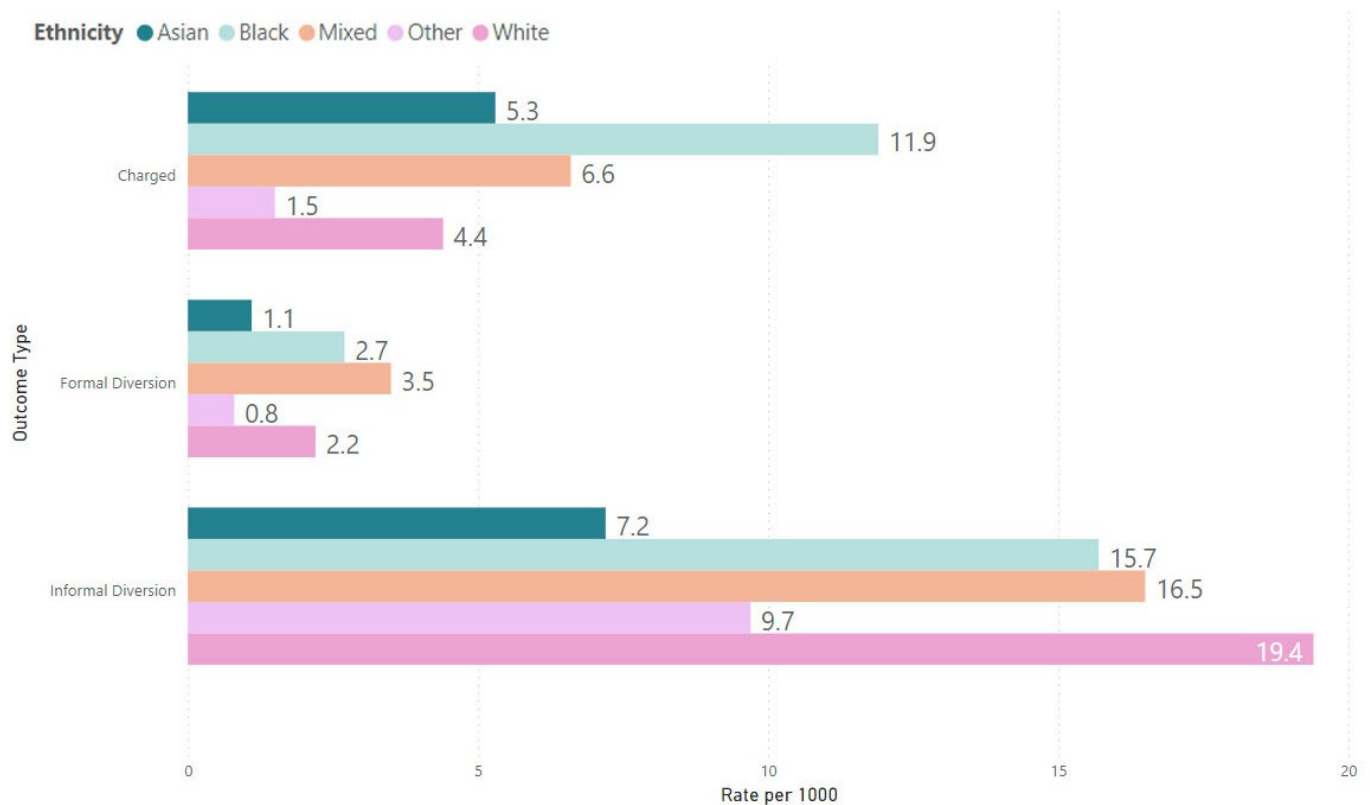
Black	41.7	4.9	2.5	7.3
Mixed Heritage	50.4	8.4	3.4	6.6
Other	13.5	3.2	1.1	1.9
White	64.7	9.6	3.4	7.7

The available data could suggest that police involvement in the lives of children is excessive, disproportionate and is in need of attention. In this data set, rates for Black, Mixed Heritage and White children are significantly higher for NFA outcomes. Further interrogation of this data with the police would therefore appear to be very important.

Police Area 2 data shows that as children moved up through the hierarchy of diversionary outcomes, ethnic disproportionality increased. For example, there was an over-representation of White children at the NFA and informal diversion stage. However, as they progressed to the more serious outcomes of formal diversion and charge, White children start to be underrepresented and children from ethnic minority backgrounds over-represented.

Ethnic disproportionality was found to exist between outcomes received by children:

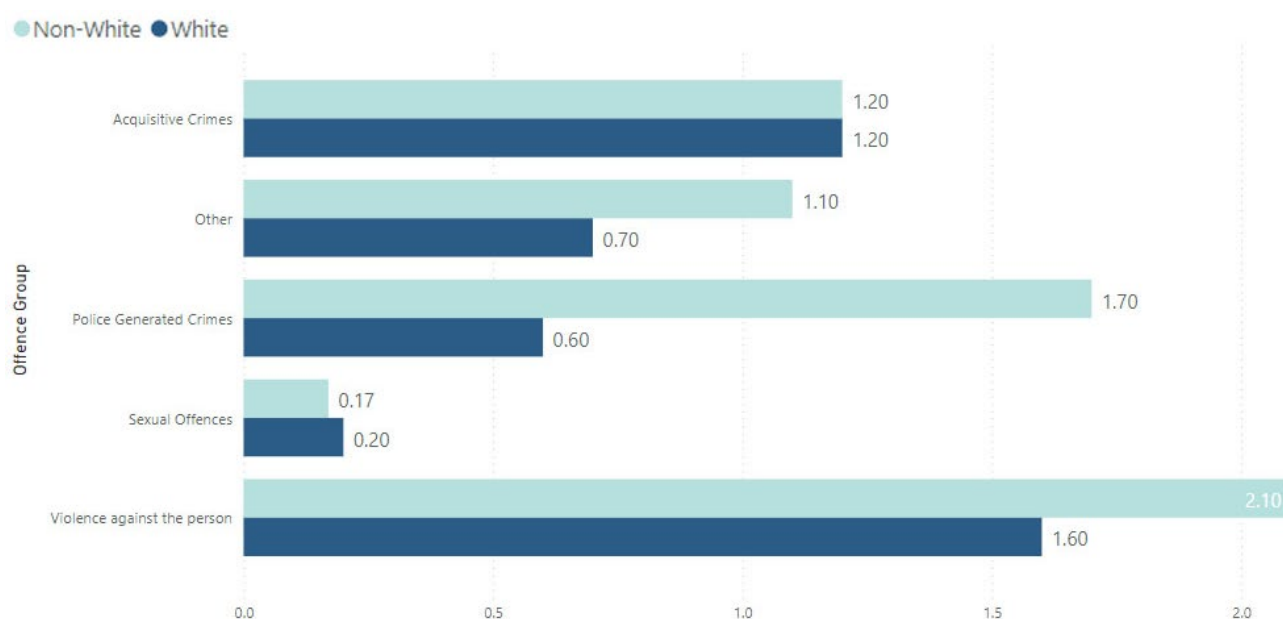
Figure 4.5: Police Area 2: Rate per 1000 by outcome type and ethnic group



The Asian, Black and Mixed heritage groups were all over-represented in the charged category when compared to population rates for each group. Those of Asian (1.2x), Black (2.7x) and Mixed (1.5x) ethnicity were all more likely than those of White ethnicity to have received a charged outcome. The disparities remained when offence category and seriousness were considered, thus rebutting the discriminatory argument often made by some that disparity occurs because minoritised children commit more serious offences:

Figure 4.6: Charged rates per 1000 of the population by ethnicity and offence group¹

¹ A police generated crime is one detected by the police, rather than reported by a victim or the public.



This is a significant finding and one which needs further focus and attention amongst policy makers and practitioners. We found that much of the over-representation of minoritised children can be related to their different experiences of education, police and youth justice teams from White children. These different experiences and the negative impacts that these have on the over-representation of minoritised children will be picked up in later chapters. However, for the purposes of this chapter, it is important that we highlight that the quantitative data across two police areas highlights that as minoritised children progress through the different diversionary options, the level of over-representation increases.

4.4 Professionals Perceptions of the Treatment of Ethnic Minority Children

Both official police data and children's own experiences suggest that children from ethnic minority backgrounds, and particularly Black and Mixed Heritage children, continue to be over-policed. This is evident in a range of negative interactions with the police, and the over-representation of ethnic minority children as they move from NFA through to formal charge.

Youth Justice professionals of Black and minoritised identity recognised young people's experience and, in some cases, provided accounts of their own experiences of racism:

'I feel like from the beginning the stereotyping. Even when there's four or five people, a young person and myself, we might get called part of a gang. Just because we're walking together doesn't mean we're part of a gang. It's almost like once you stop a young Black person, or a Black group of people, you're

like, “Yeah, we’re definitely going to find something.” It’s a jackpot...I feel that disproportionality as well. (P37)

Some respondents thought that Adultification bias played a part in the differential treatment of ethnic minority children:

I feel like one thing that plays a part of it in my opinion, and I did used to put it in my reports, is I feel like there are some Black children that look a lot older than their White peers, so it’s easier to get adultification. Sometimes when you appear in court you see a 15-year-old, they’re bigger than me, I’m double their age. You forget that you’re actually dealing with a young person as well, even what I look like as a case manager, you’re thinking, “You’re 6ft 3”, but you’re still a kid.” Sometimes you forget that.’ (P37)

Some YJS professionals were critical of the police, including the following managers:

I think because of the small numbers of Black and minority ethnic groups in ***** they stand out more, and I think there’s a massive subconscious bias on the part of the police. I’d hope it’s subconscious bias. Looking at some of the things I read about how they write about children and their families, I’d say it crosses the line to conscious bias on a number of those occasions. But I think work has got to be done there.’ (P7)

Policing was considered key in terms of change, but there was also some recognition of the challenge associated with this:

I think the history and the culture of policing I would say is very much embedded in institutional and structural discrimination and racism. This is why it’s so hard to change with just one set of actions, I think it’s really hard to change it at its core. There’s been some training that’s been delivered but I don’t think that that’s had any significant impact to drastically reducing disproportionality. I don’t know when it comes to disproportionality how it can be radically changed. (P35)

Other professionals positioned themselves at a distance from such evidence:

Well, you’d hope that the charging officer is able to make the right decision that’s equitable each time a child comes in front of him irrelevant of their race,

that's what you'd hope. We're not there in the police station so we can only go on what's given'. (P19)

The police were most likely to be viewed by youth justice professionals as treating Black and minoritised children differently.

4.5 Policing on the Street:

4.5.1 Involvement of the Youth Justice Service in decision making on the street

According to the NPCC (2023) although the police may issue a Community Resolution alone, in many cases they involve Youth Justice Services (YJSs). It also noted that YJSs must be informed and involved in decisions on Youth Cautions. To this end, they note, Police Officers attached to the YJS are usually co-located with the other youth justice workers in YJSs and that these officers have access to police computer systems on the YJS premises. The NPCC maintains that these police officers will maintain effective operational relationships within their force which, they say, will facilitate integration and the effective sharing of information and practice between the YJS police officer and other YJS staff (NPCC, 2023). But this suggests a far more integrated and collaborative relationship, and a far better flow of information, between Police and YJS staff, than was the case in the Youth Justice Services in which we undertook this research.

However, as we noted in the introduction to this report, although collaboration between the Police and the YJS is seen to be a key feature of Child Centred Policing there appeared to be no commonly accepted administrative or legal mechanism for co-coordinating decisions made in the YJS and those made by police officers on the street.

4.5.2 Informal collaboration

However, in some cases collaboration will happen informally between individuals who know one another:

I get officers phoning me when I'm off duty saying, "I've got this young person, we've just stopped"...I don't mind, honestly, I'd rather that than a mess, literally a couple of minutes' phone call...I've had emails from sergeants and inspectors where they've gone, "this child is on the periphery, they've done this but it's not quite ticking your boxes but we think ... what can we do with it?" and then we'll

have a conversation won't we, like actually, like I said to you before we'll go and speak to Mum and explain what the out of court disposal process is... (P12 & P13)

4.5.3 Stop and search

The police (including uniformed PCSOs) have powers to stop and question a child at any time and stop and search anyone under The Police and Criminal Evidence Act 1984 (PACE). Under the powers to stop and question, a police officer can ask a child their name, what they are doing in an area or where they are going. The guidance on stop and search states that a person does not have to stop and answer any of these questions, and the police cannot arrest for failure to do so. A police officer has the power to stop and search a child if they have 'reasonable grounds' (s1 PACE) to suspect the carrying of illegal drugs, a weapon, a stolen item or an item to assist in the commission of a crime. A person can be stopped and searched without reasonable grounds if approved by a senior officer where there is reason to believe a person may commit serious violence, be carrying a weapon, or in a specific place or location. The disproportionate use of these powers against Black children and adults has been documented in decades of official data and academic research. The very latest Home Office data demonstrates, unfortunately, that this remains an ongoing concern.

In 2023/24, 103,236 children were stopped and searched by the police in England and Wales (Home Office, 2024). Using the Relative Rate Index, and broken down by ethnicity and gender, we can calculate that Black Boys are nearly 4 times more likely to be stopped and searched than White Boys, and Black Girls are 1.4 times more likely to be stopped and searched than White Girls. The data also reveals that the stops and searches only resulted in arrests in 15% of cases for Black children, 8% of cases for White children, 11% of cases for Asian children and 13% of cases for Mixed heritage children.

Many children and young people, and a disproportionately large number of minoritised children enter the YJS as a result of stop and search. In our interviews, minoritised children discussed being repeatedly stopped and searched. Many of them discussed 'informal stops', that were not recorded by the police, and they were asked where they are going and what they were doing. Although official guidance states that a person does not have to stop and answer these questions, the children we spoke to felt compelled to answer to avoid matters

escalating to the often more intrusive and formal stops and searches. Child 12 who identified as English/ Welsh/ Nigerian and Jamaican discussed informal stops:

Int: How many times have you been stopped?

Child12: ***** Police don't give records I've lost count, I don't know.

Int: You've lost count how many times you've been stopped and searched?

Child 12: The stop and searches are really informal and it's like bullying.

Where children were officially stopped and searched, some felt that they were targeted because of their ethnicity. YP 20, a Black boy, discussed the intersecting judgements made about how he was dressed and his ethnicity, and that if you are a Black person smartly dressed, you are more likely to be negatively judged by the police than a White person smartly dressed:

Int: You said you think that they stopped you because of how you were dressed.

Child 20: My skin colour 100%.

Int: Tell me about that.

Child 20: If I was some White and I was dressed smartly, I know for a fact they wouldn't have done anything. It's like the fact, if they actually had evidence that they seen me pull it out or something like that and they stopped me, fair enough because you've got evidence. It's the fact that they just assumed that I had some Class A drugs on me when I never ever had nothing like that on me. Then they made up some bullshit excuse, saying that someone who went to the same place that I went did a robbery, someone fitting my description. It's like, "Bro, it's just lies." They just lie, that's what they say. They'll lie to get 'reasonable suspicion' to stop and search, they can't stop and search without 'reasonable suspicion'. They detained me as well, they had no right to detain me. They can only detain me if they've got 'reasonable suspicion', their 'reasonable suspicion' was the lie that they made up.

Child 19, a Black African/ Jamaican 15-year-old boy commented:

I've been stopped and asked questions, but other than that I haven't been stopped and searched again I don't think....I was just walking about and they

just stopped me out of nowhere and asked me questions, I don't know why. Even I was in my friend's car, and we were just driving and they stopped us anyway and asked me what my name is (YP19).

The NPCC's observation that many young people mistrust the police is based on just such encounters. The MOPAC 2021-2022 Youth Survey, of around 5000 young people in London, *We Are London*, notes that 'Stop and Search remains a particular concern among young people, with experiences and perceptions of perceived disproportionality in the use of such powers influential in driving wider mistrust in the police' (Jackson and Smith, 2013; Murray et al., 2020).

4.5.4 Arrest

In 2023/24 58,900 children were arrested for notifiable offences. The overall number of arrests has almost halved over the past decade. Stop and search results in arrest in 10% of cases (Home Office, 2024). In this study children's accounts of arrest varied considerably, depending in part on where the offence had taken place, but also in terms of their views of how they had been treated by the police, and the fairness or unfairness of this. Some children reported positive experiences, which often emanated from how the police officer interacted with the child, and whether they treated them with respect and as an individual:

Child30: All depends on how the officer is speaking to me, treating me. I've been through nice police officers, the nicest, at the same time I've been through the worst. (Child30)

Child 19: When I've been arrested a few times, they're nice with me. I feel like if you're good with someone they'll be good with you. (Child 19)

Child's views of the police were sometimes shaped by encounters in early childhood, and by the experiences of their parents. Child 15, a 15-year-old White British Boy stated:

Int: Why did your dad hate police?

Child 15: They just, they locked him up for nothing most of the time. They locked him up for shit he did do sometimes but sometimes they would just do it for no reason, raid our house and that. They raided our house when I was like, I think I was like 9. I was banging "Fortnite", yeah, and my dad looked

outside... Armed police, the road's blocked off, no one can get out. My nephew's there as well. He was like 3 at the time and he's autistic. Non-verbal as well...so we've gone outside and they've got guns to my nephew's head – he was 3 years' old. They got a gun to my head – not to my head, chest maybe, maybe my chest, whatever but my dad's at gunpoint as well, telling everyone, "Don't move," and that. My dad got locked up.

When recalling their own experiences of arrest, generally the children described a range of negative, and often quite traumatic police interactions. Child 23, a Caribbean/ Jamaican girl discussed her experience of arrest:

Int: When the police arrived, could you walk me through how they interacted with you, what they said?

Child23: They just jumped out, like it was armed police, they come out with guns and that, and they told me to like get on the floor and that. And then obviously like they didn't tell me empty my pockets and that, and they asked if I have anything on me. Obviously, I'm not going to say no if I do, so I said yeah, and then they just put me in handcuffs and put me in the back of the van. They didn't really talk to me. They just asked me for my name and that, and then they just put me in the van. (Child 23)

In contrast a 15-year-old White Boy, stated:

Int: Okay, so alleged affray etc., and when the police arrested you and brought you in what happened?

Child 15: They put rigid bar cuffs on me....he put them on me and then he picked me up by them....Then he was throwing me about saying I was being rude and he said I had an attitude when I didn't.

Child 26, a 16-year-old Jamaican/ Indian boy described running away when the police appeared and suffered injuries as a result of being 'run off' his bike by a police vehicle:

Child26: Yeah, as I'm cutting up that road I could see the van speeding up from [road]. I was like, "Oh fuck," they see me as well, I thought, "Oh my God." This is the funny thing, they see me, they turned on their lights, they started speeding up, I'm thinking, "Fuck, they're right behind me," and I'm on a pedal bike, I'm thinking, "Oh my God," I'm pedalling for my life. You see the

same park I was talking about....They ran me off, I had marks, scratches, blood everywhere....that felt like the most extreme shit ever, I don't think you understand, my tracksuit was ripped up, I still have marks from that day on my body to this day, I got rammed off that bike. Then they arrested me.

Child 17, a Mixed Caribbean/ White 15-year-old Boy, recalled being seriously injured at the age of 12 during his arrest. Evidence of adultification bias (Davis and Marsh, 2020) is also present in this case, and appears to be used as a justification by the police for the violence used during the arrest:

Child 17: You want to ask about when they dislocated my shoulder and left a scar on my head. I was 12 years old, I was with one of my friends who's White, he kicked a work sign when he was in a shopping centre, he kicked a work sign as a joke....and then the police – there was like eight of them, they all run and just rugby tackle me to the floor. I smashed my head against the floor – I think I was unconscious for a bit because I don't remember what happened. I woke up and my shoulder was in this position. Even when I had to go hospital after and they had to click my shoulder, and everything.

Int: Do you think your ethnicity played a part?

Child 17: A 100 percent yeah. At the time though I was young as well, I was only 12 years old, and they said, "We thought you was 18." I didn't look 18. I always look older than certain ones of my friends, but I didn't look that old to be 18. Even if I was 18 I shouldn't have just got tackled like that, they could have asked. Because it was my friend kicking the work sign it didn't snap or nothing, just chucked it on the floor. As little kids they was in uniform and everything, you could just have said, "Pick it up," and tried to scare us. That's when I thought they could have come across differently. Not, "You see one of my friends do it," and he didn't get touched, he was just standing there. They've just gone straight for me.

Child 15, a 15-year-old White British Boy, discussed further police involvement and arrest which resulted from an altercation at his home (at that time he was living in foster care):

Child 15: I wasn't really thinking straight what I was doing but I was just angry. Then me and my mum are getting in an argument outside the flat and she was insulting a lot so I started insulting back. Out of anger, I ended up just

throwing a big rock through her window and she got really angry about it, she came downstairs and then the neighbour came and I nearly got an altercation with the neighbour where I've pulled something out to defend myself because I didn't want to fight the neighbour but I wanted to protect myself from them....I pulled out a key, it was a very sharp one ...I didn't want to do anything. Then I went home after that but I was a bit afraid because I knew the police were going to come eventually and they eventually did come. They didn't even listen to my side of the story straight away they just said this and that, and then they detained me. So I ended up fighting them and I assaulted about two of them...' (Child 15)

The children we spoke to described a range of arrest-experiences, from some positive interactions to those involving serious injury. It is clear that there is a lack of regulation of how officers seek to apprehend a child suspected of an offence, and that the current guidance is insufficient and failing to keep children safe. Child-centred policing is evident where individual officers speak to children as individuals and recognise their wider needs and context. However, this was the exception rather than the rule.

4.6 At the Police Station

Some of the children we interviewed had been taken to a police station. One 15-year-old Romanian boy, who had been tasered, explained:

Yeah, took me into custody, they didn't even put me in a cell first, they just went straight to the fingerprints and other stuff since it was my first arrest and they didn't know who I was so they had to take all that information down. I got arrested, they took my fingerprints, then they took me to a cell and I think that two or three hours later they put me in an interview room but I had to wait for five more minutes because I had to wait for my appropriate adult. (Child 34)

4.6.1 Legal representation in the Police Station

Most of the children we interviewed who had been taken to a police station had received legal advice from a solicitor. Often the advice was to give a 'no comment' interview. Legal advice relating to this is particularly important for diversionary outcomes, as a child must admit the offence before they can be put forward for a diversionary outcome. HMIP (2021) and the Centre for Justice Innovation (Ofori et al, 2022) have recently highlighted concerns

about the quality of legal advice received by children at the police station in relation to out of court disposals. The Centre for Justice Innovation specifically recommended 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 and potentially accelerating them towards more formal options such as being charged. There are, however, some exceptions to this and in some geographical areas [Outcome 22](#) and ['Chance to Change'](#) as informal diversionary options are available for children even if they do not admit the offence or state 'no comment' throughout interview. This has created a postcode lottery and links to the earlier discussions of Justice by Geography. A Romanian 15-year-old boy welcomed the 'no comment' advice from the solicitor:

Child 34: They told me because I was so young and it was my first offence, they might try to go easy on me but it's not really because they thought I was trying to do something, harm them in a way, so they might not go easy on me, but anything you say, just say "no comment".

For some, finding an appropriate adult and being allocated a solicitor was a familiar routine:

Int: How do you know so much about it [the role of the solicitor]? Just your experience of going through it?

Child: Yeah, I've been through it, so I kind of know a bit more. (Child 17)

S58 (1) PACE makes it an unequivocal right for a person in the police station to receive legal advice. [The Youth Justice Legal Centre](#) states that children should be offered legal advice from a solicitor who specialises in youth justice law. However, despite this, many children still reject legal advice or do not receive specialist advice. Consequently, it has recently been recommended that the current provisions are insufficient and that a presumption of the provision of legal advice should be introduced (Kemp et al, 2023: 5). In our study, a minority of the young people rejected solicitors. Child 2, a White Girl aged 16 stated:

Int: What about solicitor?

Child: I always say no.

Int: Why do you say no?

Child 2: Because I think if you can't hear it from me and listen to what I've got to say, I don't lie, I'll tell you exactly how it is. I don't know, solicitor, I don't see the point in it, I'm going to tell you the truth anyway.

Our interviewees had different views about the helpfulness and attitudes towards to the provision of legal advice:

Child 6: I got admitted at 04:30 in the morning, I didn't get out until 20:30 the next day. I had a duty solicitor who I think half-arsed his job, didn't really say much, just told me to go, "no comment." I don't think I heard a word out of him to be honest, he just sat there, he sat there and wasn't doing any speaking, it was just me. (Child 6)

But Child 6 went onto say...

R: He's been good, I've been going to the same ones for a couple of years now, but yeah, I forgot to ask for them to handle it when I went to the station, I've got a duty solicitor. She wasn't the best.

Int: What about the interview then, the police interview, how was that?

R: I mean the interview for me just like, "no comment", that's what my solicitor advised me to do, so it was quite standard, there was a lot of questions, I can't remember half of them.

Int: Did they explain to you what was going on, did you understand it?

Child: Yeah, I understood it fully but yeah, it was just a load of no comments.

Int: Was that after you'd been in a cell for 16 hours?

Child: Yeah.

Int: So were you feeling pretty knackered?

Child: Yeah, I don't know how the police can want you to comply with them and basically do their job for them after they've left you cooped up in a cell for 10 hours and they treat you horribly and I just think it's stupid how they want to rely on people that are in the system for information to help them with their job

when they're not really helping the people back, you know what I mean? (Child 6)

Children are also entitled to have an 'appropriate adult' present during their time in police custody. The [National Appropriate Adult Network](#) states that the role of an AA is to 'safeguard the interest, rights, entitlements and welfare of children and vulnerable people who are suspected of a criminal offence, ensuring that they are treated in a fair and just manner, and are able to participate effectively. Many children will typically have a parent or carer attend the police station to complete this role when a child is brought into police custody. Where a parent or carer is not available, the police call on their local appropriate adult scheme, which is typically made up of volunteers, to advocate for the children. It is difficult to access reliable information on the breakdown of ethnicity of AA volunteers, as there are more than 75 local schemes nationally. The National Appropriate Adult Network estimates that 80-90% of AAs are female, and the majority of those requiring an AA are male (84%), which broadly reflects similar patterns within the wider YJS workforce. There have been calls by some for the AA provision to be professionalised and made available for all children (even those with parents in attendance) so that all children will receive consistent levels of advocacy, advice and assistance. Indeed, in one of our fieldwork sites, the youth justice staff and some social care staff also doubled up as AA's for their area and this produced a range of benefits:

'I was appropriate adult yesterday because I was duty and there was a girl in custody, first time entrant, adopted and she's assaulted her parents but there's been a lot of issues going on. The officer was going to refer her through the triage system out of court because we're there also to see what they've got and also encourage the police to do that, especially if they're first time entrants and the family wanted help.

I said to the officer, "You need to try and get that into the officers on the team as soon as possible, to get it allocated and dealt with," because obviously the support is needed and after speaking to the young girl, she obviously wanted that support...' (P2).

In the above example, the YJS Worker then became the girl's YJS Worker for the period of her diversionary support, leading to excellent transitional support from the moment of entrance into police custody through to completion of the diversionary programme. In

another example, the YJS Worker described acting as an AA for another girl a 'turning point' in their relationship with her:

'Long story short, her boyfriend as she called him, died while she was present from a drug overdose, and when the police came she was hiding in the house. We couldn't get in with her, we tried and we tried and we tried and we tried. But in the run up of all of that, there was a point where she was detained in the cells and the worker went as her appropriate adult. It was a real turning point for us because they were able to go sit with her, meet her, albeit in a cell, but start to build a relationship with her, and then in the interview start to advocate for her and check she understood everything that was being said, and ask for breaks and advocate.' (P10)

4.6.2 Strip Searches at the Police Station

The Children's Commissioner reported that between 2018 and 2023 over 3000 strip searches were conducted on children (Office of the Children's Commissioner, 2023). The report also found racial disparity in strip searches with Black children being 6 times more likely to be strip searched. This supports the findings from the Child Q Serious Case Review that Adultification Bias and Racism played a part in the decision by police to subject a 13-year-old Black Girl to an intimate strip search during menstruation without an appropriate adult present (Gamble and McCallum, 2022). Of the 3000 strip searches reported by the Children's Commissioner, 47% resulted in NFA, calling into question their necessity. In our study, two minoritised children told us that they had been strip-searched at the police station. Similar to Child Q, the first, Child 33, a Caribbean Boy Aged 14 stated that he was strip-searched because he was in possession of cannabis:

Child 33: I can't remember when I got to the station again, what happened? I went inside that room, this room I was sat in for a whole hour, I was there about, I was in there for a whole hour. After, I walked to this room and they asked me what race I am and I tell them my race and then I just take off all my clothes, well not all my clothes, I keep on my shorts, I take off my pants and my jumper and my hat and that and it's put inside an investigation bag, those bags here, those bags and ..

Int: They strip searched you? When they did that, was there something called an "appropriate adult" present?

Child: Yeah, it was my sister.

Int: Did they explain why they were doing that?

Child: Yes, it was because I got caught with drugs. (Child 33)

In another case, Child 20, a Black Boy who was 15 at the time of arrest. Interestingly, the child thought that the strip search was justified as he was in possession of a weapon:

Child 20: They put me into this place and they said, "Do you want a solicitor?" I was like, "Yeah," they was like, "It's going to be a free solicitor." I was like, "Yeah, say no more." Obviously, they was like, "Have you got anyone we could contact, mum/dad?" I gave them my mum's number, innit? But before all of that, they flipping, they did a, not a strip search but I had to take my clothes off apart from my pants, then put these like grey jogger things on, grey joggers and this grey jumper.

Int: Why did they do that?

Child: To see if had anything on me, innit?

Int: Right.

Child: I had to take everything off apart from my pants.

Int: How did that feel?

Child: A bit embarrassing but obviously, got caught with a shank on me, so what can I expect? (Child 20)

4.6.3 Being held in a police cell

When a child is brought into the police station, the police have the power to authorise that they are not held at the station. However, Kemp et al (2023: 3) found that this happens in less than 1% of cases and that children are, on average, held in a police cell for 11 hours and 36 minutes, with 54% being held overnight. Young people told us that they were held in police cells for lengthy periods, and that this was very difficult even though they were being regularly checked:

Child 30: They put me back in the cell, waiting, waiting, waiting, then they remanded me. Still in the station, not as in jail, they remanded me for another night. Got court in the morning, so I was there, told me I was going to get outside time when she remanded me. Didn't get no outside time, I was bugging

out trying to get outside time. I'm a very claustrophobic person as well, I don't like small places, being in a cell for anyone is not a good thing, it don't feel nice. ... was in there for nine hours. It was my first time, so I was sad innit. Like I was in a box room, every wall was the same, like it was just – it didn't feel right. It just felt weird. I was sad, like very sad, because I let my parents down innit.

Int: Were the police communicating with you in those nine hours, or were you isolated?

Child 30: No, no, they did come and check on me and that, and bring me water and food and all that, yeah. They did come and check on me.

Child 6, a 15-year-old White British Boy, talked about being held in a cell for 16 hours and gave a particularly vivid account:

Child 6: It's just horrible, you feel cooped up in there, you're cold, you don't have any shoes, you feel like weak, you feel, you just feel weak, you just feel like you're vulnerable, like you've been taken and you're just making this example of. It feels horrible.

For one child, a 16-year-old White Girl, it appeared that the police station had been their only accommodation option:

Child 2: They're [the police] not that bad when they're in the station. I feel like some of them look at you like what's the point of you being here. There's a few times where I've been taken to custody and they've tried turning me away saying, "No, she's too young, she can't be in here, it's not safe for her to be here," but then they still put me there because they say ... I've stayed in custody twice because my mum wouldn't let me go home and I had no mates or anything I could stay with, so two nights I spent there and they were like, "We can't keep her here without a reason."

There are a range of recommendations that can be made to significantly improve children's experiences in the police station. Kemp et al (2023) consider some of these in detail, but this project re-emphasises the importance of the police using the power to NOT bring children to the police station, and deal with them through an arranged appointment either at their home or at the police station so that they do not have to be held in a cell. Access to legal advice is variable as many depend on Duty Solicitors. We would recommend that all duty solicitors are trained youth justice specialists before they can represent children, and we also echo Kemp

et al's call for legal advice for children to be mandatory, rather than optional. Both strip searches were against racially minoritised children, and one of these appeared to be excessive in that the justification for it was a suspicion that the child was using cannabis. This would support previous conclusions that the current provisions to regulate the use of strip searches against children are insufficient and do not protect children and young people. Adultification bias was also evident, particularly for one Black boy who experienced serious injuries including unconsciousness and a dislocated shoulder during arrest at the age of 12. The reason given by the police for the use of excessive force was that they believed he was an adult. We would support and recommend a separate PACE Code of Practice that aligns with Child First and Child Centred Policing and appropriately regulates the conduct of police when children are in their custody.

4.7 The experiences of girls

Although girls remain a minority in the YJS, there is evidence of the over-representation of Black and Mixed-Ethnicity girls at some stages of the police decision making. For example, Police Area 1 data shows over-representation of Black girls in one city and Mixed-Ethnicity girls in another city. National stop and search data shows that Black girls are twice as likely to be stopped and searched as White girls (Home Office, 2024).

Seven of our interview sample of 34 children were girls. They shared a number of common features including the fact they were more likely to have offences committed at school, often linked to fighting or falling out with another girl. All the girls had significant problems with home and family relationships, which often led to periods of going missing. In one case, the police had held a girl overnight in a cell due to lack of social care accommodation. Several girls described traumatic arrest experiences including physical assault.

It seemed that in these cases there was a form of net-widening at work through the involvement of police and criminal justice agencies, and that other agencies such as schools, healthcare providers and social care, or third sector organisations, would have been better able to meet the needs of the girls, without increasing the likelihood of further criminalisation.

4.8 Conclusion

This chapter has explored the experiences of policing of the sample of children interviewed and the perceptions of professionals. It is clear that pockets of good practice and experiences are evident. However, as is too often the case, this is still too dependent on individual good practice and officers having a professional curiosity about the wider context within which a child may be in trouble with the law. Despite a number of advances at a national strategic level including the NPCC's strategic aim of achieving Child Centred Policing and the Concordat on Children in Custody, little meaningful progress has been made on the ground. Police area data from the North of England and Midlands reveals that Black and Mixed heritage Children's level of over-representation increases as they progress through the various police decision-making processes. In one area, they controlled for the seriousness of the offence and still found that the over-representation occurred at Formal Diversion and Charge stages of police decision-making.

This chapter has also demonstrated that children continue to be over-policed, with just 8-15% of stops and searches resulting in arrest, and between 56% and 75% of all decisions about how to progress a child's case (police recorded outcomes) resulting in NFA. Children are placed on police bail or Release Under Investigation (RUI'd) for many months, resulting in stress, anxiety and confusion. Perceptions of racial discrimination amongst the wider youth justice workforce of the police remain, and children from ethnic minority backgrounds described some of the most harrowing and traumatic experiences when they were stopped, arrested, or held by the police. There is much work to do to improve children's experiences with the police and realise the strategic aim of the NPCC of child centred policing that prioritises diversion and seeks to rebuild trust with children from ethnic minority backgrounds. Cultural change is both urgent and necessary.

Chapter 5: Decision-making in the youth justice system

5.1 Introduction

Chapter 4 has examined the policing of children and young people, and their accounts of stop and search, arrest and the legal advice available to them. This chapter takes the discussion a step further and is concerned with the broader processes of decision-making in relation to diversion. It examines data from the study that illuminates the systems at play, how professionals interact across boundaries, how the factors influence decision-making at the gateway to the system, and the impact of ethnicity on these processes. The impact of variation in practice and policy between local areas will be further explored in Chapter 7.

The chapter draws on the following data sources:

- Qualitative and quantitative data from national survey with 20 local areas responding.
- Qualitative data from interviews with 50 professionals across all 4 fieldwork sites (please see Appendix 3).

It begins by examining data on decision making processes that are being used and the outcomes available across local areas. It then examines in more detail the structures and processes as these operated in the fieldwork areas.

5.2 Joint Decision-making Panels and the triage process

Where cases are referred for consideration for a diversionary outcome, the typical process usually involves the case being sent to the Youth Justice Police Officer to gather information on the offence: liaise with the victim, record the gravity score of the offence, and indicate a possible diversionary outcome. The Youth Justice Team is responsible for thoroughly assessing the child's circumstances and needs. Outcomes are dependent on a multitude of factors but primarily led by the level of offence the child has committed: the lower the gravity of the offence, the more likely they are to receive a diversionary intervention. This decision will also depend on their level of need and perceived risk of reoffending. In 2008, Triage workers were introduced in 69 areas nationwide to screen young people at the point of arrest. In 2011, the Department for Education reported that there were 55 Triage schemes

(Institute for Criminal Policy Research Birkbeck, 2012). All four field sites had a Triage system. This involved collaboration via multiagency 'Joint Decision-Making Panels' (JDMP); other names include Out-of-court panels.

The panel is typically composed of representatives from the Police (usually the Youth Justice Service Police Officer), Children's Services, and the Youth Justice Service, with additional stakeholders reflecting commissioned specialist services and partnerships with health, education, mental health and SEND. Typically, a youth justice team manager chairs the panel who can make a number of disposals (please see Glossary for definitions):

- Triage
- Enhanced Triage
- A Community Resolution
- A Youth Caution
- A Youth Conditional Caution
- Referral to back the Police (for consideration of prosecution)

The format of triage decisions that result in community resolution interventions ranged between field sites. In the London sites, a triage or community resolution outcome administered by the JDMP would typically include a single home visit by the YJS police officer to sign a document accepting responsibility. However, in the field sites in the Midlands and the North of England, community resolutions were designed to include a minimum of three months of low-level interventions to maximise the teachable moment with the child. The variance in the use of community resolutions within the triage process reflects local areas attempting to balance the delivery of proportionate interventions to need but operating on the principle of maximum diversion (McAra & McVie, 2010). This study found that many local areas have sought to administer 'enhanced triage' interventions that consist of multiple interventions over three months. These offer more support and guidance than a single visit without necessitating recording offending history. Both outcomes are voluntary and cannot be escalated if the child refuses to engage in the process.

Figure 5.1 illustrates the focus of this chapter on outcomes primarily dispensed by Joint Decision-making Panels. Responses to the qualitative survey showed a high degree of variation across local areas in terms of the disposals available (Figure 5.2.). For example, just under half (13) of the 28 responses noted the availability of restorative justice disposals. Although there was also qualitative evidence from the field sites of restorative justice

practices used of youth caution and youth conditional cautions, it is significant that this type of diversion may not be available consistently.

Figure 5.1. Highlighted section of system primarily associated with Joint Decision-making Panels

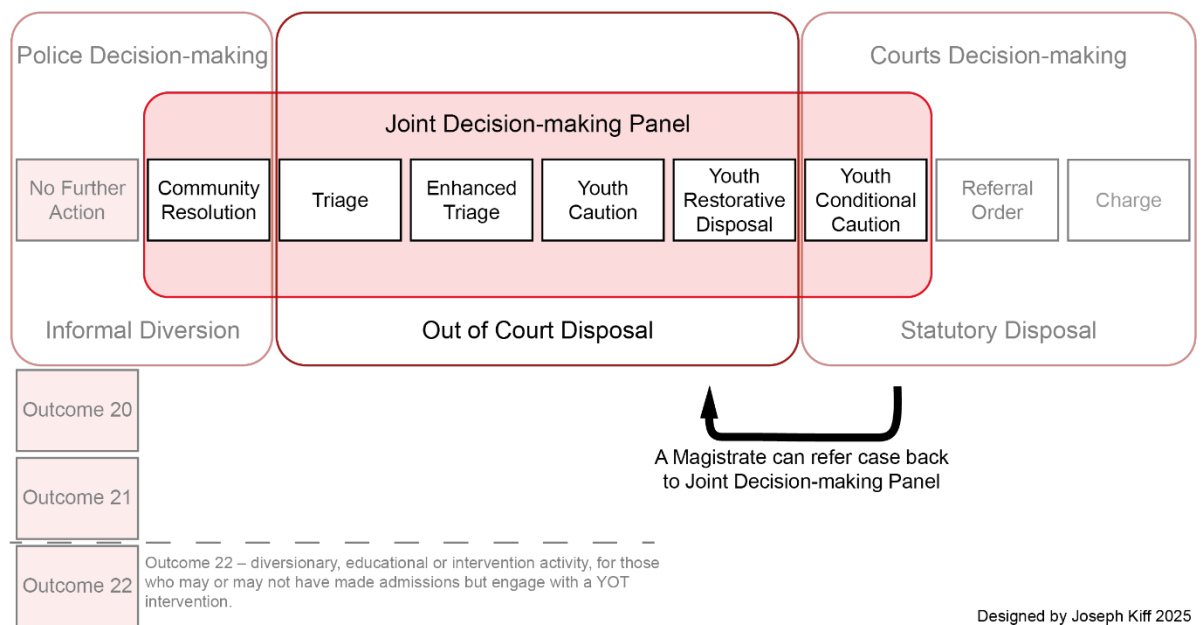
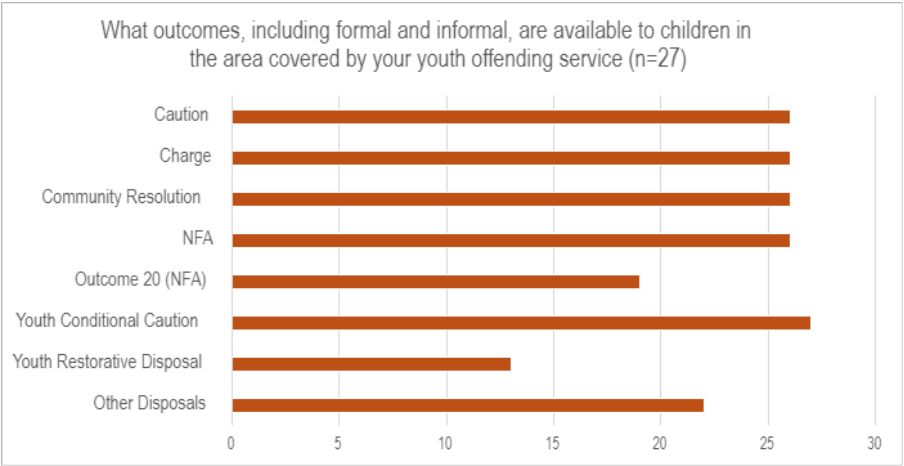


Figure 5.2: Formal and informal outcomes available to children (Survey A responses)



The survey also asked whether the use of informal options was being monitored and whether ethnicity was monitored within this. Respondents were in agreement regarding the monitoring of informal diversionary options but were more ambivalent, especially in their comments, about the monitoring and reporting of ethnicity generally and disproportionality specifically. For some, this seemed to be a work in progress.

The survey also asked whether evidence of disproportionality had emerged if monitoring had taken place. Ethnicity is regularly recorded but not reported on for non-statutory outcomes. There was a mixed response to this, and the comments below help illustrate the issues at play:

No - but our data is only the children that come into the service and not the wider cohort and it is likely that the Black, Asian and multi-ethnic children are being sent to charge because of a lack of admission of guilt and we are working with the police at developing a response to this in relation to outcome 22.

White British children more likely to receive lower-level disposals - relates to seriousness and number of offences - local action plan for this.

It has, we are in the early stages of ensuring disproportionality is factored into all policy and that it is monitored.

While the number of survey responses were not sufficient to generalise fully, these findings indicate a need to continue to monitor the extent to which information on ethnicity is being recorded and reported upon in relation to diversionary outcomes, and in turn informing local planning and action.

In one of our research sites JDMP chair explained the joint decision-making panel process:

'The police will say, "Look, we're here to protect and serve. This kid has committed a crime, therefore to protect and serve the community we need to make sure that this child is dealt with appropriately. Therefore, these are the sanctions that we can put in place in law that would allow us to keep the peace, keep the community safe," etc, etc. Otherwise there's anarchy, kids running around, and I get that.' (P36)

They continued:

'You have the victims workers who are saying, "We spoke to the victim, the victim is now traumatised and really upset and they can't go to work and they

can't sleep and they're on depression tablets because it's really shaken them up." Absolutely get that as well.'

'In all of that, we have an offender who has admitted he or she has done something wrong, they've admitted that, they've taken full responsibility for it, they're not denying it, they regret it, what can we do to help this kid because ultimately, this is a child. Every person can come back and say, my final line is it's a child, they're a 13, 14, 15 year old child. The police will say he's committed a crime. The victim support say the victim is now traumatised, the victim is now this, there's a victim.' (P36)

And they added:

'When you have those kind of discussions going on, it's quite interesting how you can see the process in action in front of you, and you can see these discussions going on, you can see the backwards and forwards and you can see people doing their job, basically.'

In our research sites, YJS professionals usually chaired JDMPs, and it was YJS workers who usually picked up on the wider needs of the child about which the police, alone, would not routinely have information. This meant that these concerns would be included in the plan developed by the YJS and other agencies. The police involved in the out-of-court panels tended to agree with the recommendations of the YJS officers.

In cases of minoritised boys, the police would sometimes adopt a harsher tone in their discussions. They tended to be more concerned about 'gang involvement' rather than whether the child might have been a victim of child criminal exploitation. The case files suggested a regional divide, with London field sites more readily identifying and recording concerns of gang involvement, while field sites in the North of England had much more details surrounding intra-familial safeguarding concerns and histories. This was due to a proactive triage panel chair who readily challenged police narratives about 'gang culture' and questioned whether CCE had been considered during the initial assessment of the child.

Given the preponderance of children with SEND/ADHD coming to the panel and a perceived increase in the multitude of complex issues being referred to the JDMP, the need for specialist inputs has widened multi-agency partnerships.

For example if I've done a prevention and diversion assessment, and I've gone through their social care history and there's a common theme of cannabis

usage, rather than having to send a referral to outside of the organisation and have to wait, in [location] I get to still complete the referral and be able to liaise with that person face to face and talk to them about what my concerns are. Sometimes it's easier for certain people like myself to articulate it rather than writing on a piece of paper. Also part of our Out of Court Panel, Prevention and Diversion Panel, they also sit on the panel as well, so the CAMHS worker, the Drug and Alcohol Service providers as well as the other people that I mentioned, they all sit on the panel as well. We all work together on creating that intervention plan, it's not just like one person says, "This is what they're going to do," we all have a say in it.

That's their profession, and there's things that I might have overlooked – like for example depression, there might have been something that was six months ago, I might not feel's relevant, but someone who specialises in that field, they might say, "Hold on". (P81)

The increased range of professional inputs can lead to tensions between organisational priorities and interpretations; for example, if a child was repeatedly misbehaving and labelled as 'not learning', the police tended to push for a harsher outcome. In a JDMP case, the Youth Justice Service successfully advocated for their position; however, the police remained adamant that the child should understand this intervention as their "last chance." In another research site, stakeholders debated the necessity of police involvement in specific school-based incidents. While some questioned whether law enforcement intervention was warranted, there was a prevailing perception that legal obligations mandated a police response.

Offences committed on school grounds, particularly knife carrying, are scored more highly on the gravity matrix. While there is guidance and a process for schools to respond to such incidences as a safeguarding concern, with social care as first responders, there is little evidence in the case files, and interviews to show educational settings are exploring alternatives to calling the police as their first responders to such incidents. Both factors, aligned with zero tolerance behaviour policies, appear to carry the potential for 'net widening'.

In one panel, the Chair expressed frustration with police who 'screw up' and send a case to court, it can be sent back to the panel, but at this point, the only options at this point are YC/ YCC, and all informal options are 'off the table'. In one of our research sites, although a YJS

senior manager chaired the Diversion panel, a senior police officer (usually a Police Inspector) would make the final decision regarding a child's outcome if there was disagreement.

Technically the police are the ultimate decision makers. In my opinion they should really chair the meeting because if they disagree with me there is only so far I can take it. I can, and do, escalate decisions but it is a Police inspector that has overall authority.' (P36)

In relation to YJS Police Sergeants, who hold a specific position in trying to link two stakeholders, more experienced YJS Police Sergeants often demonstrated a stronger understanding of collaboration. Their experience of working alongside and training with youth justice sector partners meant they could establish a shared understanding in terms of language, approaches like contextual safeguarding, and the potential of rehabilitation and restorative justice. Through inhabiting many collaborative environments hosted in the Youth Justice Service offices, YJS police are integrated into multidisciplinary teams that emphasise progressive, holistic, and child-centred practices. In contrast, more recently recruited sergeants, whose backgrounds are rooted in broader police roles, tended to carry over values more appropriate for public enforcement and responding to adult offenders. While paying lip service to key concepts they understand central to Youth Justice work, there was substantial evidence of conflict in their belief in the efficacy and efficiency of working in more progressive and holistic models to reduce reoffending rates. These differences highlight professional values and principles that can be nested within broader institutional cultures.

5.4 Assessments

The introduction of Child First approaches as the guiding principle of the Youth Justice System has reshaped the scope of assessing young people. Not only has the proportion of young people being assessed for diversionary interventions increased, but understanding of the nature and complexity of their needs has expanded (Case and Browning, 2021). A Child First approach means seeing the young person as a whole child, identifying complex challenges and the need for support to remove barriers and create opportunities for them, and offences second.

'We have our youth justice practitioners who oversee the actual delivery of the intervention. Within our out-of-court, specifically our Joint Decision-Making

Panel, it's very multiagency, so we have CAMHS input, so we have our psychologists. We have our speech and language therapist, we have our police who attend, we have our reparation coordinator attends. It's an opportunity to review, not only the offence that the child has been referred into [...] All of those agencies that I've just described will also complete their own screening, which will feed into that out-of-court assessment, in order for us to have a really comprehensive and holistic understanding of all of the circumstances, considerations that need to be taken into account. Then in that panel everyone together will think about what's the best outcome but more importantly, what should the plan of intervention be having considered everything?' (P47)

As noted above, the YJB has recently introduced a standardised assessment tool for out-of-court disposals; however, this study took place where there was still a high degree of variance in the assessment tools used. Until Sept 2024, the YJB had recommended using Asset Plus for Out-of-court disposals; however, it was not mandatory and provided scope for local areas to develop their own tools. All four field sites had created bespoke models that reduced the burden of recording information, aligned with case management platforms and reflected local policies and practices.

The pre-assessment is set by the YJB, so we've got one from the Youth Justice Board, and that's just one document and that is for all of the out of court disposals. The pre-sentence report, it's defined locally, so we have our version, [London authority] will have theirs, [London authority] will have theirs. They're all similar but they may have slight differences. In fact, I think even with the pre-assessments they will have slight differences as well in terms of different boroughs will do them slightly differently.' (P42)

While in a field site in the North of England:

'Right, well, when I have had a young person, I'll probably get the young person's name, I'll go do the home visit, speak to them. Then I do the [area] assessment, which is about family background, education, all the stuff, their views, parents' views. That then goes to panel. I will have put on that risk levels and offending levels and then I'll have put that, "I think he should have, or her, should have Chance 2 Change." That goes to panel. They all discuss it at panel and then they'll make the decision whether it is going to be Chance 2 Change.' (P12)

The bespoke assessment tool's length depended on the offence's severity. The respondent also noted that where a social worker supports a child, the YJS assessment is used as a secondary document, more reflective of an action plan.

Several participants highlighted the access to multiagency specialists as a strength in constructing a process that provides a holistic picture of young people and their families and carers. Notably, for many young people, access to a CAHMS or Speech and language assessment through contact with the YJS may be the first time professionals have sought to understand underlying needs. In these instances, conflict with the law becomes a 'silver lining' to the failure of earlier interventions to support these young people. Moreover, local areas seek to invest in bespoke services that can support, in creative ways, the social-emotional needs of young people alongside more conventional youth justice interventions

'The different interventions that we have on offer depends on the young person and their needs, so for example working here we have a CAMHS worker who's joint to the YJS, we have Drug and Alcohol Service partners as well. What else do we have? We have a nurse, we also have a psychologist as well, a reparations worker, a victim worker as well, we all create – depending on the young person, a wrap-around project, intervention plan for them.

Inter: Would you say that's quite unique to [location]?

Also [location], we've also got a drama therapist as well. Including that I'd say that's very unique, because there's a lot of other services that don't have someone like that, which is I'd say definitely very unique and very helpful.' (P37)

Due to the limited guidance on how local partnerships should use assessment tools in one field site, there has been an identified need for improvement and an increase in the robustness of assessments in court processes. One professional outlined the need for their skills in court assessments to be shared to improve Out-of-court assessments: 'So because we are used to doing those robust assessment exercises, I think the thinking is that we could bring that experience to the out-of-court process as well.' (P46).

Analysis of 17 files of minoritised children indicates limited attention during the assessment process to race, culture and ethnicity within the decision-making process. There are a few examples of identifying community assets, attendance of religious centres, sports associations and creative spaces, and personal strengths, skills and interests linked to

culture, e.g. a Mixed Heritage child connected their intervention to a Muslim health worker with beneficial outcomes. Conversely, the most detailed reference to community and identity in an assessment was in a case file of a White boy: 'a White working-class person from a community impacted upon by crime and disadvantage. By virtue of this young person being marginalised, which has now compounded his entry into the Criminal Justice System.' (Child 5).

One participant reflected on the limited approach taken in assessments to exploring professional curiosity in relation to ethnic and cultural identities and responding to these attributes through diversionary interventions.

So a lack of professional curiosity was picked up on as one area, a lack of analysis around offending around perhaps what the conviction has been given, [...] Like alleged offending or suspected offending.

So the lack of analysis around that and, crucially, especially for what we're talking about, the lack of analysis around diversity and the different realms that covers, rather than just looking at it in terms of ethnicity. We know that we've got over-representation with young black boys, and I think for a long time as a team, there's almost a nonchalance around that, and I do wonder if there needs to be a bit of a rethink around what we can offer. So, perhaps a sort of laziness around the fact that is our main cohort.

But they can mean some sort of – so another group perhaps would be like eastern European young people, and sometimes some off-the-cuff remarks that are made around sort of presumed types of offenders that they might take part in, so organised theft, things like that.

So it's about recognising the fact that different groups may react in a certain way, in terms of offending behaviour especially, but treating that more professionally I think; that maybe that's not something that is always dealt with particularly well. [...] Okay, we've got the aspect that perhaps the language used in the assessment was not particularly professional, but moving on from that, what is it saying about this child (P51)

In response to mitigating the impact of disproportionality at the assessment stage, there was a broad range of approaches. At one end, participants reported neighbouring boroughs, particularly in their court reports, prefaced their assessments with a detailed description of

the over-representation of Afro-Caribbean groups in the Youth Justice System. Providing a standardised statement to surface the context of adversity that minoritised groups may have experienced. Conversely, in one of our field sites, the ethnicity of the case being discussed was admitted from assessment reports at panel meetings to provide a colour-blind process. Informed by more research on progressive recruiting processes, the desire is for the panel members not to have the appropriate information for their racial biases, whether implicit or explicit, to impact their judgment and provide a more objective and neutral judgment.

5.6 Information sharing

Information sharing is a perennial problem across multi-agency partnerships (The Children's Society, 2019; La Valle et al., 2019). Due to the sensitive nature of personal information required to make holistic assessments, and the encroachment of risk aversion between different statutory organisations there is a fear of sharing information that stems from both legal and professional barriers. While there was overwhelming consensus between participants that in their local authority there were robust and reliable instances of information sharing across agencies, some challenges were identified. Professionals feel conflicted about sharing information due to the perceived risk of being reprimanded. One participant mentioned:

I find it quite hard regarding the information that you don't get in the council, you know, information-sharing. I find that really hard because when we had the Victoria Climbié and the Baby P stuff, there was a lot of additional training, "You need to work as multi-agencies, you've got to share information," I've found if you share information, not crazy information, but you will get told off for it.' (P9)

Information moves more freely within intra-agency collaborations, for instance, between social care and Youth Justice Services and police services with YJS Police Officers. Notably, this places a great deal of emphasis on representatives from organisations to be gatekeepers of information during assessments. Observations of inter-agency collaboration within shared offices demonstrate that information requests and checks can readily be carried out to investigate and build narratives of young people's incidents on an informal basis. However, overwhelmingly, the panel discussion is where partial information held by different agencies is formally brought together and evaluated.

'In the police because I work parallel with the police as well they're very forthcoming in information because they've got to safeguard me, so if there's any markers on the address they'll let me know. You know, because it is dangerous, some of these kids are carrying knives within the community, they are potentially on the border of county lines. But I just find there needs to be more information-sharing within [Name of local authority], absolutely and social workers are the bane of my life.' (P9)

In the above example, it is clear that there is an adversarial relationship between inter-agency cooperation. The respondent continues to express the perception that cases can be prematurely disengaged and 'referred out' of services.

Yeah, and I find that hard. I mean when I was in the police, Social Services were quite difficult then but working as I do within this role now I do see how a lot of children slip through the net. [...] regarding Social Services there's so much more they could do and I just feel working with them, as soon as I start to work with a child they're signing them off. I'll only work with one child within the household, they'll sign them off and I'm like, "Whoa, hang on a minute here." (P9)

Where ineffective collaboration and poor follow-up processes exist, there is the risk of vulnerable children not receiving adequate support that is not joined up across parallel youth justice and child protection systems. However, we observed improvements in some areas with strong links between Out-of-Court and MASH (Multi-Agency Safeguarding Hubs), with senior leaders from social care and youth justice taking up membership in both partnership groups.

"Well, the manager of the MASH sits on our out of court panel, so our information from social care on the out of court panel comes directly from the source, basically. In terms of escalation, like I said, I have seen a real improvement in our working relationship with social care. The YJS, when I started here in 2016, was not under the directorate of children, I think we were half in and half out, I don't know how that worked. But we are wholly and solely now in the children's directorate." (P43)

In instances where there is a need for cross-boundary collaboration, the complexity intensifies. Due to the limited or weak relational connections of professionals across regional

or jurisdictional boundaries, the flow of information becomes more crucial in coordinating holistic support and interventions. One respondent from Education stated:

'In terms of my involvement I've had with some of the youth justice cases, is that where they've been part of something, there's been incidences, they might be open to RJS, and there might be safety concerns for them to be educated in the borough. So I've been part of the sourcing and education setting for them outside the borough. That's then thinking about how do we get them there? What does the education look like? How do we monitor that whilst they're in that provision? Then looking at things like costings for them. Making sure the child still has the right to have an education, that's the key priority of it all. It's about making sure we do have those links with other boroughs to be able to identify those provisions.' (P33)

Further examples from case file analysis highlighted the messiness of delivering youth justice interventions to young people on child protection plans held in neighbouring boroughs, being resettled in care placements, movements of families and incidents where crimes have been committed out of the area. Through the partial information stored on case file management systems, it becomes increasingly difficult to follow the thread of outcomes for young people crossing these boundaries.

5.7 What values and principles influence joint decision making

The YJB Strategic Plan 2019-22 (YJB 2019b) sets out a revised value base for a progressive approach to youth justice underpinned by child-centred, inclusive and collaborative work. There is a recognition that solutions to provide positive outcomes during and after contact with the YJS may exist outside of YJSs and across integrated service provision. The policy document asserts a key strategic objective to deliver Child First youth justice (see earlier definition) alongside a commitment to evaluating Trauma Informed Practice in readiness for its adoption. Tackling disproportionality of minoritised children also appears as a key strategic objective, with improving employability outcomes and strengths-based work around sports specifically identified to support Black children. However, as explored by Day (2023), the policy shift away from the risk factor prevention paradigm (RFPP) towards 'Child first approaches by the YJB has not been aligned with HM Inspectorate of Prisons inspections, resulting in bifurcated practice and confused strategic direction across regional areas. Participants' responses in this study, particularly from those

in strategic and management roles, reinforce the view that YJS are trying to balance a muddled policy landscape while triangulating and collaborating with partner organisations drawing upon their own policy and culture.

These JDMPs reflect the values and principles of participating organisations while developing their own distinct cultures as members assimilate and integrate ways of working through collaboration and deliberation. Moreover, the panels are connected through referrals, information sharing, shared protocols, and strategic oversight to a network of other multi-agency panels responsible for discrete areas of supporting children and families. The composition of these subgroups varies across local areas, but they commonly feature Multi-Agency Safeguarding Hub (MASH), Multi-Agency Child Exploitation (MACE), and Multi-Agency Public Protection Arrangements (MAPPA).

5.7.1 Trauma-informed

As identified by Case and Browning (2021), trauma-informed approaches have been an increasingly mainstream framework for understanding the impact of adverse childhood experiences and intergenerational and communal trauma on young people. This is important, given the potential roles of past trauma in increasing a child's vulnerability to being exploited or at risk of becoming involved in offending (Hickle, 2019; Brown et al., 2017). The extent to which all Youth Justice Plans for the field sites in this study have a dedicated section to how trauma-informed practice is operationalised in their Youth Justice Services. However, conflict in decision-making at the inter-agency level can lead to disagreements about the appropriate responses to offences when trauma and contextual factors are considered. In relation to knife crime:

'But from my personal feel, every professional has their hat on, so we've got someone from CPS that will be like, "Well, this is a knife offence, they should be getting a youth conditional caution, why have you given it a youth caution?" We have to then argue to say, "Well, we've given a youth caution because yeah, it was possession of a knife and he didn't use it in an offensive way. There's complexities because he was stabbed last week, also the child has no previous, so this is why we think," so we get scored on that. CPS might feel, "Yeah, I get what you said but it's a knife offence, so we want this, so we're going to give you a two instead of a one." (P36)

While investment has been made in training Youth Justice Officers to be trauma-enhanced, assessments and delivery of specialist interventions remain the role of detached or partnered CAMHS practitioners. Assessments of young people for psychological interventions are often subject to delays and limited resources. It is important to acknowledge that assessments are often informed by how services have responded to the child's needs in the past, which can be gendered or racialised – impacting who and how they are supported in the future. As stated above, at a YCC disposal, there is a more extended period of contact time between a child and the YJS, and it is a statutory responsibility to evaluate if CAMHS are appropriate as part of this intervention. As a specialist CAMHS worker noted:

“Sometimes before, sometimes after, so some young people have had a triage if there's some concerns, we might do an assessment. But our ability to actually do any work with that young person is quite limited if they're not actually, if they've been issued a triage there's not much we can really do, other than signpost to other services, saying really if they're going to be with us for a little bit of time that CAMHS might then either do an assessment, then maybe offer some follow-up.” (P44)

Due to the limited time scales of informal disposals, there is a significant challenge in ensuring that young people, particularly first-time entrants or those who have committed lower-level offences receive appropriate mental health support. Certain factors are associated with children at higher risk of being abused, such as being in care or having a special educational need or neurodiversity (e.g. ADHD, autism) (Karsna & Kelly, 2021; Franklin & Smeaton, 2017). Participants in this study articulated the impact having an increased understanding of the overlapping nature of trauma and SEND is having on conceptualising offending behaviour.

“So, what were their experiences and what then impacts on behaviour? You make a little bit more sense of why he appeared to not give a shit about the victim, and rather than writing the negative stuff you're sort of, why might they have a difficulty with understanding or being able to talk about what they did? Is it lots of shame, is their own experiences, is they're on the autistic spectrum so actually understand another person [...] We do have quite a few kids on the autistic spectrum somewhere, so it's quite interesting. I guess there's a possibility they're more likely to be exploited or they're easier to exploit because

they might find that a little bit more difficult to check out what people's motivations are." (P 96)

Participants stress the importance of avoiding the use of negative or deficit-based language when seeking to understand traumatic or neurodiverse experiences. While there are inconsistencies and variations in how trauma-informed practice is integrated into youth justice services, there is recognition of the importance it plays in assessing and designing appropriate interventions.

5.7.2 Safety as a primary concern

As highlighted throughout this chapter, the tension between risk and safety being balanced with rehabilitative measures runs through the Youth Justice System. Practitioners demonstrate a strong commitment to community safety and recognise that their interventions must take into consideration the victims and the communities where the offence has taken place. The shift away from an overemphasis on risk reflects progress in Youth Justice practices; however, practitioners recognise the dynamic nature of risk and the importance of understanding its context in the lived experience of young people. Similarly, the safeguarding of young people receiving the youth justice intervention is a priority, particularly in areas with high gang prevalence. Interventions are designed with extensive safety planning, which can pose limits or restrictions to the available community-led interventions.

I've never even thought of capacity to be honest, unless someone said, "The group is full," or "They've got gang issues and they can't go on that group because So and So from another gang is on there." If it's a safety thing that's different but you always find something for them to do. I think we have so many resources in this borough anyway, you can always find something, whether it's music or therapy, we've even got an art, creative therapist here now so you can always find something for them. I don't think I think of capacity. More safeguarding is here because [London Borough] has a lot of gangs so that's the most prevalent thing that you have to bear in mind, their safety, can they go? "Can I send them to Joe Bloggs to do rapping in that area?" Mostly, that becomes a real priority here, safeguarding and gangs and you ask them that from the very day you meet them, "Is there anywhere you can't go?" (P25)

While otherwise, suitable interventions are available and strong in some areas, most notably connections to local football teams, gyms, and music production studios, resource disparities

between areas are curtailed due to the reality of interfacing with gang activity. Logistical and contextual challenges exacerbate capacity issues.

5.7.3 Child-Centred

It means ‘keeping the child or young person in focus when making decisions about their lives and working in partnership with them and their families (Department for Education, 2018). A child-centred approach is also reflected in Article 3 of the United Nations Convention on the Rights of the Child, which establishes the primacy of the best interests of the child in all actions affecting them (United Nations, 1989). Child First Justice, a framework adopted by the Youth Justice Board, is closely aligned with broader child-centred approaches. The specific term ‘child first’ emphasises the need to:

- prioritise the best interests of children and young people, recognising their particular needs, capacities, rights and potential
- ensure work is child-focused, developmentally informed and cognisant of structural barriers and adult responsibilities towards children.

The Youth Justice Board (YJB) for England and Wales observes that it holds clear wider resonance: ‘Child first goes beyond the youth justice system. The guiding principle of “putting children at the heart of what we do” is one that should steer intervention with all children, to recognise the potential they each bring’ (Youth Justice Board, 2022, p2).

The realities of applying these principles are played out in the multi-agency working within the Joint Decision-Making panels. Here, participating organisations work to navigate and reconcile how Child-First approaches interact with – and sometimes supersede - competing principles and practices. Participants from our field sites emphasised the nuances and holistic approaches that are required for child-focused assessments. It means seeing the child behind the presenting behaviours, i.e. considering them holistically, including their family circumstances, trauma, physical and mental health, identity and experiences of inequalities.

“...so it’s, “What’s going to make the difference for this young person?” Also, sometimes that involves sequencing as well, we don’t have to overload the intervention with so many different professionals or agencies. “Let’s start with this and then we can move onto this, maybe they’ll be in a position to engage better with this once this has been addressed.”

The word 'bespoke' was frequently emphasised as a characteristic of child-focused interventions. Whereby, practitioners limited the use, in their eyes, of applying a one-size-fits-all solution in favour of adopting a broader view and incorporating the child's lived experience and feedback. However, analysis of the case files revealed a somewhat tepid reality with very few examples of the child's participation in the decision-making process and inclusion of the child's voice expressed through practitioner's reports following home visits. One professional noted the importance of having a child's views gathered during assessment, but also the challenge:

So getting them to talk to a young person about their experience, because the Asset does ask that but they still struggle a little bit with direct questions and some kids will just go, "No." (P27)

JDMPs were referred to as forums that foster collaboration among professionals, allowing for collective insights into a child's circumstances to be shared. Such collaborative environments have the potential to promote accountability and cultivate more professional curiosity about interventions being designed and sequenced.

5.7.4 Shift towards recognising exploitation and vulnerability

The growing understanding of factors like exploitation and socio-economic deprivation has shifted youth justice and CPS attitudes (Taylor, 2016; Youth Justice Board, 2021). Several respondents acknowledged the cultural change within Youth Justice to assess for and recognise instances of CSE and CCE. One interviewer stated:

"Criminal exploitation/CSE definitely are things that are recognised a lot more, there's more action around, it's not just something that's spoken about. In an acting up role, alongside what I'm doing, I'd look over the out of court, so the panel that makes the joint decisions. Definitely those are things that are being taken more, recognised more, certainly by the police anyway in that scenario around young people being groomed and being exploited." (P23)

Extra-familial harm (EFH), inclusive of Child Sexual and Child Criminal Exploitation, has only recently been recognised as a child protection issue (DfE, 2015), to which approaches such as Contextual Safeguarding are potentially effective (DfE, 2023). The coercion and manipulation that typically underpin these exploitative situations can be overlooked if the child is perceived as 'receiving' or 'benefiting' because of their actions and/or the presenting

behaviours result in a criminal justice response rather than a safeguarding response (Beckett et al., 2017; Maxwell et al., 2019). Through the National Referral Mechanism (NRM), legal defences may be available to children who have committed crimes as a consequence of exploitation under section 45 of the Modern Slavery Act. Local areas possess a range of legal and safeguarding measures to proactively or reactively respond to cases of extra-familial harm below the NRM threshold. However, throughout this study, it has been difficult to observe through our data collection and case file analysis how safeguarding and criminal justice responses for children who offend in the context of EFH interface with each other.

While Contextual Safeguarding has been implemented within child safeguarding partnerships, the nature of responding to extra-familial harm, specifically CCE (Firmin, 2017), has resulted in the interface between JDMPs and MACE panels being reshaped (Bostock, 2023). Within the two field sites in London, Contextual Safeguarding managers were members of the JDMP. There was evidence of their membership influencing language, identification of exploitation, peer mapping, intelligence sharing from communities and groups of young people, and improved referrals.

Many respondents recognised that the skills and practices of detached youth work aligned with a Contextual Safeguarding Framework (see, for example, Owens et al., 2020). However, the Youth Justice diversionary interventions described focus on the individual and do not exhibit integrated CS work with social workers. They valued the extent to which CS gave agencies the vernacular to challenge outdated policy and transform their response to new and developing trends.

“When we became funded by the local authority we then became the Tackling Exploitation Team, and I managed that team with the person that was the gangs’ worker becoming an exploitation worker, and then we had a female exploitation worker. Then we changed again, and we had [Name of practitioner] join us – still the Exploitation Team. Then we’ve changed again, and become the Contextual Safeguarding Team, so now there’s a team of five – a consultant social worker, myself as a social worker and team manager, two senior practitioners, and two practitioners. They’re all contextual harm practitioners.” (P42)

Most notably, in the case of racial disproportionality, CS, with trauma-informed practice, has provided a framework to support work that is intersectional and provides welfare rather than criminal justice responses. However, owing to the different case management systems being used, the study data was not sufficient to show the extent to which interventions to respond to exploitation and youth justice disposals were run in parallel or whether the identification of exploitation was another diversionary route for young people. A fuller assessment of Contextual Safeguarding influence and interface with the YJS can be found in HMIP (2023).

5.8 Conclusion

The nature of multi-agency working is creating a composite working culture that sits within the tension of its membership's complementary and conflicting organisational and professional values. This includes the extent to which disproportionality is recognised and how discussions about discrimination of different kinds are embedded within the day-to-day business of multi-agency work. There was evidence of greater alignment when there was a high retention of professionals with extended histories of working together across joint decision-making panels and processes, for example, in terms of the YJS police sergeants as described. The nature of dispensing youth justice has changed significantly, with a redressing away from the 'Punitive turn' towards rehabilitative and welfare approaches. Such progress is encouraging, but there is a need for ongoing challenge in terms of the extent to which there is active encouragement for professionals to address disproportionality through professional curiosity and constructive challenge.

Chapter 6: Diversionary support and interventions

6.1 Introduction

This chapter focuses on the study findings regarding diversionary interventions, and what happened to children after the decision had been made regarding an outcome. These experiences were the core of the accounts of the children interviewed, and contained many shared patterns of experience in terms of what they liked or did not like, and what they felt to be beneficial. These did not appear to relate to the child's ethnicity, though the research tried to explore the extent to which services took account of ethnic identity and associated inequalities.

The chapter begins by summarising the wider research evidence regarding diversionary interventions and then explores the findings from interviews with children and practitioners. More specifically, the following data from the study is relevant to this chapter:

- Survey findings regarding the range of policy and practice from across the country in respect to diversion.
- Qualitative findings from professionals regarding their approaches to diversion, and their views on what was effective – and why.
- Qualitative findings from children about their experiences of diversion.
- File based data about offending and diversions (particularly the relationship between the nature of offences and diversion).

These sources provide information about different 'dimensions' of the intervention, and the significance of race and ethnicity within these. This is, inevitably, linked to processes of decision making (see Chapter 5) and policing (see Chapter 4). The issues that are significant to policy, such as the commissioning of services and type of providers, were unsurprisingly absent from the accounts of children of all ethnic backgrounds - though they often recognised the importance of services in schools and the community to help children and prevent their involvement in offending. More often, however, their accounts focused on individuals and the help provided.

6.2 Evidence on diversionary interventions

The use of diversionary interventions is not, of course, new (Smith, 2020; see also Bateman et al, 2022 for an overview in relation to this study). The growth in use of diversionary outcomes has coincided with the development of the Child First approach (Case and

Browning, 2021). A key principle of Child First is the importance of enabling the child to develop a pro-social identity, which should include the promoting of the child's individual strengths and capacities, which in turn should support desistance. While this principle fits well with much evidence on effective practice in working with children (Wigzell, 2021), there is still debate regarding the extent to which the increased use of diversion actually 'de-criminalises' young people (see, for example, Smith, 2020; Hart, 2014) and how far it represents a pragmatic response to austerity politics (Bateman, 2020)

As noted elsewhere in the report, what diversion means in practice is not always clear, given *'the high variability in prevention and diversion practices across the country and the lack of formal monitoring of these practices'* (Smith and Paddock, 2024, p1). Keenan et al (2023), in a review of diversionary process and practice, found that variation existed at all stages – including whether the processing of the decision was formal or informal, eligibility criteria and points of referral, as well as the actual intervention. Formal diversion schemes could entail engagement in a specific programme or ongoing monitoring of behaviour. There is similar lack of clarity in terms of what it means in addressing racial disproportionality. There are important questions about the extent to which interventions relate to the offence and decision, and the extent to which Youth Justice Services are able to access the services required to meet children's needs (see also Smith and Paddock, 2023; Marshall, Nisbet and Gray, 2023).

Evidence regarding children's experience of diversion is growing. Ofori (2022) found that children had varying levels of understanding about their outcomes and interventions. Some children in Ofori's study felt that the intervention had been beneficial, and helpful in the longer term. Interventions were experienced more positively where it was clear there was a relationship between the offence, outcome and the intervention offered.

6.3 Findings

6.3.1 Types of diversionary outcome available

In line with wider evidence, this study also found a high level of variability in the ways in which diversion was used and the range of outcomes available, both nationally and in the four field sites (see Chapter 4). There was greater commonality in terms of the types of activities available, though there were differences across the sites in terms of the emphasis given to in-house work and external commissioning.

There was a recognition that multi-agency working was important both to decision-making and in the delivery of interventions, and this was reflected in the widespread use of multi-agency panels. In the case file sample (n=42), there was evidence of the involvement of a multi-agency panel in 26 cases.

In the same way, all the data sources indicated that diversionary interventions involved a multi-agency approach. Table 6.1 below presents the findings from Part A of the national survey regarding the different agencies involved:

Table 6.1: Range of agencies responsible for delivering interventions for diversionary disposals (n=24)

<i>Service</i>	<i>Number of responses</i>
<i>Youth Justice Services</i>	24
<i>Youth Service</i>	10
<i>Voluntary sector</i>	9
<i>Police</i>	15
<i>Children's Social Care</i>	12
<i>Other</i>	11

'Other' agencies listed were substance misuse services, Early Help and the Fire Brigade. Two respondents emphasised that their approach was needs led, and therefore any agency could potentially be involved 'Whichever agency is best fit for the child' (see also Marshall, Nisbet and Gray, 2023).

These findings were largely reflected in the four fieldwork areas, where there were obviously differences in the voluntary sector landscape and the range and nature of additional services available. One YJS interviewee commented on the value of the Turnaround programme in bringing new services to the table:

I think this has been really good and there's been quite a lot of community interest companies that have come on board with the Turnaround programme, either they already have a programme that they've got up and running or they work with mentors and they can do something bespoke, and they've got really well established skills in whatever area they work in. (P1)

These organisations also sometimes brought added value, for example in the form of the lived experience of staff.

The survey did not ask respondents about the accessibility of additional services, or barriers to accessing services they felt a child might need. Other research with youth justice professionals has highlighted their perceptions that the external environment brought significant pressures to bear on their work (see, for example, Marshall, Nisbet and Gray, 2023; Duke, Thom and Gleeson, 2020).

In other cases, gaps had been filled through appointments within teams:

We ended up advocating for a second CAMHS role about two years ago and managed to secure the funding for that, so we now have two CAMHS workers within our team who undertake those screenings, who can work directly with young people...It doesn't completely remove the challenge of the long wait list because some young people will need that formal diagnosis, treatment from CAMHS, they still do have to go through that process. But it really does help to have those CAMHS colleagues here who can be that link between CAMHS and youth justice. (P35)

However, interviews with professionals identified issues outside the criminal justice system, which they were addressing:

...some of those issues are arising within the Criminal Justice System because of those unmet needs, if that makes sense...learning difficulties, everything, I think there are things that are not being addressed or assessed in early stages that are just spiralling then into the community when these offences, if you like, are taking place. (P12)

A lot of the issues on prevention are kids with ADHD who need support with that, or assessment, and kids in terms of education type stuff like being suspended. Those are the issues, it's health and education, and we're trying to fill that health and education hole as well. (P5)

The data provides limited information about the extent to which professionals recognised or addressed issues of racism or other discrimination through interventions. One, on being asked about disproportionality in terms of race or other characteristics, said:

No, I don't. I think we [do], and if we do have any from those sort of backgrounds or different cultural backgrounds, I don't think we do anything any different. (P8)

In one fieldwork site, several interviewees referred to group work undertaken specifically with Black boys. There was also uncertainty about how to address the needs of different groups – for example:

But then if you look at, say, maybe a young person who's maybe from, you know, more from the travelling community, then they don't fit anywhere. So all the work that I am delivering is pretty much one on one, because it's not suitable potentially like group work, because there could be like real significant illiteracy and all kinds. So he would go into a group but would feel very intimidated, because you would have something on a board where they... Yeah, I think it's difficult, and I think also with female clients. (P26)

6.3.2 The road to diversion

The professionals responsible for delivering diversionary interventions were not, however, in sole control of the process. Further to the incident that had prompted criminal justice involvement, there was often considerable uncertainty about what was going to happen, and many delays before any communication or action obvious to the child or their parents and carers. As has been discussed in more detail in Chapter 3, children were often unsure of both the time scales and the order of events, so it is not possible to provide a quantifiable average of these delays. The following quote gives some sense of the type of experience conveyed in interviews:

I thought they was going to come to my house and arrest me, because that's what they normally do isn't it? They come to your house and then they'll do the same thing they done with me on Christmas, they'll take me to the cells, but they didn't do that. I don't even know why they didn't do that, but yeah. They just phoned my parents and said that I have to go in for an interview for it, and they said if I missed the interview then I'll get arrested and I'll go to court, and maybe I will get charged. I went to the interview and after the interview it took about three months – no not three months, I'm not sure how long, but it took some time to find out what was going to happen, if I was going to come here, go to court or nothing will happen at all. They said either I can go to court and get charged, I can get this, or nothing will happen at all. (Child 18)

In some cases the uncertainty had been mitigated by the actions of the youth offending team:

Int: Was it stressful when you were waiting? Were you worried about it [i.e. what would happen]?

YP: Not really.

Parent: No, I think because they'd put a lot of things in place, hadn't they, you had [worker], CAMHS were helping. (Child 3)

The process of decision making regarding intervention could be difficult to disentangle in the light of these time scales.

6.3.3. Approaches to diversionary work

Chapter 5 has discussed these approaches as they were understood at strategic level. Interviews with professionals tended to focus more on a style of work, or principles that were important to them, than specific approaches. Some professionals were able to express the difference between their approach to diversionary work, but were more likely to contrast this with previous roles (e.g. in probation) than other work within youth justice:

I'm a normal person, I've got my badge on, but I'm not here to tell you what you've done is bad and you're a naughty person and you're this and you're that. I build relationships, so I won't go straight in and do offence-based work and like, "What do you think of this?" I'm like, "Well, what do you want to do?" When I say to a child, "What do you want to do?" they're just like, "Why are you telling me, it's up to you?" I'm like, "It's really not." (P10)

Practitioners wanted to change the story of young people's lives. There was a strong thread of recognition and understanding of the difficulties children had faced. This included poverty and also racism (see Chapter 3). Sometimes professionals linked this to their own experiences, or the experiences of their own children.

The professionals that I've worked with here [in youth justice] and had discussions with have all had a very holistic approach in terms of working with the young people. I can't think of anyone that I've discussed a case with looking at one single factor, without looking at the whole picture. That also then entails looking at family dynamic, younger/older siblings, just a neighbourhood school, any adverse experiences in childhood. (P9)

The Head of Service from another site commented:

I would say that's exactly what we do, is work really hard to make sure the intervention makes sense. It's not as simple as, "Oh it's drugs, so it's going to be substance misuse." It's, "No, let's understand, this is the history of the young person, this is the trauma that they've experienced. This is what the young person is saying, this is what the family is saying, what do we think is going to be the best intervention?"

The introduction of Turnaround had been valued as offering a further route and resource, and interviewees were extremely positive in their discussion of this.

Overall, the professional accounts in this study emphasised their discretion and ability to act – there was little sense of their being constrained by the youth offending system as such (Drake, Fergusson and Briggs, 2014). Indeed, this relative autonomy was viewed as one of the advantages of diversion (also, those who had moved to YJ felt this was an advantage of their current role over e.g. probation or social work). This could be achieved through relationship building, and by introducing them to new activities.

But my role itself is just, youth justice worker, is working with young people to, with offending behaviour and trying to basically better them, try to make them understand or, understand why it's wrong, change mindsets. Also getting them involved in positive activities, so it could be for getting them into boxing, getting them back into football, maybe they like cooking...Because a lot of people, they, and a lot of young people in general, they just, they don't think too far ahead. I think that's the switch and the mindset changes that we really work with them to ..(P16)

However, there were constraints on meeting young people's needs. These included providers moving out of the market; the loss of significant council services – for example, the CSCS cards needed for construction; meeting the educational needs of some young people. One youth justice worker with particular responsibility for education noted

One of the biggest areas, and actually this is also, this is probably more relevant to the school age young people is we get probably 4 or 5 a year that are impossible to place so school can't handle their behaviour and that includes the special schools. ...Whether it's to do with risk, whether it's to do with just lots of other reasons, they need one-to-one or at least a very, very small group and there's nowhere that offers that so we just don't have that flexibility to be able to...(P15)

There was an outstanding question of whether support was available for sufficient time to fully respond to the child's needs, given that the issues that were seen as giving rise to contact with the youth justice system had not necessarily gone away. Youth justice staff recognised this, while also noting that some young people were very clear that they wanted a firm ending. One commented in relation to Turnaround:

The problem is once they've completed that, but we do try to signpost them to free other provision that we have, links in the community...one of the football groups or youth clubs, or other ways that we can work with other programmes...we're trying as much as possible because we were conscious that what was happening is they were going to be on the programme, they'd have all this, twice a week going boxing, and then six months it finishes, end, they've got no more money, you're back hanging around, got nothing to do. (P41)

In one area there was an option of a further three-month, voluntary engagement – this could be particularly helpful if an assessment or another issue was outstanding.

The question of 'outcome' from these interventions is inevitably complex. Whether the outcome is 'positive' will depend on perspective and, in the context of youth justice, on formal measurement of specific outcomes. In this study, data was gathered at varying points in the intervention process and individuals were consequently not always able to comment on whether the intervention had been effective in the medium and longer term.

6.4 Children's perspectives

As in Smith and Paddock's (2023) study, there was a group within the sample who felt their emotional responses to situations had contributed to their coming into contact with youth justice. Smith and Paddock suggest that this was something the children themselves sought to manage, while professionals tended to view these difficulties as requiring the support of other services. In this study, the children were more likely to talk about how the opportunity to talk about emotion and the suggestions given had been helpful in giving them more and different options about how to behave.

Well I can't talk for everybody but for my youth justice worker, [Name] for example, he's been helping me with a lot, he's been helping me with thinking

more. For example, think before you do something, Think First programme they call it here. He's been helping me with, for example I had a music period at one time, I really liked the piano so he gave me a person who actually worked at youth justice, he knew piano so I came every week and he helped me with that...he helped me a lot. He helped me with a lot of stuff, helped me with my anger as well because for example, I am a very angry person but he described it to me, he showed me some videos of angry people who went wrong so I was, "Yeah, I need to think more about if I get angry and stuff," he helped me a lot. (Child 39)

I've been talking about like you know when I was talking about the necessary and proportionate? They told me about logical thinking and just things to do the right thing. Then pad working, boxing, been to the gym a few times and had talks about what's going on. They showed me a movie, they have created some about like choosing the right path and not going to sit with the wrong people, the wrong time, wrong place, because you shouldn't do that. (Child 5)

6.5 What was the nature of interventions?

The term 'diversion' has often been 'operationally imprecise' (Smith, 2020, p19). Gray and Smith (2019) identify a typology of three trends in YJS service delivery: namely offender management, targeted intervention and children first. These were largely reflected in the present study and represent useful headings for consideration of the data

Offender Management – this is defined as emphasising responses to offending, risk management and statutory case load. In the present study this was most visible in relation to weapon carrying, drug and alcohol interventions and cases where restorative justice was being used.

Work on knife crime focused on information giving/educational interventions about the implications of using a knife.

They've both committed knife offences, so we're doing victim awareness. Even though there were no victims, they were just caught carrying knives with them, we are doing victim awareness work and weapon awareness work as per their

intervention. One of them was caught with class A drugs, so because of that we're also doing substance misuse intervention. The other one hasn't been caught with anything but has admitted to using drugs, so we're also doing substance misuse with that young person...Besides from that, it revolves around just offending behaviour sessions, where we talk about the consequences of their behaviour, the cost and benefits of certain behaviours and try and get them to think as much as they can for themselves. (P28)

One child described this work:

I've only seen her like three times, four times or something. We've done work on knife crime and that, she was talking to me about knife crime, why people carry knives, the damages they can do and prison time. I don't know, it was just stuff like showing me what's going to happen if I use a knife, or if I get caught with a knife, trying to steer me the other way. Then she'd when I [inaudible 00:16:15], she'd done a session about decision making, and yeah, I think the first three or two was about knife crime, the fourth was the decision making. (Child 18)

And from another field site:

We just went through like a couple of murder cases - obviously it weren't their actual names and that - and like why it ain't good to carry knives, and what it could get me in. And nine times out of 10, the people that carry the knife are the people that die. That's what [case worker] told me. We just like had a couple of sessions, like three sessions, and that was just really it. We were just talking about knife crimes and why it's not good to carry knives and that. (Child 23)

Views varied in terms of the value of this - these same young people said:

They are useful, especially the one where she was showing me the pictures of the people that had got stabbed and that. That just shows you what really happens. It shows you what's going to happen to you if you carry a knife and yeah, it makes you not want to do it. Also going to prison as well, she was talking about what can be an offensive weapon and prison time and what happens when you get caught carrying a knife. She was just showing me the reasons I shouldn't carry a knife and what will happen if I do. (Child 18)

Yeah, I thought like I wish I could go back and change it, but obviously I can't, but like I would never ever think to carry a knife again, never in my life. If I ever have a problem, I will like talk to someone. I would never carry a knife, never again. (Child 23)

Others were more doubtful and felt that the knife related intervention would not really make a difference and could not because of the nature of the social world they faced.

Honestly, I ain't really learned nothing too tough, that's just me being honest. All I've learned is that if let's say next time, if I decide ever to carry a knife again, I will be going to jail, that's all I've really learned from this, there's nothing else to learn. I would say I've learned that it's not worth it, it's not worth it, at the same time that's me thinking now. On that day when I got arrested, I felt like carrying that knife was worth it because I didn't know what was going to happen...I'm going to an area where I've just seen a shooting happen two/three days ago, do I want to go there feeling unsafe? Again, it's complicated, right now I'd say it's not worth it but in that moment I'd probably do the same thing again. Obviously, not now but as in, in that moment, if someone rewound time and I forgot about all of this, none of this ever happened, I would probably do the same thing again that day. I obviously done it for a reason, it made sense to me at the time to carry it. (Child 35)

It's stupid, if I actually listened to everyone saying, "Don't carry a knife," blah, blah, blah. I got in a situation where I was by myself, had nothing on me, there was about 10 other guys there, five other guys and they've all got knives, I've got nothing to protect myself then, "Bro, I'm going to get stabbed all because I didn't have nothing on me." I've been in a situation like that before, if I did not have nothing on me, then I would have, I don't know if they would have stabbed me but I definitely would have got hurt badly by a knife, slashed or something like that, I've even got a scar here. (Child 20)

No, I think it's good but I don't think it will stop me from carrying knives. If I need one, I probably would get one or if I could grab one, I probably would type thing that if I needed it at some point where I actually needed it, fear for my life or I'm in danger, then maybe yeah. But other than that, it's just a fist thing [sounds

like 00:17:37], like get it cracking. If you've got a knife, splash me in it, whatever. It's life. (Child 15)

It is possible, as well, to discern both points of view in children's accounts – that yes, knife crime is dangerous, and yes, people can be hurt – but as a child it may well appear rational for to carry a knife. McNeill and Wheller (2019) suggest that there are three broad explanations for why young people carry knives. These are self-protection and fear ('defensive weapon carrying'), particularly for individuals who have previously been victims of crime; self-presentation, particularly for individuals who want 'street credibility' and 'respect' and utility (offensive weapon carrying), particularly for individuals who use weapons to facilitate behaviours such as theft, sexual assault, injury and serious harm. They also cite evidence that a lack of trust in the police can lead potential victims to become perpetrators, rather than relying on the police to protect them.

In 2024 the *Full Fact* organisation verified the claim made by the Mayor of London's Office for Policing and Crime (MOPAC, 2017) that, in London, two thirds of knife possession offenders aged under 25 were Black or from a minoritised community. In its *Understanding the Causes of Knife Crime* (2019) the College of Policing noted that the evidence suggests that gang-related knife crime makes up only a small proportion of total knife crime with injury (five percent in 2016) They observe that one of the main reasons for knife carrying is self-protection and fear ('defensive weapon carrying) particularly for individuals who live in high crime neighbourhoods and/or have previously been a victim of crime (Lemos, 2004). The next most common reason was self-presentation; particularly for individuals who want 'street credibility' and 'respect' (Silvestri et al, 2009).

Such findings can be linked to wider data on young people's experiences of crime both as victims and offenders. For example, in the Youth Endowment Fund (2023) survey of 7,500 13–19-year-olds, 16% reported being a victim of (any form of) violence in the past 12 months, including 6% who had been victims of weapons offences. Fifteen per cent reported committing violence, and four per cent of these said they had carried a weapon. However, victimisation and offending were not evenly distributed, being higher amongst boys, Black children, those using drugs, those who had committed violence, those missing school regularly, and those whose families used foodbanks being more likely to feature in both groups.

A report commissioned by the Bridge House Trust, *Fear and Fashion*, which sought the views of practitioners working with young people, concluded that '*Fear and victimisation play*

the most significant role in a young person's decision to carry a knife or weapon. Lemos, (2004) argues that for some young people knife carrying is a logical response to the unpredictability of the neighbourhoods they inhabit.

Targeted Intervention defined as priority working with those who offend but with wider prevention partnerships in place. In one fieldwork site, group work was an important element in this.

Inevitably, these categories were not necessarily clear cut, and in terms of young people's experiences there were cross-cutting elements. Supporting young people to get help with aspects of their lives that should have been addressed but had not – most often assessments for ADHD and support going back to school were particularly important. There was also a strong theme of helping young people plan for the future through support for their education or help finding employment. These efforts often took place in a context where it seemed the child was 'stuck' - for example, one girl in the case files who was a long-term non-attender at school and did not want to engage with any further education but wanted a job. In this instance youth justice services were helping her and her mum to identify possible apprenticeships.

In 27 case files there was evidence of interventions by agencies other than youth justice, most often social care or early help or some form of counselling. At the same time, input from other agencies was also identified as important in many of the intervention plans. While there is information lacking on this, the most common referrals seemed to be to CAMHS or ADHD/ADD diagnoses.

Children First – this can be defined as prioritising wellbeing and de-emphasises offending within holistic universal services. This was most visible in respect to use of Turnaround but was also present in some other cases. There were many examples of positive and creative work, though these cases were not immune from the vagaries of the youth justice system, most obviously in terms of delays in communication and decision making (see Chapter 3).

YOS has got a dance movement psychotherapist funded by Turnaround and she completed 10-11 of 12 sessions - these were used to open up conversations and how to bring herself down when she is getting angry. Also referred to St John's ambulance to do some training with them to get some experience. (Case file Child 30)

YOS referred yp to speech and language therapist; mentoring support through Turnaround - taking young person fishing and chat. (Case file Child 28)

Referred to Turnaround – working with local football club and has a mentor. Going really well – gym, bike rides, prepping him for transition to secondary school. Restorative meeting with business [where offence had taken place] went very well. In the end the manager offered the opportunity for them to come back and apply for an apprenticeship when they were older! (Case file Child 35)

These examples illustrate the way in which different forms of intervention were combined for individual children, but also something of the way in which supporting their individual interests and stage of life were key to the plans made.

6.6 Components of practice

There is an extensive and consistent body of evidence attesting to the qualities that children value when they experience professional intervention. This is not necessarily associated with whether the service is youth justice, social work, or a third sector organisation, but is largely dependent on the qualities of the individual and the relationship that has been developed (see, for example, Lefevre et al, 2017; Lloyd, Manister and Wroe, 2023). This requires a sophisticated set of skills on the part of the professional involved (Winter et al, 2017). However, while relationships are considered ‘key’ (Drake, Fergusson and Briggs, 2014, p1) there is need for further research into ‘what constitutes effective relationship building in youth justice’ (O’Meira Daley et al, 2025, p1) and how children’s voices and participation can be supported.

The children we interviewed in this study liked youth justice staff and generally enjoyed working with them. Most of the children seemed to feel that youth justice staff treated them respectfully and listened to them. For some children, the time spent and opportunity to talk through aspects of their lives was very much valued. The following comment reflects the overall spirit of responses to questions about their experiences:

So he’s a really nice guy. Obviously just doing his job, coming to work doing his thing, he does a good job at what he does. [practitioner 2] as well, lovely lady, she listened to me about my emotions so I give it to her. Sometimes it’s a lot...They’re both really nice people, honestly, I’ve got nothing bad to say about them. (Child 21)

Children valued an approach where they were taken seriously – *‘they speak to you like I’m human’* (YP1) and the ways in which care was expressed – *‘Yeah, I like [name of worker]. She always asks me how I’m doing, she asks how school has been, she asks what’s been going on in school, and I like her.’* (YP10). Such findings align with a large body of research and practice experience which emphasises the importance of professional practice which treats young people with respect and care (Brierley, 2021; Johns, Williams and Haines, 2017; Creaney, 2014).

In the following quote, this was also linked to the availability of the worker to provide support as and when it was needed:

Yeah, and she basically helps and talks to me and she’s trying to help with, right now it’s self-esteem and then anything that I’m worried about, something, I can go talk to her and that if I want to, I can get a, I think it’s probably a work number, so if I have any problems I’ll tell her and then – so after school on Wednesday, she picks me up and sometimes she buys me a Costa. (Child 7)

One child contrasted the value of this intervention with the alternative of going to court:

They don’t feel like punishment, this more feel like a sort of reintegration. They’re also giving it in a way where it kind of helps me and makes me understand that it’s something to help me more than it’s something that I’m doing as a punishment. One of the main things was, because going to court would’ve been another punishment because it would’ve been a worse thing for me, but coming here it was a better option and it made things a lot easier. (Child 31)

To this extent the findings from this study support those of O’Meara Daly et al (2025), who suggest three foundational components to effective relational working in youth justice, namely: create a safe culture; trust, time and support; being young person centred (p8). The children interviewed seemed to feel safe and comfortable with youth justice staff, and to have access to their support, at times when the child needed them. The ‘child centred’ nature of the support is also reflected in the individual nature of many of the interventions offered.

The help provided via the intervention often seemed to involve resolving other, sometimes longer-term issues. This type of help was especially visible in respect to education and additional learning needs, or mental health needs.

They don't do as much now because they kind of really helped me with getting to college and stuff. As I said, they helped me get in and find the right course and everything. (Child 17)

Yeah and I feel like he's helped me with getting into school, because he was part of getting me into the school that I'm in, because most schools aren't going to take me because of what happened, but he helped me get into that. (Child 19)

There's a nice lady called [name], she's done my assessment, so I'm going back to mainstream school, [name] works with that school. She said it would be easier for her to tell the school about my needs and stuff. (Child 31)

While these comments are positive evidence of the effects of interventions, overall there was limited evidence of systematic monitoring of outcomes and the extent to which children had engaged and benefitted from the intervention and support on offer.

6.7 Conclusions

This chapter has examined the process and nature of decision making in respect to the type and nature of interventions received by children and young people. Smith and Paddock (2024) note the contradiction in the growth in diversion, that:

'...the focus on how YJSs should implement preventative and diversionary interventions appears counterintuitive, since the aim is to keep children away from this very system. Police-initiated diversion, for example 'Outcome 22' which allows the police to defer prosecution until the child has had opportunity to engage with intervention activity, ultimately still enforces children's engagement with the system.' (p1)

On the other hand stands the evidence from this study that many of the children coming into contact with the youth justice system were receiving help that had long been needed – for example in respect to CAMHS referral or assessment for additional learning needs. In some interviews with young people and where a parent was also present, it was clear that the introduction of youth justice support was a matter of considerable relief to the family as a whole. There is therefore something of a paradox in terms of diversionary intervention. Specifically, the data gives rise to the suspicion that if the multiple social, emotional and educational needs present in the lives of the majority of the sample had been addressed earlier, contact with the criminal justice system may have been avoidable.

Chapter 7: Factors that contribute to reducing disproportionality

7.1 Introduction

In this section, we consider the elements of the Youth Justice System that account for relatively high or low rates of disproportionality. This involves an exploration of the characteristics of Out-of-Court panels which underpin the lower rates of racial disproportionality. By conducting our research with Youth Justice Services (YJSs) it has also been possible to identify the degree of influence youth justice practitioners exert within the youth justice system.

7.2 Leadership

In our interviews, some YJS personnel and representatives of partner agencies involved with YJSs identified how strategic leaders had instigated work to tackle disproportionality. In some areas, interventions were made with solicitors and the police to increase their awareness of how ‘no comment’ interviews can disadvantage young people, as outlined in chapter 4 of this report.

“Another one was work with solicitors. Recently we’ve done a piece of work with our neighbouring boroughs on ‘no comment’ interviews, and the impact those can have, particularly on ethnic minorities, who are more likely to give a no comment interview, what that impact can potentially have. Again, it’s a concerted effort in challenging our service partners, i.e. the police again, (where we say) “This young person gave a no comment interview, however we still believe that they should be entitled to the offer of an out of court”. (P43)

Leaders had also initiated discussions with the police about the impact that trauma and mistrust within minoritised communities can have on young people’s responses to the police and other figures of authority. Similarly, we heard evidence of the development of trauma-informed knife programmes, the presentation of statistical analyses of disproportionality in rates of school exclusions to other agencies, and the use of Turnaround funding to support Black children.

YJS task groups often implemented improvements, working with multi-agency panels and across broader partnerships involving personnel from Children’s Services and Education.

However, these attempts to effect change tended to be short-term due to lack of funding and were, as a result, typically poorly evaluated. The interviewee cited above continued:

“I believe there’s been some shift in that [...] however, I’m not sure that any monitoring is taking place.” (P43).

The ethnic identity of senior leaders, particularly when they reflected on the communities they served, was identified by some respondents as an important factor in the development of ‘safe spaces’ and an occupational culture in which racism could be challenged. The presence of senior leaders from diverse backgrounds appeared to increase the likelihood that top-down change could occur and that a more ‘racially literate’ and ‘culturally sensitive’ practice that supported both young people and professionals could emerge (Agboola, 2024; Firmin et al., 2021; Reld & Maclean, 2021). Here, ‘racially literate’ refers to the knowledge and skills to understand and engage with people from different ethnic backgrounds. Cultural sensitivity means being aware of, understanding, and respecting the cultural differences and practices of individuals from diverse backgrounds, actively acknowledging these differences, and adapting one’s practices to foster respectful relationships when there is a cultural difference. Conversely, there was little evidence that workforce planning in other parts of the youth justice system addressed the diversity of local areas. One interviewee highlighted the composition of the local magistrates’ bench and the imbalance of power mirrored in its ethnic profile.

“I think they would say that they were aware of it but largely I would see it as ‘lip service’, and I think it’s been like that ever since I’ve worked in the criminal justice system. Probably like a lot of the agencies, ourselves included, we all think, “Oh, what can we do about it?” The court I think the magistrates would always say, “Oh, we’re colour blind, we don’t sentence somebody on the basis of their colour.” ... I don’t think they have a full understanding of how they are perceived. Clearly you’ve got a major problem if you think in [location] I imagine that you have something like, I don’t know the figures, but I imagine something like 90 odd percent of the magistrates are White middle class. If they are administering justice for their peers, it ain’t their peers that are appearing in court, that’s for sure.” (P45)

The ethnic identity of senior leaders, particularly in the higher echelons of local authority structures, also appears to support investment and attention in progressing YJS strategic objectives, where tackling ethnic disproportionality is high on the agenda.

“I’d like to say that we have quite good standing with social care. Their objectives and our objectives don’t always quite sync, but there’s an understanding that actually, we’re all under the same directorate, we have the same corporate director who actually has come via a youth justice route, so he has a very special interest in youth justice, so actually that has helped raise the profile of the YJS within the borough amongst our, not only our, service partners but within the council even.” (P43)

All youth justice plans for the fieldwork sites in this study have “reducing racial disproportionality” as one of their key strategic objectives. However, none of the strategy documents we reviewed contained detailed action plans showing how this might be accomplished. The omission of a detailed commitment to action may reflect feelings of “impossibilism” associated with tackling racial disproportionality, the belief that meaningful change is unattainable. Such a mindset can perpetuate inaction. Becker’s (1963, p.149) observation about the fate of reform movements that “They start as crusades but end as bureaucracies” seems particularly pertinent here. The stated ambition to address racial disproportionality sometimes clashes with bureaucratic structures, which serve as a defence against the discomfort and anxiety associated with confronting racism.

7.3 Power and Change

In all four fieldwork sites, the decisions made by Joint Decision-Making Panels were determined by majority voting; i.e. each member of the panel voted for their preferred outcome following an evaluation of the information presented at the panel. However, many respondents observed that the apparent consensus achieved by this process tended to obscure the competing values of the two main protagonists, the YJS and the Police (see Chapter 5). In short, this could involve YJS personnel arguing for less severe sentences and therapeutic or rehabilitative interventions, with the Police seeking higher tariff penalties and more punitive outcomes to ensure public safety. Where disagreements or conflicts were unresolved at the panel, case discussions were escalated for consideration by the YJS

Police Sergeant and the YJS Manager or to higher levels of the senior leadership structure within each organisation.

One professional felt that some individuals had more influence than others:

“I think that, for me, the key people who are involved particularly in the decision making, the ones that I think we are definitely putting a lot of weight on is the views of our police officers, the views of our out-of-court case practitioner who does the majority of the assessments. She does a really in-depth assessment and will feed that into the meetings from the background. Probably those two people are the people who have those initial contacts I think with the children and give a really good sense and impression of why that child might have done what they’ve done.” (P39)

The emphasis on offence-based decision-making is particularly evident in the politically sensitive area of knife crime, an offence in which, in London at least, Black children are over-represented (Full Fact, 2024). In the case of knife crime, factors such as emotive crime narratives in the media and ‘moral panic’ tend to frame perceptions of young people who carry knives as dangerous offenders (cf Loader and Sparks, 2010 and Cohen, 2002), whereas research suggests they may well be vulnerable and frightened of becoming victims (cf Silvestri et al., 2009, College of Policing, 2019; MOPAC, 2023,).

Key stakeholders often insist on firm and consistent responses to the apparent increase in knife-carrying incidents and the associated risks to young people and communities. This is driven not only by public safety concerns but also by the need to maintain public confidence and demonstrate a robust stance against serious youth violence. At least one practitioner believed that in cases of ‘knife crime’, decisions usually rested on the nature of the offence rather than the needs of the child:

Okay, I can only say it from my point of view. A knife is a knife. [...] So, for example, if a young person is stopped with a knife in East London, that's no different from a young person being stopped with a knife in West London. It's still a knife. It can still cause risk and harm to people in the community and even that young person themselves. (P21)

However, this commitment to treating all knife-related offences in the same way can ignore the more complex needs that underlie a child’s decision to carry a knife. Factors such as fear

for personal safety or coercion by peers or gangs are then relegated to secondary considerations. As one respondent observed:

“... clearly there's an issue that needs to be addressed. But we can't neglect or give exemptions with someone else because of their background. The way I see it, the common thing is the knife, so that's what needs to be addressed.”
(P21)

The tensions surrounding knife crime constitute a challenge to decision-makers in youth justice. As David Garland (2002) observes, serious youth violence often becomes the focus of symbolic political action characterised by a reliance on punitive measures to provide legitimacy in the eyes of the public at the expense of the trust of marginalised communities.

7.4 Perceptions of Authority and Influence

One widely held assumption underlying diversion is that there is a single system of partnerships between interdependent professionals, with more or less seamless shared processes and pathways that constitute the youth justice system. However, as we have noted, the power dynamics and differentials evident in the decision-making processes between YJSs, the Police, Children's Services, and Education can shape the outcomes for young people in profound ways.

In the four fieldwork sites, there was a recurring theme amongst practitioners about the ambiguity of who holds authority within the youth justice process. One YJS practitioner reflected:

“ I think coming into it I probably would have thought that it would be the Youth Justice Service that made the decision given that we're the ones that are following the interventions and completing the assessments as such. The police don't tend to see the children until they're actually signing for their outcomes so that's what I would have thought but it's very different to the reality.” (P6)

The above highlighted a common misconception of new practitioners in youth justice, who anticipated that they would have more significant influence over outcomes than they actually have. These perceptions of limited professional autonomy were often cited to explain the persistence of ethnic disproportionality in the youth justice system. One respondent, when questioned about why the decision-making process contributed to the over-representation of

Black or Mixed Heritage boys receiving higher levels of intervention, simply answered ‘The sausage factory’:

“I see myself and my team and the Youth Justice Service at the end of the sausage factory. I can’t really offer any suggestions to what sausages stop in the process, I honestly, no I can’t.” (P41).

This may be an articulation of the extent to which decisions about arrests, charges, and referrals are made “upstream”, beyond the influence of YJS practitioners. Similar sentiments were expressed by a YJS service manager, reflecting on a recent Joint Targeted Area Inspection of multi-agency responses:

“[...] reading through that I think it was picking up again on the disproportionality. I think a thought I had was, “I’m not sure what we can do about that because they are, they’re coming to us, we don’t have any decision making in that.” It may well be, I think there’s a sense it’s happening already. Who’s being arrested, who’s being, all the stop and search things and things like that? Who may or may not be being arrested or charged and things like that? It’s probably already happening at that point.” (P39)

There was also a perception that decisions within the control of the Joint Decision-Making Panels were not prone to the same degree of disproportionality but also that disproportionality in the system was not their responsibility. Effective joint decision-making in the youth justice system is heavily influenced by the quality of relationships between professionals, which shape perceptions of the personal agency of practitioners and facilitate collaboration. As highlighted by one professional, strategic boards such as Multi-Agency Child Exploitation (MACE) panels provide a place where concerns about policing practices can be raised, including those voiced by families and young people. However, the disconnect between strategic discussions and frontline policing is evident:

“There’s also other board meetings, like PPYP [Promote & Protect Young People] and our multiagency and subgroups and things like that, so there’s some spaces but I don’t know what impact that’s having on day-to-day policing. Again, some of the referrals might come from police officers who have had contact with our young people in different, (local authorities). They could also have been police from a different area because that’s where they’ve been arrested, then they get referred to us because they live here, so I would say probably not a lot of contact with the police officers...” (P41)

This fragmentation highlights the need to ensure that strategic multi-agency discussions translate into tangible improvements for other agencies. Many respondents believed that informal networks of trust and open communication between professionals were often where constructive work to challenge disproportionality occurred. These often took the form of informal phone calls, emails, and case discussions with panel members and external actors. These interactions often bypassed procedural frameworks, allowing for timely interventions before formal decision-making. This constructive professional dialogue, where colleagues challenge one another's perspectives, appeared to enhance the quality of decision-making. Professionals sometimes use these relationships to influence decisions and achieve 'buy-in' from families and stakeholders.

7.5 Philosophical foundations: partial beginnings

As discussed in Chapter 5 of this report, the "philosophical foundations" underpinning joint decision-making are a key component of inter- and intra-agency values and principles. Moreover, discussions with people from minoritised communities can help organisations explore and, where necessary, reduce power imbalances between practitioners and children (Spillett & Florek, 2018). For example, implementing Trauma-informed, Restorative Justice, Contextual Safeguarding, and welfare-based approaches to diversion provides various analytical tools and intervention frameworks for addressing ethnic disproportionality. There was little evidence of the development of cultural competence and awareness of 'intersectionality' as an analytical tool, utilising, for example, the Social GRRRAACCEEESSS and the LUUUTT models² in case file analysis. This suggested the need to strengthen their utilisation to combat ethnic disproportionality in decision-making. Despite some interviewees and some case files making connections between the multiple layers of oppression and/or experiences of racial discrimination, these insights were the exception, not the norm.

'Adultification' means that the assumptions of innocence and vulnerability usually afforded to children are not afforded to ethnic minority children. As a form of racialised stereotyping, adultification bias is a significant factor that can influence how professionals and their agencies interpret the needs and risk of harm facing Black children (Davis & Marsh. 2020;

2 The term social GRRRAACCEEESSS is an acronym that describes aspects of personal and social identity which afford people different levels of power and privilege. The LUUUTT model endeavours to 'unpack stories, which have shaped the self-perceptions of disadvantaged children. Partridge K. (2019)

Epstein et al., 2017; Goff et al., 2014). Adulthood has been posited as an explanation for the over-representation of Black and Mixed-heritage children in the Youth Justice System (Davis & Marsh, 2022). Several interviewees observed that black and mixed heritage children experienced adulthood in their interactions with education and welfare services and the youth justice system. The prominence of adulthood within youth justice debates has been amplified through several serious case reviews, including the Child Q case (Hill, 2018; Davis, 2019; Davis & Marsh, 2020; Gamble & McCallum, 2022). Interviewees were well aware of this.

“Certainly, I can think of at least, well one of the young people I’m working with right now has absolutely been adultified and he is a young mixed heritage, I’m saying a man because he’s now 18. He’s quite tall in stature and all sorts, so it’s absolutely happening. [...] I strongly think that everybody in the team is very much aware of it, it is definitely something that enters conversations. [...] That young person I mentioned, it wasn’t the out of court pathway but it was in another meeting that it was even mentioned because something had happened that should not have and adulthood specifically was mentioned and there are lots of staff who sit on the different meetings. Is it talked about explicitly? I’m not sure but yes, everybody is definitely aware of that.” (P 39)

“Black children are always seen as an adult before they’re seen as a child, and this is probably one of the biggest reasons why, how the Youth Justice has changed or that the statistics don’t seem to be changing for black and African Caribbean children because they’re always marginalised and always adultified.” (P 43)

In the London fieldwork sites, we found examples of professionals adapting practice and policy to focus on adulthood. These included training the Gangs Task Force delivered to police constables and reconstituting a Disproportionality Subgroup into an Adulthood Subgroup with a more extensive remit that included the Children’s Safeguarding Board. While not a new phenomenon, adulthood bias goes some way to explaining why the emerging philosophical foundations of Joint Decision-making Panels are not being applied equitably to all children.

7.6 Perceptions of diversion

In the London fieldwork sites, the YJS professionals expressed two distinct concerns about their ability to respond to systemic ethnic disproportionality. The first was the challenge of politically sensitive knife crime responses. Respondents said that directives from the Police were creating a situation whereby young people above a certain age who had committed a knife offence were being referred directly to the Crown Prosecution Service to formulate criminal charges against them. Secondly, YJS senior management was highlighting the disparity between the use of Outcome 22 in regions other than London. As explained earlier, Outcome 22 offers Police the discretion to seek diversionary interventions without the condition of the child admitting an offence.

7.7 Evidence-based approaches

In this study, obtaining accurate figures from all agencies involved in decision-making in the youth justice system has been challenging. Combining this data could provide a richer and more nuanced picture of disproportionality (Godar, 2021). In both the national survey and fieldwork sites, the majority of local authorities could not obtain data held on police databases. Thus, NFA decisions or Community Resolutions delivered by police, and therefore unknown to YJS, cannot easily be scrutinised and compared with any ethnic disparities in higher tariff outcomes. Stakeholders on the out-of-court panels do not have access to this part of the system.

“However, in terms of scrutiny and monitoring and disproportionality for equality and what have you, who and how the decision about which young people receive community resolutions, there’s no monitoring of that. The question was, who’s making the decision, because some of the offences that these kids are getting community resolution for, they’re also getting out of court disposals for, so who makes that decision and how are you making that decision? Getting some understanding about why there could be bias involved is proving quite challenging, because they’re resistant. [...] they admitted there’s no monitoring of that. They admitted that straight and it was clarified with our police partners during that week, or immediately after, we were asking questions about, “The whole community resolution process, how is it being monitored, overseen?”, and it’s very much, from what my understanding is, it’s very much the decision of the individual police officer on the street. Now, that individual, fine, I’m sure

is an upstanding and very proactive police officer, but actually is also a human being with their own biases, and that's a huge problem for us." (P 43)

The use of data derived from multiple decisions made by different practitioners, managers and organisations over time could provide an analysis of patterns about who is and who is not being diverted, who is assessed to be exploited, and patterns of the kinds of support or intervention that is offered (McNaughton et al., 2014). The capacity of designated or shared data analysts was a crucial factor in whether local areas had a robust and reliable method of reporting racial disproportionality. In two fieldwork sites, our research prompted more extensive internal data analysis, while another site presented challenges in data quality due to changes in data platforms and sharing their data analysis resource with Children Services.

A key challenge for Youth Justice Services is balancing evaluation and quality assurance practice. Evaluation focuses on assessing the effectiveness of interventions or policies in achieving intended outcomes. By contrast, quality assurance (QA) is more concerned with efficacy, ensuring that processes, practices, and interventions are delivered as designed to the required standard. Interviews revealed that quality assurance managers are positioned to challenge other practitioners with issues of disproportionality. There were examples of thematic work around racial disproportionality within QA processes. However, our research found weak links between the utilisation of these two functions to ensure strong governance and continuous improvement.

Chapter 8: Conclusions and recommendations

This research project was initiated with the aim of exploring racial disproportionality at the gateway to the youth justice system. The particular focus of the research has been the different decision-making points throughout the diversionary process. The research aimed to inform and challenge policy and practice where these proved to be discriminatory.

The research was designed to investigate the following questions:

1. To what extent, and if so why, are formal and informal outcomes at the entry-point, or 'gateway', to the Youth Justice System (YJS) characterised by racial disproportionality?
2. Do outcomes vary for different ethnic minority groups?
3. How does decision-making about diversion or prosecution in respect of minoritised children differ from that of White children?
4. Does decision-making differ between different minority groups?
5. What are the main factors influencing decision-making at the gateway to the system?
6. How are these impacted by a child or young person's ethnicity?
7. What are the obstacles to increasing diversion /informal outcomes for children from ethnic minority backgrounds?
8. What measures would facilitate more equitable decision-making at the gateway to the YJS?

The research has generated an extensive amount of information that provides answers to these questions, though there are areas where the absence of primary data has impeded comprehensive responses. Therefore, for example, while formal and informal outcomes at the gateway to the YJS were found to be characterised by racial disproportionality, different systems of data recording and ethnic classification makes comparison between different areas across the country problematic (see Chapter 2 for a more detailed discussion). The research has demonstrated the multiple factors at service and individual levels which influence decision making, but also the need to consider these factors through the lens of the lives of minoritised children, families and communities.

Our fieldwork interviews with professionals revealed the nuances of professional decision making in respect to diversion, including the importance of individual expertise, the role of multi-agency professional relationships and the significance of individual advocacy in decision making. At an organisational level, the survey results and fieldwork in local areas

showed that while questions of disproportionality were a priority identified in local plans, there was much less clarity about what needed to take place to make this happen. **We therefore recommend the police and youth justice services review recording and reporting practice regarding disproportionality and diversion.**

Throughout this report, reference has been made to the stages of decision making. The lack of consistency in these processes at all stages results in inequality in decision making for children who reach the gateway of the youth justice system. This includes the diversionary outcomes available to children and the extent to which there are effective collaborative relationships between the operational police officers and youth justice professionals. Children reported both good and bad interactions with police officers, but where these were negative there was worrying evidence of children being treated with a lack of respect for their rights, and at times with violence. Children and youth justice professionals felt minoritised children were treated more harshly by police. While legal advice was usually available, the frequency with which children were advised to give no comment interviews is a cause for concern as this could make it difficult or not possible for them to be offered a diversionary intervention. **Our recommendations therefore include improved training for police officers and solicitors, and greater involvement of youth justice staff at this stage of decision making.**

The research found that ethnic disparities in outcomes rise with the intensity of the youth justice diversionary interventions. Moreover, the quantitative data collected during this study found that Black and Mixed Heritage children, and particularly Black boys, are the most likely to be over-represented at **all** stages of the Youth Justice System, including diversionary outcomes. Black boys are more than twice as likely as their White peers to receive a Community Resolution or No Further Action decision (including Outcome 20, 21, 22). To reiterate, some minoritised children, specifically black boys, are over-represented at this stage of the youth justice system. However, this *may* reflect positive practice in decision making in the sense that these Black boys are not receiving higher tariffs. Equally, it could mean that there is negative practice in that these children are disproportionately entering the Youth Justice System and have been subject to net-widening. **This is a key finding emerging from the research, but one that requires further investigation by policy makers, and potentially further research.**

As highlighted by Goldson and Briggs (2021) the relationship between decision making, diversion and ethnic disproportionality is mediated by local professional and organisational cultures. This research, as with other research into diversion and youth justice, has highlighted the ways in which children were socially excluded through poverty, discrimination and the breakdown of family relationships. Schools represented a site of marginalisation and unhappiness for the children whose learning needs had gone unrecognised or unaddressed, and led in some cases to the exclusion of minoritised children from school. Exclusion from school had, in turn, amplified the difficulties faced by children and their families. It made them more vulnerable to criminal exploitation and criminal involvement and made it much harder for children to plan their futures. **Recommendations from the study therefore emphasise that exclusion is not an acceptable response to the additional learning needs of children.**

Numerous research studies and official reports attest to the ways in which such disadvantage intersects with racism and is therefore magnified for minoritised children and their families. The children in this study provided many further examples about how this happened in their schools, communities and in their interactions with the police and other professionals. It is notable, then, that in the case files there was an absence of acknowledgement of children's ethnic identities and how this might be significant in understanding their predicament, their behaviour and, in turn, their contact with the criminal justice system. It also seems important, and a matter for national policy, that consideration is given to the accountability of agencies other than youth justice services for evidence of disproportionality.

This study explored decision making at the gateway to the youth justice system, but the findings make clear that decision making prior to this point is crucial to understanding how they have reached this gateway in the first place. The decision making that did or did not take place, and access to relevant educational health and welfare services, often had a profound impact on outcomes for the child. This was true for all the children in the study but is well-illustrated in respect to the small number of girls. Most girls had come into contact with the youth justice system as a result of disputes with peers, often linked to problems at school and at home. **The support being provided by the youth justice system was welcomed, but it seemed that in most cases these issues could have been addressed more effectively by other services outside the criminal justice system.**

Moreover, these are the children who have been hit hardest by the contraction of public services caused by the austerity policies introduced by the government in 2010. Not only are they less able to gain access to special educational, psychological and psychiatric services, the protections once offered by youth work and community policing have been drastically eroded and, as the recent survey found, the most disadvantaged children are those who are most afraid of violent victimisation in their neighbourhoods (MOPAC, 2023). Thus, the growth in the incidence of knife carrying amongst children is largely accounted for by fear of crime rather than intent to commit crime (College of Policing 2022). Their predicament has been further compounded by the Covid lockdowns which has disrupted, and in some cases attenuated, their involvement in education. **This research therefore carries the strong message that there is a need for national policy that counters the legacy of austerity and ensures that children and their families receive early help and timely educational and safeguarding interventions.**

The research has generated a large amount of data and a strong foundation from which to draw conclusions. It has also highlighted some of the challenges associated with research in this area, including the availability and accessibility of data relating to diversion, the recording of information relating to children's ethnicity and experiences of inequality and discrimination and the extent to which oversight and monitoring of diversion takes place at the local level. While these issues present challenges for research, they also represent significant findings in terms of their implications for policy and practice. In short, it is very difficult to ensure racial, and indeed other forms of, equality within the youth justice system if key information is either unavailable, or inaccessible to the relevant professionals. This issue is not a new one and a number of efforts to address deficiencies in data collection and dissemination have been made by the Youth Justice Board and others. **However, our findings indicate that there is still some way to go, and that progress is dependent on effective relationships between the police and youth justice services to record accurately and to have systems in place that enable effective sharing of their data.**

The recommendations from the study are therefore wide ranging, covering a variety of issues. That said, in formulating these we have tried to take account of the many constraints and challenges present in the youth justice policy and practice environment, and to develop recommendations that are realistic but also relate directly to the research questions for this study. We also hope that these recommendations, and the key findings from the research, provide a basis for conversations between policy makers, practitioners and researchers.

Open dialogue, together with a large dose of determination and commitment, is essential if these findings are to move 'off the shelf' and to generate change for minoritised children and their families.

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Appendix 1

Profile of children interviewed

A total of 34 young people aged 12 to 17 years participated in this study. Our initial inclusion criteria focused on interviewing young individuals involved in diversionary interventions. However, due to the short duration of these interventions, we expanded our criteria to include young people who might currently be on statutory outcomes but had received a diversionary intervention within the past 12 months. Young participants were recruited through their Youth Offending Team (YOT) caseworkers across four field sites: London Site 1 (n=5), London Site 2 (n=8), the Midlands (n=13), and North England (n=10). This project did not prescribe specific sampling methods. Instead, we encouraged caseworkers to identify potential participants who they believed would benefit from sharing their experiences with the Youth Justice System. We aimed to obtain a diverse representation of ethnicities rather than solely focusing on children from Black, Asian, and Minority ethnic backgrounds.

Additionally, we welcomed participation from young people with Special Educational Needs and Disabilities (SEND) by providing adapted interview questions and prompt cards. Table A.1 summarizes the characteristics of the children who participated in this study. We did not access the case files of the interviewed children, so the recorded characteristics are solely based on the information provided by the young participants.

Table A.1 Characteristics of children interviewed

Location	5 London Site 1 8 London Site 2 13 Midlands Site 10 North England Site
Age	2 12-years-old 4 13-years-old 5 14-years-old 8 15-years-old 10 16-years-old 5 17-years-old
Gender	7 Female 26 Male 1 Non-binary

Ethnicity	2 Asian 7 Black 1 GRT 7 Mixed Heritage 17 White
Outcomes	3 Youth Caution 2 Chance to Change 6 Community Resolution 1 Outcome 22 1 Turn Around 5 Youth Conditional Cautions 1 Youth Referral Order 1 Multiple Informal Diversions 14 Unclear

Appendix 2

Profile of Professionals Interviewed

A total of 51 professionals participated in the interviews. We employed a purposive sampling method to identify these individuals, selecting participants based on their specific experience and expertise in supporting children within the Youth Justice System. However, this non-probability sampling approach carries the risk of selection bias and confirmation bias. For example, practitioners with significant experience working with young people from minority backgrounds may be sceptical about the value of research and its capacity to facilitate change, potentially leading them to opt out of our study. Additionally, participants might shape their responses to conform to professional expectations, policy rhetoric, or the researcher's perceived viewpoints, which can introduce response bias. In order to minimise these biases and ensure a diversity of perspectives, we included a wide range of professionals from various organisations and sectors. The participants represented areas such as the Youth Offending Team, Youth Justice Police Officers, child and adolescent mental health services (CAMHS), speech and language therapy, and education.

Table A.2 Characteristics of professionals interviewed

Location	12 London Site 1 20 London Site 2 11 Midlands Site 8 North England Site
Agency	35 Youth Offending Team 7 Police 3 CAHMS or SLT 2 Contextual Safeguarding 2 Education 1 Data Analyst 1 Third Sector
Gender	33 Female 18 Male
Ethnicity	4 Asian 11 Black 3 Mixed Heritage 33 White

Appendix 3

Profile of case files analysed

A random sampling method was used to ensure an unbiased selection of case files. All case files from a specific local area that resulted in a diversionary outcome between 2021 and 2024 were first divided into two sub-samples: minority ethnic and White ethnic groups. Each case file was assigned a unique sequential number, and a random number generator was employed to select cases from each group. This method ensured that the final sample maintained an equal proportion of children from minority ethnic and White backgrounds, facilitating comparative analysis while minimising selection bias.

Table A.3: Characteristics of Case Files

Location	12 London Site 1 10 London Site 2 11 Midlands Site 9 North England Site
Age	3 12-years-old 9 13-years-old 10 14-years-old 10 15-years-old 5 16-years-old 3 17-years-old 2 Not recorded
Gender	10 Female 30 Male 2 Non-Binary
Ethnicity	4 Asian 11 Black 3 Mixed Heritage 24 White

Appendix 4

Profile of local areas submitting quantitative data

A survey consisting of two parts was sent to all local Youth Justice Services in England and Wales. 27 local authorities completed part A that included qualitative data collection. 20 youth justice services responded to part B with quantitative data of youth justice outcomes over a three-year period (2019-2022). This self-selecting sampling method means that the sample is not representative and subject to self-selection bias, non-response bias and organisational capacity bias. In order to increase the sample size, data from four of the field sites was added to the survey response data set. Below is information about the rural urban classification and geographical spread of the sample.

Table A.4 Characteristics of local areas who submitted quantitative data as part of survey part B

Region	4 East of England 6 Yorkshire and Humber 7 London 1 North East 2 North West 3 West Midlands 2 South East
Local Authority Rural Urban Classification	3 County Council 10 Non-London Major Urban 7 London Major Urban 3 Rural 1 Territorial Police Force

Appendix 5

Results from quantitative study

Limitations

Data consistency and completeness

Responses to the survey reflect an inconsistent mix of reporting from Youth Justice Services, Police authorities or a combination of both. In cases where Police data was unavailable, figures for No Further Action (NFAs, Outcome 20, 21, 22) or Community Resolutions may be incomplete. In addition, the variability in outcomes available at the local level presented an issue for recategorising outcomes to align with the framework used in the survey. Subsequently, there is a potential for inaccuracies or missing data due to unknown decision-making processes by local analysts that cannot be reported.

Population Data Accuracy

In this study, the ONS data from the Census 2021 was used to approximate from 2019 until 2022. Local authorities may have more accurate data for individual years or use other data sets available through their observatories that could provide more up-to-date information reflecting demographic changes, which this study may not fully capture.

Small Sample Sizes and Trend Analysis

The small number of caseloads in many areas means this report cannot robustly explore trends over time. Small increases in numbers, particularly in caseloads of girls or the ethnic

group Gypsy Roma Traveller, can significantly distort rates. Similarly, it is impossible to attribute the impact of policy and practice to the change in numbers in any given year, as this was not reported in the survey. We do not know what practice or policy is taking place or absent to contextualise the shift in numbers.

Change in Data Recording Systems

As demonstrated in field sites, the transition to new data recording systems can generate inconsistencies across reported years due to data migration issues and new data reporting methods. We are unaware of the narrative for data systems used by local areas responding to our survey; therefore, we can not account for or judge when data may be partial or incomplete due to this factor.

Impact of the Covid-19 Pandemic

The three years requested in Survey B are those most impacted by the COVID pandemic and subsequent lockdowns. It should be noted that the lives of young people, professionals and the broader institutions went through multiple and varied adaptation periods.

Ethnic Subgroup Diversity

This research project recognises the differences and diversity of experiences between ethnicity subcategories. Qualitative methods, such as interviews and case fields, explore these differences.

Severity of offences

Gravity scores were not included in the national survey data collection. Subsequently, this study cannot explore the relationship between the severity of offences and outcomes received.

Data and Measures

In this study, the unit of analysis is the Youth Justice outcome, using the most serious outcome per young person. The population 'at risk' has been defined as young people aged between 10 and 17 on account of informal diversions (NFA, Outcome 20, 21, 22) being delivered to any young person in contact with Police on the street.

This dataset is used, as opposed to the Department for Education's annual School Census data, because it allows for custom-building a data set that cross-tabulates populations by gender and ethnicity across year groups.

All rates were calculated at the most granular level possible from the combined data regarding age, sex, ethnicity and primary or most serious offence. The following categories

were used for ethnicity: broad ethnic groups based on reported by respondents (1) white, (2) Black, (3) Asian, (4) Mixed heritage, (5) Gypsy, Roma and Traveller. As acknowledged earlier, the use of broad ethnic terms can conceal the nuances and complexities of young people's experience of the criminal justice system. Nevertheless, a more granular understanding of demographics was not feasible due to the small number of individuals in the ethnicity groups or experiencing the events being measured. Demographics and Outcomes for all ages from 10-17 have been calculated together to minimise the number of occurrences where numbers were below ten and would be suppressed within the data set.

Exclusion criteria

Several exclusion criteria were applied to the quantitative dataset:

- **Suppressed Data:** Data returns that included methods of suppressing numbers below five were excluded.
- **Missing or Incomplete Data:** Case files were excluded if key variables—such as ethnicity, offence type, or outcome details—were missing or incomplete. Including such incomplete data could compromise the reliability of the findings. For instance, one local authority in the South East reported over 50% of No Further Action (NFA) outcomes as 'Not Stated/Recorded.' This indicates potential inconsistencies in data collection, a pattern observed in other local authority reports.
- **Ethnic Categories as 'Unknown':** Figures associated with ethnic categories that lacked specificity were removed, as they do not provide meaningful insights for comparative analysis.
- **Diversion Type Categories:** Only cases with sufficient detail were included to illustrate how the local area's diversion framework aligned with the research framework. Cases were excluded if diversion types were unclear, inconsistently defined, or lacked comparable decision-making criteria to other local authorities.

Descriptive Statistics

Demographics

Across the sample, 81% of outcomes are experienced by boys, while only 19% are reported for girls. 11065 (37%) boys received statutory outcomes compared to 7049 (23%) out-of-court disposals and 6208 (21%) informal diversions. Meanwhile, over 72% of girls' outcomes are dispensed through informal 1909 (6%) and out-of-court disposals 2267 (8%). These figures are in line with national statistics that demonstrate an overrepresentation of boys

throughout the youth justice system and significantly more likely to be the recipient of statutory outcomes.

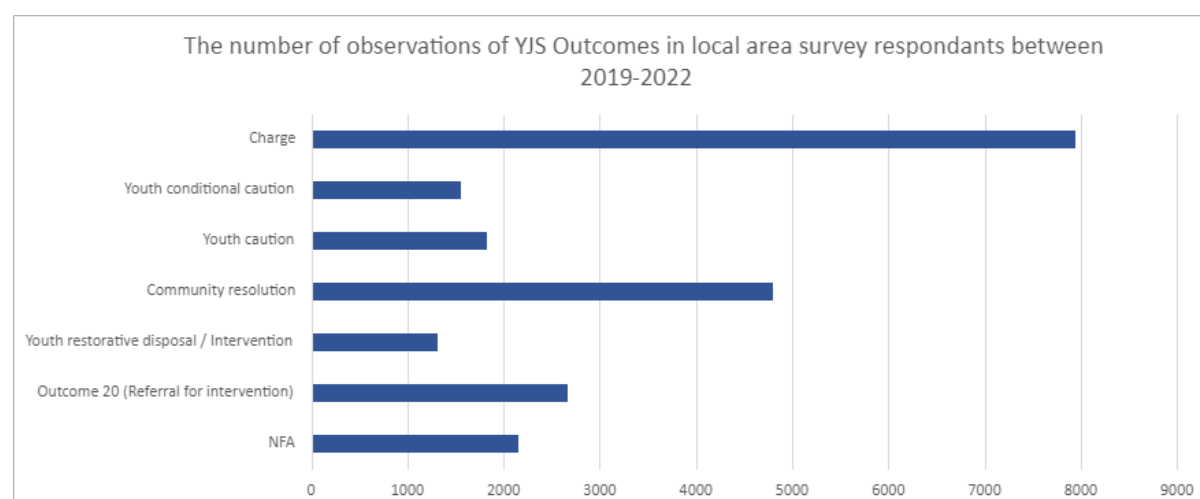
According to the Census data for 2021, there were 947848 young people between the ages of 10 and 17 years old across all local areas included in this study. The majority of the 'at-risk' population is White 68.75% (comparable to 81.7% in the general population of England and Wales), and 24% is from minoritised ethnic categories; Asian 14.47% (comparable to 9.3%), Black 6.84% (4.0%), Mixed heritage 6.53% (2.9%), and Gypsy, Roma and Traveller 0.41% (0.3%).

There is an over-representative of minoritised ethnic populations in the sample against the national picture; however, this may be explained by the improved response rate from local areas that are major urban districts. The sample for this study is 20 local area respondents via the national survey, and four local areas were included in field sites that could provide data. As such, seven local areas are classified as rural, ten as urban areas outside of London, and 7 London Local authorities are classified as major urban areas.

Outcome Analysis

When considering the incidents YJS outcomes reported by survey respondents (n=20) across all three years (2019-2022), as demonstrated in figure A.5., there is a high proportion of Charge 36% (7947) evidenced.

Figure A.5 The number of observations of YJS outcomes in local area survey respondents between 2019-2022



Regarding diversionary practices, the most common observation is the use of community resolutions, while there is evidence of the limited use of restorative justice disposals. The anomaly in the data set is the lower-than-expected rates of informal Diversion reported. This

may be a feature of the majority of data returned did not include Police figures, who are primarily responsible for administering informal Diversion. Community resolution was reported at 22% (4798), while Youth Restorative Disposal 6% (1320) were the least reported outcome, which may reflect the extent restorative justice practices are folded into other outcomes or a reflection of the limited use of restorative justice disposals being used consistently across local areas. The reported figures for Youth Caution 8% (1820) and Youth Conditional Caution 7% (1554) are comparable to the 50/50 split between simple and conditional cautions reported by the YJB.

Where Police dispose of outcomes, it is reported Outcome 20 consisted of 12% (2668) and NFA 10% (2161). It should be noted that the survey did not request information on Outcome 21 or Outcome 22. Similarly, the recording of Outcomes is for different types of No Further Actions, and subsequently, it may be different local areas have approached recording these figures slightly differently.

Relative Rate Index

A relative rate index (RRI) is a statistical tool that compares the rate of an event for one group to the rate of another reference group. The RRI is calculated by dividing youth justice outcomes per ethnic group by the population 'at risk'. The rates of Black, Asian, Mixed Heritage and Other ethnic groups are then divided by the rate of White groups. Where the resulting RRI is greater than 1, there is an overrepresentation compared to their White counterparts. For RRI numbers below 1, the reverse is true, and there is an underrepresentation of this ethnic group. The closer the RRI is to 1, the lower the disproportionality rate between ethnic groups and their White counterparts (Uhrig, 2016).

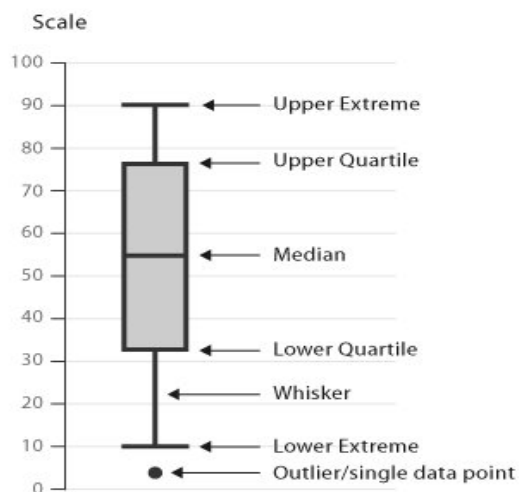
The use of the general population as the 'at risk' population provides a rate whose magnitude depends on multiple factors, including the level of criminal behaviour in groups, the degree of reported crime to police authorities, and the explicit or implicit biases played out by actors across the system Uhrig (2016).

Due to the partiality of data available and the small numbers reported for girls and the Gypsy Roma Traveller (GRT) ethnic group, it is difficult to make comparisons using the RRI to understand the difference in the group to their white peers. However, there is evidence of overrepresentation of black and mixed heritage girls across the youth justice system, with higher rates attributed to Out-of-Court Disposals than statutory outcomes. Where local areas have reported outcomes for GRT groups, there is evidence of significant overrepresentations; however, understanding how this group experiences the youth justice

	Asian Informal	Asian OoCD	Asian Stat	Black Informal	Black OoCD	Black Stat	Mixed Informal	Mixed OoCD	Mixed Sta
Minimum	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.27
Q1	0.17	0.22	0.26	0.56	0.74	1.33	0.74	0.65	0.91
Median (Q2)	0.37	0.37	0.40	1.51	1.34	2.07	1.00	1.00	1.73
Q3	0.67	0.48	0.56	2.99	2.37	3.83	1.76	1.56	2.42
Maximum	1.40	2.77	1.10	11.61	5.55	11.38	17.71	5.27	5.50
IQR	0.49	0.25	0.30	2.42	1.64	2.50	1.03	0.90	1.52
Lower Bound	-0.57	-0.16	-0.18	-3.07	-1.72	-2.42	-0.80	-0.70	-1.37
Upper Bound	-0.08	0.10	0.12	-0.65	-0.08	0.08	0.22	0.20	0.15
Mean	0.46	0.51	0.44	2.07	1.75	2.95	1.92	1.22	1.94

system needs to be understood through qualitative studies due to discrete and localised factors.

How to read a box and whisker plot



The box represents the interquartile range (IQR), which contains the middle 50% of the data. The greater the length of the box, the more variation of values across geography, as the box edges mark the 25th and 75th percentiles, highlighting the spread. Similarly, the graph shows the median value indicating the midpoint of the dataset, where half the values are above and half below. In addition, the mean is indicated by the cross, which will

be used to report the difference between ethnic groups to their white peers.

Table A.6 Data reported in Box and Whisker plot

