



HACKNEY YJS OUT of COURT DISPOSALS

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Background

- Lammy report (2017) - recommendation to collect, publish and act on data relating to ethnic disproportionality across CJS
- YJB – 2021 report on England and Wales YOT data – ethnic disproportionality;
Compared to White children – Black/Black British children are:
 - convicted of higher severity offences,
 - more likely to be heard at Crown Court,
 - assessed as higher risk/more vulnerable,
 - more likely to receive custodial remand, less likely to receive community remand or OoCD.
- Most differences are explained by demographic differences, offences and offence history, and type of court. BUT: doesn't account for different treatment/experience before this stage.

Phase 1 – aims

- This study was funded by Hackney YOS to examine local data on; OoCDs; court decisions, referrals and outcomes for young people seen by their services
- Specific aims were to;
 - 1) To identify instances of ethnic disproportionality where they exist, with particular attention given to OoCDs and Triage decisions and outcomes and
 - 2) To compare Hackney data to national statistics reported by the YJB to highlight differences that may indicate unique aspects of practice at Hackney that could be used to inform future service provision

Methods
Phase 1:
Quantitative

Anonymised routinely
collected data from
Hackney YOS



Five datasets were used

Out of
Court
Disposals

Offences

Court
decisions

Legal
status

Child in
Need/Child
Protection
status

Methods
Phase 2:
Qualitative

Interviews & Focus
Groups



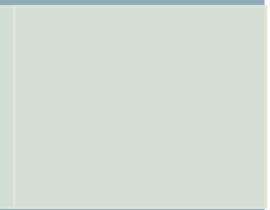
Participants

Young people
(6)

P&D
caseworkers
(3)

Speech &
Language (1)

Police officer
(1)



Terminology: Out of Court Disposals

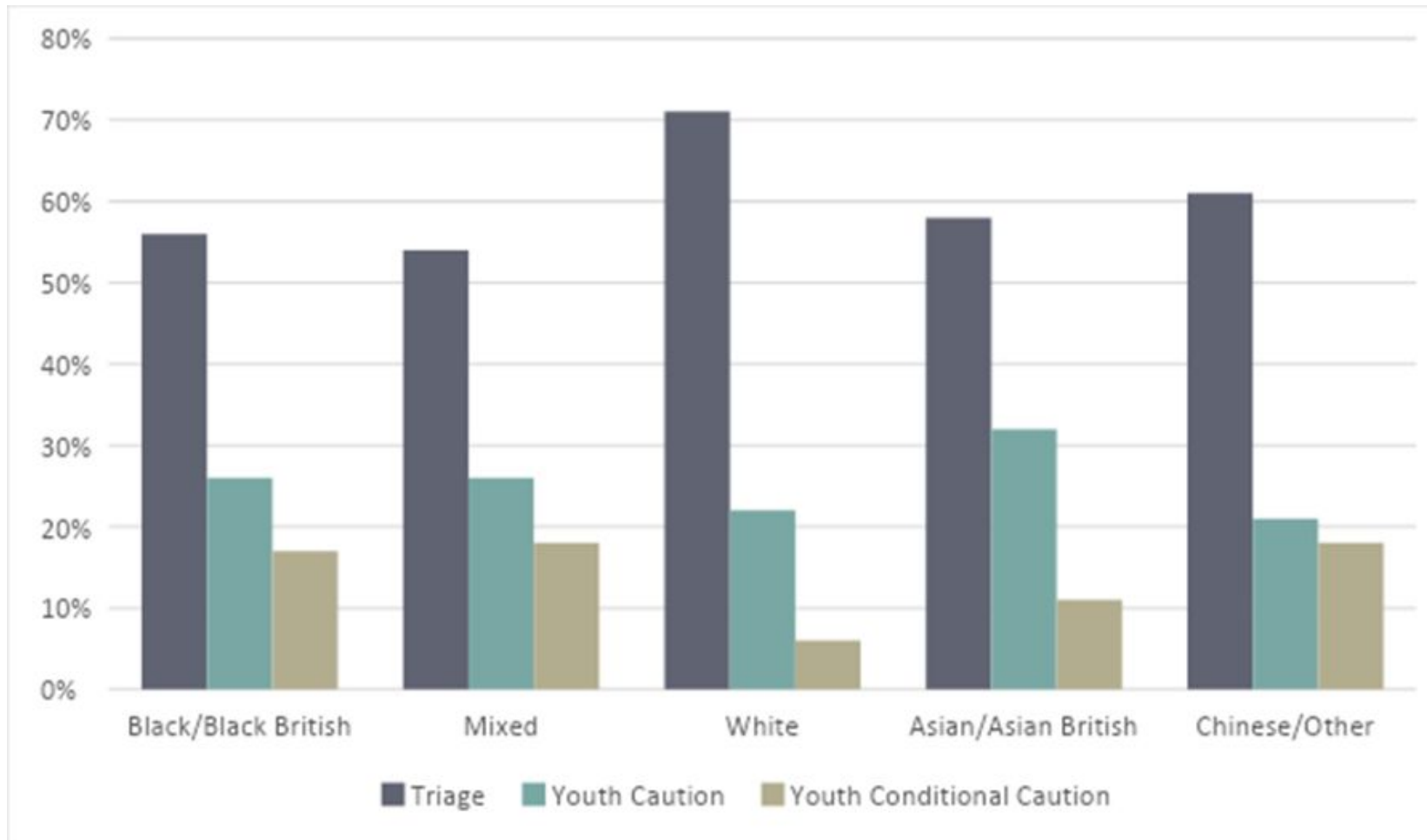
Triage: Arrest by police, no court. No criminal conviction and no police record.

Youth Caution: Arrest, but not sent to court. Stays on police record.

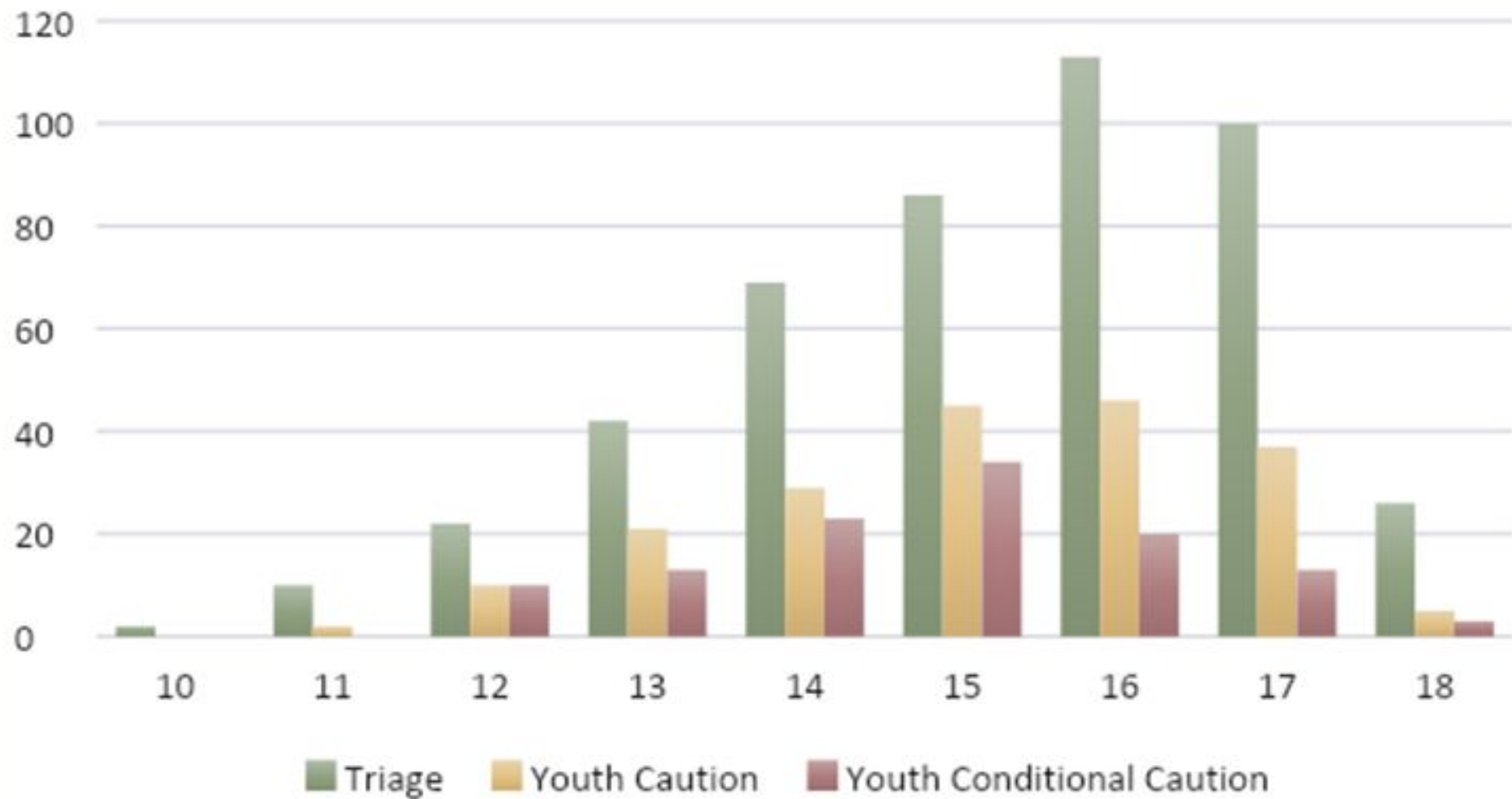
Youth Conditional Caution: Arrest, not sent to court, but has conditions attached to attend community based services. Failure to attend results in forwarding to court and recorded criminal conviction

Local Data – Out of Court Disposals

Distribution of disposal types by ethnicity



Age at Referral



	BLACK OR BLACK BRITISH (N = 370)	MIXED (N = 105)	WHITE (N = 158)	ASIAN OR ASIAN BRITISH (N = 57)	CHINESE OR OTHER ETHNICITY (N = 88)
Successfully completed	51%	47%	48%	58%	61%
Partially completed	14%	18%	19%	16%	13%
Not completed	11%	10%	8%	11%	9%
Missing/no entry	21%	22%	22%	14%	14%

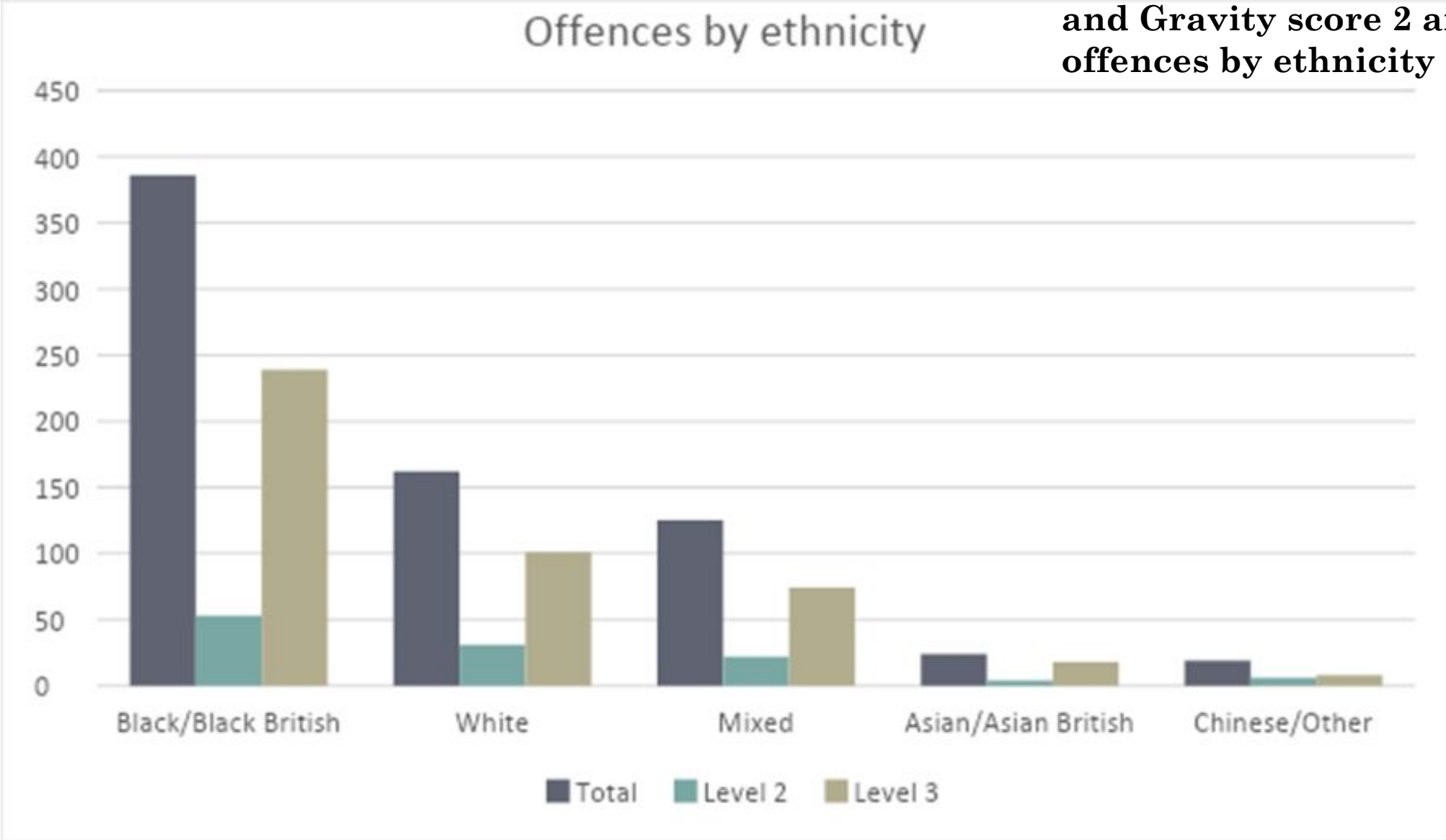


Local data 2 - Offences

Gravity scores

- Offences are given a gravity score to determine the seriousness of an offence.
- They are ranked from 0 to 8 with higher numbers indicating more serious offences.
- These scores are used in reporting by the YJB and by police to help determine whether a child should be considered for an out of court disposal or not.
- The analyses that follow concentrate on Gravity scores 2 and 3 as they represent 90% of all offences in the dataset.
- Gravity score 2 offences include; Attempt criminal damage to property under £5000; criminal damage; possess controlled drug of Class B; use of motor vehicle without insurance;
- Gravity score 3 offences include; Affray; Acquire/use/possess criminal property; Assault a constable; Actual bodily harm; Attempt theft from shop; Common assault; Concerned in supply of Class B drug; handle stolen goods; possess controlled drug of Class A; possess an offensive weapon in a public place

**Total number of offences,
and Gravity score 2 and 3
offences by ethnicity**



Local data 3 – Court decisions

Categories used	Outcome types included in category
Unconditional Bail	Unconditional bail
Bail with conditions	Conditional bail with tag
	Bail supervision and support
	Bail supervision and support with tag
	ISS bail
	ISS bail with tag
	Remand to local authority accommodation
	Remand to local authority accommodation with tag
Custodial remand	Remand to youth detention accommodation

Outcome Categories

- Ethnic disproportionality is likely to be present at the police and court decision stages in Hackney – low numbers in some categories require caution in interpretation
- Once a young person is given an OoCD and is referred to Hackney YOS – disproportionality disappears
- Hackney OoCD referral data suggest Black children were least likely to be referred for Triage, for any type of offence, compared to White children and received Youth Cautions or Youth Conditional Cautions at a disproportionate rate. This aligns with national data reported by the YJB
- However, this is almost entirely influenced by the seriousness (gravity) of the offence recorded

Summary and conclusion

Phase 2: Qualitative

Emerging findings

Participants

To include:

- up to 20 children and young people
- a minimum of 12 young people
- All between the ages of 16 and 25, with experience of Hackney YOT in the past 12 to 24 months
- Include a focus group with some parents/guardians to gain feedback on how they felt their children were impacted by their intervention.
- Focus groups would be held with professionals (YOT practitioners, police, social workers etc) to discuss emerging themes.

Young people - Interviews

- All of the young people in our interviews were referred to the Prevention and Diversion service for relatively minor offences, such as cannabis use and graffiti.
- For the four young people who had been referred by police after committing an offence, it was a first offence for three of them.
- The other young people had been referred by school or youth workers and not been arrested by the police.

Emerging themes - Acceptance

- Being listened to, having their opinions heard and being guided with advice they felt was genuinely in their best interests helped to establish this sense of being accepted.
- Practical advice and support in particular, were welcomed by the young people who spoke about getting help writing CVs, applying for jobs and calming their emotions when they became upset.

I mean yeah they would definitely listen and take my opinions into account, but they can, because they're not there to be my friend, they are there to like kind of guide me, they can only do that to a certain extent. So I feel like I was listened to and I was agreed with at some points, but I wasn't, I obviously can't be like controlling the whole meetings and stuff with my voice. (P1YP)

Emerging themes – Trusting relationships

- Almost all participants referred to not feeling that they were being judged by their case workers which set them up to engage more openly throughout the intervention;

He wasn't really like judgemental about anything, when he asked me questions he was more just trying to like help me get through the course without any issues and stuff (P1YP)

And even them teaching me how to kind of smoke weed or whatever in the safest way possible. It seems odd that they would do that, but it did help, because then it didn't feel like I was being forced to do anything, it just felt like I was being informed and then I was able to make my own decision and act on it. (P3YP)

Emerging themes – Shared goal setting

- Most young people stated that they had made goals with their case worker that were agreed on collaboratively.
- These were reasonable, in the young person's opinion, and they felt that they had input into deciding what the goals should be, and how to achieve them. Goals included reducing, or stopping, cannabis use, applying for jobs and personal behavioural control.
- A number of the young people we spoke to stated that they had found employment since being in the P&D service which they attributed to their time there.

The Child's Voice

- *Yeah, yeah one of them was to get a job and I done it, so yeah basically. One of them was to stay out of trouble as well, so I've been doing that as well. (P4YP)*
- *...so it kind of made me just look at the decisions I was making at the time and like kind of helped me move forward with them and not to make like the same mistakes like twice. (P1YP)*
- *No, everything was pretty planned in a way to help you. It wasn't just his somewhat of a plan, this is what we're going to do, it was more like alright we'll sit down discuss what your goals are and we'll then make a plan that best suits your goals. (P5YP)*

Hackney YJS Actions:

1. Court User Group - share research outcomes on post court differences (use of remand and custody) so partners can explain and/or take actions to mitigate.
2. Develop OoCD Scrutiny Panels to review decision making related to lower gravity knife and drug offences.
3. Press for 4 Borough Deferred/Postponed/Outcome 22 Prosecution Scheme to offer alternative disposal options at court.
4. Use Phase 2 to identify good practice and source improvements that develops the OoCD offer towards excellence.
5. Consider Scrutiny of Charging Decisions -
6. Research HYJS Assessments to identify possible bias