

Contents

Subject	Page
Foreword	2
Introduction	3-4
Part one	
Youth Justice Board	5
– national context	5
– The Leadership Challenge	5-6
– planning, funding and securing services	6-7
Part two	
Youth Justice Services	8
Requirements:	
– general	8-9
– community and voluntary sector links	10
– youth court liaison	10
Part three	
Managers	11
Requirements:	
– staffing	11
– plans and data returns	11
– partnership and external links	12
– restorative justice	12
– working with the Court	12-13
Part four	
Staff	14
Requirements	
– general	14
– working with victims	14-15
– court involvement	15
– health representative	15
– education representative	15-16
– police representation	16
Conclusion	17
Annex A	
– 2001 census classifications	18

Foreword

The Youth Justice Board and the Commission for Racial Equality are pleased to present this guide which seeks to ensure that equal opportunities goals are embedded in the transformation of youth justice services. It is especially appropriate that it should be published at a time when the government has introduced new measures requiring public authorities to promote racial equality and prevent discrimination. The procedures and measures outlined in this document are an endorsement of the new general duty to promote racial equality established by the Race Relations (Amendment) Act 2000.

This publication provides practical suggestions for establishing a common framework to promote fairness for everyone interacting with the youth justice system. It places a responsibility on each institution involved in the administration of justice to demonstrate consistency and fairness, and to keep its policies and procedures under regular review.

Developing best practice will enable all statutory and key partners to ensure that their policies and programmes comply with legal requirements. It will also help to improve organisational management and planning, and ensure that all staff and users of services receive fair and equal treatment.

The implementation of monitoring and evaluation systems is also a key factor in achieving equality. This will involve reporting on the extent to which initiatives are reaching and benefiting all groups of people, and identifying any significant differences in treatment of offenders from different ethnic groups.

Consultation and involvement of local community groups can help to develop perspectives to address the more pronounced circumstances of general disadvantage faced by some minority ethnic groups. Understanding how racism may have shaped an individual's life experience can provide a context of the range of problems that need to be alleviated for successful reintegration into society, and a life away from crime.

We are therefore, very pleased to present this important document, Achieving Equality within the Youth Justice Service. We hope the practical suggestions it provides will give momentum to the process of integrating equality into the youth justice service and to the transfer of best practice across all related areas of service provision.



Norman Warner
Chairman
Youth Justice Board



Gurbux Singh
Chairman
Commission for Racial Equality

Introduction

- 1.1 The Race Relations (Amendment) Act 2000 requires public authorities to become proactive in preventing discrimination. In realising this, public authorities will be required to monitor the impact of policies and practices on racial equality, both internally and in relation to the services delivered. The Youth Justice Board is committed to ensuring effective implementation of these measures in the provision of all youth justice services. The Board will work with the Commission for Racial Equality and other key partners to promote equality of opportunity and remove barriers to fairness, including challenging unlawful practices.
- 1.2 This guidance has been prepared in consultation with the Commission for Racial Equality, the Home Office and a sample of Youth Offending Teams. **The requirements detailed are aimed at ensuring compliance with ALL current equality legislation; (Race Relations Act 1976, Sex Discrimination Act 1975, as well as the Race Relations (Amendment) Act 2000.)** The guidance will enable the Youth Justice Board, Youth Offending Teams and other key agencies involved in delivery of youth justice services to:
 - (a) identify and respond to ethnic diversity in relation to staff; the needs of minority ethnic young offenders, their families, local communities, including faith communities and victims of racially aggravated crime;
 - (b) raise the confidence of minority ethnic communities who may come into contact with the youth justice system;
 - (c) ensure equality in the administration of justice and the elimination of discrimination on the grounds of race, sex, religion, sexual orientation or on any other factors that cannot be justified;
 - (d) through consultative processes and multi-agency planning, ensure the above needs and responses are integrated into development plans and crime reduction initiatives at both national and local levels.
- 1.3 This guidance remains work in progress and as best practice evolves such developments will be speedily adopted.
- 1.4 The guidance is divided into four sections. Each section details areas of responsibility for key bodies and individuals working within the youth justice system.
- 1.5 The guidance is intended for use by ALL agencies servicing the needs of the youth justice system. It includes the Youth Justice Board, Youth Offending Teams and their management groups, secure facilities and agents working on behalf of any of the above, whether by formal contract or otherwise. **This guidance seeks to complement other equality measures already in place in any of the agencies detailed, but is prioritised in relation to work with young offenders and their carers.**

- 1.6 The specific responsibilities take into account both national and local contexts (legislative and policy), in mainstreaming equality of opportunity for youth justice staff, their agents and service users. It is for use in the delivery of all youth justice services.
- 1.7 Whilst racial equality has been given particular focus, it is expected that the requirements detailed will be applied to combating discrimination within the broader context. **The monitoring, consultative and service delivery requirements will help to ensure that youth justice services are delivered within a framework that is free from discrimination on any grounds.**

Youth Justice Board

The Youth Justice Board for England and Wales is specifically tasked with 'preventing offending by young people'. It is essential that all measures designed to achieve this aim are fair and just. In demonstrating leadership and commitment, the Board will take responsibility for.....

National Context

- 2.1 Identifying effective strategies at national and local level to prevent offending by children and young people, and promote the safety of communities, the rights of victims and the responsibilities and rights of parents, children and young people.
- 2.2 Ensuring systems are in place for policy appraisal and impact assessment. The new 'Public Duty' provision of the Race Relations (Amendment) Act 2000, makes racial equality central to the whole range of youth justice policy decision making – and the inspection/performance management regime will ensure measures are in place to effectively address racial equality procedures and practices. These will be in the form of performance indicators following an inspection/performance review.
- 2.3 The Board will prepare an annual report on the effectiveness of existing arrangements that promotes racial equality and identify these in its yearly plans.
- 2.4 The Board will collate and analyse data provided by Youth Offending Teams deriving from:
 - quarterly returns of activities provided by Youth Offending Teams reported by ethnicity and gender;
 - outcomes of the ASSET process;
 - annual returns detailing staffing of each Youth Offending Team;
 - the effectiveness of written equal opportunity policies – including an evaluation of performance on equal opportunities in the youth justice planning process.

The Leadership Challenge

The Youth Justice Board is a signatory to the CRE's Leadership Challenge and **is committed to the strategic development of equality standards, building equality of opportunity into all its policies, programmes, and service delivery functions. Commitment at the highest level will be given to:**

- 2.5 appointing a senior staff member to take responsibility for Equal Opportunities;
- 2.6 establishing an induction programme covering equal opportunities for the Youth Justice Board members, Chief Executive and all staff members;
- 2.7 establishing an advisory group to agree and implement an internal equal opportunities policy and action plan that includes provision for grievance resolution and a support framework for those who

‘whistle blow’ when encountering discriminatory practices;

- 2.8 ensuring that recruitment, selection and retention opportunities widen access to ensure the organisation at all levels is representative of the communities it serves; and
- 2.9 provide an annual appraisal of the Board’s progress in achieving equality of opportunity objectives.

Planning, Funding and Securing Services

In planning, funding and securing services that tackle youth crime, the Board will strive to:

- 2.10 ensure all youth justice practice and secure facilities comply with national standards equality practices and guidelines, including those relating to specific agencies, where the YJB has responsibility for seconded members of their staff, e.g. Prison Service, Police Service;
- 2.11 ensure that contracted service providers have in place an equal opportunities policy consistent with that of the YJB;
- 2.12 provide support and hands on consultancy advice to youth justice agencies, including individual Youth Offending Teams;
- 2.13 monitor ASSET in respect of ethnicity data to determine:
 - the degree of risk posed to themselves and others;
 - appropriate intervention programmes;
 - a benchmark score of ‘risk’ on entering the youth justice system, against which to measure progress;
- 2.14 fund schemes and develop new innovative preventative initiatives which give a major impetus to partnership working that explore and value diversity, and deliver services relevant to all sections of the community;
- 2.15 utilise contracts and service level agreements with secure estate providers to require them to work proactively towards achieving anti-discriminatory service provision;
- 2.16 ensure that all 154 Youth Offending Teams have in place an equal opportunities statement that complies with the Board’s equality of opportunity principles;
- 2.17 drive up quality standards by ensuring that the new monitoring and development strategies embrace equal opportunities; and
- 2.18 ensure information exchange systems help analyse and encourage best practice, which includes an informative database on minority ethnic origin data.

- 2.19 The Board will work in partnership and develop effective linkages with a wide range of other organisations to achieve equality of opportunity in youth justice practice. Key partners will include Local Authorities and Local Education Authorities, Police Authorities, Health Authorities, the Probation Service, Social Services, Secure facilities, Youth Courts, Equality organisations and appropriate voluntary sector agencies.
- 2.20 The Board will analyse and report to key partners outlined above on the collated evidence, provided by Youth Offending Teams through both the Youth Justice Plans and the aggregated reports from the use of ASSET, to assist in removing barriers faced by young people from minority ethnic groups.

Youth justice services

General

- 3.1 The Board will provide strong leadership within the Youth Justice system to ensure that best practice in racial equality is integrated into all youth justice activities. It will encourage youth offending teams, secure facilities and key partners to support the targeting of policies and programmes so that they address disadvantage and improve social inclusion. In realising these aims, youth justice services will be responsible for ensuring:
- 3.2 commitment at the highest level is evidenced in implementing effective equality policies;
- 3.3 adequate resources are available to teams to fulfil this task;
- 3.4 effective systems for data collection, monitoring and reviewing progress are rigorously maintained; and
- 3.5 Youth Offending Team members and their agencies acting on their behalf are appropriately trained in anti-discriminatory service delivery procedures.
- 3.6 **Key aspects for achieving the above are listed below. These will ensure compliance with the Board's commitment to mainstreaming equality of opportunity at both policy and practice levels, nationally and locally. Youth justice services including the Board, Youth Offending Teams and secure facilities should:**
- 3.7 have in place a written equal opportunity policy, strategy and implementation plan to deliver their equal opportunity obligations. This will include internal grievance resolution procedures as well as a support framework for staff who 'whistle blow' having encountered discriminatory practices;
- 3.8 identify a senior member of staff to take lead responsibility for equal opportunities in their activities and internal arrangements;
- 3.9 identify resource implications (including training provision) for effective implementation of the Youth Offending Team's equal opportunities plan;
- 3.10 ensure all staff understand and support the implementation of the equal opportunities action plan, and undertake training as appropriate;
- 3.11 ensure annual and quarterly data returns accurately detail ethnicity and gender findings, both in relation to offending and staffing requirements;
- 3.12 resource staff training, designed to improve their ability to express relevant ethnicity aspects accurately in written reports for the Police, the Courts, and in support of referrals to other service providers;

- 3.13 influence the policies and practices of all service providers contracting with and working in partnership with them in order that anti-discriminatory service delivery is maintained to Youth Justice Board standards;
- 3.14 actively promote equality of opportunity measures and make them available in a format that is accessible to external groups, particularly those from minority ethnic communities, including faith communities. This information should also set out the young person's rights and responsibilities when engaging with the local youth justice services;
- 3.15 maintain accurate data that measures the local youth population (10-17 year olds) by ethnicity and gender in each Youth Offending Team area;
- 3.16 be able to report by ethnicity and gender across the full range of youth justice provision;
- 3.17 be able to map and evaluate crime indices that can identify the ethnic origin of perpetrators where known, and ethnic profiles of victims;
- 3.18 ensure proper monitoring of the extent of racially aggravated crime and report to relevant local partnerships and community groups;
- 3.19 ensure they have in place methods for challenging racist behaviour, particularly with respect to those young people committing racially aggravated offences;
- 3.20 conduct equality audits on a quarterly basis with follow up action on the findings;
- 3.21 produce Annual Reports giving an account of their activities to address equal opportunities. The reports should also identify performance measurements taken or proposed to address any disproportionate representation of minority ethnic young people within their respective local youth justice system; and
- 3.22 ensure that all practices and activities carried out by the service comply with the Race Relations (Amendment) Act 2000, especially where specific measures, particular to one partner agency, may impact on the Team's functions;
- 3.23 Ensure ethnic monitoring within all service provision is consistently adopted as an example of best practice.

Community and Voluntary Sector Links

- 3.24 Links should be established and maintained with voluntary sector and community based organisations such as Victim Support, Crime and Disorder Reduction Partnerships, racial equality councils, faith communities and other key partners, to support design of services, provide advice and information and facilitate onward referral. This consultative process will help to promote:
- 3.25 awareness of the profile of the local community, and the composition of minority ethnic communities;
- 3.26 proactive involvement/co-option of representatives from minority ethnic community groups onto membership of the steering group;
- 3.27 evaluation of local policies and practices targeting minority ethnic communities in local community safety plans and crime reduction partnerships;
- 3.28 establish good practice in working with young people from minority ethnic backgrounds; and
- 3.29 ensure that all written and visual guidance takes account of the sensitivities and cultural attributes of minority ethnic communities.

Relationships with the Courts

- 3.30 Yots should use the quarterly data analysis to evidence sentencing patterns, by ethnicity and outcome, of the local Court(s) and to ensure any outstanding issues are discussed with the relevant Youth Panel;
- 3.31 ensure that a quality assurance process is agreed with the Youth Court Panel that monitors reports submitted by Youth Offending Teams in relation to ethnicity factors that may impact on disposal decisions. This process will ensure that the ethnicity of young offenders is appropriately referenced.

Managers

- 4.1 Managers of Youth Offending Teams and secure facilities for children and young people, are required to maintain overall responsibility for underpinning equality of opportunity within their teams/units. This responsibility includes promotion of equality within the team and the secure facility, as well as in the delivery of services to young offenders, their families and the local community. Key aspects are:

Staffing

- 4.2 **Policy and procedures should be developed to link staffing arrangements and service delivery practice to the equal opportunities policy. Managers must ensure:**

- The recruitment and selection policy explicitly incorporates the equal opportunities policy – all advertisements and staff recruitment campaigns enable the widest access to prospective applicants from all people;
- Maintain accurate data by ethnicity and gender of the composition of the team;
- induction and training programmes for staff address equality and anti-discriminatory practice;
- consistent equal opportunity standards across the range of youth justice practice, providing equal access and a flexible approach to service delivery;
- effective monitoring processes are in place to ensure the complete range of services offered are consistent with the equal opportunity policy;
- staffing and recruitment policies within secure establishments and Youth Offending Teams aim to achieve a broader ethnicity staffing profile;
- Monitoring of the above is a continual process.

Youth Justice Plans/YJB data requirements

- 4.3 Managers must ensure that data relating to offending behaviour includes classification by ethnicity and gender.
- 4.4 Managers must ensure staff and agencies working on their behalf are aware of the:
- ethnicity groupings to be used, (2001 Census Classifications)(Annex A). This will aid comparative analysis.
 - recording being based on "self" as opposed to "observed" classification;
 - data collection and information systems established as part of the ASSET process.
- 4.5 quarterly and annual returns, providing an analysis of youth justice activity by ethnicity, are submitted to the YJB within the stipulated timetables.
- 4.6 ASSET – review data collected from ASSET profiles to propose strategies with the support of health and education representatives to counteract any apparent disadvantage for young people from minority ethnic communities. (This analysis should inform the preparation of the youth justice plan).

- 4.7 mapping of crime and identifying trends – type of offence committed, patterns by area, etc, (by use of GIS software) in liaison with crime and disorder reduction partnerships.

Working in partnership with external organisations

Youth Justice Board, Youth Offending Team and Secure Facility Managers will have responsibility to ensure effective multi-agency working links are maintained. Such links should include:

- 4.8 minority ethnic organisations, faith communities and community leaders. Representation at steering Group level, or their co- option in particular areas of work or sub committees is recommended.
- 4.9 information about the work of Youth Offending Teams and secure facilities should be provided in a clear and accessible way, through relevant translations and interpretations.

Restorative Justice

- 4.10 Restorative approaches within the delivery of youth justice services have not yet been fully established. The opportunity to involve local communities in the development of these services should be actively encouraged. In order to engage minority ethnic communities in this process, consideration must be paid to the following Restorative Justice approaches, which:
 - 4.11 should be promoted amongst minority ethnic communities so that they are fully aware of what is available for victims with respect to conflict resolution;
 - 4.12 should analyse victim responses to restorative justice initiatives – including where appropriate feedback from those who have experienced racially aggravated crime; and
 - 4.13 must be delivered by staff who have received regular training to ensure they are fully conversant with, and sensitive to, the cultural needs and practices of the minority ethnic communities in the area.

Working with the Courts

- 4.14 Effective liaison with the youth court is an essential part of the youth justice process. In order to enable youth courts to contribute to the fair operation of the youth justice service provision, Youth Offending Team Managers should:
 - 4.15 ensure equality issues are raised in both Liaison and Court User meetings, with respect to both the young people appearing and the decisions made at the remand and sentencing stages;
 - 4.16 ask the Court to consider how representative they are in terms of ethnicity, of the local population. (Comparisons can be made with the statistical information resulting from the ethnic monitoring of Magistrates undertaken

by the Lord Chancellor's Department. This data is published in the Section 95 reports published annually by the Home Office);

- 4.17 ascertain whether the ethnicity of report authors or presenters is influential when evaluating the disposal outcomes outlined. Strategies to identify and correct such practices should be agreed as a matter of urgency.

General

- 5.1 People working in youth justice who meet directly with young offenders have a vital part in determining effective behaviour changes when working with young offenders and their families. To achieve fair and just youth service provision that is free from discrimination and disadvantage, staff members must take personal responsibility for realising this achievement. They must:
- 5.2 ensure they are fully conversant with the equal opportunities policies of their service(s);
- 5.3 use supervision sessions to evaluate their own performance with respect to:
 - delivering services to young people, offenders and victims, from minority ethnic populations in the local area;
 - challenge racist, sexist and homophobic behaviour/ attitudes displayed by young service users;
 - where appropriate, address issues of race and gender in reports for use by the Courts; and
 - be willing to give and accept constructive criticism to and from other staff members with respect to any practice which has an equality perspective.
- 5.4 record the ethnicity of all young people (on the basis of self classification) to whom they are providing a service, using procedures outlined by the Youth Justice Board and contained within quarterly and annual data returns.
- 5.5 be aware of the cultural diversity that exists within the local community and the implications for the effective and fair delivery of youth justice services within such an environment; and
- 5.6 support quality assurance and consultative initiatives, which are concerned with ascertaining the views of service users from minority ethnic groups.

Working with victims

Staff members must:

- 5.7 reflect accurately, in reports for the Police and the Courts the impact of racially aggravated crime on victims;
- 5.8 ensure the ethnicity of all victims is recorded in the monitoring process for the local restorative justice service; and
- 5.9 promote with young people, where the victim(s) is / are from the minority ethnic communities, the opportunity to make direct reparation.

Working in the Courts

Youth Offending Team staff members must:

- 5.10 record the ethnicity (self-classification) of all young people appearing before the Youth, Magistrates, and Crown Courts and update Youth Offending Team records accordingly;
- 5.11 ensure information (verbal or written) is available in the language of the young person and /or their parents or guardians. This is essential when communicating court order and supervision requirements; and
- 5.12 Support Court duty staff to assist young people and their families appearing before the Court in understanding proceedings which they may be part of.

Health representative(s) within Teams should:

- 5.13 be aware of any potentially significant health issues for minority ethnic populations living in the Youth Offending Team area, and ensure this information is shared with Managers and all the other practitioners in the Team;
- 5.14 be consulted in all cases where a health related issue is identified. This is especially so in relation to young people who may be experiencing mental health problems or involved in substance misuse (drugs and alcohol).
- 5.15 update practitioners in relation to any health trends pertinent to the local ethnic community and lead discussions as to how these may impact both on young people living in the local area and on local health provision;
- 5.16 check regularly the aggregated health data reports available through the ASSET software and ensure the Team Manager is aware of any identifiable trends, with specific reference to disadvantages being experienced by communities within the area; and
- 5.17 support other practitioners in the Team during assessments of, and reporting on, the health needs of young people known to the Youth Offending Team.

Education representatives within teams should:

- 5.18 Be fully cognisant of current education, training and employment issues in the Youth Offending Team area, and ensure relevant information is shared with Managers and other practitioners within the Team;
- 5.19 be consulted in all cases where education, training and employment issues are identified, and where appropriate, involved in Connexions Service initiatives, liaison with schools, alternative education provision and young people's training organisations;

- 5.20 check regularly the aggregated education, training and employment data reports available through the ASSET software and ensure the Youth Offending Team Manager is aware of any identifiable trends, with specific reference to disadvantage being experienced by minority ethnic communities within the area; and
- 5.21 support other practitioners in the Team during assessments of, and reporting on, the learning and employment needs of young people known to the Youth Offending Team;
- 5.22 be aware of the CRE publication, "Learning for All" (1999) (to be circulated by the Youth Justice Board).

Police representatives within Teams should:

- 5.23 be fully conversant with local policing and other crime reduction plans or initiatives that are likely to impact on minority ethnic young people either as perpetrators or victims of crime;
- 5.24 ensure that data derived from local police records (reprimands, warnings, charges), is capable of classification by ethnicity where appropriate. It is anticipated that the 2001 census classifications will be used by the police service in 2002. Assessments conducted prior to final warning disposals should provide an opportunity for 2001 census classifications to be made;
- 5.25 assist other team members in identifying trends in relation to racially aggravated offending within the local police area.

Conclusion

- 6 The requirements detailed are specific to roles and functions within the delivery of all youth justice services. Many of these requirements are already being fulfilled but there is considerable work to be done to ensure consistency across all service providers. Responsibility for ensuring that service delivery is free from discrimination is incumbent on all staff. Real change can only be achieved through both corporate and personal commitment. This guidance sets the foundations for that process.

Annex A

Ethnicity Classifications - 2001 Census

(a) White

- British
- Irish
- Any other White background

(b) Mixed

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background

(c) Asian or Asian British

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background

(d) Black or Black British

- Caribbean
- African
- Any other Black background

(e) Chinese or Other Ethnic Group

- Chinese
- Any other