Institutionalised Criminalisation: Black and Minority Ethnic Children and Looked After Children in the Youth Justice System in England and Wales

Thesis submitted in accordance with the requirements of the University of Liverpool for the degree of Doctor in Philosophy by Katie Hunter

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Abstract

This thesis is concerned with the overrepresentation of black and minority ethnic (BME) children and looked after children, in the youth justice system in general and the secure state in particular, in England and Wales. In the period 1993 to 2008, youth justice was characterised by a process of extensive penal expansion. Since 2008, however, the child prison population has fallen dramatically. The decline has been linked to pragmatic cost reduction as well as an increase in diversionary measures which keep children out of the system altogether. However, BME children and looked after children have not benefited from this decline to the same extent as white children and non-looked after children. The contraction in the system has served to intensify existing inequalities. This thesis interrogates the nature and extent of the overrepresentation of these groups. It employs a mixed-methods approach which involves analyses of secondary data and in-depth interviews with 27 national youth justice and children's services professionals. This thesis builds upon and extends previous research, it determines that BME children are criminalised through 'institutional racialisation' which operates on micro, meso and macro levels. The thesis signals policing as having a particularly powerful influence on the levels of BME children in the system. The weight of these findings lie precisely in the fact that they are so longstanding. The thesis highlights that the particular nature and extent of the overrepresentation of looked after children is less clear as a result of insufficient official data. It determines that looked after children are disadvantaged in myriad ways, but that individualised explanations alone cannot account for overrepresentation. Principally, this thesis draws attention to failings in the care system which both increase the risk of youth justice contact and influence trajectories through the youth justice system. The research also considers the intersections between ethnicity, looked after status and youth justice involvement. It establishes that BME looked after children experience compounded disadvantage in the youth justice system. The thesis concludes that the broader landscape of economic austerity and crises within the youth justice system make it even more imperative that such injustices are acknowledged and addressed.

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Chapter One   Introduction

Introduction

This thesis is concerned with the overrepresentation of black and minority ethnic (BME) children and looked after children in the youth justice system in general, and the secure state in particular, in England and Wales.[1] More specifically, it explores the nature and extent of overrepresentation in the context of a contracting youth justice system, as well as exploring the drivers for such overrepresentation. This introductory chapter outlines the research context before detailing the rationale, aims and methodology employed. This chapter also provides an overview of the chapters included within the thesis itself.

Research Context

Youth justice in England and Wales has been characterised by seemingly contradictory trends. From the early 1990s, the youth justice system underwent a process of extensive penal expansion (Goldson, 2015). The upturn in child custody is most commonly associated with a 'punitive turn', which involved progressively harsher sanctions for children (Bateman, 2005; Goldson, 2002a; 2005a; Muncie, 2008). During this time, England and Wales was seemingly out of step with its neighbouring European countries (Goldson, 2006; Hazel, 2008; Muncie, 2008; Muncie & Goldson, 2006). Indeed, greater use of penal custody for children was made in England and Wales than in most other industrialised democratic countries around the world (Goldson, 2015). Since 2008 however, the child prison population has fallen dramatically (Youth Justice Board (YJB), 2018a). This cannot be attributed to any deliberate, progressive human rights agenda (Allen, 2011; Bateman, 2012; Cunneen, Goldson & Russell, 2018; Goldson, 2015). In fact, a nationwide target to reduce child imprisonment was abandoned shortly before the fall took hold (Allen, 2011).

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[1] When the terms 'youth justice system' and 'juvenile secure estate' are used, they apply specifically to England and Wales unless otherwise specified.

The decline in youth custody was 'unexpected, but broadly welcomed' (Bateman, 2012: 38); it had developed 'under the public radar' (Goldson, 2015: 178). Allen (2011) concluded that it was the culmination of complex dynamics behind the scenes. Bateman (2012; 2014) emphasised that pragmatic considerations relating to austerity politics played a significant role in reducing the child prison population. A view shared by Goldson (2015:178):

> 'It seems likely that it is the instrumental imperatives of cost reduction, as distinct from any intrinsic priorities of progressive reform that ultimately provide the key to comprehending the substantial fall in child imprisonment in the post-2008 period'.

The decline in youth custody was also accompanied by substantial decreases in the number of child arrests, youth cautions and convictions, and first time entrants (FTEs) to the youth justice system (see Table 1.1).[2]

Table 1.1: Arrests, cautions, convictions and FTEs 2006/07 and 2016/17

Year	Arrests	Cautions	Convictions	FTEs
2006/07	351,644	131,660	94,601	110,817
2016/17	74,784	13,533	25,700	16,541
Percentage decrease	78.7%	89.7%	72.8%	85.1%

Source: Data derived from YJB (2018a)

Bateman argues that the proliferation of diversionary schemes at the 'front end' of the justice system directly correspond to reductions in the child custodial population (Bateman, 2012; 2014). In recent years, a commitment to diversionary schemes has been clearly apparent across Youth Offending Teams (YOTs) (Smith & Gray, 2018). However, austerity has also meant that there is considerable local variation in the application and nature of these schemes (Kelly & Armitage, 2015).

The decline has also served to accentuate pre-existing inequalities within the system (Bateman, 2017; Cunneen, Goldson & Russell, 2018; Pitts, 2015). The

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[2] FTEs include children in England and Wales who received their first reprimand, warning, caution or conviction.

overrepresentation of marginalised and vulnerable children in the youth justice system and the juvenile secure estate is a well-established phenomenon (Beyond Youth Custody (BYC), 2016; Day, Hibbert & Cadman, 2008; Goldson, 2002b; Jacobson *et al.*, 2010; Gyateng *et al.*, 2013; Stuart & Baines, 2004; Willow, 2015). Whilst absolute numbers have reduced, it has had the perverse effect of increasing the disproportionate representation of two particularly vulnerable groups; black and minority ethnic (BME) children and looked after children.

The contraction of the youth justice system population has intensified a longstanding ethnic disproportionality throughout the system (Pitts, 2015). In particular, the number of BME children in custody did not fall as swiftly as the number of white children – consequently, the proportion of BME children in the juvenile secure estate swelled from 25 percent to 45 percent in a ten year period (YJB, 2018a).[3] BME children account for just 18 percent of the general population and so this constitutes a clear and worsening overrepresentation (Office for National Statistics (ONS), 2011). For looked after children, the picture is much more fragmented and the nature and extent of their overrepresentation within both the youth justice system and the juvenile secure estate remains unclear (Staines, 2016; Prison Reform Trust (PRT), 2016). There is no centrally collected data on the number of looked after children in the youth justice system in England and Wales. The Laming Review determined that there is 'no reliable source of published data on the numbers of looked after children in custody' (PRT, 2016: 147). The review estimated that up to half of all children in custody are either currently looked after or have been in the past. This is a startling overrepresentation given that looked after children account for around 1 percent of the general population in England and 2 percent in Wales (Department for Education (DfE), 2017a; ONS, 2011; StatsWales, 2018a).

Both BME children and looked after children are also disproportionately likely to experience broader forms of social, economic and political disadvantage and marginalisation (Bywaters *et al.*, 2014; Cemlyn *et al.*, 2009; Blades *et al.*, 2011; Staines, 2016; Webster, 2006; 2019). Children who find themselves at the intersection

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[3] Currently, in England and Wales children aged between 10 and 17 years of age can be remanded or sentenced to custody in one of three institutions, Secure Children's Homes (SCHs), Secure Training Centres (STCs) and Young Offender Institutions (YOIs) which make up the juvenile secure estate.

of these two groups, children who are BME and also looked after, are therefore likely to experience multiple disadvantages (Barn, Andrew & Mantovani, 2005; PRT, 2016; Selwyn *et al.*, 2008). Indeed, BME children are overrepresented within the broader looked after population (DfE, 2017a). These relations are incredibly complex and connect with other forms of disadvantage within BME communities and looked after populations (Bywaters *et al.*, 2014; Owen & Statham, 2009). It is essential that the intersection between BME identity and looked after status is explored given that the Laming Review estimated that 44 percent of all looked after children in custody come from an ethnic minority background (PRT, 2016: 65).

Rationale, Aims and Methods

This research specifically interrogates the drivers of disproportionality in the youth justice system in general, and the juvenile secure estate in particular, in the context of a contracting youth justice system. It examines the impact of such a contraction on the proportions of BME children and looked after children in the system, as well as their intersections. There is no directly comparable academic study to date.

There are some empirical studies which have focused on ethnicity and the youth justice system in England and Wales (see for example, Feilzer & Hood, 2004; Fitzgerald, Stockdale & Hale, 2003; May, Gyateng & Bateman, 2010; May, Gyateng & Hough, 2010). However, these are somewhat dated and so do not engage with major changes in youth justice populations outlined above. The more recent Lammy Review (2017) of Race and the Criminal Justice System considered issues of disproportionality in relation to children and adults. The review explores the quantitative data regarding ethnicity and the application of 'justice', however, it does not include a rigorous analysis of any qualitative data. Similarly, there are studies that have examined the experiences of looked after children and care leavers who have had youth justice involvement (see for example, Taylor, 2006; Schofield *et al.*, 2014; Shaw, 2014) but these do not focus on the broader, national picture. The Laming Review recently explored the issue of looked after children in the youth justice system in England and Wales (PRT, 2016). But, much like the Lammy Review, it is '[not] a piece of academic research' (ibid: 1). Most importantly, there is no research which investigates both ethnicity and looked after status in relation to youth justice in England and Wales. As

such, this constitutes a significant gap in our knowledge. This thesis aims to start to close this gap by providing a rigorous analysis of the overrepresentation of BME children and looked after children in the youth justice system in England and Wales, and by exploring the intersections between ethnicity and looked after status. It primarily does this by focusing on three key aims:

I.   To investigate the extent and nature of the overrepresentation of BME children and looked after children in the youth justice system in general, and the secure estate in particular, in England and Wales;

II. To interrogate the potential drivers of the overrepresentation of BME children and looked after children in the youth justice system in general, and the secure estate in particular;

III. To explore the intersections between BME children and looked after children and to identify any issues which may specifically relate to BME looked after children in the youth justice system in general, and the secure estate in particular.

In order to address these aims, this research takes a mixed-methods approach which draws on the combined strengths of quantitative and qualitative methods (Creswell, 2015; Creswell & Plano Clark, 2011; Shenton, 2004). It employs quantitative analysis of official and other supplementary data-sets in order to explore the nature and extent of the overrepresentation of BME children and looked after children in the youth justice system and the juvenile secure estate. It compliments and extends the quantitative analysis using semi-structured interviews with national youth justice and children's services professionals. The qualitative analysis breathes life into the statistical data by adding nuance, depth and understanding whilst also enhancing the 'credibility', 'transferability', 'dependability' and 'confirmability' of the research (Lincoln & Guba, 1985: 219).[4]

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[4] See Chapter Four for an in-depth discussion of these terms.

Outline of the Thesis

Chapter Two

Chapter Two employs secondary analysis of official data and other supplementary statistics to interrogate the overrepresentation of BME children in the youth justice system in general, and the secure estate in particular. It demonstrates that principally black children, and to a lesser extent mixed ethnicity children, are overrepresented at all stages of the youth justice process, and that this has intensified in the last decade. It is argued that this cannot be explained through differences in offending rates and also raises questions about differential offence profiles. It illustrates that although many factors influence the likelihood of police contact, we cannot discount the relevance of 'visible' ethnicity. Furthermore, it contends that longstanding racialised narratives, particularly in relation to 'gangs', may have contributed to the criminalisation of BME children. The chapter highlights that disproportionality in police interactions is reproduced at later stages of the youth justice process, and ultimately, culminates in high levels of overrepresentation in the juvenile secure estate. The chapter also suggests that BME children may be exposed to differential treatment whilst in custody. Finally, the chapter draws attention to the significant overrepresentation of GRT children in youth custody, which is not captured by the official data.

Chapter Three

Chapter Three explores the issue of looked after children in the youth justice system and the juvenile secure estate. Firstly, it outlines how looked after children are a diverse group united by disadvantage and challenging life experiences. It highlights a problematic lack of official data regarding looked after children before exploring several alternative sources of data. It determines that there is a clear problem of overrepresentation, although we are unable to ascertain the precise extent of this. The chapter interrogates the potential drivers of looked after overrepresentation. It points to the overlap between the biographies of looked after children and children in the youth justice system. However, it determines that experiences of 'care' are probably more influential than any personal characteristics. Finally, the chapter discusses the

unnecessary criminalisation of looked after children through excessively punitive responses to 'normal' teenage behaviour. In doing so, it contends that the ways in which systems respond to challenging behaviour can actually entrench children in the youth justice system. The chapter concludes that a combination of complex and interlocking factors drive the overrepresentation of looked after children.

Chapter Four

Chapter Four lays out the research design and methodology which combines secondary analysis of quantitative data sets and qualitative analysis of semi-structured interviews with 27 youth justice and children's services professionals. It elucidates the benefits of employing a mixed-methods approach before elaborating on the core research rationale and aims. The quantitative data collection and analysis techniques are explained and the use of ethnic categories in social search is critically reflected upon. The qualitative data collection and analysis strategies are then outlined in detail. Finally, ethical issues are discussed and the chapter concludes with some reflections on the research process.

Chapter Five

Chapter Five unpicks the issue of BME overrepresentation in the youth justice system in general, and the secure estate in particular, in England and Wales. It advocates for a more intersectional approach to studying ethnic disproportionality, which incorporates broader forms of social and economic disadvantage that might influence youth justice system involvement. The chapter adopts Phillips' (2011) concept of 'institutionalised racialisation' to navigate findings from the qualitative interviews with youth justice and children's services professionals. Principally, it builds upon and significantly extends existing research that highlights discriminatory policing practices as crucial to understanding overrepresentation. It demonstrates that such strategies can lead to a vicious cycle of youth justice system contact for BME children which culminates in their criminalisation. The chapter explores conflicting narratives in relation to court processes and argues that more in-depth research is needed to interrogate decision making in the court arena in respect of ethnicity. It also points to the problematic underrepresentation of BME groups in the police force, magistracy

and judiciary. The chapter concludes by suggesting that recent 'successes' in the youth justice system need to be reconsidered to take account of intensifying ethnic disproportionality at all stages of the youth justice process, particularly in the juvenile secure estate.

Chapter Six

Chapter Six explores findings in relation to looked after children in the youth justice system in general, and the secure estate in particular. It establishes that the decline in youth custody is likely to have intensified the overrepresentation of looked after children in the juvenile secure estate. It considers the drivers of such overrepresentation along three main themes: pre-care experience, 'care' experience and the youth justice system. It expresses concerns about the prevalence and inadequate value of individualised explanations and in doing so, it advocates for an approach that takes account of structural factors which influence youth justice intervention. The chapter establishes that issues within the care system can effect children's behaviour, which can lead to youth justice contact and ultimately, criminalisation. The punitive treatment of children living in residential care is highlighted as a particular cause for concern. The chapter then considers the impact of assumptions about looked after children on their trajectories through the youth justice system. It asserts that improved mechanisms of support are needed to prevent cycles of challenging behaviour and criminalisation. Most significantly, the chapter highlights a persistent gap in our knowledge in relation to the specific challenges and disadvantages faced by BME looked after children in the youth justice system.

Chapter Seven

Chapter Seven draws the key lines of argument and analysis together and makes the case for greater understanding of the specific intersections between BME identities, looked after status and youth justice intervention. The chapter considers broader conditions of social and economic disadvantage, levels of youth violence and exploitation, and deteriorating conditions in the youth justice system. The chapter demonstrates that such conditions in broader policy and youth justice spheres make the case for further research even more pressing. The chapter highlights potential

methods for addressing injustices, which include the closer monitoring of disproportionality. The chapter then summarises the thesis before concluding that in order to achieve justice for BME children and looked after children, we must tackle negative perceptions that obstruct understanding and perpetuate the injustices such children face. The limitations of the study and areas for further research are also considered.

Taken together, the seven chapters make a distinctive contribution to knowledge by expanding and developing our understanding of the overrepresentation of BME children and looked after children in the youth justice system. There is no directly comparable research in the public domain. There is no study which has considered the two groups together in England and Wales, nor is there a contemporary academic study which draws upon the expertise of senior-level professionals and stakeholders in relation to either group individually. The mixed methods approach adds nuance and depth to our knowledge of the drivers of disproportionality in the context of contracting youth justice system, whilst also holding systems of 'care' and 'justice' to account.

Chapter Two   Black and Minority Ethnic Children in the Youth Justice System in England and Wales

Introduction

This chapter explores the nature and extent of BME overrepresentation in the youth justice system in general, and the secure estate in particular. It demonstrates that BME children are subjected to disproportionately harsher sanctions at all stages of the youth justice system and that this culminates in alarmingly high proportions of BME children in the juvenile secure estate (YJB, 2018a). It demonstrates that, whilst disproportionality has affected people from different minority backgrounds, it has principally impacted black individuals who have been the subject of scrutiny within justice systems for decades (Hall *et al.*, 2013; Gordon, 1983; Gilroy, 1991). The chapter begins with a brief discussion of the measuring of ethnic disproportionality using census data before moving on to interrogate the overrepresentation of BME children at each stage of the youth justice process. It commences with a discussion of policing and the ways in which certain communities are subjected to intensified police scrutiny, particularly through stop and search and the racialised policing of 'gangs'. It illustrates that policing is an important instigator of ethnic disproportionality, which impacts children's trajectories through the system. The chapter then demonstrates that disparities are reproduced during sentencing and that this ultimately leads to the disproportionate number of BME children in the juvenile secure estate. Crucially, the chapter illustrates that overrepresentation is longstanding, and that ethnic disproportionality has been amplified by the contraction of the youth justice system. Moreover, it demonstrates that BME children continue to be subjected to increased punitivity within the juvenile secure estate, and that this may be fuelled by negative perceptions. Before concluding, the chapter addresses the overrepresentation of Gypsy, Roma and Traveller (GRT) children in the juvenile secure estate and highlights areas for further inquiry.

A Note on Disproportionality

In order to interrogate the nature and extent of ethnic disproportionality in the youth justice system, it is necessary to first determine what would be considered proportionate representation. For the purposes of this analysis, official data pertaining to ethnicity and the youth justice system is compared to general population estimates of children aged 10 to 17 years in England and Wales. Most recent census data indicates that approximately 18 percent of all children aged 10 to 17 years in England and Wales identified as BME (ONS, 2011). Asian children constitute 8.8 percent of children and are the largest minority ethnic group. Black children and mixed ethnicity children account for 4.4 percent and 4.1 percent respectively. Children identifying as other ethnic groups comprise just 1.1 percent of the general population. Table 2.1 illustrates the differences in ethnic demographics between England and Wales. It shows that England is more diverse, but accounts for a much greater proportion of children overall. Ethnic disproportionality is taken to mean any clear deviation from the proportion of children in the general population. If youth justice was an entirely equal process in which no one group of children was more disadvantaged or treated more harshly than the other, then we would expect to see similar proportions of BME children in the youth justice system as in the general population. However, this is not the case, since some groups are overrepresented compared to their proportion in the general population, while others are underrepresented. This is the precise issue that requires further investigation.

Table 2.1: Population of children aged 10 to 17 years by ethnicity

Country	White	Black	Asian	Mixed	Other	Total (%)	Total (n)
			Percentage				
England	80.9	4.6	9.1	4.3	1.1	100.0	5,045,879
Wales	94.5	0.7	2.5	1.9	0.5	100.0	292,027
England and Wales	81.7	4.4	8.8	4.1	1.1	100.0	5,337,906

Source: Data derived from ONS (2011)

It is important to note that Chapter Four discusses the inherent problems of working with ethnic categories. It argues that such categories should be viewed as 'problematic

necessities' for studying disparities within systems. It also highlights the challenges of comparing census data and official statistics. Ultimately, it is determined that this method is the most useful and robust measure of ethnic disproportionality (see Chapter Four).

Policing and Ethnic Disproportionality: The Excessive Policing of BME Children and Young People

This chapter now considers the overrepresentation of BME groups in relation to policing in England and Wales. It demonstrates that excessive police intervention leads to disproportionate numbers of BME children in the youth justice system, which feeds into overrepresentation at later stages of the youth justice process. This is explored along three main themes: stop and search, first time entrants, and levels of arrest.

Stop and Search: Street-Level Harassment of BME Communities

The disproportionate use of stop and search powers on ethnic minority communities has been apparent for decades (see for example Gilroy, 1991; Gordon, 1983; Hall *et al.*, 2013). Key scholars have highlighted that during the 1970s, wider political, social, and economic changes created a climate of fear and racialised notions of criminality that framed BME individuals as predisposed to offending (Gilroy, 1991; Gordon, 1983; Hall *et al.*, 2013). Bowling and Phillips (2002: 139) noted that during this time, there was an 'extremely heavy use' of so-called 'sus' laws to stop and search ethnic minorities, and in particular, young black people. In a report into the 1981 Brixton riots, Lord Scarman (1981) was critical of stop and search practices surrounding young black men in London. However, he stopped short of claiming institutional racism, placing the blame on a minority of officers (Gordon, 1983). After criticisms of the so-called 'sus' laws entered mainstream politics, the Police and Criminal Evidence (PACE) Act 1984 was introduced to regulate police powers (Bowling & Phillips, 2002). PACE required officers have 'reasonable grounds for suspicion' in order to conduct a stop and search.

However, the implementation of PACE did not reduce levels of ethnic disproportionality. Police practices came under further scrutiny during an independent inquiry into the racially motivated murder of 18-year-old Stephen Lawrence. Macpherson concluded that the investigation into Lawrence's murder was 'marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers' (Macpherson, 1999: 46.1). The report concluded that BME communities have been 'over policed . . . and under protected' (Macpherson, 1999: 45.7). In relation to stop and search, Macpherson made 'a clear conclusion of racist stereotyping' (Macpherson, 1999: 6.45). The Race Relations (amendment) Act 2000 was implemented in response to the Macpherson Inquiry and meant that the police, prisons and immigration services were included under the domain of anti-discrimination laws.

Nevertheless, a decade later there was no improvement in the disproportionate use of stop and search on BME individuals (Equality and Human Rights Commission (EHRC), 2009a; Home Affairs Committee, 2009; Rollock, 2009; Stone, 2009). In England and Wales, there are currently two principal pieces of legislation employed for stop and search; Section 1 of Police and Criminal Evidence (PACE) Act 1984 (Section 1) and Section 60 of Criminal Justice and Public Order Act 1994 (Section 60). Section 1 powers require that the police officer has 'reasonable grounds' to conduct the stop and search. However, Section 60 powers allow the police to stop and search an individual in a designated area, within a specified time frame, if it is believed that serious violence will take place in the vicinity. These powers do not require that the officer has reasonable grounds for suspicion of any individual person. While official data indicates that almost all stop and searches are carried out under Section 1, a small proportion are carried out under Section 60 (see Appendix 2A).

Rollock (2009: 7) argued that 'little difference exists between these procedures and the restrictive and discriminatory use of "sus" laws in the 1970s'. Stone (2009: 9) also asserted that 'nothing has changed in 10 years' in relation to policing BME communities. Her Majesty's Inspectorate of Constabularies (HMIC) conducted an analysis of 8,783 stop and search record; it was established that, in over a quarter of cases, there were not sufficient grounds to justify the use of stop and search under Section 1 (HMIC, 2013). The analysis indicated that stop and search was not being

used effectively to target police priorities. Furthermore, it revealed that many police officers did not understand what constitutes 'reasonable grounds' and that there was a critical lack of leadership and supervision by senior officers (ibid). In a study of four police force areas, May, Gyateng and Hough (2010) found that stop and search was intensively focused on small numbers of young people and social groups. In one area, it was felt that stop and search was used to demonstrate 'who was in control of the streets' (ibid: 41). The study also found that police officers over-inflated the utility of stop and search as a crime prevention method. Taken together, the research suggests that stop and search has been used *excessively* on BME individuals, and without proper justification in many cases.

In 2014, the 'Best Use of Stop and Search' (BUSS) scheme was introduced to reduce illegal stop and searches and ultimately, to improve the relations between ethnic minorities and the police (Home Office, 2014). The following year, HMIC assessed compliance with the five core features of the scheme which related to data recording (particularly ethnic monitoring), lay observation of powers, explaining to the public how powers are used, and reducing the number of searches under Section 60. Three quarters of police forces were not complying with all features of the scheme (HMIC, 2015: 3). In November 2016, four police forces were still not complying with all aspects of BUSS (HMIC, 2017). Whilst reforms to police powers are welcome, ethnic monitoring and the reduction of ethnic disproportionality are not one in the same; improved monitoring does not necessarily equate to improved outcomes. Clearly, the disproportionate use of stop and search on minority groups is a persistent and long standing issue.

The official data concerning police stop and search includes a range of information about the numbers of stop and searches conducted, the powers used and the self-identified ethnicity of the person involved. However, the official data is not disaggregated by age and so it is not possible to determine the precise number of children who are stopped and searched by the police in England and Wales (All Party Parliamentary Group (APPG) for Children, 2014a; 2014b). Still, the official data provides some crucial insights into ethnic disproportionality. Figure 2.1 demonstrates that the overall number of stop and searches carried out in England and Wales reached a peak in 2008/09 and have since fallen substantially; 303,845 stop and searches were

conducted in 2016/17 (Home Office, 2017a). Despite this decline, stop and search continues to be used disproportionately on BME groups. Figure 2.2 demonstrates that the rate of stop and search per 10,000 of the population has decreased overall, however, minority ethnic groups continue to be stopped and searched at a higher rate than white groups. In 2016/17, people who identified as black were roughly seven times more likely to be stopped and searched than people who identified as white. People who identified as Asian or mixed ethnicity were twice as likely (Home Office, 2017a). Where data is available, it shows that the gap in rates of stop and search for white and BME groups has widened (see Appendix 2B).

Figure 2.1: Number of stop and searches 2001/02 to 2016/17

Source: Data derived from Home Office (2017a)

Figure 2.2: Rate of stop and search by self-identified ethnicity 2010/11 to 2016/17
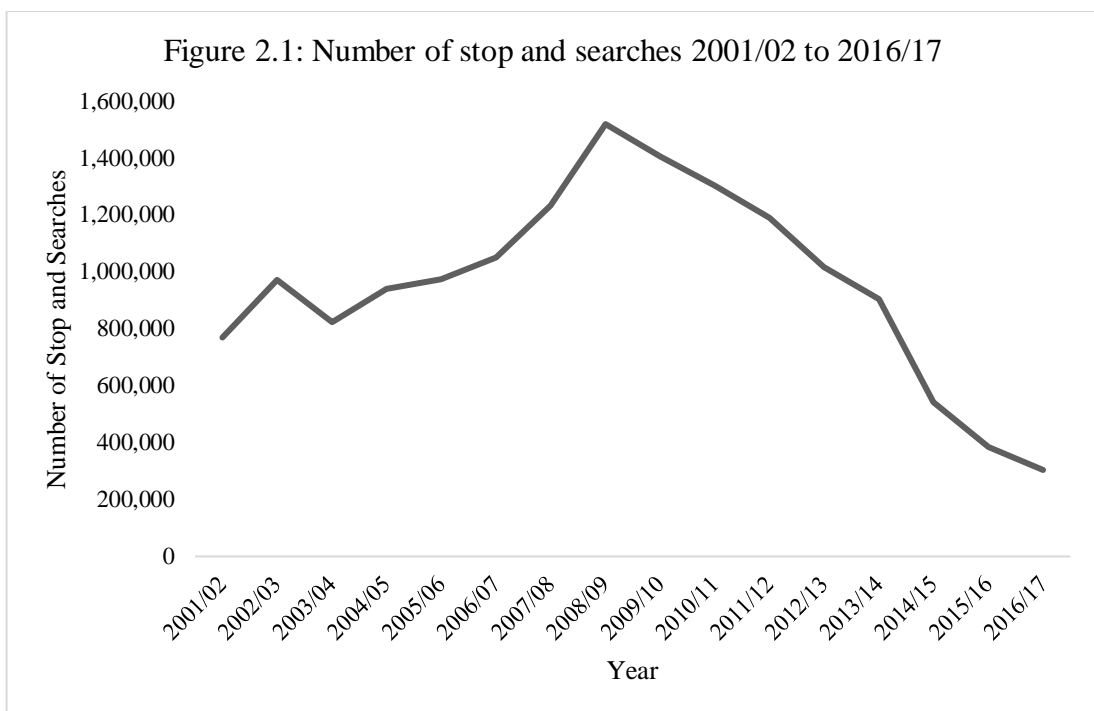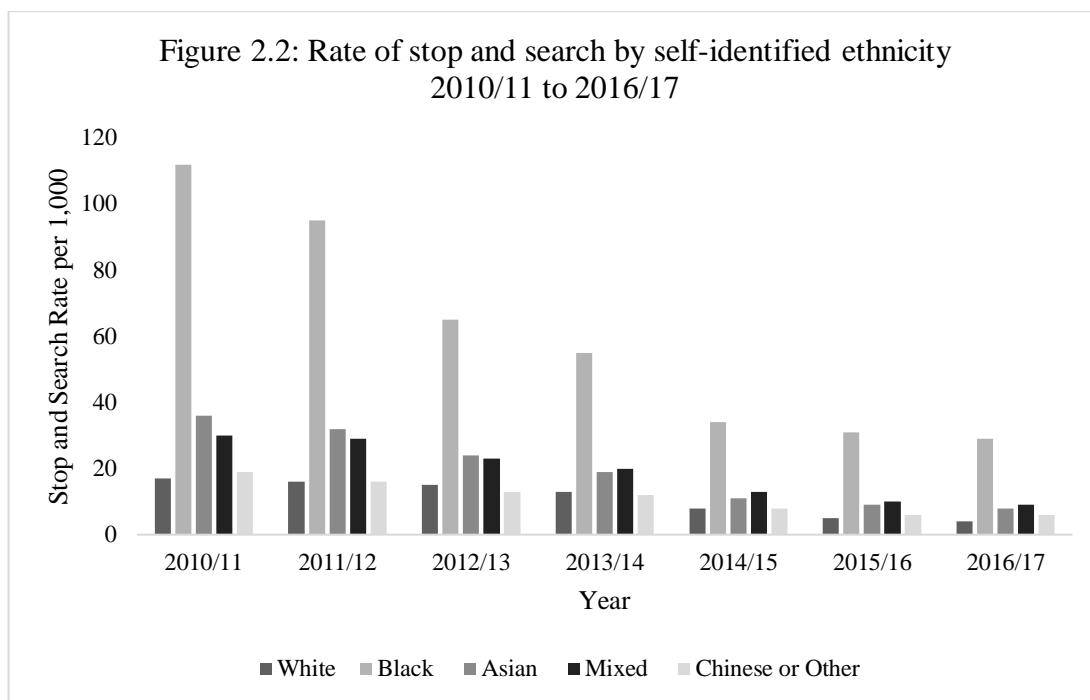
Source: Data derived from Home Office (2017b)

The official data suggests that the use of stop and search has declined more sharply for white groups and that the 'residual use of the powers is more heavily concentrated on black and minority ethnic groups' (Shiner *et al.*, 2018: vi). Indeed, the use of stop and search appears to be more disproportionate than ever. Upon closer analysis, the proportion of BME people stopped and searched under Section 1 increased from a quarter in 2007/08 to a third in 2016/17. Table 2.2 demonstrates that there has been a proportional rise in the use of Section 1 for all ethnic minority groups. The greatest proportional increase was for black groups at 5.4 percent. The drive to reduce the use of stop and search did initially have an impact on ethnic disproportionality, however, this was only short-term (Shiner *et al.*, 2018). An analysis of Section 60 stop and searches reveals even greater BME overrepresentation. These powers are used much less frequently than Section 1 powers and are particularly controversial since they require 'no-suspicion' (Home Office: 2014: 2). In 2016/17 though, 27.2 percent of all people stopped and searched under Section 60 were black. Table 2.3 demonstrates that levels of ethnic disproportionality in relation to Section 60 have been more varied.

Table 2.2: Section 1 stop and searches by self-identified ethnicity 2007/08 to 2016/17

	White	Black	Asian	Mixed	Chinese or Other	Not Stated	BME	Total
			Self-identified Ethnicity					
Year			Percentage					(%)
2007/08	68.2	13.0	8.0	2.5	1.3	7.0	24.8	100.0
2008/09	67.1	14.7	8.7	2.8	1.3	5.4	27.5	100.0
2009/10	67.2	14.6	9.6	3.0	1.2	4.4	28.4	100.0
2010/11	66.1	15.3	10.4	2.8	1.4	4.1	29.9	100.0
2011/12	67.1	14.2	10.3	2.9	1.3	4.2	28.7	100.0
2012/13	70.3	12.0	9.2	2.8	1.2	4.5	25.2	100.0
2013/14	71.7	11.3	8.2	2.7	1.3	4.8	23.5	100.0
2014/15	70.3	11.9	7.9	2.8	1.4	5.7	24.0	100.0
2015/16	61.6	15.5	9.5	3.3	1.5	8.7	29.7	100.0
2016/17	56.5	18.4	9.7	3.5	1.8	10.2	33.4	100.0

Source: Data derived from Ministry of Justice (2012a; 2013; 2015a; 2017a)

Table 2.3: Section 60 stop and searches by self-identified ethnicity 2007/08 to 2016/17

	White	Black	Asian	Mixed	Chinese or Other	Not Stated	BME	Total
			Self-identified Ethnicity					
Year			Percentage					(%)
2007/08	64.9	17.5	7.2	2.6	1.0	6.8	28.3	100.0
2008/09	42.4	31.6	14.2	3.8	1.3	6.6	50.9	100.0
2009/10	40.1	32.9	16.1	4.3	1.2	5.4	54.5	100.0
2010/11	31.3	37.4	20.4	4.4	1.7	4.9	63.9	100.0
2011/12	34.5	36.0	16.9	4.7	1.6	6.2	59.2	100.0
2012/13	42.1	35.7	10.4	4.0	1.5	6.3	51.6	100.0
2013/14	48.6	28.4	9.9	4.7	1.4	7.0	44.4	100.0
2014/15	62.3	16.5	8.0	3.8	1.3	8.0	29.6	100.0
2015/16	56.3	21.8	9.3	1.7	1.2	9.7	34.0	100.0
2016/17	49.5	27.2	4.1	2.6	1.1	15.5	35.0	100.0

Source: Data derived from Ministry of Justice (2012a; 2013; 2015a; 2017a)

To reiterate, the official data outlined above is not disaggregated by age. However, research suggests that a large proportion of stop and searches are in fact carried out on children. Using a Freedom of Information Request (FOI), the APPG for Children (2014a; 2014b) discovered that over one million stop and searches were carried out on

children in England and Wales between 2009 and 2013; over a thousand searches were carried out on children below 10 years of age. Across police forces, children accounted for between 13 and 28 percent of all people stopped and searched (ibid). More crucially, an analysis of comparable data provided by 14 police forces demonstrated that BME children were disproportionately represented in the stop and search data. Whilst there was much variation across forces, overall BME children accounted for roughly half of all children stopped and searched (APPG for Children, 2014b). Black children were most significantly overrepresented at 29 percent, followed by Asian children at 12 percent, while mixed ethnicity children were proportionally represented (APPG for Children, 2014b). This information, taken together with the official data, suggests that black and Asian children are disproportionately subject to stop and search and therefore are subsequently more likely to come into contact with the youth justice system.

The experience of stop and search can lead BME children and young people to believe that police officers abuse their discretionary powers (APPG for Children, 2014a; Sharp & Atherton, 2007). Young people who took part in a focus group at Cookham Wood YOI, indicated that in their experience, BME males aged between 13 and 21 years who were living in poor inner city areas, were targeted for stop and search by the police (APPG for Children, 2014a). Both the frequency of, and the manner in which stop and search is carried out can undermine children's trust in the youth justice system (ibid). This mistrust can influence the strategies that BME children and young people employ during interactions with the police (Sharp & Atherton, 2007; Sabbagh, 2017). Such interactions are often tainted by 'conflict, hostility and confrontation' (Sharp & Atherton, 2007: 753), which can lead to greater youth justice involvement (see Chapter Five).

Some studies have suggested that ethnic disproportionality in the use of stop and search may actually reflect the racial composition of the 'available population', the groups of people that occupy the most frequently policed spaces (MVA & Miller, 2000; Wadding, Stenson & Don, 2004). Both MVA and Miller's (2000) study and Waddington and colleagues' (2004) study measured differences between resident populations and 'available' populations. Young men and ethnic minorities were found to be overrepresented in 'available' populations. When this was taken into account,

the authors concluded that there was no racial bias, but rather ethnic disproportionately was influenced by structural factors (MVA & Miller, 2000; Wadding, Stenson & Don, 2004). Similarly, Chainey and MacDonald (2012) found that stop and search tended to be geographically clustered in search 'hotspots' with higher levels of deprivation and larger than average BME populations. The rate of stop and search was variable when taking into account the ethnic composition of search hotspots, such 'patterns may have reflected biases in officer decision-making and/or local variations in the street population' (Chainey & MacDonald, 2012: 54).

Bowling and Phillips' (2007: 947-948) research reaffirmed that the intensified policing of certain areas is not justified by crime rates. In a random national sample, black people were more likely to be stopped and searched even when controlling for demographic and lifestyle variables, which might make them more 'available' for stop and search. They concluded that 'police officers routinely use skin colour as a criterion for "stop and search" based on stereotyping and over-generalisations about the involvement of black people in crime' (Bowling and Phillips, 2007: 958). Ethnographic research has shown that categories and stereotypes are essential to police decision-making, including stereotypes based on racialised notions of criminality (Quinton, 2011). Ultimately it is difficult to disentangle the drivers of ethnic disproportionality, Quinton has concluded that 'disproportionality is likely… to be significantly shaped by situational *and* institutional discrimination' (Quinton, 2015: 77 emphasis added). Shiner and colleagues (2018) conducted a closer analysis of stop and search in London. They determined that concentrated use of stop and search in poorer areas was fuelling high levels of ethnic disproportionality overall. However, their research also indicated that disproportionality was highest in wealthier areas where rates of stop and search were reduced for white groups but remained high for black groups. They concluded that black people were 'singled out for suspicion' by the police (Shiner *et al.*, 2018: 30). Altogether, the disproportionate use of stop and search is driven by a range of complex issues including social and economic status as well as geographical factors such as 'availability'. However, 'visible' ethnicity is clearly a contributing factor.

It is therefore extremely problematic that this practice continues in spite of its apparently limited utility. Home Office research has indicated that stop and search

plays a minor role in detecting offenders, has a limited direct disruptive impact on crime and little deterrent effect on crime (Miller, Bland & Quinton, 2000). A more recent Home Office analysis of stop and search activity in London determined that stop and search had 'no discernible crime-reducing effects' (Home Office, 2016: 3). Overall, almost two-thirds of stop and searches resulted in no further action being taken in 2016/17 (Ministry of Justice, 2017a). This raises serious questions about the legitimacy of the practice.

An analysis of BUSS figures indicated that rate at which action is taken is broadly similar across ethnic groups, however, there are variations in the type of action taken (see Appendix 2C). Around a fifth of stop and searches resulted in an arrest in 2016/17. As the overall number of stop and searches has fallen, the proportion of total arrests has increased. When use of stop and search was at its peak in 2008/09, just 9 percent resulted in arrest. In 2016/17, 17 percent of all stop and searches resulted in an arrest (Ministry of Justice, 2017a). Those who were arrested after being stopped and searched were disproportionately black and mixed ethnicity. Figure 2.3 illustrates that black and mixed ethnicity groups had proportionally higher levels of arrest than all other ethnic groups. This trend is consistent where data is available (see Appendix 2D).

Figure 2.3: Proportion of stop and searches resulting in arrest by ethnicity 2016/17
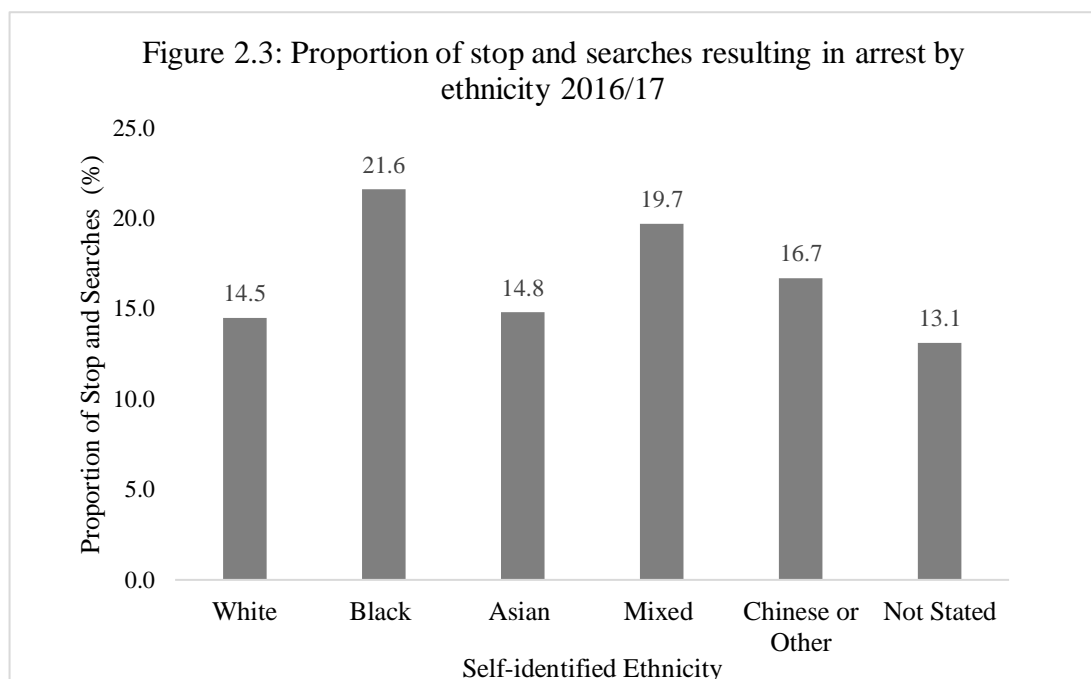
Source: Data derived from Home Office (2017b)

Shiner *et al.* (2018: 8) contend that 'ethnic disparities are tangible, persistent, and widening' in police practice. It is perhaps no coincidence that racism within the police service has been documented over the last four decades (Bowling 1999; Bowling & Phillips, 2002; Holdaway, 2009; Gordon, 1983; Reiner, 1993). Commentators have argued that the expression of such prejudice has transformed and become more covert (Holdaway & O'Neill, 2007; Quinton, 2011; 2015).[5] Bowling and Phillips (2007) contended that the unfavourable impact of disproportionality on a section of the public, whether intentional or not, coupled with the longstanding history of racial stereotyping and prejudice within the police, constitutes evidence of unlawful discrimination.

Furthermore, the intensified policing of BME children and young people may be linked to racialised notions of the 'gang' and the strategies employed to address 'gang' issues (Aldridge, Medina-Ariza & Ralphs, 2007; Bridges, 2015; Goldson, 2011; Hallsworth & Youth, 2008; Smithson, Ralphs & Williams, 2013; Williams, 2018; Williams & Clarke, 2016; Williams, 2018). Police 'gang' lists are predominantly made up of non-white individuals; these lists contain significantly higher proportions of BME individuals than account for serious youth violence (Bridges, 2015; Williams, 2018; Williams & Clarke, 2016; Williams, 2018).[6] Bridges asserts that racial biases in 'gang' databases 'feed directly into the ways in which policing policies and priorities are being targeted on particular groups' (Bridges, 2015: n.p).[7] Hallsworth and Young (2008:185) have argued that 'the gang is always seen to wear a black or brown face' despite the fact that 'gang' membership is determined by social, economic and geographical factors (Centre for Social Justice, 2009; Pitts, 2008). Such racialised narratives are indeed widespread; in a Supreme Court ruling, the use of Section 60 powers was upheld on the basis that 'it was mostly young black lives which would be saved if there were less gang violence in London and some other cities' (R v Commissioner of Police of the Metropolis and another, 2015). This is wrong for at

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[5] The only exception is racial prejudice against Gypsy, Roma and Traveller people which continues openly (Quinton, 2011). This is explored later in the chapter.

[6] An analysis of gang databases in three police force areas indicated that the majority of those registered to police gang lists were non-white, ranging from 64 percent in Nottingham to 87 percent in London and 89 percent in Manchester (Williams & Clarke, 2016: 10). In the London Metropolitan Police's Gangs Matrix database, 78 percent of all people were black (Bridges, 2015).

[7] The gang databases also cast light onto the problematic way in which ethnicity is defined by the police. Of the six categories, four are based on geography, for example white people are divided into northern and southern European, but there is no differentiation for black and Asian people (Bridges, 2015).

least two reasons: there is no association between 'gangs' and ethnic identity, and stop and search is not an effective method of reducing youth violence (see Ford & Grimshaw, 2018). Ironically, police powers that are disproportionately used on black children and young people, and that contribute to higher levels of criminalisation, have been framed as protective.

Such longstanding ethnic disproportionality in the use of police powers, coupled with seemingly powerful racialised 'gang' narratives, suggests that BME children in England and Wales are at a greater risk of coming into contact with, and becoming entrenched in, the youth justice system than their white peers. Specifically, black children and to a lesser extent, mixed ethnicity children, are the greatest concern here. In addition to this, the ineffectiveness of stop and search as a method of community safety, may exacerbate existing tensions between the police and the communities who are routinely subjected to the powers. Stop and search will be for some children the first point on their journey into the youth justice system and so it is an important factor in understanding the nature and extent of overrepresentation.

The Gateway to the Youth Justice System: First Time Entrants and Arrests

The official data indicates that overall, black children are disproportionately likely to receive a formal outcome when they come into contact with the police. It was outlined in Chapter One that the number of FTEs has fallen by 85 percent in the last decade. Figure 2.4 demonstrates that the overall fall in FTEs has been met by a corresponding increase in the proportion of black children. Police identified 7.2 percent of FTEs as black in 2006/07, almost double the proportion of black children in the general population. However, this figure increased almost annually and stood at 13.8 percent in 2016/17 (YJB, 2018a). Similarly, children who are cautioned by the police are disproportionately likely to be identified as black. The official data shows that black children were increasingly overrepresented in police cautions (see Appendix 2E). The proportion of children cautioned by the police who were black increased from 5.8 percent in 2006/07 to 9.7 percent in 2016/17 (YJB, 2018a). Both FTE and caution data is taken from the Police National Computer (PNC), which employs officer identified ethnicity rather allowing children to self-identify (see Chapter Four). This can provide insight into the treatment of 'visible' minorities, since the data is reliant on officers

classifying an individual as BME. If we consider that stop and search is at least in part determined by skin colour (Bowling and Phillips, 2007), then an officer's *perception* of ethnicity is 'sociologically relevant data' (Kituse and Cicourel 1963: 139).

Figure 2.4: FTEs in the youth justice system by officer identified ethnicity 2006/07 to 2016/17
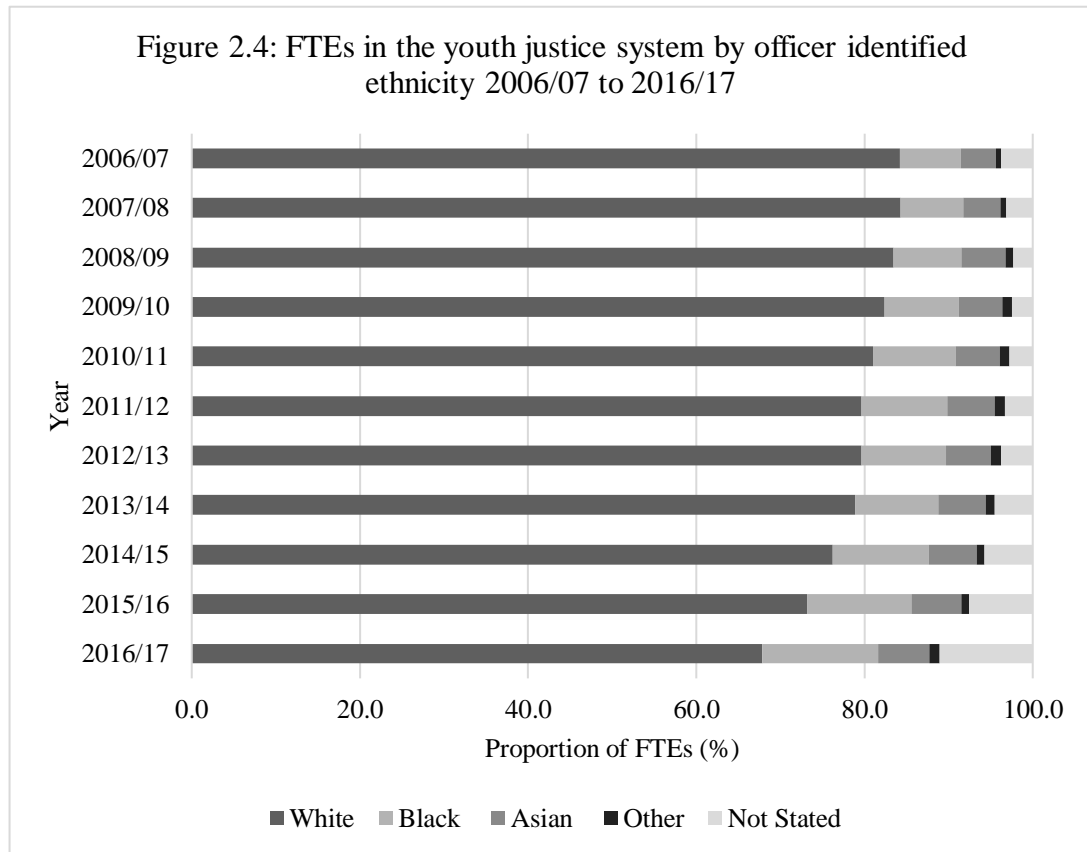
Source: Data derived from YJB (2010a; 2011; 2012; 2013; 2014a; 2015a; 2016; 2017a; 2018a)

It was demonstrated in Chapter One that there has also been a significant fall in the number of arrests in the last decade. Against this backdrop, black children and mixed ethnicity children continue to be disproportionately arrested. This is particularly acute for black children. Black children comprise roughly 4.4 percent of the general population, yet they accounted for 14.4 percent of arrests for notifiable offences in 2016/17. Mixed ethnicity children make up 4.1 percent of the general population but 6.4 percent of those arrested. Where data is available, children who identified as Asian or Chinese or other were persistently underrepresented. Table 2.4 illustrates that the decline in child arrests has intensified ethnic disproportionality; fewer children are now arrested but a greater proportion of them are black or mixed ethnicity. In particular, the proportion of children arrested who identified as black doubled in the space of a decade. Altogether this suggests that black children and mixed ethnicity

children have not benefited from move away from formal interventions to the same extent as white children.

Table 2.4: Arrests of children for notifiable offences by self-identified ethnicity 2006/07 to 2016/17

Year	White	Black	Asian	Mixed	Chinese or Other	Total (%)	Total (n)
			Percentage				
2006/07	84.0	7.2	3.5	4.6	0.7	100.0	351,644
2007/08	83.8	7.3	3.7	4.4	0.9	100.0	315,403
2008/09	82.7	7.8	4.1	4.5	0.9	100.0	273,269
2009/10	81.1	8.9	4.3	4.8	0.9	100.0	241,459
2010/11	79.1	10.4	4.5	5.0	0.9	100.0	209,748
2011/12	77.9	10.9	4.7	5.5	1.0	100.0	166,547
2012/13	77.8	10.7	4.9	5.5	1.1	100.0	125,326
2013/14	77.5	10.9	5.0	5.6	1.0	100.0	109,473
2014/15	76.6	11.4	4.8	6.0	1.2	100.0	94,855
2015/16	74.0	12.9	5.4	6.4	1.4	100.0	86,843
2016/17	72.2	14.4	5.5	6.4	1.5	100.0	74,784

Source: Data derived from YJB (2010a; 2011; 2012; 2013; 2014a; 2015a; 2016; 2017a; 2018a)

The Howard League for Penal Reform (HLPR) analysed FOI data regarding police recorded arrests in England and Wales and encountered some difficulties interpreting information about the ethnicity of children arrested. Discrepancies in recording practices meant that information contained a combination of self-identified and police-identified ethnicity as well as an apparent confusion between ethnicity and nationality (HLPR, 2013; 2014; 2015; 2018a). The HLPR found that where appropriate data was available, it indicated an increase in the proportion of BME children arrested. In 2017, BME children accounted for 26 percent of all child arrests compared to 23 percent in 2014 (HLPR, 2015; 2018a). This adds further weight to the official data, which shows BME children are disproportionately likely to be arrested in England and Wales. The HLPR research also highlighted some problematic recording practices in a minority of police forces which implied a fundamental lack of understanding about ethnicity and the appropriate language to describe it (HLPR, 2015). This lack of understanding could be an expression of wider issues within the system that contribute to disproportionality. This is discussed in more detail in Chapter Five.

In order to understand ethnic disproportionality in relation to arrests, it is also necessary to consider the types of offences for which children were arrested and how these differ across ethnic groups. Table 2.5 indicates that there was significant variation in offence groups across ethnic groups in 2016/17. It demonstrates that black children were particularly overrepresented in arrests for robbery, possessions of weapons offences, drug offences, fraud and miscellaneous crimes against society.[8] Mixed ethnicity children were also overrepresented in arrests for robbery, possession of weapons, and drug offences, although this was less marked.[9]

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[8] It should be noted that the overall number of arrests for fraud were low in comparison to other offence groups (2018a).

[9] Arrest data which is broken down by ethnicity and offence type is only available for 2015/16 and 2016/17. Data from 2015/16 demonstrated very similar patterns (YJB, 2017a).

Table 2.5: Arrests of children by self-identified ethnicity and offence group 2016/17

	White	Black	Asian	Mixed	Chinese or other	Not stated	Total
	Self-identified Ethnicity						
Offence group	Percentage						(%)
Criminal damage and arson	79.3	6.4	2.7	4.3	0.7	6.7	100.0
Drug offences	52.1	24.1	9.2	8.2	2.4	4.0	100.0
Fraud offences	55.6	22.3	9.8	5.9	2.7	3.7	100.0
Miscellaneous crimes against society	57.5	17.4	9.2	7.2	3.0	5.7	100.0
Possession of weapons offences	49.7	27.3	7.6	8.7	1.4	5.3	100.0
Public order offences	71.8	11.2	4.2	4.9	1.1	6.8	100.0
Robbery	46.6	29.2	7.7	9.5	1.5	5.4	100.0
Sexual offences	72.3	11.0	4.3	4.0	1.9	6.6	100.0
Theft offences	74.0	9.7	4.0	5.2	1.4	5.8	100.0
Violence against the person	70.8	11.0	4.8	5.9	1.0	6.5	100.0
All offence groups	67.9	13.5	5.2	6.0	1.4	6.0	100.0

Source: Data derived from YJB (2018a)

The above is evidence that black children are disproportionately arrested for certain types of offences. Previous research found that black defendants were disproportionately likely to be charged with violent offences, robbery and drug offences (Bucke & Brown, 1997; Fitzgerald, Stockdale & Hale, 2003; Hood, 1992; Landau, 1981). Differences in offence profiles may also be linked to the ways in which groups come into contact with the system (Home Affairs Committee, 2007; May. Gyateng & Hough, 2010). May, Gyateng and Hough (2010) found that children were more likely to be arrested for drug offences and robbery as a result of proactive policing, such as stop and search. Robbery accounted for just 3 percent of reactive arrests but 12 percent of proactive arrests (ibid). It has already been established that BME children and young people are disproportionately likely to come into contact with the police on the streets. This may also be the result of geographical factors, since

a greater proportion of offences are recorded in cities which have large BME populations (Webster, 2012).

In particular, ethnic disproportionality in relation to robbery has drawn considerable interest from researchers. An analysis conducted as part of the Lammy Review determined that black boys were 10.5 times more likely than white boys to be arrested for robbery. Similarly, mixed ethnicity children were 4.5 times more likely to be arrested for robbery than white children (Uhrig, 2016). A number of hypotheses for disproportionate levels of robbery have been posited, including: social and economic factors, peer pressure, defiance, labelling, consumerism and 'street' culture and traumatic life experiences (for example, see Bowling & Phillips, 2002: 92-94). Moreover, this may also be related to the way in which crimes are categorised by the police. A study of the Metropolitan police found that crime categories were manipulated to justify more intensive policing strategies (see Blom-Copper & Drabble, 1982). Lea and Young (2008: 91) contend that the category of robbery is 'a very flexible one' that blends with other offence categories such as theft, and that is largely an exercise of police discretion. This is likely to be compounded by longstanding stereotypes about black criminality (see for example, Gilroy, 2008; Hall *et al.*, 2013).

Policing is crucial to understanding the overrepresentation of BME children in the youth justice system. A statistical analysis published as part of the Lammy Review found that 'the system itself did add some degree of disproportionality at subsequent stages, however rarely at the levels seen in arrest differences' (Uhrig, 2016: 12). In this sense, policing can be seen as playing a key role in 'recruiting' BME children into the youth justice system (Webster, 2006: 32). As a direct result of policing strategy, BME children are more likely to come into contact with the youth justice system which places them at a greater risk of receiving a formal youth justice outcome. The available evidence suggests that this is at least in part influenced by operational decision making based on racialised assumptions. This chapter now turns specifically to BME children in the youth justice system.

Ethnic Disproportionality in the Youth Justice System

Overall, the number of children in the youth justice system has fallen by nearly 85 percent since 2006/07 which has led to a proportional increase in BME children in the system. BME accounted for a quarter of all youth justice disposals in 2016/17 (YJB, 2018a) yet constituted 18 percent of the general population (ONS, 2011). Table 2.6 demonstrates that the proportion of black children and mixed ethnicity children in the youth justice system doubled over the course of a decade. Black children have always been overrepresented in the youth justice annual statistics. However, mixed ethnicity children were previously underrepresented. During this time, the proportion of white children dropped dramatically whilst Asian and other ethnic groups increased slightly. This data illustrates that as fewer children are being drawn into the system, disproportionality is becoming more pronounced even at the very early stages of youth justice involvement. This is especially problematic since diversion can prevent children from further youth justice contact and consequently, deeper involvement in the system (McAra & McVie, 2010; 2016; 2019; Schlesinger, 2018). Certainly, the reduction in FTEs has had a knock on effect throughout the youth justice system in England and Wales (Bateman, 2012; 2014).

Table 2.6: Children in the youth justice system who received a youth caution or conviction by self-identified ethnicity 2006/07 to 2016/17

	Self-identified Ethnicity							
	White	Black	Asian	Mixed	Other[10]	Not Stated	Total (%)	
Year	*Percentage*							Total (n)
2006/07	87.6	5.8	3.4	2.9	0.4	0.0	100.0	147,791
2007/08	84.7	5.7	3.5	3.1	0.4	2.6	100.0	146,526
2008/09	83.8	6.2	4.1	3.5	0.5	2.0	100.0	127,197
2009/10	83.5	6.1	4.0	3.5	0.5	2.4	100.0	106,969
2010/11	81.8	7.0	4.2	4.2	0.4	2.4	100.0	85,100
2011/12	80.3	7.9	4.4	4.6	0.6	2.3	100.0	66,430
2012/13	81.0	8.0	4.4	3.2	0.6	2.7	100.0	49,222
2013/14	74.5	8.0	4.5	4.9	0.7	7.3	100.0	41,569
2014/15	77.7	8.9	4.6	5.1	0.9	2.7	100.0	37,946
2015/16	74.8	9.4	4.7	6.1	1.3	3.7	100.0	32,949
2016/17	73.0	10.5	4.8	7.2	1.7	2.9	100.0	28,352

Source: Data derived from YJB (2010a; 2011; 2012; 2013; 2014a; 2015a; 2016; 2017a; 2018a)

Ethnicity and Offending

The official data clearly shows disproportionate levels of black and mixed ethnicity children in the youth justice system in England and Wales. It is important to bear in mind that 'representation in the youth justice system is a consequence of having been processed for an offence, not necessarily due to offending rates' (May, Gyateng & Hough, 2010: vi). Kituse and Cicourel (1963: 137) contended that official statistics actually tell us more about organisational processes than they do about forms of behaviour. Self-report studies of offending behaviour can offer an alternative to the official narrative.[11] Graham and Bowling's (1995: 22) landmark study of self-reported offending found that 'in general, ethnic minority offenders committed no more offences than whites'. More contemporary studies have also found no significant link

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[10] The category 'Chinese or other' replaced the 'other' category in 2011/12, therefore this data is not directly comparable. However, this category accounts for a small proportion of children and so it is not likely to have a detrimental impact on the overall analysis.

[11] Whilst self-report data suffers from a number of drawbacks including problems relating to sample selection and the truthful participation of respondents, improvements in the self-report method over the last 50 years have meant it has 'become a valuable tool for measuring criminal involvement' (Junger-Tas & Marshall, 1999: 291).

between ethnic identity and offending patterns (Fergusson, Horwood & Swain-Campbell, 2003; Hales *et al.,* 2009; Knight *et al.,* 2004). Some studies have even suggested that BME children are less likely to offend than white children (Flood-Page *et al.,* 2000; Sharp & Budd, 2003). A Longitudinal analysis of 11 to 16-year-olds carried out between 2000 and 2009, found that black children had similar offending rates to white children and that Asian children were less likely to offend than both groups (Anderson *et al.,* 2010).[12] Altogether, self-report studies offer little evidence that BME children offend at a higher rate than white children, which suggests that the official data 'exaggerate the extent of offending among ethnic minority communities' (Bowling & Phillips, 2002: 10). Therefore, ethnic disproportionality in the youth justice system cannot be attributed to differences in the frequency of offending behaviour, therefore we must interrogate any differences in the *treatment* of ethnic minority children.

Ethnicity and Early System Interactions

The nature of early interactions with the police may influence levels of BME children in the youth justice system. Taylor's (2016: 19) review of the youth justice system received evidence of a 'tendency' for BME children to give 'no comment' interviews and enter an initial not guilty plea. The extent of this tendency was not made clear, however, it was felt to be a driving factor in the overrepresentation of BME children. More recently, the Lammy Review (2016: 6) reiterated that a reluctance to engage with the police can lead to deeper system involvement: '[w]hat begins as a 'no comment' interview can quickly become a Crown Court trial' (Lammy, 2017: 6). A number of much older studies also show that black defendants were more likely to plead not guilty and to contest their case, therefore increasing the likelihood of receiving a more serious sanction (Bucke & Brown, 1997; Hood, 1992; Phillip & Brown, 1998; Shallice & Gordon, 1990). Apparently low rates of admission may be the result of certain groups being more likely to accept legal advice (Bucke & Brown, 1997; Lammy Review, 2017; Phillips & Brown, 1998). More recently, the Centre for Justice Innovation (2017) found that in Crown Courts, BME defendants were 52

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[12] It is important to note that the surveys were conducted in schools and PRUs and so would not capture the most disadvantaged children who may reside outside of the school system.

percent more likely to plead not guilty than white defendants. Analysis conducted as part of the Lammy Review found that black, Asian and Chinese or other defendants were less likely than white defendants to plead guilty to violence against the person and drug offences at Crown Court (Hopkins, Uhrig & Colahan, 2016). Pleading 'not guilty' was found to be associated with an increased likelihood of receiving a custodial sentence. However, this could only partly account for the increased odds for black, Asian and Chinese or other defendants since there was therefore 'a clear direct association between ethnic group and the odds of receiving a custodial sentence' (ibid).

Nonetheless, it is prudent to point out that such debates risk framing BME people as reluctant to plead guilty. They do not take into consideration the possibility that some BME individuals may not actually *be* guilty. Given the excessive policing outlined above, it is not unreasonable to assume that a proportion of black defendants would have committed no offence in the first place.[13] Still these early interactions do have significant implications for sentencing and can influence children's trajectories through the system (Bateman, 2012; 2014). This chapter now turns to ethnic disproportionality in sentencing.

Ethnic Disproportionality in Sentencing

Official sentencing data suggests that the overrepresentation of black children increases with the severity of the sentence. This data is presented along three categories of sentence type: custodial, community and other sentences.[14] Table 2.7 demonstrates that black children were overrepresented in all sentence types, but their overrepresentation was greatest for custodial sentences. Asian and white children were underrepresented across all sentence types and mixed ethnicity children were proportionately represented. It should be noted that the proportion of data where the ethnicity was not known has doubled since 2006/07 (YJB, 2018a). This raises

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[13] This issue is also covered in Chapter Six.

[14] Custodial sentences involve a child serving their sentence in the juvenile secure estate and principally include Detention and Training Orders and sentences under Section 90 and Section 92 of the Powers of Criminal Courts (Sentencing) Act 2000. Community sentences involve a child serving their sentence in the community and include Community Orders, Youth Rehabilitation Orders, Reparation Order or Referral Orders. Other sentences include absolute or conditional discharges, fines and children who are otherwise dealt with (YJB, 2018a).

questions about the commitment of courts to ethnic monitoring but it also means that the overrepresentation could be much higher. Nonetheless, the official data suggests that black children are more likely to be punished, and to be punished more severely. This appears to have intensified as the overall numbers of children being funnelled through the youth justice system have declined. Altogether, this has led to unprecedented proportions of BME children in the juvenile secure estate in England and Wales.

Table 2.7: Sentence type by self-identified ethnicity 2016/17

	Self-identified Ethnicity							
Sentence Type	White	Black	Asian	Mixed	Chinese or Other	Not Known	Total (%)	Total (n)
	Percentage							
Custodial	49.8	18.3	5.7	4.7	1.3	20.2	100.0	1,369
Community	54.5	14.5	5.3	5.3	1.2	19.3	100.0	9,814
Other	54.7	15.0	4.6	4.4	1.0	20.3	100.0	2,122

Source: Data derived from YJB (2018a)

A number of studies have found differences in sentencing across ethnic groups. Mhlanga (1997) conducted a multivariate analysis of youth justice records taken from the police, courts, social services and intermediate treatment centres in a London borough between 1980 and 1987. The study found that the police were comparatively more lenient towards Asian and white children than they were towards black children. These differences could not be accounted for by other factors such as severity of offending, and so were likely the result of differential treatment (ibid). Hood's (1992: 180) study of race and sentencing also noted marked differences in the sentencing of ethnic groups. He posited that the overrepresentation of black adults in the prison system was largely the product of racial disparities that occur 'during the processing of cases before they appeared for sentences', including plea decisions and the way that offending tended to be classified as more serious (Hood, 1992: 181). However, ethnicity itself was found to have some impact on sentencing. Hood (1992) found that when controlling for the relevant variables, black defendants had a probability of receiving a custodial sentence between 5 and 8 percent higher than that of white

defendants. Asian defendants had a 4 percent lower probability of receiving a custodial sentence.

Feilzer and Hood's (2004) ground-breaking study highlighted disproportionate numbers of black young males and mixed ethnicity young males remanded to custody and committed to the Crown Court. However, the research found no differences in the likelihood of these groups receiving a custodial sentence when other factors had been controlled for. Overall, the research did illustrate differences in decision-making throughout the criminal justice process, which constituted discriminatory treatment of BME children. Replicating the study, May, Gyateng and Hough (2010: 4) found that differences in outcomes for BME children could not be accounted for by the nature of the offence or the defendant's criminal history. Black and mixed ethnicity children were less likely than white children to receive a reprimand or final warning and more likely to receive harsher sanctions in court. Mixed ethnicity children were significantly more likely to be prosecuted at court than to be given a pre-court disposal. Black and mixed ethnicity defendants were more likely to be remanded into custody than white defendants (ibid). Furthermore, analyses published as part of the Lammy Review have also indicated that BME groups had greater odds of receiving a custodial sentence in both Magistrates' Court and Crown Court (Hopkins, Uhrig & Colahan, 2016; Uhrig, 2016).

Taken together, this suggests that differential treatment in the court system negatively impacts upon black children and mixed ethnicity children, which directly influences ethnic disproportionality in the juvenile secure estate. This chapter now explores this overrepresentation in relation to both children remanded and sentenced to custody.

Ethnic Disproportionality in the Juvenile Secure Estate

A large proportion of children in the juvenile secure estate, have not yet been sentenced; 21 percent of all children in custody were on remand in 2016/17 (YJB, 2018a). In 2016/17, 33.3 percent of all children on remand were black and 10.4 percent were mixed ethnicity. Table 2.8 demonstrates that this overrepresentation has increased as the overall number of children on remand has fallen. May, Gyateng and Hough (2010: 87) felt that remand decisions were a pivotal moment; 'the decision

point at which …disadvantage first occurs [for black children] relates to remand, and there is then a knock-on effect on sentencing'. When appearing before the court, remanded children often appear in a secure dock accompanied by a security guard, which may prejudice the court (Gibbs & Ratcliffe, 2018). The Lammy Review (2016: 33) determined that remand decisions are a 'blind spot' that warrant further interrogation. This is particularly concerning given that just a third of children remanded to custody were given a custodial sentenced in 2016/17; the majority of children were given a non-custodial sentence or acquitted (YJB, 2018a). Research on adult sentencing suggests that the disproportionate use of remand on black defendants is a longstanding issue (see Bucke & Brown, 1997; John 2003; Walker, 1989).

Table 2.8: Average monthly population of children on remand by self-identified ethnicity 2006/07 to 2016/17

	Self-identified Ethnicity						
	White	Black	Mixed	Asian and Other	Not Stated	Total (%)	Total (n)
Year	Percentage						
2006/07	60.3	19.9	8.2	7.2	4.4	100.0	637
2007/08	59.9	20.5	7.7	5.6	6.2	100.0	609
2008/09	55.8	19.5	7.8	6.8	10.1	100.0	604
2009/10	59.1	19.6	7.3	8.2	5.8	100.0	587
2010/11	53.9	22.4	6.6	8.3	8.7	100.0	527
2011/12	54.6	19.5	6.3	7.8	11.8	100.0	476
2012/13	49.0	27.1	10.3	8.0	5.6	100.0	339
2013/14	51.2	27.7	11.2	10.0	0.0	100.0	260
2014/15	48.3	29.6	12.5	9.6	0.0	100.0	240
2015/16	50.2	26.3	9.9	13.1	0.5	100.0	213
2016/17	45.4	33.3	10.4	9.8	1.1	100.0	183

Source: Data derived from YJB (2010a; 2011; 2012; 2013; 2014a; 2015a; 2016; 2017a; 2018a)

The most startling expression of ethnic disproportionality in the youth justice system can be found in the juvenile secure estate; there are alarming gaps between the proportions of BME children in the general population and BME children in youth custody. In 2016/17, 45.2 percent of children in the juvenile secure estate were BME compared to just 18.3 percent of the general population. Table 2.9 provides a breakdown of the ethnic categories and illustrates that this disproportionality was largely driven by black children in custody, although mixed ethnicity children were

also overrepresented. The proportion of Asian and other ethnicity children in custody was very similar to the general population. As discussed in Chapter One, the average number of children in the juvenile secure estate has fallen dramatically over the last decade. Much like the rest of the youth justice system, this fall has been accompanied by increasing ethnic disproportionality. Figure 2.5 illustrates the shifting proportions of ethnic groups in youth custody. It shows that all BME groups proportionally increased during a ten year period. This was greatest for black children at 10.4 percent. Mixed ethnicity and Asian or other children both increased by 3.9 percent (see Appendix 2F). Altogether, this data suggests that BME children are not being diverted from custody at the same rate as white children.

Table 2.9: Children in the juvenile secure estate and in the general population by self-identified ethnicity 2016/17

| | Self-identified Ethnicity | | | | | |
| | White | Black | Mixed | Asian and Other | BME | Total |
Population	Percentage					(%)
Juvenile Secure Estate	54.8	23.5	11.3	10.4	45.2	100.0
General Population	81.7	4.4	4.1	9.8	18.3	100.0

Source: Data derived from YJB (2018a) and ONS (2011)

The overrepresentation of BME children in the juvenile secure estate is not a new phenomenon. Ethnic disproportionality within custodial institutions has been evident since the inception of ethnic monitoring (Chakraborti & Philips, 2013). The Young Review (2014) found that greater ethnic disproportionality exists in UK (adult) prisons than in the United States and that this was heavily influenced by the younger age profile of BME prisoners. The overrepresentation of BME groups in custodial institutions for children is apparent across a range of jurisdictions. For example, in the USA, African-American and Latino children are disproportionately represented in custody (Aalsma *et al.*, 2016; Alexander, 2010; Morrow, Dario & Rodriguez, 2015) whereas Aboriginal children are overrepresented in Australia, Canada and New Zealand (Corrado, Kuehn & Margaritescu, 2014; Cunneen and White, 2011; Jeffries & Stenning, 2014; Ng, 2014; Rudin & Zimmerman, 2014; White, 2015). Whilst the overrepresented ethnic groups vary according to the jurisdiction, clearly, there is an issue whereby *minoritised* children are subjected to increased rates of imprisonment.

Figure 2.5: Children in the juvenile secure estate by ethnicity 2006/07 to 2016/17
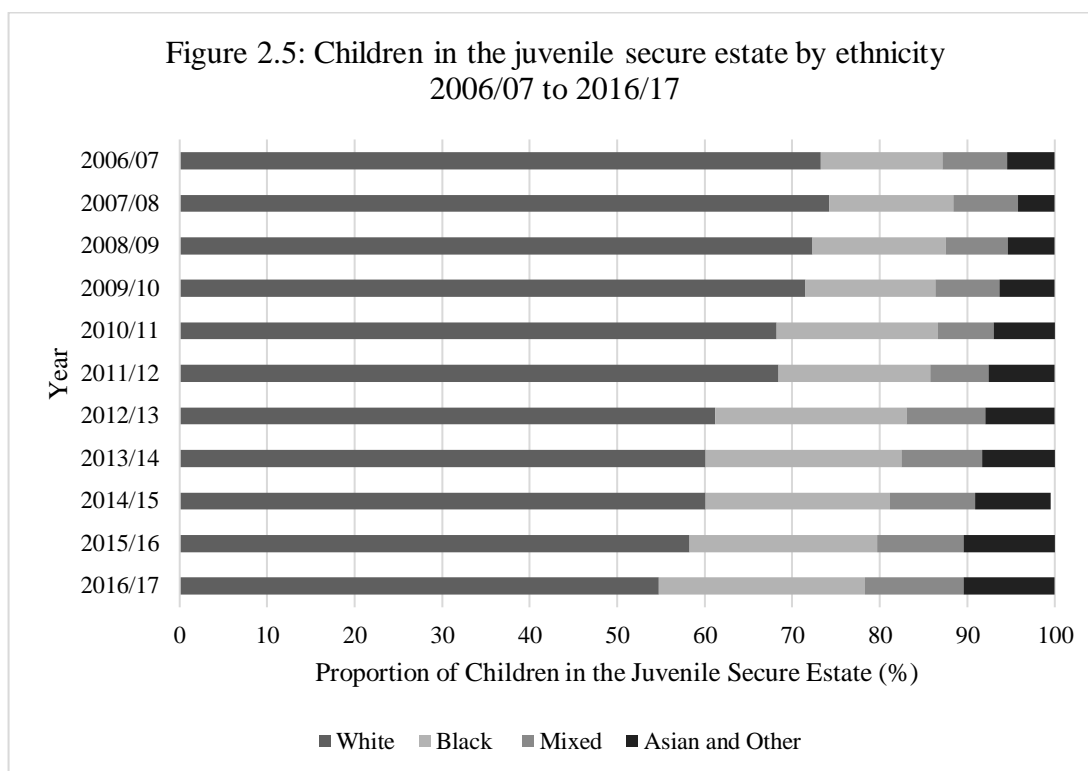
Source: Data derived from YJB (2010a; 2011; 2012; 2013; 2014a; 2015a; 2016; 2017a; 2018a)

A closer look at the custodial data provides further insights into the phenomenon. An analysis of legal basis for detention data reveals that BME children are more likely to be in custody as the result of remand.[15] Figure 2.6 demonstrates that a larger proportion of BME children were remanded than white children between 2011/12 and 2016/17. Moreover, Figure 2.7 shows that BME children in custody were also substantially less likely to be serving a Detention and Training Order (DTO), which limits the amount a time a child can spend in custody to 12 months.[16] Most worryingly, BME children in custody were more likely to be serving sentences that carry much higher tariffs. Figure 2.8 shows greater proportions of BME children were serving 'Section 91 or other sentences'.[17] Taken together, the official data suggests that BME children are

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[15] Due to the relatively low numbers of children in custody, the YJB presented this data in two categories: white and BME. This is done so as to protect the identities of children in custody.

[16] A DTO can be given for up to two years; half the sentence is served in custody and the other half is served in the community.

[17] Section 91 sentences are for 'serious' offences and can carry the same maximum tariff as an adult. The 'other sentences' include Section 90 sentences for murder, Detention for Public Protection (Section 226) and Extended Determinate Sentence (Section 226B) (YJB, 2017c).

more likely to receive harsher sanctions than white children whether it be through denial of bail or the severity of their sentence.
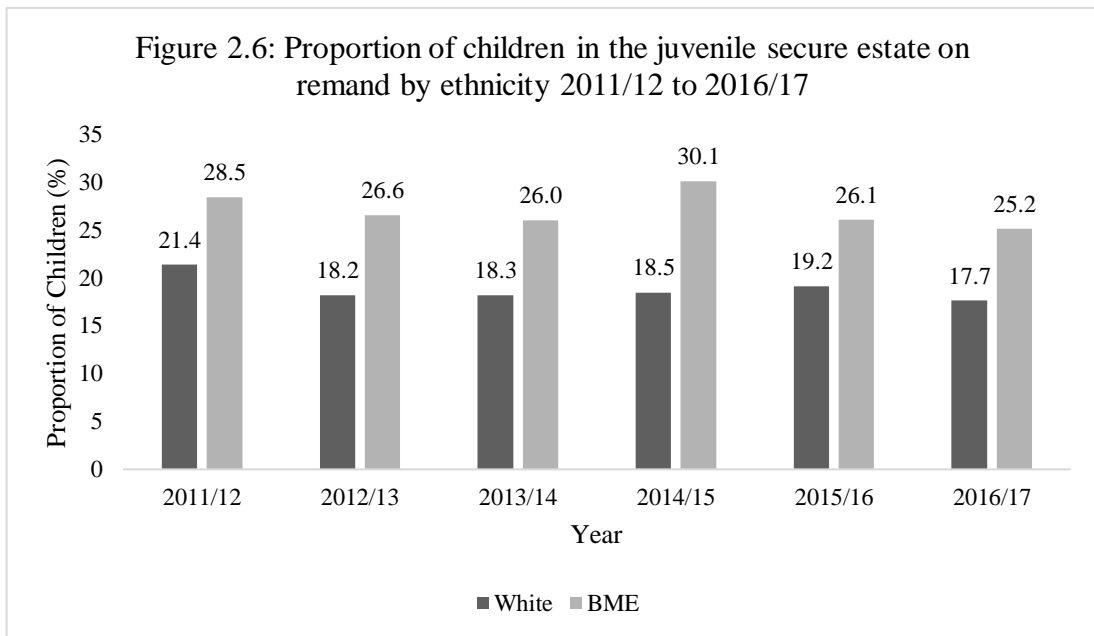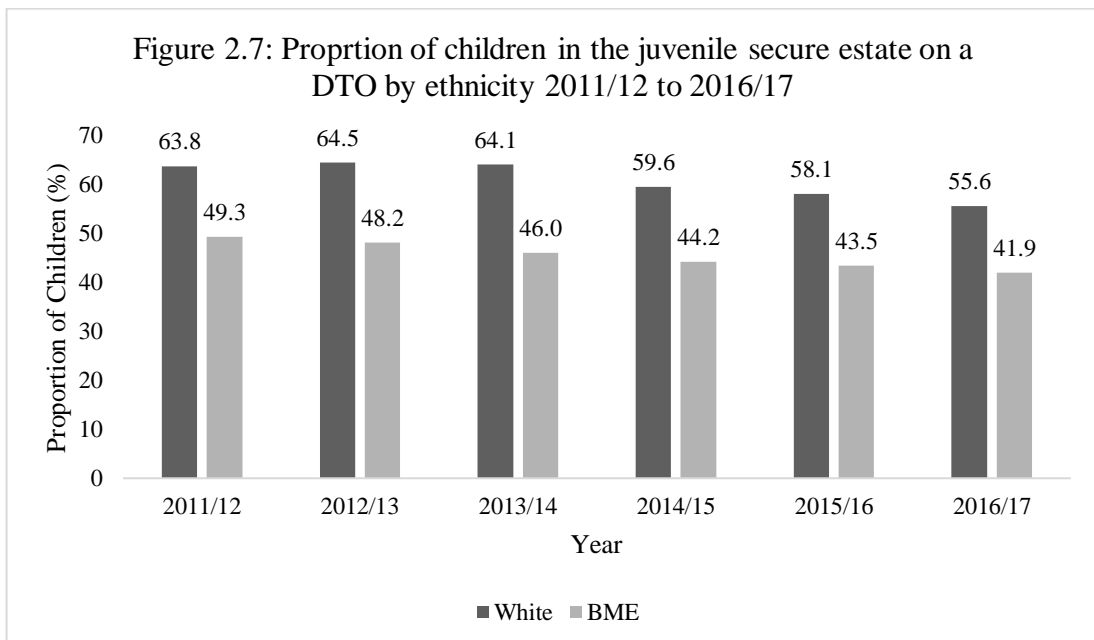
Figure 2.6: Proportion of children in the juvenile secure estate on remand by ethnicity 2011/12 to 2016/17

Source: Data derived from YJB (2013; 2014a; 2015a; 2016; 2017a; 2018a)

Figure 2.7: Proprtion of children in the juvenile secure estate on a DTO by ethnicity 2011/12 to 2016/17

Source: Data derived from YJB (2013; 2014a; 2015a; 2016; 2017a; 2018a)

Figure 2.8: Proportion of children in the juvenile secure estate under Section 91 or other sentences by ethnicity 2011/12 to 2016/17
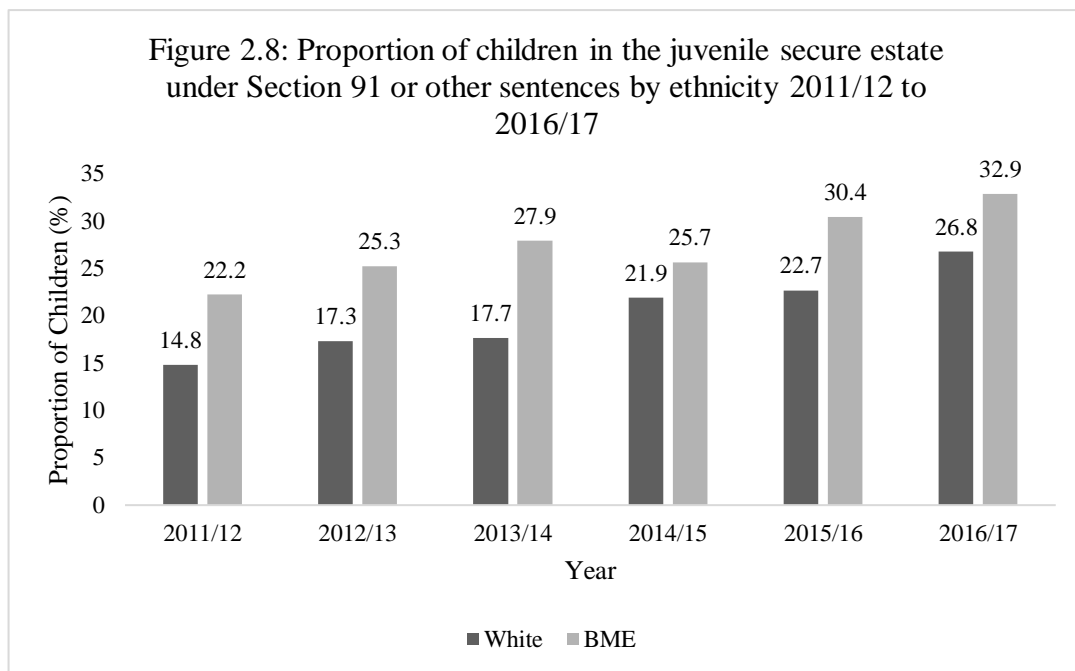
Source: Data derived from YJB (2013; 2014a; 2015a; 2016; 2017a; 2018a)

Further insights can be gained from the offence types for which children were sentenced to custody. Table 2.10 demonstrates that black and mixed ethnicity children were especially overrepresented among children sentenced to custody for drug offences, violence against the person and robbery. This overrepresentation was more noticeable for black children, particularly in relation to drug offences. Moreover, Asian and other ethnic groups, who were underrepresented in custody overall, were overrepresented in these offence groups. This data broadly reflects the arrest data, which is outlined above. It suggests that disparities that occur at the point of arrest are reproduced in the deeper end of the youth justice system. Certainly, analysis conducted as part of the Lammy Review concluded that 'disproportionality in prison for the offence of robbery could be traced primarily to disproportionate arrest rates' (Uhrig, 2016: 21). It is therefore important that we interrogate the ways in which police officers categorise offences, since this has significant implications for sentencing.

Table 2.10: Average population in juvenile secure estate by self-identified ethnicity and offence group 2016/17

| Offence type[18] | Self-identified Ethnicity | | | | Total | Total |
| | White | Black | Mixed | Asian and Other | | |
	Percentage				(%)	(n)
Domestic burglary	76.7	7.8	8.9	6.7	100.0	90
Drugs	33.3	37.9	16.7	12.1	100.0	66
Robbery	51.2	22.7	13.3	12.8	100.0	203
Sexual offences	81.3	7.5	3.8	7.5	100.0	80
Violence against the person	43.2	32.4	12.3	12.0	100.0	324
Other offences	70.7	14.1	9.1	6.1	100.0	99
All Offences	54.6	23.5	11.3	10.5	100.0	864

Source: Data derived from YJB (2018a)[19]

The disproportionate number of black and mixed ethnicity children serving custodial sentences for violent offences may be linked to racialised 'gang' discourses discussed above. Williams and Clarke (2016: 16) argue that the application of the 'gang' label as a prosecution strategy is reliant upon 'racialised and stereotypical discourse' that links BME groups with drugs and violence. They found that 'gang' discourses were more likely to be employed in Joint Enterprise (JE) cases that involve BME defendants, particularly those who were black (Williams & Clarke, 2016).[20] Research commissioned by the Centre for Crime and Justice Studies used FOI data and surveys of prisoners serving custodial sentences for JE, including those under the age of 18 years. The research revealed that the proportion of JE prisoners who were black was 11 times higher than the proportion of black people in the general population and that BME prisoners tended to be younger than white prisoners. Non-white prisoners also tended to have longer sentences; BME JE prisoners were serving an average of 22.3 years compared to 19.6 years for white JE prisoners. Cases involving BME JE defendants were also more likely to include a large number of co-defendants than cases involving white JE defendants (Williams & Clarke, 2016).

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[18] Just two children were serving sentences for breach of a statutory order so this category was excluded.
[19] Ethnicity was 'not stated' for six children in 2016/17, these have therefore not been included.
[20] Joint enterprise is a common law doctrine used to convict more than one person for the same offence if they are deemed to have a 'common purpose'.

The survey data indicated that 59 percent of JE prisoners had 'gang' terminology employed by the prosecution (Williams & Clarke, 2016: 16). The overwhelming majority of JE prisoners who said that 'gang' terminology had been used during their case contested the label. Many stated that their childhood friends, friendships and familial relations did not constitute 'gang' membership. In addition to this, in some cases the defendant did not personally know one or all of their co-defendants (ibid). Squires (2014: 940) contends that JE prosecutions target black young men in particular, and in doing so, perpetuate their 'intensified criminalisation' much like the 'sus' laws of the past. Taken together, the evidence regarding JE prosecutions suggests that BME children may receive more harsh treatment as a result of racial prejudice. Youth justice data provides further insight into the ways in which BME children in the youth justice system may be perceived as dangerous and violent by professionals. The problematic application of the 'gang' label can also be found within the juvenile secure estate.

Characteristics of Children in the Juvenile Secure Estate

In 2017, the YJB released data on the characteristics of children admitted to custody in England and Wales between April 2014 and March 2016. This data was taken from the YJB eAsset database, which is derived from information recorded by the YOT prior to the child being admitted to custody. It includes information about the risks and needs of children which are used to aid the YJB Placement Service. The YJB acknowledged that the information compiled is subjective in nature and based upon the judgement of the YOT (YJB, 2017b).[21] The data is littered with missing information, however, it can provide some insight into the *perceptions* of children who enter the juvenile secure estate.

There are seven key characteristics included in this data that can be interpreted as explicit references to perceived need and/or vulnerability: suicide or self-harm concerns, physical health concerns, substance misuse concerns, mental health concerns, learning disability or difficulty concerns, sexual exploitation concerns and

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[21] It is also important to note that this data counts admissions to custody and not individual children, therefore a child admitted to custody more than once during the given time period will be counted as multiple admissions.

'gang concerns'. Overall, BME admissions were substantially less likely than white admissions to be assessed as having one of these needs with the exception of 'gang concerns' (see Table 2.11).[22] This data implies YOT workers are less likely to view BME children admitted to custody as vulnerable.

Table 2.11: Children admitted to the juvenile secure estate by key characteristics and ethnicity April 2014 to March 2016

	Self-identified Ethnicity					
	White (n= 3,555)			BME (n=2,059)		
	Yes	Don't Know	No	Yes	Don't Know	No
Key characteristics	Percentage			Percentage		
Suicide or self-harm concerns	39.8	12.4	47.8	17.1	16.2	66.7
Physical health concerns	32.7	10.2	57.0	24.1	13.3	62.6
Substance misuse concerns	51.4	9.0	39.6	35.1	12.5	52.5
Mental health concerns	39.1	10.8	5.0	23.0	15.2	61.8
Learning disability or difficulty concerns	37.6	8.4	54.0	22.0	11.9	66.1
Sexual exploitation concerns	10.4	11.4	78.2	5.5	14.5	80.0
Gang concerns	5.3	12.8	81.9	25.3	28.0	46.8

Source: Data derived from YJB (2017b)

Most significantly, BME admissions were substantially more likely than white admissions to be classified as having 'gang concerns' (YJB, 2017b). A quarter of BME admissions had 'gang concerns' compared to 1 in 20 white admissions. These figures are even more alarming when broken down into smaller ethnic categories. Black admissions were the most likely to be assessed as having 'gang concerns' at 34 percent of all admissions. 1 in 5 mixed ethnicity admissions and 1 in 10 Asian admissions were considered to have 'gang concerns' on entering custody (see Table 2.12).

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[22] In recent years, there has been growing concern about 'gang' violence in the juvenile secure estate (see for example Beyond Youth Custody, 2015; HMIP, 2010).

Table 2.12: Children admitted to the juvenile secure estate assessed as having gang concerns by ethnicity April 2014 to March 2016

| | Self-identified Ethnicity | | | |
	White	Black	Asian	Mixed
Gang Concerns	Percentage			
Yes	5.3	34.0	11.4	20.6
Don't Know/Missing	12.8	29.1	32.9	20.8
No	81.9	36.9	55.7	58.6
Total (%)	100.0	100.0	100.0	100.0
Total (n)	3,555	1,057	492	510

Source: Data derived from YJB (2017b)

The YJB key characteristics data also shows that a higher proportion of BME admissions to custody were assessed as a posing a 'high' risk to others than white admissions (see Figure 2.9). 42 percent of all black admissions to custody between April 2014 and March 2016 were categorised as a 'high' risk to others compared to 30 percent of white admissions. Similarly, 34 percent of mixed ethnicity admissions were regarded as a 'high' risk to others. Asian admissions categorised as 'high' risk were slightly higher than white admissions at 31 percent (YJB, 2017b). The percentage of admissions regarded as a 'medium' risk to others was variable across the ethnic categories (see Figure 2.9). Black and mixed ethnicity admissions had a substantially smaller proportion of 'low' risk compared to white children. Just 12 percent of black children and 18 percent of mixed heritage children were thought to pose a 'low' risk to others compared to 17 percent of white children and 23 percent of Asian children (YJB, 2017b). Altogether, the YJB key characteristics data suggest that BME children are less likely than white children to be viewed as vulnerable by their YOT workers and that they are more likely to be labelled as potentially violent and gang affiliated. The official data suggests that black and mixed ethnicity children are more likely to be apprehended and sentenced for, violent offending. However, the picture is much more complicated than this. The evidence highlighted so far suggests that racialised notions of criminality may influence practitioners' perceptions of BME children.

Figure 2.9: Admissions to custody by level of risk to others and ethnicity 2014 to 2016
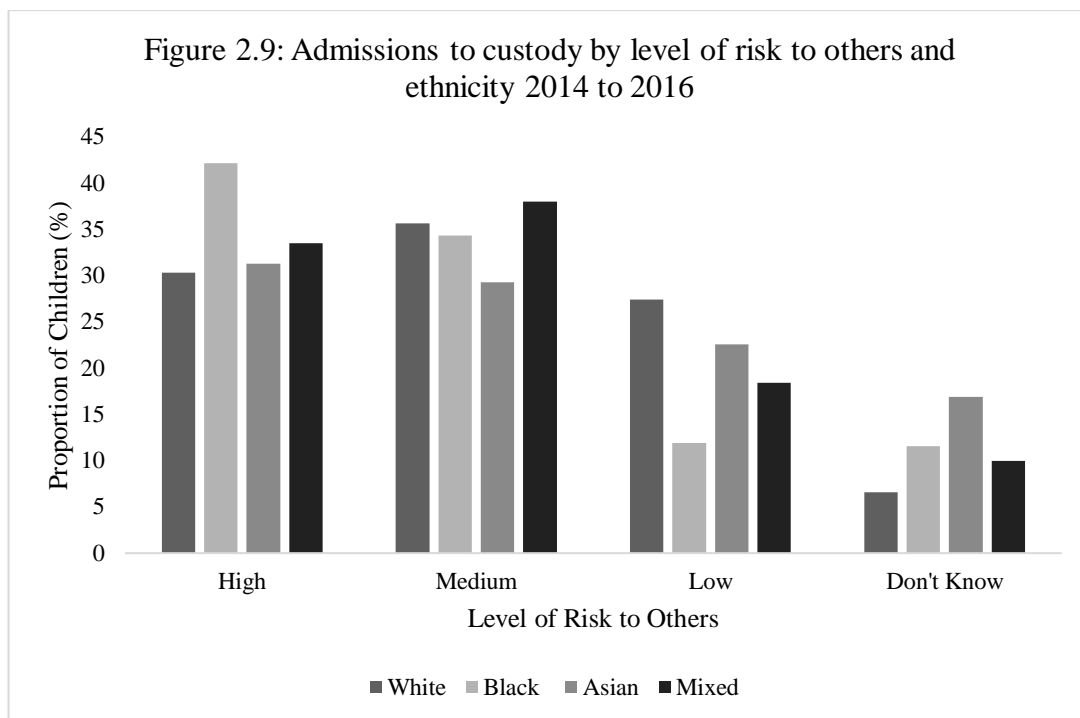
Source: Data derived from YJB (2017b)

Ethnic Disparities within Custody

Perceptions of BME children could also have implications for their treatment within the juvenile secure estate. Whilst in custody, BME children are more likely to be subjected to Restrictive Physical Interventions (RPIs) whereby 'force is used [by staff] with the intention of overpowering' (YJB, 2017c: 2).[23] The use of RPI has proportionally increased with the overall decline in the numbers of children in juvenile custody (YJB, 2010a; 2018a). Figure 2.10 demonstrates that this increase has more significantly impacted BME children. The rate of restraint has typically been higher for BME children than it has been for white children. Almost half of all physical restraints in 2016/17 involved the use of 'high' levels of force or 'pain-inducing' techniques (YJB, 2018a). The use of physical restraint in youth custody has involved numerous reports of inappropriate use, excessive force, significant harm and has

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[23] A new system of behaviour management and restraint in YOIs and STCs, known as 'minimising and managing physical restraint' (MMPR), was implemented in 2015. A thematic report by HMIP stated that MMPR was an improvement on earlier techniques but concluded that there are 'no completely safe restraint methods' (HMIP, 2015a: 10). The report indicated that many children described restraint as 'painful and distressing' and highlighted that there was a lack of effective behaviour management as MMPR was not always used as a last resort.

directly lead to the death of one child (Carlile, 2006; HLPR, 2016a; Her Majesty's Inspectorate of Prisons (HMIP), 2015a; Allison & Hattenstone, 2016; Medway Improvement Board, 2016; Townsend & Allison, 2016). It is therefore concerning that BME children in custody are now more likely to be subjected to RPI.

Figure 2.10: Number of RPIs per 100 Children in the Juvenile Secure Estate by Ethnicity 2009/10 to 2016/17
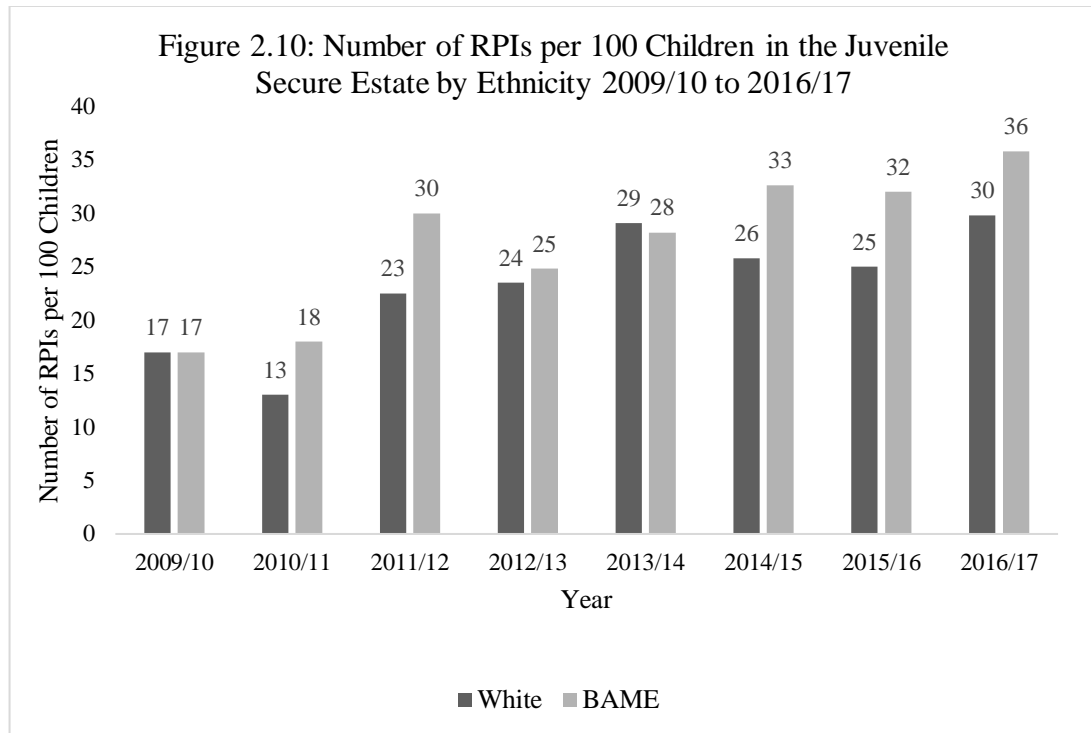
Source: Data derived from YJB (2010a; 2011; 2012; 2013; 2014a; 2015a; 2016; 2017a; 2018a)

Official statistics also demonstrate that BME children are overrepresented in proven assaults in the juvenile secure estate. On average, there were 24 assaults per 100 BME children in custody in 2016/17 compared to 18 per 100 white children (YJB, 2018a). The rate of assaults in the juvenile secure estate has increased in recent years and the gap between white and BME children has widened (see Table 2.13). Gooch's (2017: 81) ethnography of boys in a YOI found that violence was an everyday occurrence in which boys performed their 'a*dolescent* masculinities' regardless of their ethnic identity. Boys engaged in violence as a survival tactic, to garner respect and to protect themselves from victimisation (ibid). It is difficult to ascertain whether the heightened rate of assaults perpetrated by BME children is the result of genuine increased levels of violence among BME groups or discrepancies in the way that behaviour is interpreted and recorded by staff. It is possible that this represents a continuation of

the harsher treatment that BME children receive in the youth justice system more generally.

Table 2.13: Number of proven assaults in the juvenile secure estate per 100 children by self-identified ethnicity 2009/10 to 2016/17

| Year | Self-identified Ethnicity | | All Children |
	White	BME	
2009/10	9	10	9
2010/11	7	10	8
2011/12	9	12	10
2012/13	10	12	11
2013/14	13	18	15
2014/15	14	20	16
2015/16	16	24	19
2016/17	18	24	20

Source: Data derived from YJB (2010a; 2011; 2012; 2013; 2014a; 2015a; 2016; 2017a; 2018a)

Cheliotis and Liebling's (2006) pivotal study of prisons (including YOIs) found that ethnic minority prisoners, particularly those who were black, were likely to experience both direct racial victimisation from inmates and staff as well as discrimination in decision-making. Black prisoners were often stereotyped by prisoner officers as being 'troublesome, lazy and sharing an antipathy towards White society' (Cheliotis & Liebling, 2006: 294). Most commonly, black prisoners were subject to racial victimisation through discrimination in decision-making processes which further restricted and controlled their movements, ranging from higher security categorisation to the allocation of jobs (ibid). More recently, the Young Review (2014: 20) highlighted poorer outcomes experienced by BME young men in the adult criminal justice system. Baroness Young (2014: 48) asserted that the position of BME young men in society 'is amplified by their experiences of actual and perceived discrimination in prison'. It is clear that even in prison, the behaviour of BME people is 'more heavily scrutinised' (Uhrig, 2016: 25).

Phillips' (2012) study of Rochester YOI found that racism was normalised within prison, and was regarded as an extension BME young men's experiences of inequality and discrimination on the outside. Similarly, Wilson's (2004) ethnographic study found that black young men in custody employed coping strategies learned from their

routine dealings with the police both inside and outside of the prison. Black prisoners learned to keep quiet and look out for one another, their lack of confidence in the system was also reflected in a reluctance to report racism. Certainly, HMIP surveys suggest that BME children in custody have poorer relationships with staff and that they are less likely to feel respected (for example, see HMIP, 2014a; 2014b; HMIP, 2015b; HMIP, 2016; HMIP, 2017). In fact, BME children report worse experiences of custody than white children overall (Barn, Feilzer & Hardwick, 2018).

Taken together, this information suggests that BME children are more likely to be viewed as dangerous upon entering custody, and disproportionately likely to find themselves in further trouble when inside.

Overrepresented and Overlooked: Gypsy, Roma and Traveller Children

Through exploration of the official data and academic literature, this chapter demonstrates significant overrepresentation of black and mixed ethnicity children at all stages of the youth justice process, from first interactions with the police, through to disproportionate use of sanctions in the juvenile secure estate. However, the discussion so far neglects a small, albeit important group of children who are also disproportionality criminalised in England and Wales.

The broad ethnic categories employed in the official data cannot tell us about marginalised groups within categories and this is particularly pertinent when it comes to children who identify as Gypsy, Roma or Traveller (GRT).[24] The YJB has failed to properly monitor GRT children in the youth justice system since it relies on 2001 census classifications of ethnicity which do not capture GRT identities (The Traveller Movement, 2016b).[25] Such deficits in data recording practices have meant that ministers 'are unable to determine the actual number' of GRT children in the juvenile secure estate (Slaughter, 2015 as quoted in HC Deb 1 February 2017, cc348 –

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[24] The category 'Gypsy, Roma and Traveller' is a broad one which encompasses a number of different identities. The use of such a category should be view as a 'problematic necessity' for the research (see Chapter Four).
[25] Romany Gypsies and Irish Travellers are legally recognised as ethnic groups and are thus protected from discrimination by the Race Relations Act 2000 and the Human Rights Act 1998 (Equality and Human Rights Commission, 2009).

355WH). GRT communities have extremely high levels of disadvantage in relation to education, health, employment, accommodation and justice (Cemlyn *et al.*, 2009; EHRC, 2009b). GRT people in England and Wales are subject to multiple and complex forms of exclusion across a range of social and political contexts (Cemlyn *et al.*, 2009) and have been described by Her Majesty's Chief Inspector of Prisons as the most excluded group in the UK (HMIP, 2014c).

According to HMIP survey data, 10 percent of children in STCs and 7 percent of boys in YOIs identified as GRT in 2016/17 (HMIP, 2017).[26] Census data estimates that less than 0.01 percent of the general population in England and Wales identifies as Gypsy or Irish Traveller (ONS, 2014). Roma people are not distinguishable from the 'white other' census category, however, research from University of Salford estimated that there are around 200,000 Roma people in England and Wales (Brown, Scullion & Martin, 2013). The stark overrepresentation of these groups is simply not captured by the official data. Cemlyn *et al.*, (2009) contend that GRT children and young people experience accelerated criminalisation at all levels of the youth justice system. Whilst in the system, GRT individuals are subjected to racism and discrimination which culminates in heightened negative experiences of custody and increased suicide rates of GRT prisoners (Cemlyn *et al.*, 2009; Gabhann, 2011). The Commission for Racial Equality (2003: 94) has stated that the restriction of liberty and regulation which are central to custodial institutions may have a greater 'shock effect' for people accustomed to Traveller lifestyles.

GRT children and young people are a clearly vulnerable group which have been largely overlooked by practitioners, academics and policymakers (Cemlyn *et al.,* 2009; HMIP, 2014c; Traveller Movement 2016a; 2016b; Ureche & Franks, 2007). Recently, the Lammy Review (2017) made cursory reference to the overrepresentation of GRT groups in both the juvenile and adult secure estate. It is clear that greater commitment from government and further research is needed in order to understand and interrogate the overrepresentation of GRT children in the youth justice system in England and Wales.

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[26] HMIP data could also underestimate the true number of GRT children in custody since negative stigma may prevent some children from disclosing their ethnic identity (Department for Communities and Local Government, 2012: 26).

Conclusion

This chapter has drawn together the official data and academic literature in relation to ethnicity and the youth justice system. In doing so, it has provided clear evidence of a longstanding and intensifying 'multiplier effect' whereby BME children are treated progressively more punitively at all stages of the youth justice system (Goldson & Chigwada-Bailey, 1999).

This chapter has cast doubt on the perception that BME groups are more likely to commit crime, or to commit certain types of offences. It has argued that longstanding racialised narratives which are particularly harmful to black children, can impact the ways in which children come into contact with the youth justice system and how they are perceived when they do. The disproportionately harsh treatment of black children, and to a lesser extent mixed ethnicity children, is evident from the first point of contact with the police right through to experiences within the juvenile secure estate.

This chapter has emphasised the importance of early interactions with the police and how disproportionality which occurs at the point of entry, has implications for the levels of BME children in the rest of the youth justice system. It has shown that operational policing decisions lead to disproportionate levels of BME children entering the youth justice system. Geographical, social and economic factors do seem to play a role in the excessive policing of certain communities, however, this cannot tell the whole story. We must come to the conclusion that 'visible' ethnicity plays a role in contact and outcomes.

This chapter has also shown that black and mixed ethnicity children are increasingly overrepresented in the most punitive sentencing outcomes and as a result of this, account for a considerable bulk of children in penal custody. It is difficult to disentangle the factors which drive disproportionality at the level of sentencing, although there does seem to be some evidence for differential treatment on the basis of ethnicity and racialised assumptions about 'gang' membership (these issues are explored further in Chapter Five). Most importantly, this chapter has illustrated that the contraction of the youth justice system has been accompanied by a corresponding

increase in the proportion of BME children in the youth justice system in general, and the secure estate in particular.

It has shown that disproportionality is also apparent in the assessment and treatment of children within youth custody. BME groups are less likely to be viewed as vulnerable by professionals and more likely to be sanctioned when inside. However, in order to determine the precise nature of this experience, qualitative work with BME child prisoners is imperative. This is beyond the scope of this research.

This research has built upon and extended previous work which has identified ethnic disproportionality in relation to black groups as the chief concern. However, it has also outlined the significant overrepresentation of GRT children in youth custody. An issue which requires further attention from researchers and a commitment from central government. This thesis now turns to another group of children which are disproportionately represented in the youth justice system and the juvenile secure estate: looked after children.

Chapter Three   Looked after Children in England and Wales: The Complex Relationships between 'Care' and Youth Justice Experience

Introduction

This chapter explores the disproportionate representation of looked after children in the youth justice system in general, and the secure estate in particular in England and Wales. It demonstrates that looked after overrepresentation is not as well documented as it is for BME children. However, the best available estimate suggests that around half of all children in the juvenile secure estate have been looked after at some point in their lives (PRT, 2016). This chapter firstly outlines what it means for a child to be looked after in order to contextualise the discussion. It demonstrates that looked after children are a particularly vulnerable group and so we should be concerned about their criminalisation. It then outlines the available quantitative data available in order to interrogate the nature and extent of overrepresentation before moving on to potential drivers. These drivers are discussed along three main themes including: the overlapping characteristics of looked after children and children in the youth justice system, poor 'care' experiences, and unnecessary criminalisation. It concludes that to focus on individualised explanations of youth justice involvement does a disservice to vulnerable children who are disadvantaged in myriad ways. This chapter ultimately determines that the relationship between 'care' experience and youth justice involvement is a complex one, and that some looked after children are pushed further into the system as a result of wider factors over which they have no control.

'Looked After' Children: Definitions and Demographics

The definition of a 'looked after' child in England and Wales is underpinned by numerous pieces of legislation and a plethora of statutory guidance. In England and Wales, children are looked after under the Children Act 1989, which has been amended by a number of pieces of legislation including: Children (Leaving Care) Act 2000, the Adoption and Children Act 2002, Children Act 2004, and the Children and

Young Persons Act 2008. In Wales, looked after status is also governed by Section 94 of Social Services and Well-being (Wales) Act 2014.[27] The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) has also made changes to looked after status. The establishment of LASPO created a new youth remand framework; under Section 91, a child who is refused bail can be remanded to local authority accommodation or the juvenile secure estate. As of 3rd December 2012, a child who is remanded to the juvenile secure estate is treated as looked after by the designated local authority, regardless of whether he/she was looked after prior to detention. In England and Wales, there are three main routes in which a child can become looked after by the local authority, including: court orders made under Section 31 of the Children Act 1989, accommodation arrangements under Section 20 of the Children Act 1989, and through police protection or involvement with the youth justice system (Zayed & Harker, 2015). Looked after children are an administratively defined population which includes children who are perceived as needing some form of separation from their birth family (Bullock and Gaehl, 2012). However, some children do remain with their birth parents when they are looked after (DfE, 2017a). When a child is looked after, the whole local authority and partner agencies take on the role of 'corporate parenting' and in doing so must 'act as the best possible parent… and to advocate on his/her behalf to secure the best possible outcomes' (DfE, 2015a: 15).

Legal Status and Category of Need

In England and Wales, the majority of looked after children are subject to a Care Order under Section 31 of the Children Act 1989.[28] Care Orders account for 69.5 percent of looked after children in England and 77.9 percent of looked after children in Wales (DfE, 2017a; StatsWales, 2018a). The second most common legal status is a voluntary agreement under Section 20 of the Children Act 1989.[29] A fifth of children in England, and just over one in ten children in Wales, were looked after under such agreements

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[27] Under this legislation, a child is considered looked after when he or she is in the care of the local authority or is provided with accommodation by the local authority 'in the exercise of any functions which are social services functions' (Section 94).

[28] A Care Order is an order made by the court which places the child in the care of the local authority.

[29] Section 20 relates to the local authorities' duty to provide accommodation for a child requires it. This relates to children where no one has parental responsibility, children that have been lost or abandoned and children where the person who has responsibility can no longer provide suitable accommodation. Where a person has parental responsibility, Section 20 must be agreed to. This is sometimes called a 'voluntary agreement'.

in 2017 (DfE, 2017a; StatsWales, 2018a). In England, 7.5 percent of looked after children were subject to a placement order under Section 21 of the Adoption and Children Act 2002.[30] The official data regarding the legal status of looked after children in England is disaggregated into more detailed categories than it is for children in Wales (see Appendix 3A). The data indicated that less than 1 percent of children were freed for adoption, detained for child protection or classified as having a 'youth justice legal status' in 2017 (DfE, 2017a).[31] In Wales, children who are not subject to a Care Order or voluntary agreement under Section 20 are grouped under 'Remand, Detained or Other Compulsory Order' or 'Other Legal Statuses' and accounted for around 10 percent of all looked after children in 2017 (StatsWales, 2018a).

Official figures indicate that nearly all looked after children in England and Wales gained their looked after status through circumstances beyond their control (DfE, 2017a; StatsWales, 2018b). In England, 61.4 percent of children were looked after because of abuse or neglect in 2017. A further 15.3 percent were looked after because of family dysfunction, 8.3 percent were looked after because their family was in 'acute stress' and 7 percent because of absent parenting. Over 6 percent of children were looked after because of their own or their parent's disability and a very small proportion (0.1 percent) were looked after because of low income. Just 1.5 percent of children in England were looked after because of their own behaviour (DfE, 2017a). Figure 3.1 demonstrates close convergence between the reasons for becoming looked after in England and in Wales. In the last decade, figures for England have remained broadly consistent, however, there have been some fluctuations in Wales (see Appendix 3B).

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[30]A placement order is an order made by the court which gives a local authority the legal authority to place a child for adoption.
[31] 'Youth justice legal statuses' includes children placed in local authority accommodation under Section 38(6) of PACE and from 30th December 2015, children remanded under LASPO.

Figure 3.1: Looked after children in England and Wales by category of need 2017
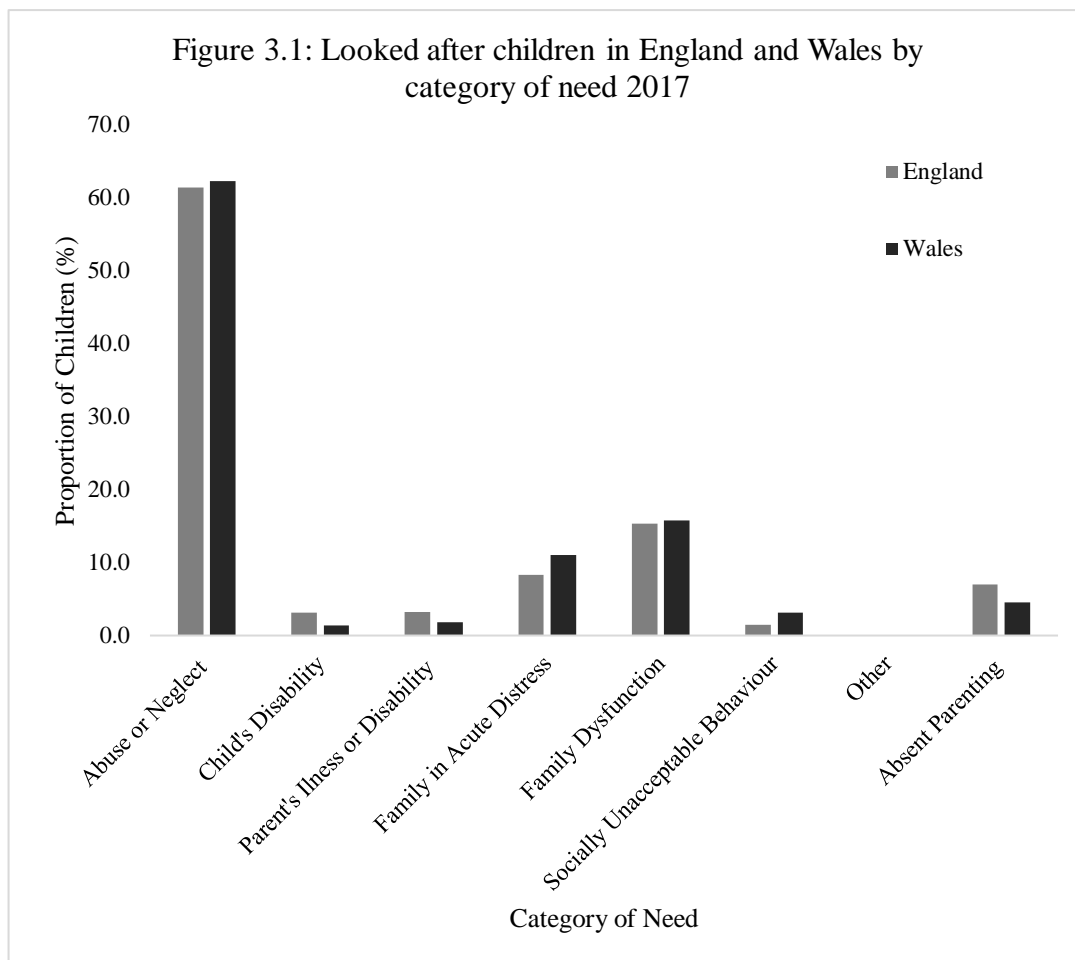
Source: Data derived from DfE (2017a) and StatsWales (2018b)

The official statistics have consistently shown that the vast majority of children become looked after principally because of difficulties in their home life. Fitzpatrick (2009: 211) has asserted that 'by virtue of their "looked after" status, as well as because of the reasons that brought them into "care" in the first place, children in the care of the state represent one of the most disadvantaged and marginalised groups in society'. Certainly, many children who are looked after have had negative experiences of childhood and family life, and ultimately they are likely to be very vulnerable and damaged individuals (Hart, 2006; Akister, Owens & Goodyer, 2010; Blades *et al.*, 2011; Action for Children, 2014; Berens & Nelson, 2015; Schofield *et al.*, 2015). The issue of pre-care experience and the potential impact on looked after overrepresentation in the youth justice system is explored later in this chapter.

Placement Type

It is clear that the definition of 'looked after' encompasses an array of children with varying legal statuses, who enter the system under a range of different circumstances. The experience of being looked after is also incredibly diverse and one of the reasons for this is the variety of placement types available. A looked after child may be given a foster placement with a relative or friend or a designated foster carer, or they may be placed for adoption or be living with their own parents (Zayed & Harker, 2015). Older looked after children may live independently or in semi-independent accommodation. Some looked after children are placed in secure units, children's homes or hostels (HM Government, 2015).[32] Other children are placed in care homes, family centres and mother and baby units, YOIs and residential schools (Zayed & Harker, 2015).

In 2017, nearly three quarters of looked after children were accommodated in foster placements in England and Wales (DfE, 2017a; StatsWales, 2018c). One in ten looked after children in England were accommodated in secure units, children's homes or semi-independent arrangements. This was the second most common placement category. Just 6.0 percent of looked after children in England were placed with their parents compared to 13.3 percent of children in Wales (DfE, 2017a; StatsWales, 2018c). The placement data for England and Wales is not directly comparable since each dataset employs different categories to record placement type (see Appendix 3C). Nonetheless, the spread of placement types suggests that the experience of being looked after is not homogenous. It is important to keep this in mind when considering the experiences of, and different outcomes for, looked after children in England and Wales.

The Looked After Population: Trends and Demographics

The number of looked after children has gradually increased over the last decade and is at its highest point since 1985 (DfE, 2017a; StatsWales, 2018a; Zayed & Harker, 2015). On 31st March 2017, there were 78,615 children looked after by local authorities in England and Wales compared to 64,995 in 2003 (ONS, 2004a; 2018a;

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[32] There are currently only 15 secure units in England (DfE, 2017a), meaning that children in these placements are more likely to be placed further away from their home area.

StatsWales, 2018d).[33] This increase cannot be attributed to an overall growth in the number of children; there has been substantial increases in the rate of looked after children in England and Wales (see Table 3.1). In 2017, 62 per 10,000 children were looked after in England and 95 per 10,000 children were looked after in Wales (DfE, 2017a; StatsWales, 2018d). Over half of all looked after children were old enough to be processed in the formal youth justice system (Ministry of Justice, 2015b); 59.6 percent of looked after children in England and 52.9 percent of looked after children in Wales were aged 10 years and above (DfE, 2017a; StatsWales, 2018e). These figures have remained relatively stable (see Appendix 3D). Additionally, boys were disproportionately represented in the looked after population constituting 56.4 percent of looked after children in England and 59.8 percent of looked after children in Wales (DfE, 2017a; StatsWales, 2018e). This gender imbalance has been a consistent feature of the looked after population in England and Wales (see Appendix 3E).

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[33] The data o looked after children in England is available for the year 1993 onwards (ONS, 2004a) whereas the data for Wales is available for 2003 onwards (StatsWales, 2018a). In the interests of consistency, the data for England prior to 2003 is not presented in this analysis.

Table 3.1: Number and rate of looked after children in England and Wales from 2003 to 2017

| | Country | | | |
| | England | | Wales | |
Year	Number of looked after children	Rate per 10,000 children	Number of looked after children	Rates per 10,000 children
2003	60,800	55	4,195	64
2004	61,100	55	4,320	66
2005	60,900	55	4,390	67
2006	60,300	55	4,535	70
2007	60,000	55	4,645	72
2008	59,400	54	4,635	72
2009	60,900	55	4,695	73
2010	64,400	58	5,160	81
2011	65,520	59	5,410	85
2012	67,050	59	5,720	90
2013	68,070	60	5,765	91
2014	68,820	60	5,745	91
2015	69,500	60	5,615	89
2016	70,450	60	5,665	90
2017	72,670	62	5,945	95

Source: Data derived from ONS (2004a; 2005a; 2006a), DfE (2010a; 2011a; 2012a; 2013a; 2015; 2016a; 2017a) and StatsWales (2018d)

The official data also indicates that some groups of BME children are disproportionately represented within looked after cohorts. Official figures demonstrated that black and mixed ethnicity children were overrepresented in the looked after population in both England and Wales. Asian children and white children were underrepresented (see Table 3.2). Such patterns echo those found in the youth justice data although they are not as pronounced (see Chapter Two). The proportion of black and mixed ethnicity children in the looked after system in England remained largely unchanged as the overall number of looked after children increased (see Appendix 3F). However, there were slight increases in the proportion of Asian and other ethnic groups. In Wales, the increase in looked after children was accompanied by a proportional increase of all BME groups (see Appendix 3F). Ethnic disproportionality in looked after populations is most likely the result of socioeconomic factors rather than ethnicity itself (Bywaters *et al.*, 2014). This is important to bear in mind when considering the intersections between ethnicity,

looked after status, and youth justice involvement which is returned to later in the thesis.

Table 3.2: Ethnicity of children in the general population and looked after population in England and Wales 2017

		Ethnicity						
		White	Black	Asian	Mixed	Other	Not Stated	Total
Country	Population	Percentage						(%)
England	Looked After Children	74.7	7.2	4.7	9.1	3.4	0.9	100.0
	General Population	78.5	5.0	10.0	5.2	1.3	-	100.0
Wales	Looked After Children	92.9	1.3	1.5	3.3	1.0	-	100.0
	General Population	93.4	0.8	3.0	2.1	0.8	-	100.0

Source: Data derived from DfE (2017a), ONS (2011) and StatsWales (2018f)

The official data for England contains more detailed ethnic categories than Wales and has included classifications for Irish Traveller and Gypsy/Roma children since 2009 (DfE, 2010a). The numbers of Irish Traveller and Gypsy/Roma children have increased significantly since recording began. In 2017, 90 Irish Traveller children were looked after compared to just 20 in 2009. In the same period, the numbers of Roma/Gypsy children increased to 280 from 30 (DfE, 2010a; 2017a). Such numbers, although small, constitute a substantial rise which cannot be ignored.

It has already been established that black children, mixed ethnicity children and GRT children are disproportionately criminalised in England and Wales (see Chapter Two). Therefore, the demographic characteristics of looked after populations in England and Wales mean that they are already at an increased risk of youth justice involvement. Moreover, the majority of looked after children meet the threshold for the age of criminal responsibility and so can be subject to youth justice intervention (Ministry of Justice, 2015b). The increasing number of looked after children means that understanding the routes between systems of 'care' and 'justice' is especially pressing. This chapter now explores the nature and extent of looked after overrepresentation in

the youth justice system, before considering the factors which drive such disproportionality.

Looked After Children in the Youth Justice System and Juvenile Secure Estate

It is clear that looked after children are a particularly vulnerable group. It is deeply concerning then that there is currently no central record of the number of looked after children in the youth justice system and the juvenile secure estate in England and Wales (HMIP, 2011; PRT, 2016). The official data published by the DfE, Ofsted and StatsWales on looked after placements cannot tell us how many children were held in the juvenile secure estate. The Laming Review concluded that '[t]here is no reliable source of published data on the numbers of looked after children in custody' (PRT, 2016: 147). Nonetheless, there is some limited official data pertaining to looked after children in the youth justice system. The DfE has published information on looked after children in England who have been cautioned or convicted since 2001 (ONS, 2001). This data indicates that the vast majority of looked after children are not involved with the youth justice system. However, it does show higher levels of youth justice involvement compared to children in the general population. Table 3.3 indicates that looked after children were more likely to be cautioned or convicted than children in the general population and that this gap has widened substantially since 2009/2010.[34] Looked after children are now approximately five times more likely to receive a caution or conviction than children in the general population (DfE, 2017a). When this data is broken down by age, it becomes apparent that looked after children aged between 16 and 17 years are most at risk of criminalisation (see Appendix 3G).

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[34] Data concerning looked after children who received a caution or conviction during the year was initially part of the 'outcomes for looked after children' datasets but later became a part of the broader 'children looked after in England' statistical releases. As a result of this change, the data is not directly comparable. The numbers of looked after children cautioned or convicted before 2009/10 were rounded to the nearest hundred (ONS, 2009) whereas numbers are rounded to the nearest 10 in later statistical releases (DfE, 2011b). Moreover, the percentages of looked after children cautioned or convicted are rounded to the nearest whole numbers in more recent datasets while percentages were given to one decimal place in earlier releases. Consequently, the percentage data presented in Table 3.3 has been rounded to the nearest whole number for the sake of consistency.

Table 3.3: Looked after children and all children convicted or subject to a final warning or reprimand in England 1999/00 to 2016/17

Year	Number of looked after children convicted or subject to a final warning or reprimand during the year	Proportion of looked after children convicted or subject to a final warning or reprimand during the year (%)	Proportion of all children convicted or subject to a final warning or reprimand during the year (%)
1999/00	2,800	11	4
2000/01	2,800	10	4
2001/02	2,700	10	4
2002/03	2,800	10	3
2003/04	2,800	9	3
2004/05	2,800	9	4
2005/06	2,900	10	4
2006/07	2,900	10	4
2007/08	2,600	9	4
2008/09	2,600	9	4
2009/10	2,400	8	3
2010/11	2,210	7	2
2011/12	2,060	7	2
2012/13	1,840	6	1
2013/14	1,710	6	1
2014/15	1,630	5	1
2015/16	1,640	5	1
2016/17	1,590	5	1

Source: Data derived from ONS (2001; 2002; 2003, 2004b; 2005b; 2006b; 2007; 2008; 2009; 2010) and DfE (2010b; 2011b; 2012b; 2013b; 2014b; 2016b; 2017b)

The number of looked after children who were convicted or subject to a final warning or reprimand fell by a third between 2009/10 and 2016/17 (DfE, 2010b; 2017a). In the same period, the overall number of youth cautions and convictions fell by over three quarters (see Chapter One). The House of Commons Justice Committee (2013: 10) stated that 'looked after children have not benefited from the shift towards a more informal approach to minor offending to the same extent as other children'. The official data supports this assertion. Moreover, the DfE data may actually underestimate the extent of criminalisation in the looked after population. Looked after data on cautions and convictions includes only those who have been looked after for a continuous period of at least 12 months prior to the data collection date (DfE, 2017a).

In 2017, this sample comprised 35,110 children, roughly a third of all children who were looked after during the year (DfE, 2017a). Therefore, this data neglects the majority of looked after children. Moreover, this data cannot tell us anything about the nature of looked after youth justice involvement since it does not detail the categories of offences which children have been sanctioned for, or the type and severity of the sanction.

The official YJB data regarding looked after children in the youth justice system is also severely lacking.[35] YOTs are required to make an assessment of all children who enter the youth justice system and to previous and/or current looked after status (YJB, 2014b).[36] However, in practice the completeness and quality of the data varies enormously. In a thematic review of looked after children in custody, a third of safeguarding staff claimed that Asset data was 'often inaccurate, incomplete or lacking in sufficient detail' (HMIP, 2011: 11). Moreover, a YJB funded analysis of the needs of children in the juvenile secure estate revealed that 'complete [administrative] data were rarely available on each individual' (Gyateng *et al.*, 2013: 2). In the study, information on looked after status was available for 87 percent of all Asset data cases. Where the data was available, it was revealed that 40 percent of children in SCHs, 36 percent of children in STCs and 26 percent of children in YOIs were currently looked after or had been at some point in their lives (ibid). Post-court report information highlighted similar proportions of looked after children in secure establishments (ibid).

Unfortunately, police recording practices regarding looked after children are also unsatisfactory. There is no statutory obligation for police officers to record the looked after status of children they come into contact with (APPG for Children, 2014a; 2014b; HLPR, 2016b; 2017a; 2017b). An inquiry into children and the police revealed that

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[35] The YJB collects information about looked after status, but this data is not published as part of the youth justice statistics.
[36] In 2016, a new tool for assessing children in contact with the youth justice system was rolled out across England and Wales, which replaced the Asset system. The AssetPlus system was intended to build on previous assessment tools and learn from the academic literature in order to provide a more holistic assessment (YJB, 2014c). It will perhaps be some time before we can conclude whether or not the AssetPlus protocol has been more consistently and vigorously applied. Nonetheless, the evidence concerning Asset suggests that it is not the actual protocol that needs to change, but the recording practices that go with it. Without a statutory obligation to record and publish the data, the future is uncertain (PRT, 2016).

police forces were unable to provide data on the number of stop and searches carried out on looked after children (APPG for Children, 2014b). Moreover, the HLPR submitted an FOI request to all police forces in England and Wales for data on the number of calls made to children's homes. The request yielded poor results and revealed that data was not being effectively or consistently recorded, collected or monitored (HLPR, 2016a). Therefore it is incredibly difficult to ascertain the *extent* to which looked after children in children's homes might experience police intervention. Olivia Pinkney, National Policing Lead for Children and Young People, confirmed that improved outcomes for looked after children are 'impossible' without better policing data (National Police Chiefs Council (NPCC), 2016).[37] It is clear that the official data pertaining to looked after children and the youth justice system is extremely limited. In order to understand the nature and extent of looked after overrepresentation, it is therefore necessary to consider alternative sources of data.

One such source of data is the HMIP surveys of children in the juvenile secure estate which have been carried out since 2001/03 (HMIP, 2003). The survey records the characteristics and experiences of children in custody using a series of closed questions. Survey results were originally disaggregated by gender (see Appendix 3H) but are now divided into STCs and YOIs.[38] Children in SCHs are not surveyed by HMIP. In early surveys, children were asked whether they had ever been in foster care or a children's home (HMIP, 2003; Tye, 2009; Worsley, 2006). However, surveys have included the term 'local authority care' since 2010/2011 (Kennedy, 2013; Murray, 2012; Prime, 2014; Redmond, 2015; Simmonds, 2016; Summerfield, 2011; Taflan, 2017).[39] The surveys indicate that looked after children have continually been overrepresented in the juvenile secure estate, although the extent of this overrepresentation has varied (see Table 3.4). Nevertheless, the share of children in YOIs who reported having been in local authority care has increased annually. Redmond (2015: 6) noted how such proportions had 'risen sharply over the last five

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[37] In 2015, the NPCC attempted to remedy this by placing considerations for looked after children at the forefront of the national policing strategy (NPCC, 2015; 2016b).

[38] The very low numbers of girls in youth custody mean that it is no longer appropriate to disaggregate statistics by gender. In July 2013, the government announced plans to decommission all YOI places for girls as part of a wider strategy to reduce the juvenile secure estate (Kennedy, 2013). Consequently, there are no survey results for girls in YOIs after 2011/2012.

[39] See Appendix 3I for detailed information about the questions used in HMIP surveys to determine looked after status.

years'. Much like BME children, the apparent increasing proportion of looked after children in YOIs has coincided with the overall decrease in the number of children in custody (YJB, 2018a). HMIP survey data also indicates that children with local authority care experience are significantly less likely to report that it is their first time in custody. In 2016/17, 37 percent of children who reported having been in local authority care said that it was their first time in a YOI, SCH or STC compared to 71 percent of children who had not been in care (HMIP, 2017). Figure 3.2 illustrates that these results have been broadly consistent across the surveys.[40]

Table 3.4: Proportion of children who reported having been in local authority care 2012/13 to 2016/17

	Custody Type	
	STC[41]	YOI
Year	Percentage	
2012/13	-	33
2013/14	-	33
2014/15	52	38
2015/16	39	37
2016/17	38	42

Source: Data derived from HMIP annual surveys of children in custody (Kennedy, 2013; Prime, 2014; Redmond, 2015; Simmonds, 2016; Taflan, 2017)

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[40] Survey data which compares the responses of children who reported having been in local authority care with children who had not been in local authority care was first made available in 2013 (Murray, 2013).

[41] HMIP surveys of children in STCs did not include a question about local authority care until 2014/15 (Elwood, 2013).

Figure 3.2: Children who reported that it was their first time in an SCH, STC or YOI by local authority care
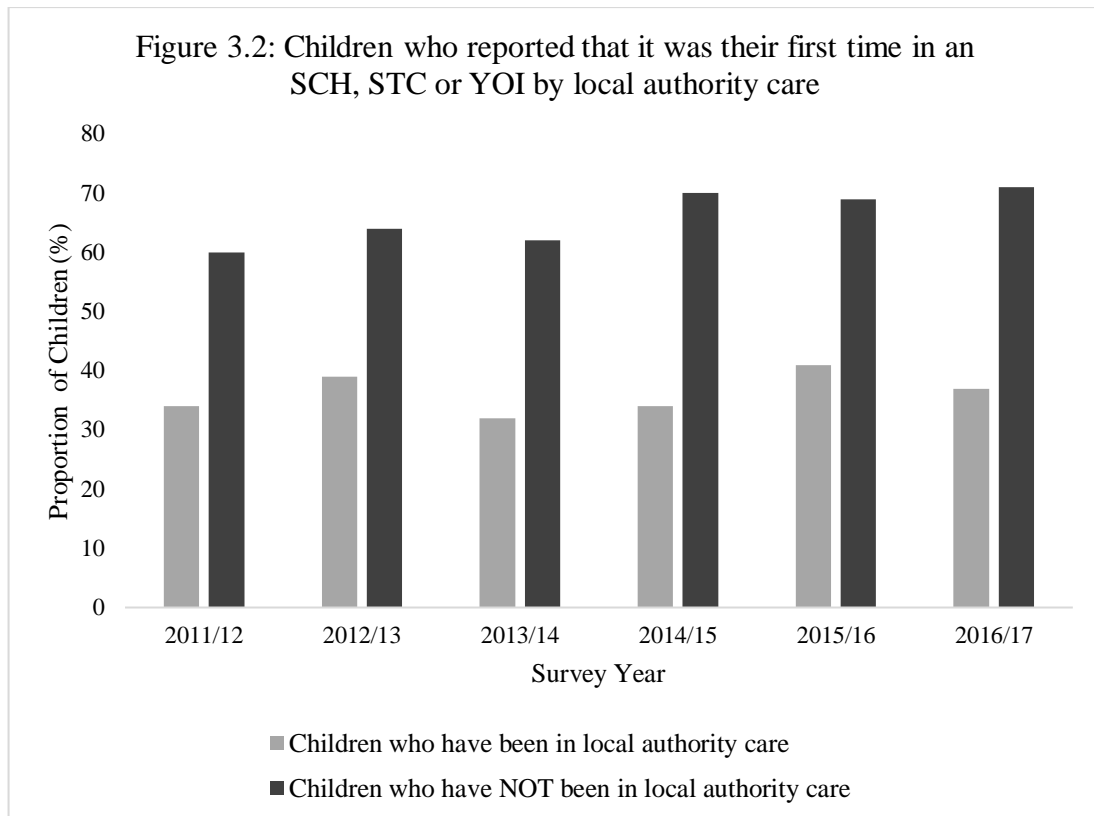
Source: Data derived from HMIP surveys of children in custody (Murray, 2015; Kennedy, 2013; HMIP, 2014; HMIP, 2015b; 2016; 2017)

HMIP surveys also suggest that looked after children constitute some of the most vulnerable in the juvenile secure estate. Survey data demonstrates that children who have been in local authority care report significantly higher levels of disadvantage, including: having a disability, emotional or mental health problems, drug problems, limited educational engagement and achievement and to have children of their own (Murray, 2015; Kennedy, 2013; HMIP, 2014; HMIP, 2015b; HMIP, 2016; HMIP, 2017). Children with local authority care experience in YOIs are significantly less likely to know where they are going to live after release and more likely to believe that they will encounter problems after custody (HMIP, 2016; 2017).

Nonetheless, there are still problems with the HMIP data. The vague wording of the questions employed could lead to different interpretations of their meaning. The use of closed questions means that the survey will inevitably fail to capture the many nuances of looked after status outlined in this chapter. Additionally, it is not always

appropriate to ask a child about their status since they do not always know if they have been looked after (Hart, 2006). The information is also limited in that it does not tell us whether a child was looked after at the time of their offence, which can be a crucial factor in understanding routes into the youth justice system (Darker, Ward & Caulfield, 2008; Hayden, 2010; HLPR, 2016a; 2018b; Schofield *et al.*, 2015; Shaw, 2014; Taylor, 2006). Despite these limitations, HMIP surveys have constituted 'one of the best estimates of the overall proportion of looked after children in custody' (HMIP, 2011: 9). Given the lack of official data, HMIP surveys are an invaluable, albeit flawed, source of data on the issue.

In 2016, Lord Laming chaired an independent review into looked after children in the youth justice system, which collated and analysed official data as well as unpublished figures provided by the YJB (PRT, 2016). The review determined that the available data on looked after children was 'likely to under-estimate the true figures significantly' and posited that 'up to half of children and young people in custody at any one time are, or have been, looked after' (PRT, 2016: 147). The review also obtained survey data from over 100 local authorities in relation to looked after children and youth justice involvement. Survey results indicated that looked after children who come into contact with the police are more likely be convicted (rather than receive a caution or conditional caution) than children in the general population (see Table 3.5).

Table 3.5: Laming Review local authority survey data

| Children in the Youth Justice System | Disposal | | Total | Total |
	Cautions	Convictions	(%)	(n)
Looked After Children	33.4	66.8	100.0	1,648
All Children	39.3	60.7	100.0	51,040

Source: Adapted from PRT (2016: 143)

Taken together, this data suggests that looked after children are more likely than non-looked after children to receive harsh sanctions when they come into contact with the youth justice system. In this regard, the issues facing looked after children are not dissimilar to those facing BME children. This is further compounded by the fact that many looked after children in the juvenile secure estate also belong to an ethnic minority group.

In 2016/2017, a third of BME children in custody reported having been in local authority care at some point in their lives (HMIP, 2017). An analysis of unpublished YJB data conducted as part of the Laming Review found that approximately 44 percent of looked after children in custody were BME (PRT, 2016: 65). This is three times higher than the proportion of BME children in the general population, and almost twice the proportion of BME children in the looked after population (DfE, 2017a; ONS, 2011; StatsWales, 2018a). This figure included children who gained looked after status through LASPO and while BME children are significantly overrepresented among children on remand (see Chapter Two), this fact alone cannot account for the large proportion of BME in custody with looked after status. One must conclude that there is considerable overlap between looked after children in custody and BME children in custody.

Currently, there is very little known about BME looked after children in the youth justice system in England and Wales. Upon reviewing the literature, Staines (2016: 9) concluded that the interplay between ethnicity, looked after status and youth justice involvement is a 'significantly neglected area of research'. In a review of the youth justice system, Charlie Taylor (2016) offered no mention of BME looked after children, although he did acknowledge the two groups separately.[42] In the Laming Review, BME young people expressed that their ethnicity had compounded their disadvantages as looked after children (PRT, 2016).

Much of the work concerning the intersections between ethnic identity, child-welfare and youth justice involvement comes from the USA and Australia and relies on analyses of quantitative data[43]. Studies from the USA have indicated that African-American children in child-welfare systems have the higher rates of youth justice involvement and incarceration than all other ethnic groups (Goodkind *et al.,* 2012;

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[42] Taylor's (2016) Review of the Youth Justice System included both looked after children and BME children, however, BME children received noticeably less coverage (see Chapter Two).

[43] Examples from the USA include: Goodkind *et al..* (2012), Jonson-Reid (2002), Jonson-Reid and Barth (2000), Ryan, Hernandez, and Marshall (2007), Ryan *et al.,* (2010) and Ryan, Testa and Zhai (2008). Examples from Australia include: Doolan *et al.,* (2013), Malvaso and Delfabbro (2015), Malvaso, Delfabbro and Day (2017) and Stewart, Livingstone and Dennison (2008).

Jonson-Reid & Barth, 2000; Ryan *et al.,* 2010; Ryan, Testa & Zhai, 2008). In a study of three American cities, child-welfare involved African-American males had the highest risk of youth justice involvement (Cutuli *et al.*, 2016). In another study, African-American children who were arrested for the first time were twice as likely to be child-welfare involved as children of all ethnicities (Ryan, Hernandez & Marshall, 2007). However, a survey of children in child-welfare systems found no differences in delinquent behaviour across ethnic groups (Grogan-Kaylor *et al.*, 2008). It is therefore likely that disproportionate youth justice involvement is related to discrepancies in the treatment of ethnic minority children in the justice system in the USA (Goodkind *et al.*, 2012). Indeed, child-welfare involved African-American youth were less likely to have their case dismissed than child-welfare involved white youth (Ryan *et al.*, 2007). Furthermore, Herz, Ryan and Bilchik (2010) found evidence that child-welfare involved African-American children received harsher outcomes than their white peers. This literature suggests that BME looked after children are disadvantaged in youth justice systems precisely because of their ethnicity.

Similar findings are apparent in the Australian research. Birth cohort studies indicated that Indigenous Australian (including Aboriginal and Torres Strait Islander) children in child-welfare system had greater youth justice involvement than their non-indigenous peers (Doolan *et al.,* 2013; Malvaso & Delfabbro, 2015; Stewart, Livingstone & Dennison, 2008). Researchers have posited that this is likely related to systemic bias in both placement and policing decisions regarding minority children (Doolan *et al.*, 2013; Malvaso & Delfabbro, 2015; Malvaso, Delfabbro & Day, 2017). Moreover, Indigenous children were found to have greater formal and informal contact with the police, which can lead to higher levels of criminalisation (Malvaso, Delfabbro & Day, 2017). Doolan *et al.,* (2013: 307) concluded that ultimately it was a combination of factors, including socio-economic status, which provided the 'tipping point' for greater youth justice involvement among Indigenous youth in systems of 'care'. Certainly, the international research suggests that there is a complex relationship between ethnicity and involvement in systems of welfare and justice, which warrants further investigation.

All the available evidence points to a substantial overrepresentation of looked after children in the youth justice system, particularly in the juvenile secure estate. This

problem also appears to have worsened as the overall numbers of children in the youth justice system have fallen. Additionally, it is likely that there is considerable overlap between BME children and looked after children in custody. Until very recently, looked after children in the youth justice system had received limited mainstream political attention (Fitzpatrick, 2009; HMIP, 2011; PRT, 2016; Taylor, 2006). This is exemplified in the lack of official data outlined above. Over a decade ago, Hart (2006: 4) stated that:

'[W]e do not know how many [looked after children] there are [in custody] or what their exact care status is. The reason for this lack of data is the way each agency defines, collects and shares information.'

We are still unable to determine the exact number of looked after children in the youth justice system and the juvenile secure estate. It is therefore imperative that qualitative data is obtained and analysed to further explore the nature and extent of looked after overrepresentation (see Chapter Six). This chapter now considers the potential drivers of disproportionality in relation to looked after children.

Overlapping Biographies: Looked After Children and Children in the Youth Justice System

This chapter demonstrates that deficiencies in the available quantitative data mean that it is difficult to determine the precise nature and extent of looked after overrepresentation. However, it determines that there *is* a problem which needs to be addressed. This research also aims to interrogate the potential driving factors which lead to such overrepresentation of looked after children. One factor which is important to consider, is the adverse life experiences of children in the looked after system, which might contribute to their youth justice involvement. There is considerable overlap between the biographies of looked after children and children in the youth justice system (Bebbington & Miles, 1989; Darker, Ward & Caulfield, 2008; Shaw, 2014; Schofield *et al.*, 2014; 2015). Looked after children are disproportionately likely to experience abuse and neglect, chaotic family life, trauma and loss, poverty, poor educational achievement, speech, language and communication difficulties, mental health problems, and to be exposed to offending behaviours of peers (Blades

et al., 2011; Bryan, Freer & Furlong, 2007; Bullock & Gaehl, 2012; Bywaters *et al.*, 2014; Darker, Ward & Caulfield, 2008; Dunleavy & Leon, 2011; Shin, 2004; Moore, Gaskin & Indig, 2013; Staines, 2016; Traube *et al.*, 2012). This has led some researchers to suggest that the link between criminalisation and looked after status may be largely due to shared characteristics (Darker, Ward & Caulfield, 2008; Schofield *et al.*, 2014; 2015).

Looked after children are likely to have been exposed to a multitude of adverse experiences prior to becoming looked after. Fisher (2015) conducted a review of the literature regarding early adverse childhood experiences (ACEs). He concluded that the experience of physical/sexual abuse and neglect can impact development and, if not adequately addressed through consistent and supportive caregiving, can leave lasting behavioural and neurological damage. Moreover, Baglivio *et al.,* (2015) measured a sample of young offenders for ACEs including: abuse and neglect, domestic violence, exposure to substance use, exposure to mental illness, family separation and having an incarcerated family member. The research indicated that greater numbers of ACEs were associated with younger age of first arrest and further ACEs were associated with serious and persistent youth justice involvement in adolescence. Similarly, Fox *et al.*, (2015) found that when controlling for other factors, each additional ACE increased the likelihood of youth justice involvement for serious, violent and chronic behaviour by 35 percent. Multiple ACEs have also been linked to increased rates of arrest among black individuals (Fagan, 2018). The prevalence of ACEs among the looked after population may have a role to play in their overrepresentation.

Poverty and deprivation are significant predictors of looked after status (Bywaters *et al.*, 2014). The Edinburgh Study of Youth Transitions followed roughly 4,300 young people transitioning to adulthood using self-report measures and official data. The study found that poverty is significantly associated with criminalisation. In particular, poverty is strongly predictive of violence in adolescence, even when controlling for other factors such as past convictions, victimisation, peer relations, caregivers and education (McAra & McVie, 2010; 2016; 2019). Furthermore, looked after children, or children who have previously been looked after, are one of the lowest performing groups in education (Sebba *et al.*, 2015). Official data suggests that disparities between

looked after and non-looked after children are apparent from Key Stage 1. Looked after children are four times more likely to have a special educational need and five times more likely to be excluded from school than other children (DfE, 2018a). The link between poor educational engagement and criminalisation is well established (McAra & McVie, 2010; 2016; Smith, 2006; YJB, 2005): 'school exclusion is a key moment impacting adversely on subsequent conviction trajectories' (McAra & McVie, 2010: 201). Moreover, studies have also found high levels of speech, language and communication needs (SLCN) among children in residential care (Bryan *et al.,* 2015; Bryan, Freer & Furlong, 2007; McCool and Stevens, 2011). There is an increasing awareness of the significance of SLCN in relation to offending behaviours (YJB, 2015b). A systematic review of SLCN research found that children in the youth justice system have significantly poorer language skills than their peers (Anderson, Hawes & Snow, 2016). Furthermore, studies have found higher levels of mental health problems and conduct disorders in looked after populations which are also linked to youth justice involvement (Berelowitz, 2011; Blades *et al.*, 2011; Dunleavy & Leon, 2011; Pilowsky & Wu, 2006).

These overlapping characteristics are essential in understanding the overrepresentation of looked after children in the youth justice system, however, they do not tell the full story. Schofield *et al.*, (2015: 125) suggest that 'the relationship between care and offending pathways is complex'. Individualised explanations have tended to take precedence in discussions about looked after children in trouble and, as a result, have minimised the structural factors that contribute to the disproportionate criminalisation of children with 'care' experience (Carr & McAllister, 2016; Fitzpatrick, 2009; Fitzpatrick, 2014; Shaw, 2014; Stanley, 2017; Taylor, 2006). This chapter now turns to the structural factors that contribute to the overrepresentation of looked after children: poor 'care' experiences and unnecessary criminalisation.

The Poor 'Care' Experiences of Looked After Children

Issues associated with pre-care factors can be exacerbated by the experience of the care system itself, which also may impact the levels of looked after children in the youth justice system. Fitzpatrick (2009: 214) asserts that 'many [looked after children] do very well, often *in spite of*, not *because of* their care experience'. The experience

of being looked after can be deeply distressing and traumatic (McElvaney & Tatlow-Golden, 2016; PRT, 2016). Becoming looked after is likely to be very disruptive and can involve moving schools, moving out of the home and moving away from family and friends. Being looked after can act as a protective factor and can prevent offending (Darker, Ward & Caulfield, 2008; Schofield *et al.*, 2014; 2015). However, when children do not have their vulnerabilities adequately addressed, this can actually contribute to their youth justice involvement (Bender, 2010; McElvaney & Tatlow-Golden, 2016; PRT, 2016).

Placement Instability and Youth Justice Involvement

Evidence suggests that sustained, consistent, and nurturing relationships are key to promoting the wellbeing of children in care (Bazalgette, Rahilly & Trevelyan, 2015; Wood & Selwyn, 2017; Schofield *et al.*, 2015) and yet many looked after children are exposed to uncertainty and instability. The Children's Commissioner (2017) launched a Stability Index in April 2017 to measure looked after children's experiences. In 22 pilot local authorities, 2 out of 3 children had experienced a change in school, placement or social worker in the previous year and 1 in 20 children had experienced a change in all three. 1 in 16 children experienced 'high instability' including 'multiple placement moves *and* a mid-year school move *and* multiple social worker changes, all within in the same 12-month period' (Children's Commissioner, 2017: 5). The Hadley Centre also found that over three quarters of looked after children had at least one change of social worker in the previous 12 months; frequent change of social worker can lead to a lack of trust in both carers and professionals (Day, 2017; Selwyn, Wood & Newman, 2017). Fleeting, non-existent, and/or superficial relationships with professionals can stimulate feelings of anger and alienation, which may manifest themselves as challenging behaviour (Day, 2017; PRT, 2016).

Many looked after children are likely to experience instability in relation to their place of residence. Since 2016, the DfE has published statistics on placements which ceased during the year in which a child was moved to another placement (DfE, 2017a;

2017b).[44] In 2017, 48,730 placement changes were recorded in England. An analysis of this data revealed that the overwhelming majority of placement changes occurred for placements of less than two years in duration (see Table 3.6). Over half of all placement changes occurred for placements of less than six months and a third occurred for placements of less than eight weeks (DfE, 2017b). It is important to remember that 'placements' are intended to constitute a child's home, regardless of the permanence of the arrangement, and so the impact of changing placement should not be underestimated.

Table 3.6: Placement changes by duration of placement in England 2016/17

Duration of placement	Number of placement changes	Proportion of placement changes (%)
Under 2 weeks	8,310	17.1
From 2 weeks to under 8 weeks	8,470	17.4
From 8 weeks to under 6 months	12,350	25.3
From 6 months to under 1 year	8,890	18.2
From 1 year to under 2 years	6,060	12.4
From 2 years to under 3 years	2,000	4.1
From 3 years to under 5 years	1,540	3.2
From 5 years to under 10 years	960	2.0
10 years and over	150	0.3
Total	48,730	100.0

Source: Data derived from DfE (2017a)

There is a wealth of research that demonstrates that looked after children engaged with youth justice systems are likely to have experienced repeat placement breakdowns (Baskin and Sommers 2011; Darker, Ward & Caulfield, 2008; HM Inspectorate of Probation, 2012; Jonson-Reid & Barth, 2000; Ryan & Testa, 2005; Ryan *et al.*, 2008; Schofield *et al.*, 2014; Staines, 2016; The Adolescent and Children's Trust, 2008). An analysis of longitudinal data revealed that higher numbers of placements were associated with more convictions (Malvaso, Delfabbro & Day, 2017). Furthermore, DfE (2010c) data illustrated that children who had experienced multiple placements were most likely to be convicted or subject to a final warning of reprimand (see Figure

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[44] These statistics are regarded as 'experimental' and should therefore be treated with caution (DfE, 2017a).

3.3).[45] Over a quarter of children who had experienced more than three placements in the previous twelve months had received a formal youth justice intervention. Altogether, this suggests that there is a relationship between placement instability and the overrepresentation of looked after children in the youth justice system.

Figure 3.3: Looked after children convicted or subject to a final warning or reprimand during the year by number of placements 2009/10
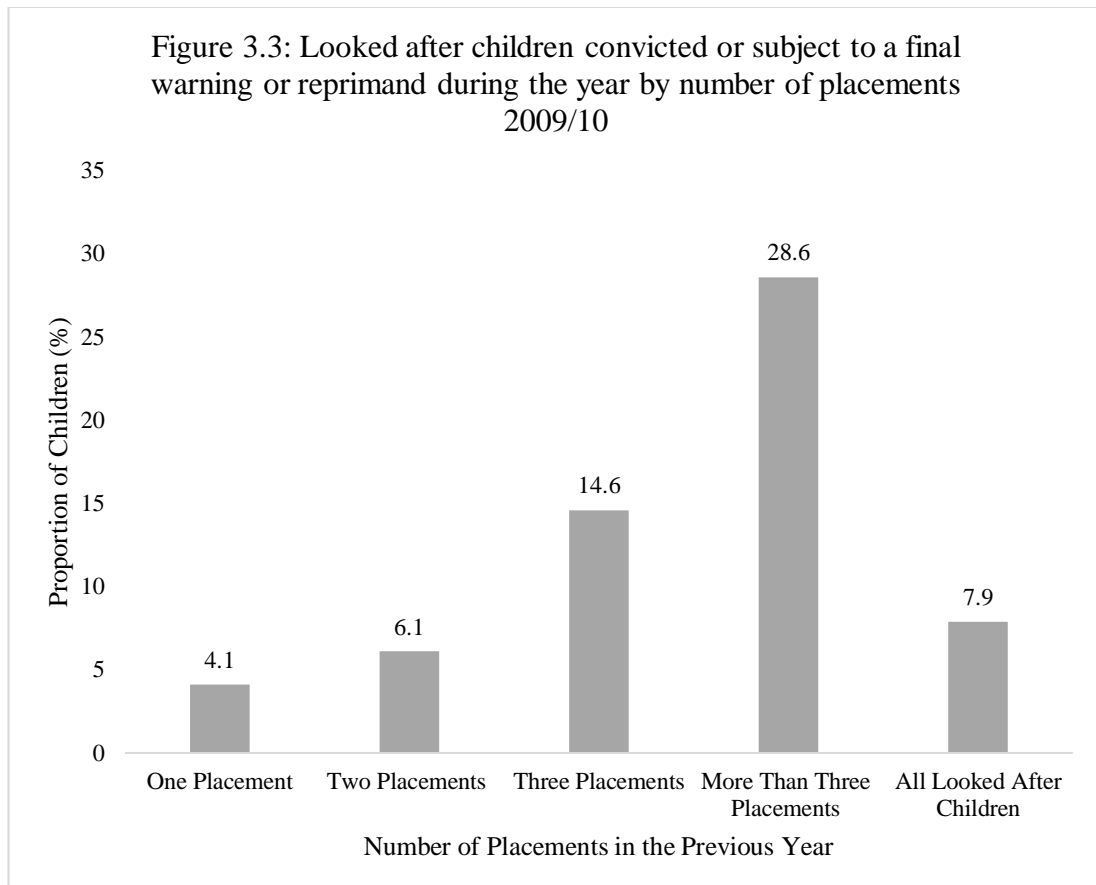
Source: Data derived from DfE (2010c)

The DfE data also includes information about reasons for placement changes, which may also shed some light on the issue. The most common reasons for a placement move were changes to the care plan (33 percent) or 'other' reasons (34 percent). Indeed, these statistics demonstrate that in the vast majority of cases, placement changes were not carried out at the request of the child (see Table 3.7). Looked after children often find themselves excluded from crucial decision-making processes, which can be detrimental to their wellbeing (Bazalgette, Rahilly & Trevelyan, 2015; Coram Voice, 2015; Day, 2017; Shaw, 2017). Qualitative research suggests that some

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[45] This particular data is only available for 2009/10.

children experience very high levels of placement breakdowns, oftentimes moving without warning and under stressful circumstances (HM Inspectorate of Probation, 2012; PRT, 2016). It is common for looked after placement changes to be driven by financial, organisational and administrative concerns, which take precedence over the child's wishes and feelings (PRT, 2016, Shaw, 2017). The National Audit Office (2014) found that local authorities frequently base placement decisions on short-term affordability and that there is no relationship between the cost of provision and the quality. An investigation by the Guardian newspaper found evidence of local authorities advertising children online in order to invite bids from private companies (Greenfield & Marsh, 2018). This constitutes further evidence of cost-cutting by local authorities through outsourcing to private companies whose primary interests are profit. It demonstrates a clear lack of consideration for the child's wishes and feelings. Such an approach to placement allocation can only increase the potential for instability, since children are likely to be moved on if a cheaper placement becomes available.

Table 3.7: Reason for placement change by age in England 2016/17

| | Age Group | | |
	10 to 15 years	16 years and over	All Children
Reason for placement change	*Percentage*		
Change to implementation of care plan	26	30	33
Resignation or closure of provision	1	1	1
Allegation of harm	1	1	1
Standards of care concern	1	1	1
Carer requests placement ends due to child's behaviour	17	11	11
Carer requests placement end other than due to child's behaviour	6	3	3
Child requests placement to end	5	9	9
Responsible/area authority requests placement to end	2	2	2
Change in the status of a placement only	9	6	6
Other	32	36	34
Total (%)	100	100	100
Total (n)	16,310	13,500	29,810

Source: Data derived from DfE (2017a)

The official data also indicates that a sizable minority of children were moved because the carer requested it as a result of the child's behaviour. At 17 percent of all changes, children aged between 10 and 15 were the most likely to experience a placement move that was requested because of their own behaviour. While these statistics cannot tell us about the contextual factors that surround placement moves, they do suggest that some children are being moved around because of challenging behaviour, which may play a role in the increased rates of youth justice involvement. However, it is not possible to disentangle cause and effect here. The link between instability and youth justice involvement could be a reflection of difficult behaviour displayed by some children, which leads to multiple placement breakdowns. It may also be the case that multiple placement breakdowns frustrate children and lead to difficult behaviour.

Malvaso, Delfabbro and Day (2017: 63) suggested that increased youth justice involvement among children in residential care 'may be both a *cause* and a *consequence* of placement instability'. Moreover, Ryan and Testa (2005: 245) contend that placement instability '…further depletes a child's stock of social capital, which … increases the probability of delinquency'. Placement instability can exasperate feelings of anger and rejection (HLPR, 2017a; 2017b; 2018b) and some children may resort to difficult behaviour as a method of coping with their feelings of disempowerment and mistrust (Day, 2017; PRT, 2016; Shaw, 2012; 2014; 2017). The Laming Review found evidence of children who had not offended until *after* they had become looked after and been exposed to instability within the care system (PRT, 2016).

The problems of placement stability outlined above may also be exacerbated by the locality of looked after placements. In 2017, two fifths of all looked after children were placed outside of their council boundary (out-of-area placements) and 19 percent were placed over 20 miles away from their home (DfE, 2017a). Out-of-area placements can lead to poor communication and a lack of support for looked after children (Ofsted, 2014). This issue of distance is worse for children in certain types of placement. Over half of children placed in secure units, children's homes and semi-independent living accommodation were placed outside of their council boundary and 41 percent were placed over 20 miles from home (DfE, 2017a). Due to a lack of BME

foster carers, BME children are more likely than white children to be placed in residential care and/or outside of their council boundary (Ofsted, 2016).

Children placed further away from home can find it difficult to maintain relationships with family and friends, which can contribute to youth justice involvement (Blades *et al.*, 2011). They may also struggle to contact social workers and can experience delays in accessing services (Bazalgette, Rahilly & Trevelyan, 2015; HMIP, 2011; Ofsted, 2014; Schofield *et al.*, 2014). Children on out-of-area placements can feel isolated, lonely and abandoned by their local authority (Shaw, 2014; 2017). Out-of-area placements tend to lead to poorer life outcomes, which include greater risk of youth justice involvement (Her Majesty's Inspectorate of Probation, Ofsted and Estyn, 2012). A joint report by the APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers (2012) indicated that children who are placed far away from their home area in poor quality and unsuitable placements are more likely to go missing, which further increases their risk of youth justice involvement. When children go missing from care they are at serious risk of being physically or sexually abused and exploited, although they are likely to be criminalised when they encounter the police (ibid). Many calls made to the police regarding looked after children relate to missing incidents, rather than any offending behaviour (HLPR, 2016b; 2017a; 2017b; PRT, 2016). Clearly, there is a complex relationship between existing vulnerabilities that children have prior to becoming looked after and vulnerabilities that are linked to their experience of the care system itself, both of which appear to be exacerbated by youth justice involvement. This is addressed later in this chapter.

Placement Type and Youth Justice Involvement: The Problem with Residential Care

Placement type may also play a role in the overrepresentation of looked after children in the youth justice system. The Adolescent and Children's Trust (2008: 2) highlighted that residential care was 'the care setting which posed by far the greatest risk to young people in terms of criminalisation'. Previous research has shown that children living in residential homes have higher rates of youth justice involvement than children in other types of placement (Baskin & Sommers, 2010; Bullock & Gaehl, 2012; Cutuli *et al.*, 2016; Goodkind *et al.*, 2012; Malvaso & Delfabbro, 2015; Malvaso, Delfabbro

& Day, 2017; Ryan *et al.*, 2008; Ryan *et al.*, 2010; Ryan & Testa, 2005; Staines, 2016). The increased risk of youth justice involvement in residential children's homes is particularly acute for ethnic minority children (Ryan & Testa, 2005).

The available DfE data indicates that children placed in 'secure units, children's homes and hostels and other residential settings' were significantly more likely to have been cautioned or convicted than children in other placement types in 2009/10 (see Table 3.8).[46] Just 3.6 percent of children in foster placements had been convicted or subject to a final warning or reprimand during the year compared to 21.4 percent of children in residential care (DfE, 2010c). Furthermore, unpublished DfE data obtained by HLPR indicated that children in children's homes are more likely to receive a formal youth justice sanction than children in other types of placement (HLPR, 2016b).

Table 3.8: Looked after children who were convicted or subject to a final warning or reprimand during the year by placement type 2009/10

Placement type	Number of children looked after aged 10 years or older on 31st March 2010	Number convicted or subject to a final warning or reprimand during the year	Proportion convicted or subject to a final warning or reprimand during the year (%)
Foster placement	21,400	760	3.6
Placed with parents	1,700	200	11.7
Secure units, children's homes and hostels and other residential settings	5,500	1,200	21.4
All looked after placements	30,100	2,400	7.9

Source: Data derived from DfE (2010c)

The HLPR (2016b) analysis illustrated that levels of criminalisation increase dramatically between the ages of 13 and 15 for looked after children (see Figure 3.4). It may be the case that there is a 'tipping point' whereby looked after children who reach a certain age are no longer viewed as vulnerable and in need of protection (HLPR, 2016b: 3). The analysis revealed that children in children's homes aged between 13 and 15 were six times more likely to be criminalised than children in other

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[46] This data is only available for 2009/10 (DfE, 2010c).

placements and 20 times more likely to be criminalised than non-looked after children. Children aged between 16 and 17 years were twice as likely to be criminalised as children in other placements and 20 times more likely than non-looked after children (HLPR, 2016b). It is clear that the association between residential care and criminalisation warrants further interrogation.

Figure 3.4: Proportion of looked after children in England and Wales convicted or subject to a final warning or reprimand by age and placement type 2013/2014
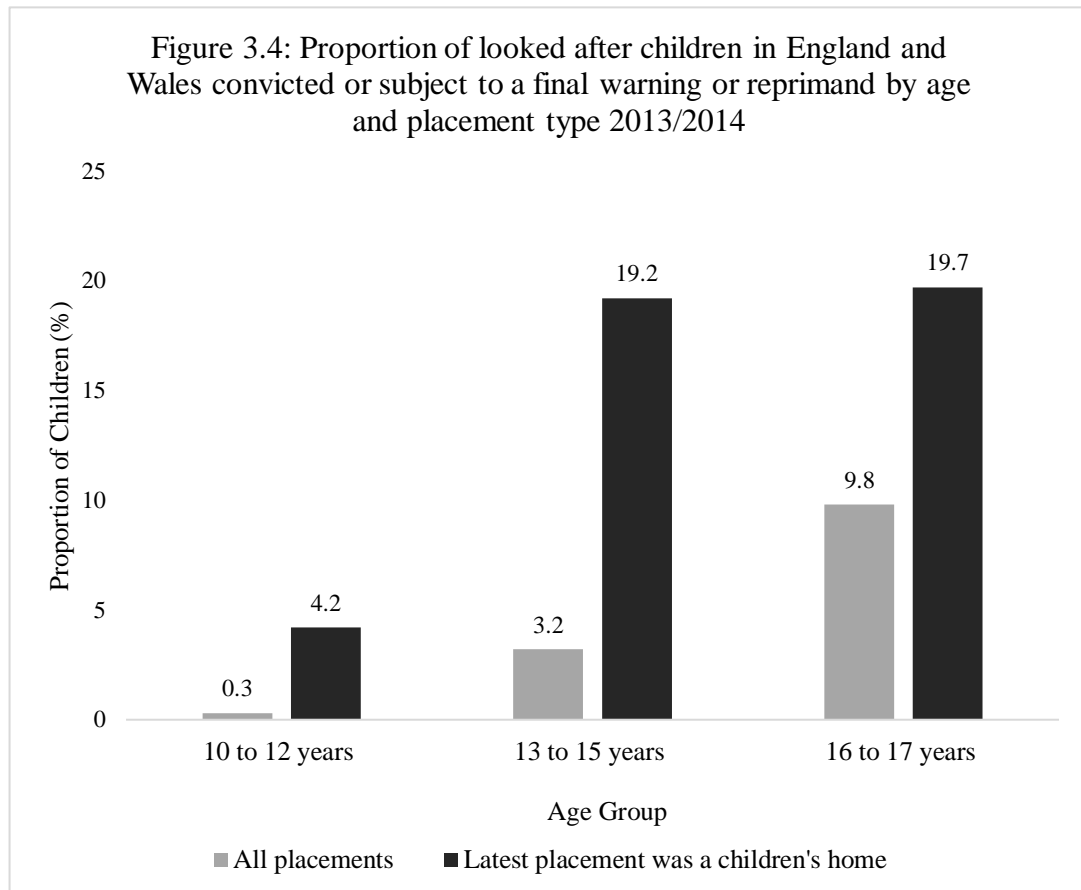
Source: Reproduced from HLPR (2016: 3)

Residential children's homes are often characterised as 'last resort' placements and consequently hold some of the most disadvantaged and damaged children in the system (Berridge, Biehal & Henry, 2012; Hayden, 2010; Ryan & Testa, 2005; Ryan *et al.*, 2008; Schofield, Larsson, & Ward, 2017). The increased levels of youth justice involvement in children's homes may be the result of issues that existed prior to the residential placement (Baskin & Sommers, 2010; Darker, Ward & Caulfield, 2008; Goodkind *et al.*, 2012; Ryan & Testa, 2005). Indeed, residential care may draw in particular constituencies of children which are more likely to be criminalised. Darker, Ward and Caulfield (2008: 146) suggest that local authority care may be unable to help children to 'overcome deep-seated and long-standing difficulties which they have

already begun to experience before entry'. Children in residential homes tend to be older than children in other placements and are therefore more likely to come into contact with the youth justice system (ibid). More specifically, children in residential care are more likely to have become looked after at an older age (Berridge, Biehal & Henry, 2012). Children who enter care at an older age are at a greater risk of youth justice involvement (Baskin and Sommers, 2010; Cutuli *et al.*, 2016; Goodkind *et al.*, 2012; Jonson-Reid & Barth, 2000; Malvaso & Delfabbro, 2017; Malvaso, Delfabbro & Day, 2017; Ryan & Testa, 2005; Stewart, Livingstone & Dennison, 2008). Moreover, studies have shown that many looked after children who are convicted of an offence have been in trouble before (Darker, Ward & Caulfield, 2008; Sinclair & Gibbs, 1998; Shaw, 2012; 2014; Staines, 2016).

However, HM Inspectorate of Probation (2012) concluded that a substantial minority of children (30 percent) who were prosecuted in residential care had no previous youth justice system contact and had probably not offended before. Negative peer influence may contribute to higher levels of youth justice involvement found in residential settings (Blades *et al.*, 2011; Hayden, 2010; Sinclair & Gibbs, 1998; Stanley, 2017; Taylor, 2003; 2006). Taylor (2003; 2006) suggests that residential placements may act as 'universities of crime' in which children can 'learn the ropes' from other children who have already offended (Stanley, 2017: 65). In a study of children's homes in England, Sinclair and Gibbs (1998) found that 40 percent of children who had no previous youth justice involvement had been cautioned or convicted within six months of entering the placement. Hayden (2010) followed 46 children admitted to residential care in England and found that two thirds had criminal records at the end of a one year period. Her research highlighted aggressive and highly problematic behaviour, which was related to the conceptualisation of residential care as a 'last resort' placement. The concentration of 'high risk' individuals meant that some residential homes were 'criminogenic' environments (ibid: 471). It seems that there is a complex relationship between residential care and youth justice involvement which requires nuanced understanding of the interactions between existing vulnerabilities, peer influence and poor 'care' experiences.

This chapter illustrates that poor 'care' experiences may contribute to challenging behaviours and youth justice involvement. Children who are looked after are likely to

be exposed to instability and uncertainty, as well as negative peer influence. Whilst such explanations are important, they are limited. The relationship between 'care' experience and youth justice involvement is much more complex. It is imperative that we do not overstate the significance of individual factors when examining the overrepresentation of looked after children in the youth justice system. This chapter now explores the structural factors which contribute to overrepresentation, focusing particularly on residential settings.

The Criminalisation of Looked After Children

The research suggests that looked after children are exposed to a number of factors that increase their risk of youth justice involvement. Taylor (2006) posits that there is a complex relationship between looked after status and formal youth justice intervention in which some 'care' environments can intensify and promote challenging behaviour. However, it is also important that we consider the *responses* to that behaviour and not just the behaviour itself. This is essential to understanding looked after children's trajectories through the youth justice system.

Unnecessary Criminalisation and Lack of Tolerance

There is much evidence to suggest that looked after children are criminalised for behaviour that would not elicit a youth justice intervention if it had occurred in a family home (Blades *et al.*, 2011; Fitzpatrick, 2009; 2017; HLPR, 2016b; 2017a; 2017b; 2018b; 2018c; Macfarlane, 2010; PRT, 2016; Taylor, 2006). In 2004, government research recognised that children are unnecessarily criminalised as a 'punitive or control measure' in some residential homes (Home Office, 2004: 1). A decade later, the House of Commons Justice Committee (2013: 10-11) also raised the issue: 'it is completely disproportionate for police officers to be called to a children's home to investigate trivial incidents … [it] puts already vulnerable children at greater risk of being drawn into the criminal justice system'. The Guide to the Children's Homes Regulations (DfE, 2015b: 47) dictates that there should be an agreement in place between the home and the local police force to 'reduce unnecessary police involvement in managing behaviour'. Still, The Taylor Review (2016: 23) concluded

'it is likely that the way care homes and police respond to minor offending by [looked after children] contributes to their over-representation'.

A recently retired magistrate told the Laming Review (2016: 18) that looked after children continued to be brought before the court for 'kicking doors, squirting shower gel on carpets, [or] using abusive language to staff'. Despite the patchy official data, there is growing evidence to suggest that looked after children, and particularly those in residential care, are exposed to unnecessary levels of youth justice intervention (Centre for Social Justice, 2008; HLPR, 2016b; 2017; HM Inspectorate of Probation, 2012; Home Office, 2004; PRT, 2016; Shaw, 2012; 2014; Taylor, 2003; 2006). The HLPR (2016b) found that the police were regularly called out to children's homes in England, particularly to private providers, and that such incidents had increased over a three year period for many police force areas. Shaw (2014:136) has highlighted that police intervention is more related to the frequency of incidents rather than the seriousness, that staff used this as the 'ultimate sanction' for poor behaviour. Research has suggested that care home staff resort to police intervention as a way of asserting authority and maintaining control when they lack empowerment (Centre for Social Justice, 2008; 2012; HM Inspectorate of Probation, 2012; Home Office, 2004; Shaw, 2012; 2014; Taylor, 2003). Shaw (2012) found a mismatch in perceptions between legal professionals and social workers and residential staff; nearly all court/legal professionals thought that homes were too quick to seek police intervention, however, social workers and residential care staff tended to think that calling the police was a last resort response to persistent difficult behaviour.

A joint inspection of YOTs found that 'placement staff and other agencies often failed to work together to deal with challenging behaviour in the children's home and prevent it becoming criminalised' (HM Inspectorate of Probation, 2012: 32). The inspection team found 'no consideration of the context of "normal" teenage behaviour' and little recognition of the hardships that looked after children may have faced (HM Inspectorate of Probation, 2012: 31). At best, there seems to be an inability for some homes to properly manage behaviour, and at worst, a complete lack of tolerance. Both of which contribute to increased levels of youth justice involvement (see Chapter Six). The Crown Prosecution Service (CPS) has established policies for dealing with looked after children that attempt to mediate these issues. However, these have not been

properly implemented (House of Commons Justice Committee, 2013; PRT, 2016; Schofield *et al.*, 2014). Certainly, the effectiveness of any strategy is dependent on whether individuals 'read it, understood it, supported its values and purpose and then [knew] how to use it in their response' (Hayden, 2010: 464). This is perhaps difficult to achieve given the high turnover of staff in residential children's homes, where pay is generally poor and training is minimal (Colton & Roberts, 2007). An interim report of the Independent Inquiry into Child Sexual Abuse (2018) was critical of the lack of professional registration for residential care workers, and called for more thorough vetting of staff to ensure the safety and wellbeing of looked after children.

When the police do intervene during an incident in local authority care, minor offences are likely to be recorded as a crime. This may be in part due to inflexible Home Office counting rules (HLPR, 2016b; Narey, 2016; PRT, 2016) but it also may be related to the stigma surrounding looked after children (Darker, Ward & Caulfield, 2008). Stigmatisation is a common concern among looked after children (Children's Rights Director for England, 2009; Coram Voice, 2015; Selwyn, Wood & Newman, 2017). Labelling can lead to injustices of all kinds (Taylor, 2003) and is particularly a problem for children in residential care (see Coram Voice, 2015). Darker, Ward and Caulfield (2008) found that children in residential care were more likely to be charged and convicted due to negative stigma. The Laming Review has also highlighted how some children felt that they were treated unfairly by the police because of their looked after status (PRT, 2016). Moreover, BME looked after children felt that their ethnicity 'compounded the negative perceptions that they feel are associated with their status as looked after children and young people' (PRT, 2016: 66). This view was shared by many youth justice professionals (ibid).

Looked after children, particularly those in residential care, are more likely to be placed in overnight detention as a result of police intervention, which can push them further into the youth justice system (HLPR, 2016b; 2017b). Through consultation with the police, the HLPR identified four key issues regarding overnight detention that related directly to the quality of care. They found that police detention was sometimes used as 'respite care' to cover staff shortages as well as compensating for a 'social care deficit' when children should be receiving welfare interventions. Moreover, police sometimes felt that children would be safer in overnight custody than in the

children's home. In some cases, children's homes would refuse to allow the child to return after an incident at least for a period of time (HLPR, 2016b). These factors may also impact on the court's ability to grant bail if a charge is later brought (Cashmore, 2011; Malvaso & Delfabbro, 2015; Ryan *et al.,* 2007). The Home Office has since published a concordat with the aim of reducing the number of children spending the night in police custody (Home Office, 2017d) which may alleviate some of the tensions outlined above.

The evidence suggests that some looked after children are *unnecessarily c*riminalised in England and Wales as a result of structural factors which are beyond their control. Despite this evidence, in a review of residential care, Sir Martin Narey (2016) argued that the extent of criminalisation in children's homes had been exaggerated and that the issue has largely been dealt with. Narey (2016: 38) argued that children in residential care are not 'somehow propelled' into custody, but rather 'we should expect the neglected and abused children who have to be taken into care... to be significantly represented in the custodial population'. Narey focuses on the challenging conditions in which care workers operate and in doing so, he painted looked after children as devious and ungrateful. Staines (2017) was highly critical of the review; she asserted that Narey had over-simplified the issue and minimised the significance of care system experiences. Fitzpatrick (2017) also challenged Narey's findings and purported that the review and subsequent government response could undermine efforts to tackle criminalisation.

The Laming Review highlighted several local authorities who have been successful in reducing the criminalisation of looked after children. However, such attempts were incredibly localised until very recently (see Chapter Seven). The fragmented nature of children's services means that a child displaying challenging behaviour may be dealt with informally in one local authority and criminalised in another (PRT, 2016). Furthermore, the prevalence of out-of-area placements mean that a single child may experience these differing standards first hand. The Edinburgh study of Youth Transitions has demonstrated that early involvement with the youth justice system increases the risk of later involvement (McAra & McVie, 2010; 2016; 2019). Given the vulnerabilities of looked after children highlighted in this chapter (including both their experiences before becoming looked after and their experiences of 'care' itself),

we must be especially careful not to draw children into the system since this merely compounds their disadvantage.

Failures of Care and Support

When looked after children find themselves in the court system, they may also receive differential treatment, which accelerates their criminalisation (Blades *et al.*, 2011; Shaw, 2012; 2014). This can be linked to wider issues with the quality of care they receive as a looked after child. Looked after children who attend court are not always accompanied by someone who knows them well (Carlile, 2014; HMIP, 2011; HM Inspectorate of Probation, 2012; PRT, 2016). In a review of the youth court, Lord Carlile received evidence that 'social workers did not attend [court]; had to be ordered to do so due to a failure to attend voluntarily; asked YOT workers to attend on their behalf; or did attend but had minimal, if any, knowledge of the child' (Carlile, 2014: 16). Such occurrences can give the impression that the child is unimportant and can also negatively impact decision making in the court (HM Inspectorate of Probation, 2012: 32). YOT staff have expressed the view that when a child attends court without their social worker, or without someone who knows them well, it can make the use of custody 'more difficult to avoid' (HM Inspectorate of Probation, 2012: 32). Shaw's (2012; 2014) small scale qualitative study of looked after children in England, suggested that looked after children may be more likely to receive custodial sentences because of *frequent* court appearances for low level offences, as opposed to serious offending behaviour. Taken together, this implies that the behaviour of looked after children is escalated within the court setting, where legal professionals can struggle to contextualise incidents and have confidence in the child's ability to adhere to a community sentence.

The Sentencing Council (2017: para 1.16) has tried to mediate these issues; it has called for magistrates and judges to recognise that 'in some instances a looked after child or young person… may be before the court for a low level offence that the police would not have been involved in, if it had occurred in an ordinary family setting'. This guidance is designed to afford children the benefit of the doubt, and to prevent unnecessary criminalisation. However, once the child is in court, it is perhaps already too late. Lord Laming recommended that in cases where children appear before the

court unnecessarily, magistrates should be able to 'stand the case down' and resolve the matter without having any formal court proceedings (PRT, 2016: xiii). This is not currently possible.

A lack of support from corporate parents can become an even greater problem for looked after children who are sentenced. Research has suggested that when a looked after child becomes involved with the youth justice system, the local authority sometimes takes a step back from their duties to that child (Blades *et al.*, 2011; Centre for Social Justice, 2008; Hart, 2006; HMIP; 2011; Fitzpatrick, 2009; Taylor, 2016). This ignores DfE (2015b: 144) guidelines which dictate that:

'Looked after children who offend, or who are at risk of offending, should receive the *same quality of care as all other looked after children*. The responsible authority has continuing duties and responsibilities as a good corporate parent for such children, including those who are in custody' (emphasis added).

In a short thematic review of looked after children in custody, HMIP (2011: 35) identified significant barriers to effective on ongoing communication between the YOI and the local authority including '…a perception that social workers discharged their duties towards looked after children when they entered custody [and] inconsistent practice across local authorities, which often seemed to be dependent on the commitment of individual social workers.' Similarly, the Laming Review highlighted substantial communication problems between the custodial establishments and local authorities, which hampered resettlement efforts (PRT, 2016). In his 2016/17 annual report, Her Majesty's Chief Inspector of Prisons (HMCIP) highlighted examples of 'children not knowing where they would live until the day of release, children being released into unsuitable bed and breakfast accommodation and, inexcusably, children released to no address at all from Parc and Wetherby' (HMCIP, 2017: 66). It is important that children are properly resettled after custody since this can protect them against future youth justice involvement. The effective resettlement of children after custody is reliant on careful preparation, engagement and collaboration, robust networks of support and partnership working between a number of agencies (Bateman, 2015; Bateman & Hazel, 2013; 2014; Bateman, Hazel & Wright, 2013). Therefore, poor communication and a lack of support from corporate parents is just another

example of the ways in which looked after children are disadvantaged because of their status.

It is apparent that looked after children are a particularly vulnerable group in the youth justice system. They are vulnerable as a result of their backgrounds prior to youth justice involvement, as well as their experiences of the youth justice system in general, and the secure estate in particular. There are clear structural factors that disadvantage looked after children in the youth justice system which are likely to perpetuate and exacerbate their overrepresentation.

Conclusion

This chapter has demonstrated that looked after children in England and Wales are a diverse group with a range of experiences. What seems to unite looked after children is that they have been subject to some form of disadvantage or difficulty in their lives. For the overwhelming majority, their own behaviour has had no bearing on their status. This is a group of vulnerable children, whom the state has deemed in need of intervention and protection. It is therefore extremely problematic that looked after children constitute such high proportions of children in the youth justice system and the juvenile secure estate. The lack of official data pertaining to looked after children acts as a marker of their importance within society, this is an issue that governments have not seen fit to properly monitor or address. It is therefore difficult to determine the precise nature and extent of looked after overrepresentation. Nonetheless, the evidence is absolutely clear: this is a significant problem. While the available data is limited, it is also apparent that looked after overrepresentation may have intensified with the contraction of the youth justice system (see Chapter One). Furthermore, the overrepresentation of looked after children is also linked to ethnic disproportionality in the youth justice system, since a large proportion of looked after children are also BME. Given the issues outlined above and in Chapter Two, it is likely that these children will be subjected to compounded disadvantages and greater youth justice involvement than their white peers. This issue is returned to in Chapter Six.

This chapter has also explored the potential drivers of looked after overrepresentation. It has highlighted stark similarities in the biographies of looked after children and

children in the youth justice system more generally. It has determined that although relevant, prior experiences and vulnerability can only tell part of the story. In fact, by focusing on individual explanations, we actually risk further entrenching looked after children in the system through promoting negative stigma. This chapter highlights that looked after children's experience of the care system is likely to be more influential than any personal characteristics. When looked after, many children are exposed to high levels of instability, a lack of support and negative peer influence, which can impact their behaviour. However, the most significant driver of looked after overrepresentation is not necessarily children's behaviour, but the way in which systems respond to it. There is a real lack of tolerance regarding the behaviour of looked after children, which begins in the care system and influences their youth justice outcomes. This is further compounded by a lack of support that follows looked after children through the youth justice system and limits their life chances.

This chapter has made clear that no single factor can explain the overrepresentation of looked after children, but rather as Staines (2017: 9-10) asserts, it is a 'complex interaction between early adversity, individual characteristics and resilience, experiences in care and after care, and involvement with different professional systems'. Given the lack of quantitative data available, it is therefore essential that qualitative data is gathered and analysed to fully explore the nature and extent of overrepresentation, as well as its drivers.

Chapter Four   Methodology

Introduction

This chapter outlines the methodological approach for this research. It begins by demonstrating a gap in the literature, which this study is intended to fill. The research aims and mixed methods design are then expounded. The chapter then moves on to a description of the quantitative data collection and analysis, including detailed information about the secondary sources employed. The benefits and limitations of official data are considered with particular attention given to the issue of applying categories of ethnicity in social research. The chapter then delineates the qualitative data collection and analysis. It explores the benefits and limitations of using semi-structured interviews before providing a detailed account of the analytical approach adopted. This is followed by a critical discussion of reliability and validity within qualitative research. The chapter then outlines ethical considerations and concludes with some reflections on the research process.

Background of Research

This research is unique in a number of ways; there is no directly comparable research in the public domain. It interrogates the drivers of disproportionality in the juvenile secure estate in England and Wales in the context of a contracting youth justice system. It examines the impact of such a contraction on the proportions of BME children and looked after children in the system. No study has considered both of these groups together, nor is there a contemporary academic study which draws upon the expertise of senior-level professionals and stakeholders in relation to either group individually.

Empirical research on ethnic disproportionality in England and Wales tends to focus on adults in the criminal justice system (See for example, Hood, 1992; John, 2003; The Young Review, 2014; Thomas, 2017), although BME children are sometimes considered alongside BME adults (see, for example, EHRC, 2009a; 2010; 2013). There are some empirical studies that focus on BME overrepresentation solely within

the youth justice system in England and Wales (see Feilzer & Hood, 2004; Fitzgerald, Stockdale & Hale, 2003; May, Gyateng & Hough, 2010) although these were conducted before substantial changes to the youth custody population (see Chapter One). The Lammy Review (2017) of Race and the Criminal Justice System used statistical analysis and written submissions to interrogate the overrepresentation of both BME children and adults, however, it included no rigorous qualitative research. More recently, Barn, Feilzer and Hardwick (2018) conducted an analysis of BME children's experiences of custody using data from HMIP surveys although the research had no qualitative elements. Certainly, national studies exploring ethnic disproportionality in the youth justice system – combining both qualitative and quantitative methods – are limited.

Much of the work concerning ethnic disproportionality in youth justice systems comes from the US (see, for example, Aalsma *et al.*, 2016; Andersen, 2015; Morrow, Dario & Rodriguez, 2015; Schlesinger, 2018) and Australia (see, for example, Cunneen and White, 2011; Ng, 2014; White, 2015), although there is work from other youth justice jurisdictions (see Body-Gendrot, 2010; Corrado, Kuehn & Margaritescu, 2014; Gendrot, 2006; Hällsten, Szulkin & Sarnecki, 2013; Weenink, 2009). This study focuses exclusively on England and Wales.

There are some academic studies examining the experiences of looked after children and care leavers who have had youth justice involvement (see Darker, Ward & Caulfield, 2008; Day, 2017; Taylor, 2006; Schofield *et al.*, 2014; Shaw, 2014). Still, these have focused on individual experiences of children and professionals, whereas this research investigates the broader, national picture. There has also been an independent review that gathered evidence about looked after children and the youth justice system (PRT, 2016). However, Lord Laming, who chaired the review recognised that it was not a piece of academic research but rather 'a distillation of the views and experiences' of people with experience of growing up in care, or working with children and young people in care and in the youth justice system, as well as other experts in the field (ibid: 1). This research builds upon, extends and nuances our knowledge of the overrepresentation of looked after children in the youth justice system through adopting a rigorous academic approach including both quantitative and qualitative elements.

Perhaps most significantly though, there is no research that considers the specific issues which might impact upon BME looked after children within the youth justice system in England and Wales. Whilst there is some work on the intersections between ethnic identities and looked after status from the USA (see, for example, Goodkind *et al.*, 2012; Jonson-Reid, 2002; Ryan, Hernandez, & Marshall, 2007) and Australia (See Doolan *et al.,* 2013; Malvaso, Delfabbro & Day, 2017), no directly comparable research has been undertaken in England and Wales. There is in fact virtually no detailed research that interrogates the specific challenges and disadvantages faced by BME children and looked after children in the youth justice system in England and Wales, and how such challenges translate into the stark overrepresentation of these groups in the juvenile secure estate. This research addresses such questions explicitly and aims to close conspicuous gaps in the knowledge base.

Research Aims and Design

This research aims to extend academic knowledge by providing a rigorous analysis of the overrepresentation of BME children and looked after children in the youth justice system in England and Wales. It also aims to address similar gaps in knowledge regarding the intersections between ethnicity, looked after status and youth justice involvement in England and Wales. It does this by focusing on three key aims:

I.   To investigate the nature and extent of the overrepresentation of BME children and looked after children in the youth justice system in general, and the secure estate in particular, in England and Wales;

II.   To interrogate the potential drivers of the overrepresentation of BME children and looked after children in the youth justice system in general, and the secure estate in particular; and

III.   To explore the intersections between BME children and looked after children to identify any issues which may specifically relate to BME looked after children in the youth justice system in general, and the secure estate in particular.

In order to achieve these objectives a mixed-methods approach was adopted incorporating both quantitative and qualitative elements. A mixed-methods design involves drawing on the combined strengths of quantitative and qualitative methods (Creswell, 2015; Creswell & Plano Clark, 2011; Shenton, 2004). The divide between qualitative and quantitative methods can limit the application of individual techniques for data collection and analysis; mixed methods have the capacity to bridge this gap (Bergman, 2008). 'Methodological triangulation' involves 'a complex process of playing each method off against the other' (Denzin, 1978: 310) and enables the researcher to gain a greater depth and breadth of information (Almalki, 2016; Bergman, 2008; Flick, 2017; Hammersley, 2008). The mixed-methods approach for this research involved secondary analysis of official youth justice and children's services data and primary analysis of in-depth semi-structured interviews with 27 senior-level professionals and stakeholders. The research constitutes a 'pragmatic combination' of methods that take different perspectives in answering research questions (Flick, 2017: 786). Flick (2017) argues that triangulation is particularly useful in studying issues of social justice since it can improve the societal relevance of social inquiry. It is therefore particularly suited to this research.

Quantitative Data Collection and Analysis

As stated, the research aims to address and understand the overrepresentation of both BME children and looked after children in the youth justice system in general, and the secure estate in particular in England and Wales. In order to achieve this, a range of official statistics pertaining to BME children and looked after children were collated and analysed. Kituse and Cicourel (1963: 137) contend that official statistics should be seen as 'indices of organisational processes rather than as indices of certain forms of behaviour' (Kituse and Cicourel 1963: 137). Indeed, this research was principally designed to interrogate the structural factors which lead to disproportionality in the youth justice system. In this sense, official statistics are essential to understanding the overall picture and represent 'sociologically relevant data' (Kituse and Cicourel 1963: 139). Official statistics can be problematic in that the state determines what information is included and what is omitted (Payne & Payne, 2004). Indeed, the conspicuous absence of data in relation to looked after children in the youth justice system is an example of this (see Chapter Three). Still, official statistics, while flawed,

are often the most suitable source of quantitative data available to interrogate large scale national patterns (Payne & Payne, 2004). This research explores the overrepresentation of two, albeit overlapping, groups and so a variety of official statistics were collated and analysed.

Secondary Data Pertaining to Ethnicity and Justice Systems

In order to investigate the nature and extent of the overrepresentation of BME children, data sets from the ONS, YJB, Home Office and Ministry of Justice were collated and analysed. Firstly, the ethnicity of children aged between 10 and 17 years in England and Wales was extracted from the latest population Census (ONS, 2011). This information was gathered to determine the proportion of BME children in the wider population for the purposes of comparison. This data was used as the baseline from which all other ethnicity data was measured. The majority of data concerning ethnicity in the youth justice system was taken from the YJB's youth justice statistics which are published on an annual basis. The scope and completeness of this data varies but publications have become more extensive in the last five years (see Appendix 4A for a full list of available YJB data).

Annual YJB supplementary data tables for each year beginning 2006/07 and ending 2016/17 were collated and analysed. This included all data pertaining to ethnicity and the youth justice system including information about key characteristics upon entering custody. The raw data was analysed to interrogate the proportions of different ethnic groups at each stage of the youth justice process from youth cautions to juvenile custody. Home Office (2017a) data regarding police procedures, which contains information about stop and search, was also analysed. Data was analysed regarding the ethnic identity of those stopped and searched by the police, including: all stop and searches, type of stop and search, arrests resulting from stop and search, and the rate of stop and search. Statistics regarding the new BUSS scheme were also analysed (Home Office, 2017b). The Home Office data is not disaggregated by age and so encompasses stop and searches of adults and children. These statistics were supplemented with data from APPG on Children (2014a; 2014b), which estimates the numbers of stop and searches carried out on children. Finally, data from the Ministry

of Justice biannual 'Statistics on Race and the Criminal Justice System' were collated and analysed.[47]

Secondary Data Pertaining to Looked After Children

The overrepresentation of looked after children, and children who have previously been looked after, was more difficult to investigate using secondary data. As mentioned above, and discussed further in Chapter Three, there is a lack of official data regarding looked after children in the youth justice system. Notwithstanding this, statistical information about looked after children was gathered from DfE and StatsWales datasets, as well as HMIP annual surveys. Data from the Laming review was also used.

Principally, this research collated and analysed DfE and StatsWales datasets on children looked after in England and Wales. Data for England was available from 1991 whereas data for Wales was available from 2003. In the interests of consistency, all statistics were presented from 2003 onwards. The official data primarily deals with all children who are looked after in England on 31st March of each year. The data includes overall numbers of looked after children, primary reason for becoming looked after, legal status, ethnicity, placement type and limited information on looked after children who offend (see Chapter Three). 'Experimental' DfE data regarding reasons for placement change and care leavers' contact with the local authority was gathered and analysed (DfE, 2017a). Taken together, the DfE and StatsWales datasets were used to build up a picture of looked after children to contextualise the research.

HMIP annual survey data was collated and analysed in order to discover the overrepresentation of looked after children in the juvenile secure estate (HMIP, 2003; Kennedy, 2013; Murray, 2012; Prime, 2014; Redmond, 2015; Simmonds, 2016; Summerfield, 2011; Taflan, 2017; Tye, 2009; Worsley, 2006). However, information about local authority care experience in the HMIP annual surveys is limited and inconsistencies in recording mean that it is not in itself a comprehensive measure of

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[47] The majority of data pertaining to BME children contained in the Ministry of Justice datasets is published as part of the YJB annual youth justice statistics. However, it does include some additional data which was collated and analysed (see Chapter Two).

overrepresentation (see Chapter Three). The HMIP data was supplemented with findings from the Laming review (PRT, 2016). Ultimately, the secondary data in relation to looked after children was used to demonstrate that looked after children are indeed overrepresented in youth custody, but that the precise nature and extent of this overrepresentation constitutes a gap in our knowledge that this research goes some way to close.

A 'Problematic Necessity': Using 'Ethnic' Categories in Social Science Research

This research interrogates patterns in the official data to determine the nature and extent of BME and looked after overrepresentation in the youth justice system, as well as the ways in which ethnicity and looked after status intersect within systems of 'care' and 'justice'. This necessarily involves working with categories of ethnicity that are inherently problematic (Bhopal, 2005; Burton, Nandi & Platt, 2010; Parameshwaran & Engzell, 2015). Ethnicity is a broadly defined concept (Bhopal, 2005; Burton, Nandi & Platt, 2010; Parameshwaran & Engzell, 2015). It comprises a range of dimensions including: physical characteristics, national identity, ancestry, citizenship, religion, language, country of birth and the complex and contested concept of 'culture' (see Burton, Nandi & Platt, 2010). Bhopal (2005: 443) defines ethnicity as '[t]he social group a person belongs to, and either identifies with or is identified by others, as a result of a mix of cultural and other factors'. Ethnicity is imprecise and fluid (Bhopal, 2005) and so categorisation is fraught with difficulty (Bhopal, 2005; Burton, Nandi & Platt, 2010; Parameshwaran & Engzell, 2015).

The DfE and StatsWales data regarding the ethnicity of looked after children employs a self-identification method. The DfE (2017c: 37) provides that 'local authorities should ask the child […] which of the standard Ethnic Origin codes they feel best describes their origin'. The classifications used are based on the 2001 census but include some additional categories (DfE, 2017c). The vast majority of youth justice data regarding ethnicity is based on children self-identifying with one of five fixed ethnic categories which are based on 2001 ONS classifications which include 'white', 'black', 'Asian', 'mixed', 'Chinese or other' and 'Unknown' or 'not recorded' (Ministry of Justice, 2018a: 16-17). However, some data relies on police officers

determining the ethnicity of a child based on their appearance (ibid).[48] Given the range of factors which ethnicity incorporates, it is concerning that some children are not afforded the opportunity to define their own ethnicity. This may cause inaccuracies in the data since appearance alone is not a reliable indicator of ethnicity (see Klimentidis & Shriver, 2009). Therefore, officer-identified and self-identified measures of ethnicity are not directly comparable. Youth justice data which employs the self-identification method is more easily compared to general population estimates taken from census data.[49]

In the last two decades, there has been a general move toward self-identification methods of monitoring ethnicity in official statistics in England and Wales (Burton, Nandi & Platt, 2010). The ethnic categories employed in England and Wales are largely the result of post-war migration (Parameshwaran & Engzell, 2015). The set categories used to record data can be restrictive; individuals may struggle to identify with any of the groups and this may limit the validity of the data (Bonnett & Carrington, 2000; Martin and Gerber, 2006; Platt, Simpson & Akinwale, 2005). People who identify as having mixed ethnic backgrounds can find fixed ethnic categories particularly challenging (Platt, Simpson & Akinwale, 2005). The mixed ethnicity category was first used on the census in 2001, previously individuals tended to identify with one of their parent's ethnicity (Parameshwaran & Engzell, 2015). Currently, there is a 'multitude of actual Mixed ethnicities which exist' in England and Wales (Bradford, 2006: 3). A mixed ethnicity category does not tell us anything about the specifics of these identities. More generally, the broad ethnic categories employed in youth justice data fail to capture the nuances of ethnic identity, particularly in relation to white marginalised groups (Webster, 2008). For example, these categories do not enable the identification of GRT children, which is especially problematic when researching youth justice (see Chapter Two).

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[48] The different methods of determining ethnicity means that there are variations in the categories of ethnicity used. The data based on self-identification uses the ONS 5+1 classification system which includes the following categories: White, Black, Asian, Mixed, Other and 'unknown/not recorded'. However, data which relies on officer-identified ethnicity does not include a category for mixed ethnicity children. Such data is divided into the following categories: White, Black, Asian, Other and 'Unknown/not recorded' (Ministry of Justice, 2018a: 14).
[49] General population data contains detailed subcategories of ethnicity which are not included in the youth justice data. This was an issue raised by a number of interviewees who felt that more in-depth ethnic monitoring is required in the youth justice system (see Chapter Five).

Nevertheless, Burton and colleagues (2010: 1335) contend that it is 'virtually impossible to create single, mutually exclusive categories for ethnicity measures' which are conceptually coherent and which respondents can identify with. Some European states adopt a 'colour-blind' approach and refrain from collecting any data on ethnicity (Simon, 2005; 2012). However, many Critical Race Theory scholars argue that 'colour-blindness' does not equate to justice; in fact it serves to decontextualize issues of inequality and discrimination (Barnes, 2016; Crenshaw, 2011; Donner, 2011; Donner & Ladson-Billings, 2018; Lawrence, 1976; McCristal Culp, 1994). Measuring discrimination and disadvantage is the principal rationale for the collection of ethnicity data (Aspinall, 2012; Parameshwaran & Engzell, 2015; Simon, 2005; 2012). A House of Commons Select Committee Report described this aim:

> 'The object of asking ethnic questions is, in conjunction with other indicators of general disadvantage, to assist Government and local authorities to identify and work against all aspects of racial disadvantage and racial discrimination.' (Booth, 1983 quoted Parameshwaran & Engzell, 2015: 402)

Indeed, ethnic monitoring is described by Bonnett and Carrington (2000: 498) as a 'problematic necessity' for creating social change. So, while there are real problems with the ways in which official data is constructed, it is clear that ethnic categories should not be abandoned altogether. As sociologists, it is important that we critically reflect on the nature of these categories when researching issues surrounding race and ethnicity but also to use the data to best effect to expose the intrinsic injustices in the 'justice' process (Crenshaw, 2011).

Qualitative Data Collection and Analysis

Quantitative data analysis allowed for the exploration of trends in relation to BME children in the youth justice system in general, and the secure estate in particular. In itself, however, the official data does not offer explanatory insights into the drivers of overrepresentation or the intersections between BME identities and looked after status. Furthermore, the data regarding looked after children in contact with the youth justice system is severely lacking. Alongside the collation and analysis of the quantitative data, therefore, it was necessary to obtain and analyse qualitative data, given that

qualitative methods can produce a more nuanced and in-depth, explanatory understanding of the complex issues being addressed (Brinkmann, 2013; 2018; Carey, 2012; Darlington & Scott, 2002; Polit & Beck, 2010; Rubin & Rubin, 2012; Withrow, 2014).

The qualitative aspect of this research included semi-structured interviews with national experts in youth justice and/or children's services in England and Wales. The research did not include children or young people, since the focus was on professionals' knowledge and experience of policy and practice. A purposive sampling method was adopted whereby candidates for the research were identified because of their 'specialised knowledge' in the fields of inquiry (Rubin & Rubin, 2012: 176). These were contacted via email to request their participation. Attached to the emails was a letter of endorsement from the principal PhD supervisor, Professor Barry Goldson. This letter was included to enhance the credibility of the research request. Interviews were organised at a time and location suitable for the participants and took place between March 2016 and August 2016. Each interview extended between 45 minutes to 120 minutes.

In total, 27 youth justice and children's services professionals took part in the research, including: academics, youth justice and children's services consultants, Directors of Children's Services, professionals from NGOs and the YJB, members of the Laming review team, a former HM prisons inspector, a former magistrate, a current magistrate, a senior YOT manager and a senior police officer (see Appendix 4B for a complete list). The majority of interviewees had over 10 years' experience in the field whilst many had over 20 years' experience. Just two interviewees had less than 10 years' experience prior to the interview date, however, the particular nature of their roles meant that their knowledge and experience was more than sufficient for the research aims. All interviews were conducted in person, with the exception of one telephone interview. With the permission of interviewees, all interviews were audio recorded (n=27) and transcribed.

The interviews were semi-structured, with questions taken from an interview schedule designed to drawn on the knowledge and experience of interviewees. The interview schedule was developed after the completion of an initial literature review which

helped to form the questions and prompts. The interview schedule comprised 6 thematic sections with 16 questions, plus further sub-questions for prompting. These included questions about the background of the interviewee, the overrepresentation of BME children and looked after children, the intersections between ethnic identities and looked after status, the current state of youth custody, and future directions for youth justice policy and research (see Appendix 4C). The interview schedule was sequenced using a funnel approach as outlined by Guest MacQueeny and Namey (2012); questions started off broad before focusing in on the issues more specifically.

Semi-structured interviews are an adaptable and flexible method which is ideal for a focused topic; the researcher can ask new questions in response to answers received and explore new themes in the data (Brinkmann, 2018; Carey, 2012). The interview is an 'instrumental dialogue': it is a means for achieving research ends (Brinkmann, 2018: 1016). Semi-structured interviews can produce 'thick description' (Geertz, 1973/2011: 149) in which the researcher can gain a deeper understanding of the complexities of the issues being discussed as well as meaning, motivations and context. 'Thick description' enables 'thick meaning' for the reader, which encompasses the participant's knowledge and experience as well as the researcher's interpretations of that knowledge and experience (Ponterotto, 2006). Semi-structured interviews also have greater validity and reliability than unstructured interviews since the list of prompts reduces the possibility for researcher bias (Brinkmann, 2013).

Semi-structured interviews are useful for exploring complex issues and gaining access to privileged information, particularly when interviewing 'key players' (Carey, 2012: 110) such as youth justice and children's services professionals. However, there is a danger that interviewees may feel like they are representing their professional organisation, which could influence the answers they provide. To offset this, first I made absolutely clear that I was interviewing people in a personal capacity. Such in-depth interviewing can foster openness between the researcher and the participant which can lead to a more thorough exploration of phenomena (Darlington & Scott, 2002). However, one must also be careful – as I was – that a strong rapport does not impede the research process since participants may assume shared understanding and 'skip over' important aspects of their experience (Darlington & Scott, 2002: 54). Brinkmann (2013) asserts that there is a power imbalance involved in semi-structured

interviews; the researcher sets the agenda and has control over what topics are covered. This puts interviewees at risk of social desirability bias and could mean that they respond in ways which will show them in a more favourable light (Denzin, 1978). Given that interviewees were engaged in a personal capacity and given their seniority and expert status, such risks were mitigated. Equally, it was important that a firm knowledge of the topics was gained prior to the interview in order to demonstrate my 'thematic competence' and to build credibility and trust among interviewees (Rubin & Rubin, 2012).

Qualitative Data Analysis: The Stages of Thematic Analysis

The interpretative framework employed was thematic analysis as outlined by Braun and Clarke (2006). Thematic analysis requires the researcher to 'make sense' of the data by identifying and describing its complexities (Guest, MacQueeny & Namey, 2012). It involves a close reading of the data and the developing of codes which reflect meaning found within it. Thematic analysis does not constitute a method *per se*, since it incorporates elements of grounded theory, discourse analysis, interpretivism and phenomenology (Braun & Clarke, 2006; Guest, MacQueeny & Namey, 2012). Guest, MacQueeny and Namey (2012:15-16) describe thematic analysis as:

> 'A rigorous, yet inductive, set of procedures designed to identify and examine themes from textual data in a way that is transparent and credible […] its primary concern is with presenting the stories and experiences voiced by study participants as accurately and comprehensively as possible.'

Braun and Clarke's (2006) six phase process for rigorous thematic analysis was adopted for this research. Phase one entailed familiarising myself with the data. This involved jotting down initial ideas that began during fieldwork (ibid). Familiarising is the starting point of analysis (Bird, 2005; Braun & Clarke, 2006; Guest, MacQueeny & Namey, 2012). Researchers must immerse themselves in the data in order to understand its depth and breadth (Braun & Clarke, 2006).

All interviews were audio recorded and transcribed. Transcription is 'a key phase of data analyses' within qualitative methodology (Bird, 2005: 227). A truly verbatim

transcription of interviews was not possible since 'data are (re)constructed' during the transcription process in accordance with theoretical and pragmatic considerations (Poland, 2002: 630). For the purposes of this research, the 'Alternative Abbreviated Instructions for Transcribers' were followed (see Poland, 2002: 641). Audio recordings were transcribed with the assistance of Dragon NaturallySpeaking voice recognition software (VRS) using the 'embodied transcription' method (Brooks, 2010). The software was trained to recognise the researcher's voice, the researcher then listened to the interviews and repeated the content into a microphone attached to a computer. The VRS transcribed the researcher's speech and transcripts were later revisited and amended manually. Using VRS in this way involves actively listening to the data and encourages the researcher to become aware of cadence, pacing and emphasis in speech (Brooks, 2010). While multiple voice transcription is still not reliable, the single voice transcription method described above constitutes an 'improvement on traditional transcription' (Matheson, 2007: 558). As Fletcher and Shaw (2011) note, the accuracy of VRS has improved significantly in the last 20 years. VRS can ease the physical and mental stress of transcription (Johnson, 2011) whilst allowing the researcher to remain familiar with the data and gain valuable insights (Anderson, 1998; Brooks, 2010; Fletcher & Shaw, 2011; Johnson, 2011). The interview data was read-through in its entirety before any coding began (Braun & Clarke, 2006).

The interview transcripts were uploaded into NVivo11 which was used to facilitate the thematic analysis of the data. NVivo11 is a piece of qualitative data analysis software which is designed to assist the process of analysis (Bazeley & Jackson, 2013). It allows the researcher to store, manage and retrieve large quantities of information, establish patterns and makes links between data (Bazeley & Jackson, 2013). Phase two of the thematic analysis involved systematically combing through the data to discover repeated patterns (Braun & Clarke, 2006). Repeated patterns were labelled and initial nodes were created in NVivo which communicated something meaningful about the data. Boyatzis (1998: 31) suggested that a 'good thematic code is one that captures the qualitative richness of the phenomenon'. This research was data-driven; transcripts were read and re-read in NVivo and a line-by-line coding method was employed. Nowell *et al.*, (2017) assert that it is imperative to maintain a consistent analytic approach during coding to ensure reliability.

Phase three involved generating themes and sub-themes (Braun & Clarke, 2006) using an inductive coding method (Boyatzis, 1998). Coding-on was conducted to refine nodes within NVivo. However, the nodes were then extracted from NVivo and organised into themes and sub-themes using more traditional paper-based methods. The use of multiple methods of interaction with the data encourages immersion and can lead to the generation of greater insights (Maher *et al.*, 2018). During phase four themes were reviewed to ensure that they were coherent and communicated something meaningful about the data (Braun & Clarke, 2006). Any themes that did not have enough raw data to support them were removed from the analysis. Phase five involved the defining and naming of themes as well as determining the 'overall story' of the analysis (Braun & Clarke, 2006: 87).

The final (sixth) phase of analysis involved writing-up the thesis (Braun & Clarke, 2006). The qualitative data analysis chapters present the themes with extracts of data embedded in the narrative as supporting evidence (see Chapters Five, Six and Seven). Within these chapters, interviewees are referred to using pseudonyms both to protect their identities and also to provide information about the nature of their expertise. The analysis was not completely finished until this stage was complete. Despite the creation of six phases of thematic analysis, Braun and Clarke recognise that data analysis is a recursive process which involves 'constant moving back and forward between the entire data set' (2006: 86). This was certainly the case in this research. The analysis involved alternating between paper-based methods and the NVivo 11 software in order to develop the research narrative. This process of coding, organising and re-reading transcripts led to the creation of 14 master nodes encompassing 51 sub-nodes and sub-sub-nodes. All categories were cross-referenced to the salient literature and this enabled the identification of novel findings.

'Trustworthiness' of the Research

The reliability and validity of this research are enhanced by the research design. Traditionally, reliability and validity have been associated with quantitative research methods (see Carminati, 2018). However, these features are entirely applicable to qualitative research, albeit in slightly different ways (Carminati, 2018; Firestone,

1993; Hammersley, 1987; Lincoln & Guba, 1985; Morse, 1990; Polit & Beck, 2010). Winter (2000) posed that validity is a contingent construct that is dependent on the methodologies used and the particular aims of a research project. He argues that 'qualitative research sets itself up for failure when it attempts to follow established procedures of quantitative research' (Winter, 2000: 11). Indeed, social scientists have been vague and inconsistent in their use of reliability and validity in the past (see Hammersley, 1987). Hammersley (1992: 69) contended that 'an account is valid or true if it represents accurately those features of the phenomena that it is intended to describe, explain or theorise'. Lincoln and Guba (1985: 290) also suggested that it is preferable to consider the 'trustworthiness' of qualitative research including its truth value, applicability to other cases, its consistency and neutrality. They argued that we must substitute positivist research terms; 'credibility' should replace internal validity, 'transferability' should replace external validity, 'dependability' should replace reliability and 'confirmability' should replace objectivity (Lincoln & Guba, 1985: 219). Lincoln and Guba asserted that these terms are better suited to qualitative research.

Steps were taken to ensure the credibility, transferability, dependability and confirmability of this study. Primarily, this research addressed issues of credibility through adopting a mixed-methods approach involving triangulation of the data (Nowell *et al.*, 2017) as well as a triangulation of participants (Shenton, 2004) to develop a broader understanding of the issues. A mixed-methods approach was used to utilize the combined strengths of each method (Creswell, 2015; Creswell & Plano Clark, 2011; Shenton, 2004). The research also draws on the knowledge and expertise of participants from a wide range of organisations and professional backgrounds. Such triangulation of participants means that 'individual viewpoints and experiences can be verified against others' which leads to a rich description of the 'attitudes, needs or behaviour of those under scrutiny' (Shenton, 2004: 66). This research also ensured credibility through 'negative case analysis' which involved revisiting the work to check that findings were sound (Lincoln & Guba, 1985; Shenton, 2004). Themes in the qualitative data were also assessed against previous research findings to make sure that the research is situated within the literature to enhance its credibility (Shenton, 2004). Moreover, regular debriefing sessions were conducted with the principal PhD

supervisor during the fieldwork and data analysis phases. These sessions were used to evaluate the progress of the research and reflect on any issues (Shenton, 2004).

Steps were also taken to establish the transferability of the research. Lincoln and Guba's (1985) conception of transferability is sometimes referred to as generalizability (Carminati, 2018; Delmar, 2010; Firestone, 1993; Morse, 1999; Polit & Beck, 2010). Firestone (1993) set out three models of generalizability in research. The first model is statistical generalization in which findings from a sample population are extrapolated to a general population. This is most commonly associated with quantitative methods. The second model is analytic generalization, which involves generalizing a theory, and is particularly useful in qualitative research. The third model is case-to-case relation where a person in one setting adopts an idea from another (ibid). Lincoln and Guba (1985) refer to this as the 'fittingness' of the research and it is especially applicable to qualitative data. For Firestone (1993: 17) replication is an essential part of all models since 'similar results under different conditions illustrate the robustness of the finding'.

It is the model of analytic generalisation that is most applicable to this research, which aims to theorise about national policy and practice based on a sample of experts. This form of generalizability relies on the researcher to abstract knowledge (Carminati, 2018; Delmar, 2010; Morse, 1999; Polit & Beck, 2010). Analytic generalisation occurs during analysis and interpretation (Polit & Beck, 2010). Here it is paramount to ensure that 'the research is measuring what it was intended to measure' (Winter, 2000: 14). This research established clear research aims which were explicitly addressed throughout the literature chapters (see Chapters Two and Three) and the analysis chapters (see Chapters Five, Six and Seven).

This study also includes a detailed research design and a reflexive section evaluating the project (see below), both of which can increase dependability, according to Shenton (2004). The phased approach to thematic analysis provides a clear framework for the study to be repeated (Braun & Clarke, 2006). The inclusion of a second coder could have increased dependability through inter-coder reliability. However, time and monetary constraints meant that this was not possible. Indeed, interpretation is an essential facet of qualitative research and so it is vulnerable to researcher bias

(Boyatzis, 1998). Throughout the project, I maintained an awareness of, and reflected on, my own background, training and prior knowledge of the topics explored to try to mitigate this. My fieldwork findings were also systematically cross-checked during regular meetings with my principal supervisor. Following Shenton's (2004) guidance on improving reliability, therefore, I remained as neutral as possible to ensure that the analysis reflected the knowledge and experience of the professionals interviewed, rather than my own ideas or theories. The resulting 'rigorous inductive analysis' (Polit & Beck, 2010: 1453) is expounded using detailed descriptive information in order to help other researchers to understand the processes involved (Firestone, 2003; Lincoln & Guba, 1985; Polit & Beck, 2010; Shenton, 2004). This facilitated transferability as well as confirmability by providing an 'audit trail' of the research processes and decisions made (Shenton, 2004: 72).

The methods employed in this research enhance its credibility, transferability, dependability and confirmability. The research is grounded within the existing literature (see Chapters Two and Three). The results of this study are applicable nationally, it draws on a wide range of interviewees with expertise across a number of fields which are relevant to the research aims. This study provides a detailed account of the research process and resulting findings through use of 'thick description' (Geertz, 1973/2011). The triangulation of methods adds additional depth to these findings as well as credibility. It has been demonstrated that the research process included several checks and balances to ensure the 'trustworthiness' of the research findings.

Research Ethics

As a starting point, ethical approval for academic research was obtained from the University of Liverpool, School of Law and Social Justice Ethics Committee in February 2015. The application for ethical approval was developed in close consultation with the primary PhD supervisor, Professor Barry Goldson. It was designed to reflect the principles outlined in the British Society of Criminology's (2015) *Statement of Ethics* and the British Sociological Association's (2004) *Statement of Ethical Practice*. The research did not involve the participation of any vulnerable groups or anyone below the age of 18 years. All participants were

interviewed in their capacity as a national youth justice and/or children's services professional/expert. Therefore, the interviews did not involve any discussions of private lives or personal information. It was not anticipated that interviewees would experience any emotional distress or psychological harm from taking part in the research.

Prior to the interview, participants were provided with a detailed project information sheet and a consent form (see Appendices 4D and 4E). It was made clear that participation was voluntary, that they were under no obligation to answer questions, and that they were free to withdraw at any time. Interviewees were also able to choose from three options of anonymity. The first option meant that their full name and job title could be included in the thesis and subsequent publications, the second option included their job title only, and the third option involved full anonymity without using their name or job title. All interviewees understood that direct quotations would be included in the thesis and subsequent publications in accordance with their anonymity preferences. Consent forms were signed and dated by the interviewee and myself before the interviews began. Locations for interviews were selected to protect the privacy and safety of participants and myself. All interviews took place in a private room in the participant's place of work, in a University of Liverpool meeting room or over the phone. Participants were fully debriefed after the interview to confirm that they were happy to proceed. None of the participants withdrew from the study.

The interviews were sensitive in nature; the majority of interviewees offered critical insights into key problems with youth justice and children's services. A number of interviewees also gave details about the experiences of specific children they had met and practitioners they had worked with. In light of this, names and locations were carefully omitted from interview transcripts to protect the identities of children and colleagues, as well as the participants themselves. In retrospect, a decision was taken to use only the job titles of participants. All interviewees consented to their job title being published and so each interviewee was ascribed a pseudonym which reflected the nature of their role.

Interviews were recorded using an audio-recording device and then transferred to a secure server before being transcribed with the aid of VRS as explained above.

Moreover, the data was also processed in accordance with the new EU General Data Protection Regulation.

Reflections on the Research Process

This chapter reflects on the data collection, analysis and completion of the project. In order to produce high-quality work, 'qualitative researchers must be reflexive and conceptual throughout their project' (Polit & Beck, 2010: 1455). It is essential to ensuring that the work produced is 'trustworthy' (Shenton, 2004: 64).

This study has been successful in a number of ways – the research addresses the key issue of disproportionality in the youth justice system in general, and the secure estate in particular. There is no directly comparable research in the public domain (see above). In addressing this phenomenon, the research provides insight into the criminalisation of BME children and looked after children in England and Wales. However, the research process was not without complications. This research focuses on two groups of children, BME children and looked after children, which posed some challenges when selecting appropriate participants for semi-structured interviews. Ideally, interviewees were required to have in-depth knowledge and experience of both BME children and looked after children in the youth justice system. However, it proved difficult to realise this requirement with many participants having specialised in one group of children over the other. Two participants would only answer questions in relation to one group of children since they felt unqualified to discuss the other. While these interviewees did not have a full breadth of knowledge across both BME children and looked after children, their depth of knowledge in their respective specialist areas still provided valuable insights.

There were additional challenges during the fieldwork process. Whilst conducting the first interviews, I was nervous meeting participants and missed some points of enquiry for follow-up. I was a young PhD student and I was conscious that this could also impact the power dynamics of the interviews. Denzin (1978: 178) suggested that high status interviewees may sometimes 'talk past' the interviewer who they view as lower status. Certainly, one respondent spent a considerable amount of time giving advice on how I should approach the research. During a telephone interview, one particularly

senior professional spoke almost continuously, making it difficult to maintain the focus of the discussion. Shuy (2002) has suggested that unequal distribution of interactive power can be a problem with telephone interviews in which nonverbal cues are absent. However, he also points out that they can make individuals feel more comfortable discussing difficult subjects (Shuy, 2002). While at first the above participant seemed to be acting as a spokesperson for their organisation, they did eventually open up. In another interview, I was confronted with some problematic language (see Chapter Five). I chose not to challenge the interviewee on this as it could have damaged the good rapport that had already been established. Rubin and Rubin (2012) contend that it is not dishonest to do this since it is often essential to the completion of the research.

The fieldwork process was particularly intensive. The seniority of participants meant that they had extremely busy schedules which had to be accommodated. I was required to travel extensively in order to meet participants in a location convenient for them. Some days involved multiple interviews which left little time to reflect in between. With hindsight, I would change some aspects of the research. I would not give interviewees three different options of anonymity. Instead, I would require that they consent only to their job title being used since anonymity can facilitate openness and honesty (Shenton, 2004). Some participants who had consented to their name being used, qualified this later and asked for certain statements to be anonymised. This would have over-complicated the analysis and so contributed to my decision to anonymise all data (see above).

Altogether, this was a successful project that clearly addressed the research aims. The mixed methods approach which employs a combination of quantitative and qualitative analyses offsets the limitations of relying on one method. In doing so, it extends and develops existing knowledge and provides a nuanced and in-depth understanding of the overrepresentation of BME children and looked after children in the youth justice system and the juvenile secure estate.

Chapter Five   Institutionalised Criminalisation: BME Children in the Youth Justice System in England and Wales

Introduction

This chapter explores findings from 27 interviews with youth justice and children's services professionals in England and Wales. It interrogates the interview data and academic literature to unpick the presence of ethnic disproportionality in the youth justice system in general, and in the secure estate in particular. It begins by demonstrating the interviewees' knowledge regarding disproportionality in order to both reiterate existing statistical patterns and to confirm the overrepresentation of GRT children who are not captured by the official data. It demonstrates that interviewees were most concerned about black boys in the youth justice system. Consequently, the analysis of disproportionality principally centres on this group. The drivers of overrepresentation are examined along five main themes. Firstly, the significance of social and economic disadvantage is explored, although it is determined that ethnicity itself has a role to play. It then expounds findings in relation to discriminatory practices and employs Phillips' (2011) framework of 'institutionalised racialisation' to take account of the complexity of this issue. The chapter considers findings that outline excessive policing of BME children as driving criminalisation through negative assumptions. It also highlights differential treatment within the court system as a particularly thorny issue which requires further attention. Finally, the chapter outlines a lack of BME representation in key areas of the youth justice system as problematic. The chapter concludes that a range of complex factors contribute to longstanding ethnic disproportionality within the system which amounts to the institutionalised criminalisation of black children in particular.

The Overrepresentation of BME Children in the Youth Justice System

This chapter discusses the overrepresentation of certain BME groups in the youth justice system in England and Wales. It explores the officially published data and analyses this using the expertise of professionals working in the field. It is argued that

although the data is flawed, it is essential to aiding our understanding of ethnic disproportionality in the youth justice system which is a longstanding and persistent issue.

The published official statistical data outlines significant ethnic disproportionality in the youth justice system in England and Wales (see Chapter Two). The data shows that some groups of BME children, namely those who identify as black or mixed ethnicity, are overrepresented at all stages of the youth justice system, and that this overrepresentation is especially pronounced in the juvenile secure estate. When asked which groups of BME children they were most concerned about, all 27 interviewees referred to black children.

> *'[my] special concerns would be black children who are way overrepresented in terms of their proportions in the youth justice system and in custody [compared to] their proportions in the community as a whole.'* (Laming Review Member 1)

> *'[...] black British boys are the group that I have been most worried about.'* (Youth Justice Consultant 1)

> *'[...] black boys are noticeably overrepresented'* (Director of NGO 1)

> *'[...] it is black young people that are overrepresented very clearly'* (Senior Professional at NGO 2)

Indeed, interviewees tended to focus their discussions of overrepresentation around black children, and many specifically pointed to black boys. Two interviewees mentioned that black girls are particularly overrepresented in juvenile custody though the comparably low numbers of girls incarcerated means it is difficult to discern any meaningful statistical patterns (YJB, 2018a). Several interviewees also noted that mixed ethnicity children are overrepresented in the youth justice system. However, a large proportion of interviewees did not mention mixed ethnicity children even though they are overrepresented at all stages of the youth justice process (see Chapter Two).

Nevertheless, many confirmed the statistical data which shows increasing proportions of mixed ethnicity children in the youth justice system.

'[…] it looks as if the fastest growing overrepresentation in the justice system is mixed [ethnicity] children.' (Academic 1)

'[…] I think children of mixed ethnicity are actually more overrepresented than black kids […] I think it's been hidden and not generally reported on overtime, and/or that mixed [ethnicity] youth have been included within black figures. So I don't think it's been highlighted clearly that it is an issue.' (Youth Justice Consultant 1)

'[…] mixed [ethnicity] children are also significantly overrepresented' (Academic 5)

Certainly, some interviewees felt that mixed ethnicity children are more overrepresented than black children. However, census data indicates that mixed ethnicity children constitute 4.1 percent of the general population and 11.3 percent of children in the juvenile secure estate (ONS, 2011; YJB, 2018a). Comparably black children appear to be more overrepresented since they make up 4.4 percent of the general population and 23.4 percent of children in custody (ONS, 2011; YJB, 2018a). Overall, nearly half of children in the juvenile secure estate identify as BME (YJB, 2018a). Moreover, all interviewees were aware that broadly Asian children are underrepresented in the youth justice system. However, several interviewees also acknowledged that the proportions of Asian children in penal custody have increased in recent years.

'[…] increasingly, Asian young men [are being sentenced to custody]' (Former Magistrate)

'[…] we are getting an increasing number of Asian young people [in custody]' (Senior Professional in YJB)

'[…] the number of young Asian kids who are being locked up seems to be

a lot higher than it used to be.' (Senior YOT Manager)

The interview data was able to confirm the patterns of ethnic disproportionality found in the official statistics which are outlined in Chapter Two and also offer some expert insights. In addition to reinforcing the officially published data, many interviewees were also critical of its quality. In particular, many took issue with the ethnic categories employed, which they viewed as too broad.

'[…] the trouble with the BME [data] is that it doesn't break it down enough' (Senior YOT Manager)

'The [officially published] statistics don't tell you which [BME] groups actually because there is no further breakdown [of the categories]' (Academic 3)

'[…] you never quite know about the quality of the data, it just says mixed [ethnicity] and you don't know what mix it is [...]. We don't know how many Eastern European kids there are [in youth custody], how many Roma kids there are, it's all a bit crude. Those [ethnic] categories actually haven't been updated for a long time.' (Youth Justice Consultant 3)

The YJB currently employs five categories to denote ethnicity: 'white', 'black', 'mixed' and 'Asian' and 'Chinese or other' (see Chapters Two and Four). Many interviewees saw these ethnic categories as ultimately vague, and felt that more detailed subcategories could be included in order to capture the complexities of self-identified ethnicity (Bonnet & Carrington, 2010; Parameshwaran & Engzell, 2015). For example, some interviewees pointed specifically to 'Somali' children or 'Caribbean' children. The current categories do not allow us to explore whether children with these backgrounds are any more or less overrepresented than other groups who may identify as black. Similarly, a small number of interviewees discussed the staggering overrepresentation of GRT children in youth custody, which is conspicuously absent in the official data (see Chapter Two).

'[…] the number of gypsy kids and traveller/Roma kids…I think [they make up] something like 20 percent of some of the custodial establishments and you are thinking well they are sure as shit not 20 percent of the [general] population.' (Senior YOT Manager)

'[…] because [GRT] children aren't always declared, and they're not visible because they are (mostly) white, people just don't accept [that they are overrepresented]' (Former HM Inspector of Prisons)

'[…] traveller gypsy communities [are a] hidden group [in youth custody] because their ethnicity is not always obvious' (Director of Children's Services 2)

'Gypsy, Traveller and Roma children […] would record themselves as white, but what we discovered when we did a particular piece of work for [organisation] looking at youth custody institutions, was that there was a high percentage of that white population that were from Gypsy Traveller and Roma communities and that just wasn't being picked up at all.' (Children's Services Consultant)

The above interviewees thought that the GRT identity can become lost within the current system of categorisation, a factor which has drawn criticism from the Traveller Movement (2016b) and has received some, albeit limited, attention in parliament (Slaughter, 2015 as quoted in HC Deb 1 February 2017, cc348 – 355WH). Just 4 out of 27 interviewees mentioned GRT children when questioned about ethnic disproportionality. It seems that GRT children are not just overlooked when it comes to the collection of official data, but they were also largely omitted by the youth justice and children's services professionals interviewed. While interviewees took issue with the data, it still formed the basis for their discussions of overrepresentation. All 27 interviewees were able to discuss the official figures regarding the ethnicity of children in the youth justice system, and in custody in England and Wales. Several interviewees commented on the fact that the proportions of black and mixed ethnicity children have increased whilst the overall number of children in the youth justice system has decreased.

'[…] you have to come to the conclusion that we seem to be able to keep white kids out of custody but not black kids' (Senior YOT Manager)

'[…] there has been a difference […] at the gateway of the [youth] justice system [in terms of] how some of these communities have been policed and risk assessed. […] I would suggest that they have brought many of these young people into the justice system without giving them access to alternatives which have been provided to the other groups.' (Academic 3)

'If you look at the fall in arrests, the fall in children getting a substantive disposal, being charged and going into custody, all of the graphs look incredibly similar [..] since 2008. And my take on it is that if you have kids in the system, then they tend to progress towards custody, a certain percentage of them go into custody. If that's right then what it implies is that black and minority kids […] aren't being diverted to the same degree as white children.' (Academic 1)

These statements reflect the central problem, which is that some groups of BME children do not seem to have been afforded the same access to alternatives as other children, which has been crucial in reducing the number of children in the juvenile secure estate (Bateman 2012; 2014). Nonetheless, interviewees emphasised that this is by no means a new phenomenon. They felt that the issue of BME criminalisation is a longstanding issue.

'It doesn't matter how many young people are locked up in this country. […] the [juvenile secure estate] in particular has shrunk [but] that hasn't shrunk the level of overrepresentation. When we had a massive surge in custodial figures, again [black boys were] significantly overrepresented. So I don't think that's changed in any way at all. It doesn't matter, whatever timeframe you put on it these kids are still overrepresented.' (Youth Justice Consultant 1)

> *'[…] historically [BME] groups have always [been overrepresented] and I suppose in some ways the decline that we've seen now and the fact that many children are now kept out of the system […] reinforces that it's always been the way. It's a persistent and enduring problem, it's how it is, it's the status quo.'* (Academic 7)

> *'There are some real deep problems with how the system operates in which things have become so ossified that we are finding it such a problem. Even the thousand or so young people that are currently in the estate […] within that a disproportionate number of them are from black communities, even the remand population in custody is disproportionately black'* (Academic 3)

Indeed, scholars have been writing about BME overrepresentation for a number of decades (Hall *et al.*, 2013; Gilroy, 1991; Gordon, 1983; Webster, 2019). The very fact that this issue still warrants interrogation is a cause for concern, particularly given that ethnic disproportionality is increasing. It has been established that the official data, although flawed, is essential to understanding the picture of overrepresentation. While the interviewees were critical of its quality, they also largely relied on it. As outlined in Chapter One, in the last decade there has seen a trend towards diversion and alternatives to custody which has driven down the young custodial population (Allen, 2011; Bateman, 2012; Goldson, 2015). And yet, it is clear that some groups of BME children are increasingly proportionately overrepresented. The principal aim of this chapter is to examine why this is the case. Therefore, interview data that considers the drivers of ethnic disproportionality in the youth justice system is explored. Overall, interviewees primarily focused on black children, with some discussions about mixed ethnicity children. In addition, some interviewees briefly mentioned GRT children although this was not their focus of the interview. Interviewees' responses also centred on boys.[50] As a consequence, this chapter focuses on BME boys, and black boys in particular.[51] In light of this, the interview data is framed around five main themes:

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[50] Although girls were mentioned by 11 interviewees, only 2 discussed the issue of gender at length. This is perhaps the result of the dwindling numbers of girls who experience penal custody in England and Wales (YJB, 2018a).

[51] For a discussion of gender and the youth justice system see Sharpe, G.H. (2011) *Offending Girls: Young Women and Youth Justice*. Abingdon: Routledge.

social and economic disadvantage, institutional racialisation, excessive policing, differential treatment in court and representation and understanding. These are discussed below.

BME Children: Social and Economic Disadvantage

Goldson (2015: 179) has contended that 'wherever we might care to look in the world, child prisoners are routinely drawn from some of the most disadvantaged, distressed and impoverished families, neighbourhoods and communities'. Certainly, research has shown that youth custody in England and Wales is full of children who have experienced serious hardship (Allen, 2011; Blades *et al.*, 2011; Gyateng *et al.*, 2013; Jacobson *et al.*, 2010; Lennox & Khan, 2012; Willow, 2015). Furthermore, as the numbers of children in penal custody have fallen, the remaining population is likely to have a greater concentration of problems (Bateman, 2017; Bateman & Hazel, 2014; Bateman, Hazel & Wright, 2013). This chapter outlines how social and economic disadvantage might contribute to the overrepresentation of BME children in the youth justice system in general, and penal custody in particular. It demonstrates that wider political and economic shifts have intensified such disadvantages for many children.

Several interviewees argued that heightened levels of social and economic disadvantage found in BME communities can help us to understand ethnic disproportionality in the youth justice system.

> *'I think this is at the root of why we do have often more young BME people the justice system because of the economic opportunities they have or the deficit'* (Director of NGO 2)

> *'[…] the socio-economic circumstances of [BME] children and their families and the circumstances which lead them to be more often living in the poorest areas, in the poorest housing, with the poorest access to services, the poorest support, means that they're more likely to get into trouble'* (Director of Children's Services 2)

'[...] minority groups tend to be heavily focused among very, very poor working class communities and it's those communities who come to the attention of the criminal justice system. If they are overrepresented in those communities then they will be overrepresented in the justice system.' (Academic 1)

'For black and minority ethnic young people again all of those factors… Early indicators that a young person may get into trouble with the youth justice system are there. So they tend to have poor attainment, to have higher exclusion rates from school, [to have] experience of family breakdown, [to have experience] parental mental health issues [...] domestic violence [...]. A lot of young black children are brought up in single-parent households and that is correlated not causative. But all of those things that are in the family experience of young people tend to be more prevalent quite often. And poverty, poverty and deprivation is the overriding issue.' (Senior Professional in YJB)

BME children are likely to be among the most disadvantaged in society. Gillborn (2013: 481) asserts that 'historically minoritised groups suffer the negative impacts of recessions earlier, deeper and longer than the White population'. Dorling (2009) argues that times of recession only serve to deepen existing racial inequalities within society. The UK poverty rate is twice as high for BME groups as it is for the majority white population (Barnard & Turner, 2011; Weekes-Bernard, 2017). Research conducted by the Joseph Roundtree Foundation found that 45 percent of children with foreign-born parents were in poverty compared to 24 percent of children with UK-born parents (Hughes & Kenway, 2016). Many of these children will belong to an ethnic minority group. Research suggests that experiences of poverty during childhood – both long and short term – increase the likelihood of persistent, serious criminality in adolescence (Hay & Forrest, 2009). Here the impact of community poverty levels are particularly important (Hay *et al.*, 2007). Moreover, it may be the case that poor individuals are 'not more likely to become persistent offenders, but are just more likely to be caught and severely sanctioned' (Hay & Forrest, 2009: 55). In addition to this, BME children are disproportionately likely to be the subject of social services intervention (Bywaters *et al.*, 2014; DfE, 2017a; Owen & Statham, 2009).

They are also more likely to have poor educational achievement and to experience exclusion from school (DfE, 2017a; Social Mobility Commission, 2016) and are twice as likely to be unemployed as white young people (Powell, 2018).

Specifically, three ethnic groups of children have been identified as overrepresented in the juvenile secure estate in England and Wales: black children, mixed ethnicity children and GRT children. These groups are especially disadvantaged in many respects. For example, DfE (2018b) data shows that 'black Caribbean' boys, mixed ethnicity 'white/Caribbean' boys and 'Gypsy/Roma and Traveller of Irish Heritage' boys are between two and five times more likely than 'white' boys to be permanently excluded from school, a factor which features prominently in youth custody populations (Kennedy, 2013; Prime, 2014; Redmond, 2015; Simmons, 2016; Taflan, 2017).[52] GRT communities in particular have extremely high levels of disadvantage in relation to education, health, employment, accommodation and justice (Cemlyn *et al.*, 2009). These issues have become more pertinent in light of widespread cuts to public spending. Indeed, 'the past decade has shown a deterioration in the ability of people without work or in lower-paid work to afford a minimum standard of living' (Davis *et al.*, 2018: 3). Gillborn (2013) contends that the economic crisis has led to a defunding of education programmes designed specifically for ethnic minority children, in a bid to placate and protect the white working-class. In addition to this, government funding cuts have threatened local welfare funds which offer vital support for people at risk of destitution (Fitzpatrick *et al.*, 2018). To put it bluntly, the most economically disadvantaged in society have become worse-off as a result of the government's austerity agenda. Furthermore, such austerity measures were found to have the greatest cumulative impact on black and Asian communities, with black families experiencing the greatest average drop in living standards (Hall *et al.*, 2017).[53] Several interviewees felt that the disadvantages experienced by BME children have been compounded by the austerity agendas of recent Coalition and Conservatives governments.

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[52] The DfE data regarding ethnicity uses different categories to denote ethnicity than does the YJB. We should therefore approach any comparisons between the data with some caution.
[53] The study did not include information about GRT families. Such an omission confirms research by The Traveller Movement (2016; 2017) which asserts that GRT groups are often overlooked when it comes to ethnicity.

'[...] there has been a decline in resources going to BME organisations to work with young people especially those at risk of offending or in the care system [...] because of public sector cuts. Many BME especially black charities that local authorities were funding, that supply of funding has been literally cut off.' (Director of NGO 2)

'[...] some of the [BME third sector organisations] have really struggled in and around London that have supported youth activity and prevention activity [...] they have [found it] very difficult to actually exist because of the fact that the council has taken away funding. Now that has had a huge, huge detrimental impact [...] many of them closed, they had no funds, no access to resources and therefore all the expertise that they brought together was just withdrawn.' (Academic 3)

'[...] the BME charity I'm involved in [...] we've just been clobbered because things go central. And bigger organisations [say that] they will do a bit of diversity and whatnot. And of course they don't because it doesn't matter, survival matters. And then [BME children] fall even further through the cracks because the issues don't go away because the alienated individuals, families, communities are still there.' (Academic 6)

Clearly, interviewees felt that BME third sector organisations have been particularly impacted by government spending cuts.[54] In a survey of third sector organisations who work with offenders, just 5 percent provided specialised support for BME people and their families (Clinks, 2018). Moreover, these organisations were much more likely to report being at risk of closure: 30 percent of BME specialist organisations reported that this was the case compared to 5 percent of organisations overall. Nevertheless, there are some groups of BME children, such as Pakistani and Bangladeshi children, who experience high rates of disadvantage but do not appear to

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[54] Mayblin and Soteri-Proctor's (2011) work interrogates the notion of a 'BME third sector' and highlights the contested nature of the concept. For the purposes of this research, notions of 'BME charities' or 'BME organisations' will refer to BME third sector organisations in the 'broadest sense of the term' (ibid: 33).

be overrepresented in the juvenile secure estate (Social Mobility Commission, 2016).[55] Many children with Asian ethnic backgrounds continue to be underrepresented in youth custody (YJB, 2018a). Therefore, it is difficult to attribute the overrepresentation of some BME groups using socioeconomic status alone. Fieldwork interviews reflected this challenge. There was not a single interviewee who thought that ethnic disproportionality was solely the result of higher levels of deprivation found in BME communities.

'I'm not convinced by the research, more the kind of commentary rather than the research, that minority ethnic groups are more likely to be incarcerated because of their class position, I don't buy that as a full explanation. To argue that racism doesn't play a part seems to be really naive.' (Academic 2)

'[…] one of the things which I think we need to do quite urgently is try and disentangle the impact of race from the impact of poverty to get a better picture of how much it is a consequence of race. I'm convinced that at least some of it is.' (Academic 1)

'[…] you get layer upon layer upon layer of problems which […] I think will relate in part to specific institutional racism but you also get layer on layer of problems which relate to childhood poverty. And put those two together and that's a real cocktail for different children being treated in a different way in the court system and before that in the youth justice system as well.' (Laming Review Member 1)

A number of interviewees acknowledged the importance of class and socioeconomic position but could not offer it as a full explanation for the overrepresentation of BME children in the youth justice system. Some scholars have suggested that criminology, and British criminology in particular, has missed opportunities to uncover the specific intersections between class, 'race' and gender (Paik, 2017; Parmar, 2017). It is

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[55] It is possible that the broad ethnic categories employed by the YJB conceals potentially disproportionate numbers of Pakistani and Bangladeshi children in custody. However, the numbers of children who identify as Asian are incredibly low (see Chapter Two).

therefore encouraging that the interviewees gave weight to such intersectionality. BME children face significant social and economic disadvantages that may contribute to their overrepresentation in the youth justice system. Moreover, such disadvantages are likely to have intensified in recent years as general living conditions have worsened for many, and additional support systems have been reduced or withdrawn. Despite this, it was clear that interviewees viewed ethnicity itself as an essential facet to understanding disproportionality. More specifically, the majority of interviewees argued that BME children are disadvantaged in the justice system *because of* their ethnicity. This chapter now explores findings which outline the ways in which BME children might be treated differently to their white counterparts.

Discrimination in the Youth Justice System: Institutional Racialisation

It is clear that the overrepresentation of certain groups of BME children cannot be wholly explained using social and economic factors. Nor can it be wholly explained through differences in offending patterns (see Chapter Two). Therefore, it is essential to consider the potential for discriminatory practices in the youth justice system. Interviewees viewed such practices as widespread and important for understanding ethnic disproportionality. This chapter now considers how we can understand differential youth justice practices using Phillips' (2011) multilevel framework of 'institutionalised racialisation'.

Perhaps the most prominent theme running throughout the interview data was discriminatory practices. When prompted to discuss the drivers of overrepresentation in the youth justice system, 18 of the 27 interviewees used the term 'racism' and 22 of the 27 used the term 'discriminatory' to describe some element of youth justice practice. A large number of interviewees argued that the youth justice system itself is structurally racist and that this is a major cause of ethnic disproportionality in the system in general, and youth custody in particular.

> *'I still think that there is an inbuilt discrimination in the [youth justice] system'* (Children's Services Consultant)

'I do think that the criminal justice system is inherently racist and structurally so.' (Senior YOT Manager)

'[...] to claim that we are in some kind of post-race society when there isn't really I don't think convincing evidence to suggest that that's where we are.' (Academic 2)

'I think it's clear with BME children that there is a systemic issue that there probably are very uncomfortable realities around unconscious racism, I would hope it was, rather than conscious racism going on in the system.' (Senior Professional at NGO 1)

Two decades ago, Lord Macpherson referred to 'institutional racism' during a public inquiry into the investigation of the murder of Stephen Lawrence. Although 'institutional racism' had been discussed much earlier, Macpherson's use of the term had a significant impact on the public (Bourne, 2001). Macpherson defined 'institutional racism' as:

'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.' (Macpherson, 1999: 6.34)

Much like Macpherson, many interviewees used the term 'systemic' to describe racism which sits at the heart of the youth justice system. They described the entire criminal justice system as one in which racism is deeply entrenched. However, it is not immediately clear what they mean by racism and discrimination. Macpherson's own conception has been criticised for its lack of rigor, particularly in that it conflates individual racism with a broader structural racism (Bourne, 2001; Miles & Brown, 2003; Phillips, 2011; Wight, 2003). Phillips' (2011) conceptualisation of 'institutional racialisation' offers a more helpful framework for understanding such phenomenon. Phillips builds on the work of Rattansi (2005: 271) who critiqued and developed the

concept of 'racialisation' in response to racism as an 'essentially contested' notion.[56] He argued that 'racialisation' is a multidimensional and relational concept:

> 'Racialization tells us that racism is never simply racism, but always exists in complex imbrication with nation, ethnicity, class, gender, and sexuality, and therefore a dismantling of racism also requires, simultaneously as well as in the long run, a strategy to reduce relevant class inequalities, forms of masculinity, nationalisms, and other social features whereby racisms are reproduced in particular sites' (Rattansi, 2005: 298).

Using Rattansi's (2005) work, Phillips (2011: 173) proposes a multilevel framework of institutional racialisation which incorporates form of racialisation operating at the micro, meso and macro levels. Institutional racialisation at the micro level recognises that individuals may hold positive or negative attitudes towards minority ethnic groups as a result of familial socialisation and cultural values. Meso level institutional racialisation is primarily concerned with contextualising factors such as socioeconomic status, political and media discourses and institutional practices. Phillips (2011: 176) argues that 'media and popular discourses addressing race/ethnicity, inequality and racism often contribute to 'common-sense' understandings of social life, which inform processes of micro-level racialisation'. Finally, macro level racialisation includes '[s]tructural determinants of material conditions provide the frame through which institutional processes and practices at the meso level are enacted' (Phillips, 2011: 177). Macro level racialisation is expressed through the monitoring, regulation and criminalisation of BME communities.

Phillips' framework takes account of both individual and structural factors and the way in which these interact to produce and reproduce racialisation. The fieldwork interviews reflected complex mechanisms by which issues on the micro, meso and macro levels interact and result in negative outcomes for certain groups of BME children, and black children in particular.

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[56] This use of racialisation is distinct from Miles' conception in which racialisation is a 'synonym for racial categorisation' (Miles and Brown, 2003: 100).

> *'I'm talking about YOTs, court, I'm talking about social workers and children's services, I'm talking about schools, I'm talking about all sorts of institutions and organisations who will make kind of stereotypical assumptions about black young people that they wouldn't make about white young people.'* (Director of Children's Services 1)

> *'I've been in this job for 30 years, so I can see the stereotyping and discrimination is sort of more subtle now but people often subconsciously have these perceptions because they're offered them so regularly and it does impact.'* (Director of NGO 2)

Certainly, the data collected from the interviews suggests that such 'institutional racialisation' is ingrained within the youth justice system and is a particularly longstanding problem. This demonstrates that the overrepresentation of some groups of BME children is at least in part determined by negative assumptions made by a range of actors across institutions. The chapter now explores racialisation as operating in three key ways: through excessive policing, differential treatment in court, and representation and understanding.

BME Children and Excessive Policing: The Gateway to the Youth Justice System

All 27 interviewees suggested that policing contributes to the overrepresentation of BME children in the youth justice system. While the precise nature of this contribution varied between participants, overall, the vast majority of interviewees felt that policing was *'vital'* (Academic 3) to understanding overrepresentation. After the fieldwork was completed, an analysis of official youth justice data was published as part of the Lammy Review, it was found that 'arrests of young black people are a likely contributing factor to the high number of young black people sentenced to custody' (Ministry of Justice, 2017b: 8). Despite this, the Lammy Review did not explicitly cover policing. The interviewees drew particular attention to the disproportionate use of stop and search powers on BME groups and how this can trigger entry into the youth justice system.

'[…] young people are always getting up to this and that and if the police keep stopping [BME children] they are bound to sooner or later find something they are doing that is illegal. So stop and search is quite an important part in that process of getting into the system.' (Former Magistrate)

'It was really clear [that] there was just a spiralling of stop and search being done on young people and particularly again disproportionately on young black people.' (Chief Executive of NGO)

'[…] we've just been really loose with how many [BME] young people we have stopped and searched' (Senior Police Officer)

The majority of interviewees viewed stop and search as an intervention which has been used *excessively* on BME children and young people. Interviewees reinforced statistical findings which demonstrate that BME children, particularly black children, are more likely to be stopped and searched, and subsequently arrested, than white children in England and Wales (see Chapter Two). Moreover, several interviewees linked disproportionate numbers of BME children in the youth justice system with heightened police activity in areas which have large BME populations. Some studies have suggested that ethnic disproportionality in the use of stop and search may actually reflect the racial composition of the 'available population' which occupies the most frequently policed spaces (MVA & Miller, 2000; Wadding, Stenson & Don, 2004).

'[…] if you are over policing certain areas of the country more than others you're probably going to find more offenders […] and that still happens.' (Director of NGO 2)

'Where you would find populations particularly from black and minority ethnic groups […] in particular neighbourhoods that are disadvantaged, urban areas, inner-city areas, we would see heightened police activity in those areas and therefore the stop and search figures would also be high.' (Academic 3)

'[...] a lot of operational discretion in terms of the police again is to do with assumptions about race and visible ethnicity and children from those backgrounds. [They] police geographically, they police according to areas and their perception of the sorts of children and young people who live in particular areas' (Academic 4)

Interviewees felt that assumptions about criminality in particular locations can have a direct impact on the levels of BME children in the youth justice system. Research has highlighted that the police often focus their activities in areas with high numbers of BME people and that this is often not related to crime rates (Bowling & Phillips, 2007; Chainey and MacDonald, 2012; Phillips & Bowling 2017). Phillips' (2011: 186) argues that at a meso-level, 'Black people's greater 'availability' on the streets – because of higher levels of school exclusions and unemployment combined with their residential concentration in higher crime areas – contributes to disproportionality in stop and search'. However, she also points to micro-level evidence that suggests that racial prejudice is apparent in the police (ibid). The above statements can be viewed using Phillips' (2011) concept of 'institutional racialisation': the perceptions that individual police officers have about BME children (micro level) are influenced by contextualising factors (meso level), such as socioeconomic status, and are expressed through the monitoring and regulation of certain BME communities through the use of stop and search (macro level). Academic 1 stated *'I think stop and search is a massive issue in terms of race'.* They went on to describe how at the micro level, discriminatory attitudes impact upon the use of stop and search which can lead to increased numbers of BME children in the youth justice system.

'I do think that there is an element of discriminatory policing and one of the ways that that is exercised [...] is through stop and search. Quite a lot of black children will come into the system through being stopped and searched which will result in a higher level of criminalisation even if the underlying offending levels between different ethnic groups are the same. If one in four kids white and black is going round doing naughty things and you stop half of all the black kids but only one in ten of the white, you'll nick a lot more black kids basically.' (Academic 1)

It was made clear in Chapter Two that ethnicity has minimal bearing on the prevalence of offending. Therefore, the disproportionate use of stop and search on BME children is likely to be in part related to micro-level, racialised assumptions about particular children.

'[…] the police attend to certain sorts of children and young people…they give undue attention to visible minorities who tend to belong to the […] socioeconomic and area groups that [they] assume are most likely to be in trouble' (Academic 4)

'We know black young people get picked up by the police much more quickly, a similar group of white young kids doing the same thing would stand much less chance of getting picked up by the police. So there is in my mind no question that is underpinned by stereotypes' (Director of Children's Services 1)

'[…] many unlawful searches have been done where police officers have targeted the same people and this is where some of the [BME] young people that we have spoken to and I've spoken to personally [as part of focus groups], this is what they come up against and this is their first sort of involvement and interaction' (Academic 3)

Several interviewees indicated that racialised assumptions made by the police about BME children contribute to ethnic disproportionality in the youth justice system. Within the police service, negative attitudes about ethnic minority groups have been well documented over the last four decades (Bowling & Phillips, 2002; Holdaway, 1983; 2009; Gordon, 1983; Reiner, 1993). Furthermore, there is a wealth of psychological studies from the US which suggest that black men are stereotyped as hostile, criminal and threatening (Correll *et al.,* 2002; Cottrell & Neuberg, 2005; Devine, 1989; Devine & Elliot, 1995; Duncan, 1976; Wilson, Hugenberg & Rule, 2017). Research from the US also suggests that police officers may associate black faces with criminality, and that 'the "more Black" an individual appears, the more criminal that individual is seen to be' (Eberhardt *et al.,* 2004: 888).

It is difficult to establish a *causal* relationship between police officer attitudes and their responses to ethnic minority individuals (Goff & Kahn, 2012; Kahn & McMahon, 2015). Weeks and Lupfer's (2004: 983) work in social psychology suggests that 'race and social class are intertwined in a complex relationship' which influences stereotyping and categorization. Nevertheless, Hall *et al.*, (1998 as quoted in Bowling, Parmar & Phillips, 2008: 3) argued that 'while there is no automatic or straightforward link between racially prejudiced attitudes and language and discriminatory or differential behaviour…there is a consistency in the pervasive nature and expression of racial stereotypes and their influence on police expectations and behaviours'. Moreover, Bowling and Phillips (2007) have contended that police officers routinely make operational decisions which are based on racialised assumptions. Such stereotyping is perhaps most clearly expressed in the use of the 'gang' label.

'[the police are] labelling a lot of young men as gang members when actually they are not in gangs. It perpetuates a certain way of policing and looking at issues and young black men [in a way] which is often not accurate. [...] I think we need to recognise that it's not just young black men that are involved in gangs. There's a lot of young people [of all ethnicities] involved in gangs and drugs and all the rest of it [...] we need to [have] some more objectivity [and learn] what are the issues.' (Director of NGO 2)

'[...] the gangs databases are built up through a racial stereotype and therefore when young people are contacted by police, what is sort of an innocent sounding question "are you in a gang?" "Well, yeah". Well what do they mean by that? So the police are recording this information and putting it into a database [and] these databases are being used to focus investigations… but someone who says "yes I am a friend of…" someone who is under police surveillance, is a target himself or herself for more police attention and that association can be cited in a court.' (Senior Professional at NGO 2)

It was demonstrated in Chapter Two that BME children and young people, and black children and young people in particular, are at an increased risk of being labelled as 'gang' involved (Aldridge, Medina-Ariza & Ralphs, 2007; Alexander, 2008; Bridges, 2015; Hallsworth & Brotherton, 2011; Hallsworth & Young, 2008; Williams, 2015; 2018; Williams & Clarke, 2016). Interviewees raised concerns about this issue and argued that such labelling has significant implications for BME children's trajectories through the youth justice system. Research suggests that at the front end of the system, racialised notions of the 'gang' have been used to justify the over-policing of young black males (Aldridge, Medina-Ariza & Ralphs, 2007; Alexander, 2008; Williams, 2018), while at the back end, this has led to the criminalisation of black individuals (Squires, 2016; Williams & Clarke, 2016). However one cares to look at it, racialised assumptions about BME children, the areas in which they live, their perceived class position, and the people that they associate with, mean that they are disproportionately policed and this contributes to their overrepresentation in the youth justice system in general, and the secure estate in particular.

Regardless of the underlying causes, the disproportionate policing of ethnic minority children and young people damages community relations and casts doubt on police legitimacy. The use of stop and search has declined significantly in the last six years, however, stop and search is more disproportionate than ever: black people are stopped and searched at a rate seven times higher than white people. Mixed ethnicity people are three times as likely and Asian people are twice as likely to be stopped and searched as white people (see Chapter Two). Some interviewees explained that stop and search has become a routine experience for some BME children and young people. They described how the regularity of stop and search had led some children and young people to develop a significant mistrust of the police.

> '[…] it was young person centred research that we did on stop and search, and there were young people within that who were able to account very clearly for how they were just materially being spoken to differently from white peers within the same group. Many of them were saying I learned very quickly never resist a stop and search even if it does feel wrong, unjust, without reason, just don't resist it. Because actually what they are

looking for is an arrest at the end of it and if you kick-off that's what you'll get.' (Chief Executive of NGO)

'[...] plenty of young people I've spoken to particularly black young men will say it's just part of everyday life.' (Senior Police Officer)

These statements not only detail how identifiable children regularly experience police intervention, but also that they have learned to be wary of the potentially criminalising effect of police interactions. One interviewee described the sense of inevitability some young BME people may feel about excessive police intervention when discussing the experiences of his son.

'[...] my son who is now 24 when he was 15/16 I went into his bedroom and found about 30 or 40 stop and search documents pinned on his wall. He said it was the same police officer stopping him all the time, they knew his name, they knew where he lived, they would actually [talk to him] and then stop and search him for no apparent reason. [...] my son is black, now it's the only thing I can see [as to] why he had all those. So what is that about? Now I think it was a certain police officer [...] who was basically harassing him. It's as simple as. But when I said to him that I would take it to the powers that be, I was quite happy to take it to the chief constable in [omitted]. He said one of the most depressing things I've ever heard anybody say and he said "dad, it's just the way it is" and he was like "don't rock the boat". Now if he is saying that when he's in a relatively well supported environment, all those positives around him, you can just imagine what young black kids [experience] who don't have [supportive backgrounds]' (Senior YOT Manager)

This statement refers to just one young person's experience, however, it also reflects the experiences of many other BME children and young people who are often subjected to stop and search. For children who are categorised as 'gang' involved by the police, such encounters are particularly frequent and routine (Williams, 2018; Williams & Clarke, 2016). A number of interviewees suggested that persistent

discriminatory policing, through the use of powers such as stop and search, has led to difficult relationships between some BME communities and the police.

'[stop and search is] probably the single biggest tool that we have damaged our relationship with young people the most through. Its created suspicion, its created hostility and actually what has it given us? Some arrests maybe, a bit but not to the level of the damage that we have caused.' (Senior Police Officer)

'It was the commonality of stop and search, suspicion of living in a climate where they're expecting to be possibly in trouble or likely to be in trouble and the way in which that is then experienced. You expect to be stopped by the police, you expect to have that relationship with the police.' (Director of NGO 1)

'I think in the main there is a great distrust of [the police] amongst [GRT] children and young people which again is a defence thing' (Children's Services Consultant)

Nearly a decade ago, the EHRC concluded that the use of stop and search had been 'unlawful, disproportionate, discriminatory and damaging to relations within and between communities' (EHRC, 2010: 5). The above statements indicate that relationships have not improved. As previously touched upon, the number of stop and searches conducted have fallen substantially in the last decade. While this has led to an increase in stop and search arrest rates, just 17 out of every 100 stop and searches resulted in an arrest in 2016/17 (Ministry of Justice, 2017a). Therefore, it is not surprising that stop and search was viewed by many interviewees as a damaging intervention. When discussing mistrust, several interviewees mentioned the relationship between the police and GRT communities, however, the vast majority of discussions focused on the relationship between the police and black communities. One leading academic delineated the longstanding nature of such conflicts.

'[…] it started badly between the police and Caribbean communities […] for various reasons and misunderstandings... I think it really began to

become quite serious and I would say that a lot of enmity emerged in the second generation in those particular areas. And what that then triggered was an intergenerational series of conflicts and difficulties and very poor relations between the police and Caribbean communities. I suppose what's been amazing is that in some ways culturally that's dissipated and yet in the specific area of policing and criminal justice, it has continued and that's a real puzzle.' (Academic 4)

Certainly, stop and search has a long and troubling history: the over-policing of BME communities has been apparent since the 1970s (see Chapter Two). Not only does this raise serious questions about efforts to tackle discrimination, but it also has implications for the way in which some BME children and young people may view police officers and their interactions with them. A number of interviewees pointed to the historical legacy of policing in BME communities as an aggravating factor that could lead to significant levels of mistrust, and contribute to the criminalisation of BME children.

Williams' (2018: 7) work in London highlights how aggressive policing strategies 'breed contempt' among BME populations. Research in the North of England has indicated that there are 'historic and deep rooted "racial" issues underlying tensions between BME communities and the police' (Barrett, Fletcher & Patel, 2014: 207). Several interviewees suggested that such tensions can create a vicious circle of suspicion and conflict between BME communities and the police.

'I think there's an element of a self-fulfilling prophecy in all those things where young black people are very mistrustful of the police [and they] show that mistrust [and so] the police are mistrustful of them' (Senior YOT Manager)

'[...] you get a cyclical thing wherein the police's experience of black kids then becomes really difficult because there is a sense in which their behaviour is different from white kids because of their perception of how they're treated. So there is a real problem of circularity there and where

you can break that cycle. I think it has to be fairly early on with stop and search if we're looking purely at the justice system.' (Academic 3)

Assumptions that are made by the police, whether it be about individual BME children or the areas in which they live, can fuel a process by which relations become strained and the risk of criminalisation is heightened (see Figure 5.1). It is a vicious cycle which is driven by the underlying assumption that particular 'visible' minorities are more likely to offend.

Figure 5.1: Cycle of mistrust among BME children and young people and the police
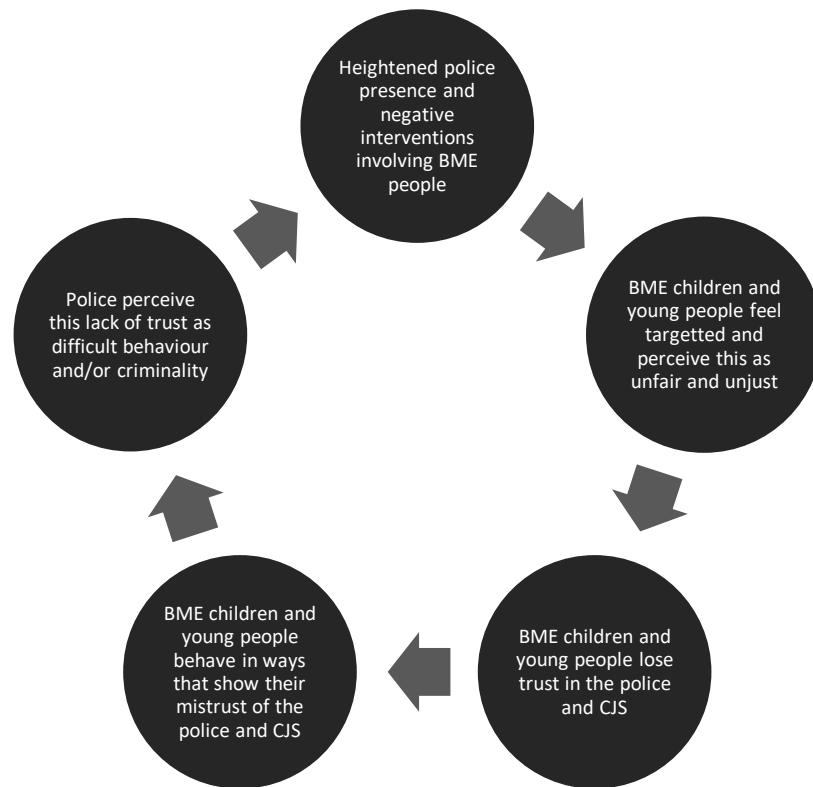
Research conducted with BME adult prisoners indicated that the stop and search was the principal grievance when it came to policing (Irwin-Rogers & Shuter, 2017). Many participants 'reported feeling that decision-making processes around stop and search were unclear and the reasons for particular stop and searches were based on flimsy evidence that attempted to mask an underlying racial prejudice' (ibid: 4). In March 2018, the chair of the Metropolitan Black Police Association contended that stop and

search 'is not worth the loss of trust or confidence with the community' and that it actually hampers efforts to reduce violent crime (Gayle, 2018). Furthermore, the Centre for Justice Innovation has argued that 'disparities in contact with the police plays a critical role in overall trust in, and the perceived legitimacy of, the rest of the criminal justice system' (Centre for Justice Innovation, 2017: 7). Mistrust in the police may also influence the way in which some BME children respond to questions of guilt, which may result in them being criminalised (Sabbagh, 2017). Many interviewees suggested that BME children, particularly those who are black, are less likely to admit guilt at an early stage and so are subsequently ineligible for pre-court diversion.

> *'One of the issues is that [black children] sometimes plead not guilty in the police station or they plead not guilty and they go through [to court]. They can't be diverted if they say they didn't do it.'* (Former Magistrate)

> *'[…] black youth were not going to admit guilt on the first opportunity …Therefore they were never afforded the opportunity of a pre-court diversion.'* (Youth Justice Consultant 1)

> *'[…] my experience as a police officer on the ground, only comes from the fact that having arrested young people from BME backgrounds they were less likely to admit an offence. And therefore they were less likely to cooperate and admit anything in an interview [and] they tended to get a higher tariff as a result of that'* (Senior Police Officer)

Given the lack of trust in the police outlined above, it seems reasonable that some BME children might remain guarded when being questioned by police and may be more reluctant to engage than other children. Chapter Two demonstrated longstanding differences in rates of admission between BME and white groups. Nevertheless, one must be careful not to overgeneralise about BME children. The Senior Police Officer interviewed supposed that unwillingness to admit offences in police custody *'must be a cultural issue'*. This seems a problematic viewpoint to take, it risks blaming BME children for their own criminalisation and ignores many of the macro racialisations that could influence a person's decision to engage. More importantly, such discussions make the assumption that BME children are guilty and are just unwilling to discuss

the offence with the police. Given the processes of criminalisation which have been outlined in this thesis, it is deeply problematic to make this assumption. Perhaps it is the case that at least some BME children who exercise their right to silence do so because they have not committed an offence.

The Ministry of Justice (2018b) is currently piloting school workshop programmes and detached youth work schemes which aim to improve BME children's perceptions of, and trust in, the police and criminal justice systems. This is a positive step given that it represents a recognition that trust is essential to the functioning of a healthy criminal justice system. However, a change in perception seems impossible without a corresponding change in practice. Such an approach seems to put the cart before the horse by attempting to engender trust simply through education. This has the consequence of placing the responsibility on BME children and communities to just *learn* to trust the police. It fails to recognise the role that police practices have played in impeding trust in the first place.

The intensive policing of ethnic minority communities has been a concern for decades and there seems to be clear historical continuities. It is disappointing then that the Lammy Review (2017: 17) started 'with decisions made by the Crown Prosecution Service'. Fekete (2017) argued that the Review's narrow terms of reference meant that the processes which lead to disproportionality were not interrogated, this is something which is strongly supported by the interview data. Furthermore, Bridges (2017: 82) has argued that recommendations such as 'deferred prosecutions' would not make a difference if the police continue to exercise their discretion in a disproportionate way. Policing was the starting point for many interviewees when discussing the overrepresentation of BME children in the youth justice system. Disproportionate policing can lead to the criminalisation of BME children, and black children in particular, by drawing more children into the system and by damaging relations between the police and BME communities. As the gateway to the youth justice system, policing is essential to understanding ethnic disproportionality in the system as a whole. Academic 4 described the way in which discriminatory policing may produce and reinforce stereotypes about BME children: *'if people are routinely fed particular sorts of children and young people…then youth justice workers come to share certain assumptions about those particular populations'*. This chapter now considers how

problematic assumptions about BME children may be reproduced in the court arena, and contribute to the overrepresentation of BME children in custody.

BME Children and Differential Treatment in the Courts

The statistical data shows that certain groups of BME children are increasingly overrepresented at each stage of the criminal justice process (see Chapter Two). This 'multiplier effect' (Goldson & Chigwada-Bailey, 1999) means that the large proportion of black children and mixed ethnicity children in juvenile custody cannot be explained entirely by ethnic disproportionality at the front end of the system alone. This chapter now discusses the potential for differential treatment in the court system. It establishes that some groups of BME children are treated more punitively and that this may be fuelled by the disproportionate number appearing before the courts. The complexities of interrogating differential treatment are discussed and the case is made for further research in this area.

Many interviewees felt that the courts had a significant role to play in ethnic disproportionality in the juvenile secure estate. The majority of children will be dealt with in a youth court, where the case is presided over by a district judge or by two lay magistrates. Some more serious cases, however, will be heard in Crown Court by a Crown Court judge. A number of interviewees asserted that BME children are treated more punitively in court and that this contributes to ethnic disproportionality in penal custody.

> '[…] even when it comes to decisions to commit to court, to go to trial and sentencing, always or invariably try as we might with magistrates, ploughing away, if there's a harsher sentence to have often African Caribbean young men experience that as well.' (Academic 6)

> 'I think the interface with the court system is still very tricky and I think there's a set of institutionally racist assumptions about black kids that get into the court arena that means that they tend to get custodial sentences much more quickly than their counterparts who are white.' (Director of Children's Services 1)

'We [staff at organisation] always knew when we were putting together alternatives to custody packages for young people coming through the system that if we stood any chance at all at of getting an Asian lad or Afro-Caribbean lad onto a community-based program as an alternative to a custodial sentence, which is what the legislation allowed for, you'd have to put a much heavier, tighter package together to stand any chance at all of getting those youngsters through the system.' (Children's Services Consultant)

The above statements reiterate concerns about differential treatment in the court system which have been discussed for decades (see Chapter Two). They suggest that black defendants in particular are subjected to increased scrutiny which ultimately results in disproportionate numbers of BME people in custody. Research has shown that in court black defendants are less likely to be granted bail (Bucke & Brown, 1997; John, 2003; Uhrig, 2016; Shallice & Gordon, 1990) and are more likely to receive harsher sentences than their white counterparts (Feilzer & Hood, 2004; Hood, 1992; May, Gyateng & Bateman, 2010; May, Gyateng & Hough, 2010; Uhrig, 2016). Crucially, interviewees did not link this to any differences in the rate of not guilty pleas between BME children and white children, which is implied by the literature (see Chapter Two). They were principally concerned with admissions of guilt at the very early stages of the youth justice process (see above). Arguments about harsher sentencing for BME children centred on differential treatment. A Senior Professional from the YJB argued that in court *'[...] there is differential practice going on, on the basis of factors which are not just severity of offence'*. Some interviewees attributed this harshness to racialisation at a micro-level.

'I do think there's some quite unregulated kind of assumptions, stereotypical assumptions made about black kids in the court system. I think there's always has been, I think it's better than it was but I still think it's there.' (Director of Children's Services 1)

'I worked in the courts in [omitted] and you know you would hear sentencing magistrates in the 80s and 90s referring to "tinkers" and

"vagabonds" as they sentenced these kids to time in custody. You know a system completely built on discrimination, absolutely no doubt about it. If you came from a "decent" white family you stood a much better chance of getting off things, it's absolutely true…we've made a lot of progress but we've got an awful long way to go.' (Children's Services Consultant)

'[…] is there systematic racism in the court system? … In a way there isn't really another answer to me.' (Youth Justice Consultant 2)

Such differential treatment could be influenced by increasingly disproportionate numbers of ethnic minority children appearing before the courts (see Chapter Two). As Academic 4 suggested *'[…] there seems to be a reinforcing and it might be that people who make decisions in the youth justice system, because they are provided with this population, they make assumptions about it and then because of that they treat people differently'.* This may in part explain why some BME children appear to be treated less favourably in court, however, it does not excuse the court agents of responsibility. The fieldwork interviews included one recently retired Former Magistrate and a practicing Magistrate. Both had differing views on whether BME children were discriminated against in court. The practicing Magistrate recognised that racism in the courts was something that may have been a problem in the past, but was adamant that they were not aware of any racism currently.

'[…] I'd like to say that there isn't any racism or there never was any racism, but I think probably that'd be naive to say that. Certainly I'm not aware of any now and you know we are all encouraged to report any evidence that we have but nobody ever does because nobody ever comes across it. So I am not aware that there is any element of racism in the [court system] now. Now obviously I can't speak to what the situation was 30 or 40 years ago.' (Magistrate)

The Magistrate was clear that they did not see racism as a problem, however, it is worth noting that the same Magistrate made some comments in relation to ethnicity that were problematic. At one point they described a poster that advertised joining the magistracy as having *'pictures of someone who is coloured and someone who is white*

and someone who is yellow'. Such language is problematic. Moreover, they also alluded to 'gang cultures' in large cities as *'a chicken and egg [problem]. It might be that [black children] are in the gang culture because they are from an ethnic group [...] it's difficult to say which came first.'*

Pitts' (2008) work suggests that gang membership is determined by social and economic factors, not ethnicity. The racialisation of 'gangs' has been widely criticised by scholars (Aldridge, Medina-Ariza & Ralphs, 2007; Bridges, 2015; Hallsworth & Brotherton, 2011; Hallsworth & Young, 2008; Smithson Ralphs & Williams, 2013; Williams, 2015; Williams & Clarke, 2016). The fact that the Magistrate was ignorant to these issues implies that they perhaps would not recognise racialisation in court. In addition to this, the Magistrate also admitted that they struggle to engage with black children.

> *'I think in particular Afro-Caribbean young people here I think they can be more difficult... to... not talk to... more difficult to talk to in depth [...] With a white young person you can sort of get to the nitty-gritty of what is troubling them or you know why they committed the offence more easily than you can with someone from Afro-Caribbean or BME origin I think. I don't know why that should be, that's just a perception I've got. I get the feeling it's more difficult to get on their wavelength but that might not be correct, it might be my fault, it might be their fault, it might be a combination of factors. I don't know.'* (Magistrate)[57]

This admission is worrying, if this Magistrate is unable to engage with black children then this could have significant implications for their ability to understand the child and could potentially influence sentencing. This is just one Magistrate's opinion, and so cannot be taken to represent the magistracy as a whole. Nonetheless, it is interesting given that the Former Magistrate believed that black children *are* discriminated against in the court arena.

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[57] The Magistrate's use of the phrase 'nitty-gritty' is in itself problematic. The phrase is thought to have originated during the slave trade to refer to the debris at the bottom of the slave ships, although this is contested (Quinion, 2005).

'I mean you will find magistrates who will say "oh we don't discriminate, we never discriminate in court". And they probably think that they don't but where I sat in [omitted] we'd see a black face in the youth court very rarely, and they were usually [black] lads that come down from London with drug dealers [...] and I suspect they got clobbered not just because they were black but because this was something that we didn't want happening in our area and that sort of thing going on.' (Former Magistrate)

The Former Magistrate viewed racial discrimination in court as something that is largely unconscious. It is reminiscent of Macpherson's (1999: 6.34) 'unwitting prejudice, ignorance, thoughtlessness and racial stereotyping' and it could be included under Phillips (2011) conceptions of both micro-level and meso-level racialisation. It can also be likened to Gaertner and Dovidio's concept of 'aversive-racism' which is based on their work in the USA (Dovidio & Gaertner, 2000; Gaertner & Dovidio, 1986; 2005). They assert that whilst more blatant forms of racism are on the decline, subtle manifestations of racial bias persist (Dovidio & Gaertner, 2000). 'Aversive racism' characterises the racial attitudes of white people who have egalitarian values and recognise that prejudice is bad, but who do not see themselves as prejudiced (Dovidio & Gaertner, 2000; Gaertner & Dovidio, 1986; 2005). Highly educated white people are particularly likely to be aversive racists (Kuppens & Spears, 2014). This is interesting given that magistrates are 'considerably older, whiter and more middle class than the general population' (Gibbs & Kirkby, 2014: 9). Gaertner and Dovidio (2005:22) argue that aversive racism is 'particularly pertinent in a legal context' because the evidence may provide objective justifications for punishment: in this sense, aversive racism can 'exert its subtle influence'. Earlier work by Davis (1989) documented 'microaggressions' in the court setting, the expression of biases which are ambiguous and difficult to evidence but which negatively impact upon decision making surrounding black Americans.

Furthermore, there is also evidence of aversive racism in a British context. Hodson *et al.,* (2005: 446) found that inadmissible DNA evidence was more influential to decision making when the defendant was black, and that this lead to more punitive sentencing recommendations. They argued that 'subtle biases may still be contributing

in significant ways to racial disparities in the legal system' (Hodson *et al.*, 2005: 446). Moreover, government research found that 28 percent of BME magistrates had experienced racism when conferring with colleagues (Vennard *et al.,* 2004). While it is apparent that aversive racism could be a problem in the magistracy, it is difficult to pin down the precise nature of interactions in court. A number of interviewees argued that decisions in court are notoriously opaque and that more research is needed to get to the root of the issue.

> *'[...] we don't have close-up evidence that particular people make particular decisions that are informed by racial and ethnic backgrounds, it is quite difficult to do that.'* (Academic 4)

> *'[...] there's a big gap in terms of what goes on through court processes from the sort of point at which the police charge somebody to the point which they then get to the end point of criminal justice system.'* (Academic 2)

Clearly more research is needed to disentangle the potential effects of racialisations in the court setting to explore the potential for aversive racism. Parker, Sumner and Jarvis' (1989) work demonstrates that the reliance on magistrate's discretion can lead to huge variances in decision making. In particular, a magistrate's own common sense was believed to influence outcomes more than legal factors. Since more serious cases tend to be heard in the Crown Court, many children who are sentenced to penal custody may have had their cases presided over by a Crown Court judge.   One interviewee stated that the relative power of such judges meant that it was difficult to challenge any decisions that they make.

> *'[...] judges are in a completely different category for most people [...] don't quote me personally on this, but the idea of accusing the judiciary of systematic racism, people just don't dare do that at all. So I think that is definitely part of the problem. It is the issue that is swept under the carpet.'* (Youth Justice Consultant 2)

The fact that Youth Justice Consultant 2 did not want to be quoted by name, adds further weight to their point.[58] The opaqueness of decision making in court warrants further investigation to discover the processes by which BME children are overrepresented in the harshest sentencing outcomes. The conflicting narratives of the Magistrate and Former Magistrate highlight the complexities of interrogating differential treatment in the court system as well as the sensitive nature of the topic. It is clear that many interviewees viewed harsh sentencing outcomes as linked to factors which are beyond the control of BME children. One issue which may explain the differential treatment of BME children in court, is that the people who are dealing with them cannot engage effectively, much like the Magistrate above. This chapter now argues that poor BME representation in the youth justice system may lead to a lack of understanding and contribute to overrepresentation.

BME Representation and Understanding in the Youth Justice System

The above discussions suggest that Phillips' (2011) conception of institutionalised racialisation is apparent in the youth justice system in England and Wales. Most specifically, interviewees drew attention to the police and the courts whereby micro and meso level racialisations appear to be present, and are reproduced into institutionalised practices. This chapter now demonstrates that BME people are underrepresented in the workforce for the youth justice system, and that this is particularly the case when it comes to policing and decision-makers in court. It argues that a lack of understanding of BME children can contribute to their criminalisation. This may in part be the result of a workforce that does not reflect the children it engages. Furthermore, the issue of 'culture' is touched upon. Ultimately, this chapter determines that increasing BME representation would be beneficial for children in the youth justice system.

The vast majority of interviewees argued that there are discrepancies between the ethnic composition of the agents who administer justice, and the children who are subjected to it.

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[58]All interviewees were originally given three options of anonymity to choose from during the consent phase, however, a decision was later taken to completely anonymise all transcripts (see Chapter Four). Youth Justice Consultant 2 agreed to their full name and job title being used in the research, but did not want this particular statement being attributed to them.

'[…] we still have a system, a criminal justice system, where there is a low representation of BME people whether it's police officers, judges, magistrates, probation officers […]. So we still don't reflect the communities that we are trying to support and police […] and this has been recognised by government.' (Director of NGO 2)

'[…] there needs to be greater representation of [BME people] within the system. There has been in social work for a long time, it isn't good enough, there needs to be greater representation at the decision-making level' (Academic 6)

'One of the things that strikes me whenever I go into a custodial environment […] is the dramatic difference if you look at the kids and you look at the staff. Overwhelmingly, the population of children looks much blacker than the population of children outside, and the population of the staff looks pretty white by and large […] and it's true as well if you go into a youth court waiting room. So the experience of kids once they get into the system is [that] this is a system that penalises black children and [that] it is white people who are doing it' (Academic 1)

In a sense, this is likely to tie into the feelings of mistrust outlined above. Official data shows that much of the youth justice system in England and Wales is administered and managed largely by white individuals. Whilst there has been a small increase in BME police officers, BME groups are underrepresented in every police force in England and Wales (Home Office, 2017c; Ministry of Justice, 2017c). Typically, the proportion of BME people in a police force area is around two times the size of the proportion of BME officers. In some areas this is much more pronounced, just 6 percent of officers at the City of London police are BME compared to 21 percent of the general population (Home Office, 2017c). A Guardian analysis found that 'if increases in the proportion of [all police] officers from minorities continue at the same rate as in the past decade, it will take 34 years before the police reach equivalence to today's population' (Duncan & Dodd, 2018). Furthermore, such ethnic proportionality is likely to take much longer for higher ranks (ibid).

Much like the police service, decision makers in the court system are overwhelmingly white. Just 7 percent of district judges in the magistrates' courts identify as BME (Lord Chief Justice of England and Wales, 2018). Magistrates are slightly more diverse given that 12 percent identify as BME, although this varies massively according to geographical location. In London, 28 percent of magistrates are BME compared to 4 percent in the South West (ibid). If we measure these figures against the regional demographics data, BME people are underrepresented in decision making roles in the courts (ONS, 2018a). Disappointingly, there are no separate statistics which indicate the ethnic identity of magistrates who work in the youth court. More generally, BME representation is also poor when it comes to judges who may deal with youth cases in the Crown Court. 7 percent of judges identity as BME although this also varies by location; still just 9 percent of judges in London identify as BME (Lord Chief Justice of England and Wales, 2018). Ethnic minorities are also underrepresented in the National Offender Management Service where just 7 percent identify as BME (Ministry of Justice, 2017c). The ethnicity of staff working in SCHs, STCs and YOIs is not readily available.

Overall, when we take into consideration the profile of children in the youth justice system, the picture looks strikingly unequal. However, there are two areas of the system that appear to have much better representation of ethnic minority groups: YOTs and the CPS. Most recent official data indicates that 13 percent of YOT workers identify as BME and this may be an underestimate; such information was not available for 31 percent of YOT workers (YJB, 2018b). Data that breaks this down into ethnic categories was last published in 2010 and is therefore dated. Nevertheless, this official data indicated that 10 percent of YOT workers identified as black (Ministry of Justice, 2010) which is more closely matched to the overall proportion of black children in the youth justice system (YJB, 2018a). Most recent figures indicate that the CPS also has a larger proportion of BME staff at 19 percent (Ministry of Justice, 2017c). Perhaps it is no coincidence that the Lammy Review (2017: 20) assessed the CPS as making 'broadly proportionate decisions across ethnic groups'.

So far, it is apparent that unequal policing and differential treatment in the courts contribute to the disproportionate numbers of BME children in the youth justice

system more generally, and the secure estate in particular. Therefore, it seems relevant that these roles, which arguably involve the most power, are the least ethnically diverse. [59] Former Chief Executive of the YJB, Lin Hinnigan, argued that the under-representation of BME staff could create unconscious bias in the system (Hinnigan, 2016 as cited in Sabbagh, 2017: 19). Likewise, interviewees who specialise in issues of ethnicity argued that staff in the youth justice system have a lack of understanding of BME children.

> *'[…] YOTs tended to up-tariff the kids because of their failure to comply. One of the reasons for that in my opinion was a lack of understanding of these kids or, I'd say fear was probably the wrong word, apprehension, about how they engaged with these kids. And not having the ability or the confidence to engage with these kids.'* (Youth Justice Consultant 2)

> *'[BME children] come to a system that is really not culturally competent to really accommodate them and understand them and their cultural background'* (Director of NGO 2)

> *'I met with the [omitted] YJ because I want to do some work with them recently and these are good fellas I really like them but I was just struck by the lack of nuance and understanding of what was going on with the black boys in [omitted]… it's a lack of understanding about the biographies, the struggles of different black young men and young women, boys, girls, sort of 14 to 20 [age] group of people. Just a lack of understanding'* (Academic 6)

Poor BME representation in the youth justice system can mean that some struggle to engage with BME children. Engagement is key to supporting children and preventing them from becoming further entrenched in the youth justice system (Bateman, 2015; Bateman & Hazel, 2013; Bateman, Hazel & Wright, 2013; Mason & Prior, 2008; YJB,

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[59] It should also be acknowledged that there is no data which specifically relates to GRT staff in the youth justice system. However, given the incredibly small numbers of GRT people in England and Wales and the multiple disadvantages faced by GRT communities across a range of spectrums (Cemlyn *et al.,* 2009), it is likely that the number of GRT people would be very low.

2010b). Problems engaging children may constitute micro and meso level racialisations in action (Phillips, 2011). A lack of cultural understanding can make it more difficult for practitioners to interact with BME children and could disadvantage BME children even when practitioners are well-meaning (Sabbagh, 2017). Moreover, research has shown that youth justice professionals recognise that they need to have a greater cultural awareness in order to more appropriately meet the needs of BME children (May, Gyateng & Bateman, 2010; Sabbagh, 2017). Professionals sometimes do not have the 'confidence to differentiate between being "politically correct" with the child and genuinely responding to their cultural needs' (Sabbagh, 2017: 32). Likewise, a survey of GRT children and young people in England found that YOT practitioners often lack the cultural awareness to appropriately deal with GRT children and support them through their involvement with the CJS (Ureche & Franks, 2007).

It seems difficult to address disproportionality in the youth justice system if practitioners are unable to engage with and/or understand BME children. While cultural sensitivity is needed, in another sense issues of culture may be an excuse, an imaginary barrier between BME children and practitioners. The vast majority of children in the youth justice system are likely to have been born in Britain. British nationals constitute 88 percent of people (aged 15 and above) in penal custody in England and Wales (Ministry of Justice, 2018c).[60] For the most part, perhaps it would be more appropriate to talk about the lived experience of growing up BME in Britain, rather than any distinct 'cultures'. Certainly, some interviewees argued that we are in danger of reducing children to their ethnicity.

> *'I think the central tension is […] whether what happens to minority ethnic groups is somehow different or what they need in response is somehow different […] you might say they don't need a different policing service, they just need fairer policing. They don't need different resettlement once they've been in prison, they need the same as everyone else […] ultimately they need a good supervisor and they need access to all kinds of things that anybody needs when*

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[60] Currently, there is no data available which details the nationality of children in the juvenile secure estate.

they come out of prison. There's not something unique, it's not like there is a black resettlement experience.' (Academic 2)

These are important considerations to bear in mind. By treating BME children as having distinct needs, we run the risk of reifying any potential differences. Nonetheless, there is value in increasing BME representation among the people who interact with children in the youth justice system. A lack of diversity in the system also has implications for the way that minority children approach the youth justice process. Sabbagh (2017) asserts that when children know the YOT has a diverse workforce it can make them more comfortable regardless of whether their caseworker is the same ethnicity as them. MP David Lammy argued that to improve confidence in the justice system we must 'remove one of the biggest symbols of an "us and them" culture – the lack of diversity among those making important decisions in the CJS; from prison officers and governors, to the magistrates and the judiciary' (Lammy Review, 2017: 8). Coincidentally, the least diverse sections of the youth justice system, the police force and court decision-makers, are the sections which have caused the most concerns in respect of ethnic disproportionality. This is an issue which needs to be addressed.

Conclusion

This chapter draws together findings from 27 interviews with youth justice and children's services professionals in relation to ethnic disproportionality in the youth justice system in England and Wales. It has established that the official data while flawed, is essential to understanding the issue. Nonetheless, it is imperative that we update the ethnic categories employed in order to produce a more accurate picture of disproportionality in the system. Overrepresentation is a particular problem for black children and mixed ethnicity children, although the proportions of Asian children are growing. If this continues it may become an area for serious concern in future, however, it is beyond the immediate scope of this chapter. Furthermore, the overrepresentation of GRT children is distressing but more research is needed in order to establish the nature and extent of their criminalisation.

This chapter has acknowledged the importance of increasing social and economic disadvantages and how they might contribute to disproportionality in the justice system. It seems that an intersectional approach is required which takes account of the multifaceted identities of children who enter the youth justice system. Ultimately, it appears that some children are disadvantaged in the youth justice system as a consequence of their ethnic identity. Discrimination is clearly a longstanding and persistent issue in the youth justice system which is particularly relevant when it comes to policing and the courts.

Primarily, the issue with policing relates to assumptions about BME children on the streets, in which they are more likely to be perceived as criminal. This serves to draw more children into the system and damages relations between the police and BME communities, which can lead to a vicious cycle of criminalisation. Indeed, such discrimination may influence decision-makers in the court system as stereotypes about BME children are perpetuated by disproportionate numbers appearing before them. What is clear, is that black children in particular are overrepresented in the harshest sentencing outcomes. Nevertheless, in-depth research is needed to determine the precise nature of court decision-making and how this might differ between the youth court and Crown Court. Another avenue which requires further exploration is the impact of BME representation among people working in the youth justice system. Statistical data suggests that BME people are underrepresented in all areas, but that this is a particular problem for the police force, magistracy and judiciary. The fact that these areas inspire the most concern suggests that a lack of BME representation is damaging for BME children.

Overall, this chapter has updated and extended analysis of BME overrepresentation which has been discussed for decades. Its weight and significance lies precisely in this fact. This is an issue that governments and institutions have been aware of for some time, and yet overrepresentation has intensified. The fact that these issues cannot be wholly accounted for by individual factors, suggests that BME children, and black children in particular, are subjected to institutionalised forms of criminalisation. These findings have significant implications for policymakers and youth justice professionals, as well as wider implications for the legitimacy of the youth justice system itself. A system which criminalises particular groups of children is one which

cannot be viewed as just. Recent 'successes' in the reduction of the number of children in custody need to be reframed in order to include this profound injustice. The thesis now turns to another group of children for whom injustice also has long been evident: looked after children.

Chapter Six   Institutionalised Criminalisation: Looked After Children in the Youth Justice System in England and Wales

Introduction

This chapter considers findings from 27 interviews with youth justice and children's services professionals in relation to looked after children, and children who have previously been looked after, in the youth justice system in England and Wales. Firstly, it establishes the nature and extent of this overrepresentation. It demonstrates that, although the data is unreliable, a proportional increase of looked after children in custody, not unlike BME children, is likely to have occurred as the overall numbers of children in custody have decreased. The remainder of this chapter considers the drivers of such disproportionality in the youth justice system in general, and the secure estate in particular. These drivers centre on three main themes: pre-care experience, 'care' experience and youth justice experience. The correlation between the biographies of looked after children and children in the youth justice system is reaffirmed, however, pre-care experience is shown to be an insufficient explanation for the disproportionate numbers of looked after children in the justice system. The chapter also considers children's experiences of the care system and how this can contribute to and exacerbate challenging behaviour, and lead to the criminalisation of such children. It considers the complex relationship between issues of stability and support within the care system and difficult behaviour. The chapter later details how looked after status can lead to youth justice professionals pursuing harsher interventions. It also contends that looked after children in custody suffer as a result of absent social workers and ineffective resettlement planning. It argues that in order to further our understanding of the specific challenged faces by BME looked after children, more research is needed which draws upon the experiences of children directly. The chapter concludes that youth justice involvement is influenced by a range of complex and intersecting issues, of which structural factors play a significant role.

It asserts that ultimately, this results in the institutionalised criminalisation of looked after children.

The Overrepresentation Of Looked After Children in the Youth Justice System

In Chapter Three it was noted that there is no central record which details the numbers of looked after children in the youth justice system and the juvenile secure estate in England and Wales. This is in contrast to data regarding ethnicity, which although flawed, is more systematically collected and published as part of the youth justice annual statistics (see Chapter Two). When a child is looked after, the state becomes the corporate parent who in responsible for their care and welfare (DfE, 2015a; HM Government, 2010). Despite this, the state is unaware of how many looked after children are held in custody at any one time. This chapter traces these problems with the data before determining that looked after children are significantly overrepresented in the juvenile secure estate. It asserts that there is likely to be an overlap between BME children in custody and looked after children in custody. It establishes that looked after overrepresentation is a longstanding issue which is likely to have worsened in recent years.

The majority of youth justice and children's services professionals interviewed for this research explained that the data surrounding looked after children is inadequate.

> *'We have terrible figures for the children in care.'* (Youth Justice Consultant 2)

> *'[…] the data is particularly poor in relation to the overrepresentation of looked after children.'* (Academic 1)

> *'[…] the data is not terribly robust'* (Senior Professional at YJB)

> *'[…] there is no reliable official data'* (Academic 5)

Most notably, interviewees were concerned about the DfE data on offending, which only includes children who have been continuously looked after for a period of at least

12 months. A number of interviewees pointed out that many of the children in contact with the youth justice system will not have been looked after continuously, but will have moved between looked after and non-looked after statuses. As a Magistrate put it: *'some of these children are in and out'* of the care system. This perhaps becomes more worrying in relation to practitioners' knowledge of children's care history. Several interviewees suggested that YOT workers will not always be aware of a child's background.

> *'[...]the difficulty is, [the YOTs] sometimes won't know [a child's looked after status]. They normally know the looked after status of kids who are looked after at the moment but very often you've got kids who've been in care and out of care or have had different sorts of accommodated statuses'* (Senior Professional at YJB)

Previous research has shown that Asset files do not always include information about looked after status (Gyateng *et al.*, 2013; HMIP, 2011). If a YOT worker does not know about a child's care history, then the information will not be recorded and so cannot be taken into consideration when planning support and interventions. Furthermore, many interviewees also took issue with the data from HMIP surveys and the fact that it relies on children having knowledge of, and self-reporting on, their care history. Several interviewees also drew attention to the changes brought about by LASPO and how this has further complicated the recording of looked after status.

> *'The change brought in by LASPO [...] that remanded children are looked after, isn't reflected in any of the figures so we don't know whether children in prison are looked after because they are remanded or whether they were looked after when they came in to custody. Because of the way that Section 20 works, [...] if you're living at home then you're not looked after. Kids who were looked after at the point that they came into this prison, if they are Section 20, will be recorded as not having been looked after by the local authority immediately thereafter if they are sentenced. So the data is all really ropey.'* (Academic 1)

In sum, the interviewees reiterated findings from Chapter Three which show that the data concerning looked after children and the youth justice system is seriously lacking and that this is in part related to the complexity of looked after status (Hart, 2006). Despite these concerns about the data, each of the 27 interviewees was confident that looked after children are disproportionately represented within the juvenile secure estate in England and Wales. The HMIP survey data available at the time of these interviews indicated that 37 percent of children in custody had local authority care experience (Summerfield, 2016). Some interviewees felt that this data actually underestimated the numbers of children in custody who had been looked after.

> *'I think that [the HMIP data] is a vast underestimate'* (Senior Professional at NGO 1)

> *'[...] in some instances [looked after children constituted] 40 to 50 percent of people in young offender institutions.'* (Director of NGO 1)

Certainly, the Laming Review concluded that the available data is a significant underestimate and that up to half of children in custody have had some experience of being looked after (PRT, 2016). It is well-established that children who have experienced systems of child welfare make up a large proportion of children in secure penal settings in both England and Wales and elsewhere (see Chapter Three). In addition to this, some interviewees expressed that BME looked after children may be particularly overrepresented within the juvenile secure estate.

> *'[...] black and ethnic minority children who are looked after are overrepresented [in custody]'* (Director of NGO 2)

> *'[...] we know for a fact that the population of young people in care who are from black and minority ethnic backgrounds is quite high, it's disproportionate, but also within that group a higher proportion of them also end up in the criminal justice estate.'* (Academic 3)

'[…] it wouldn't surprise me that higher numbers [of BME looked after children] would end up in the criminal justice system […] because they've got that aspect of ethnicity to deal with as well.' (Director of NGO 1)

Official data shows that BME children are disproportionately represented in the looked after population (see Chapter Three). Regardless, the absence of quality youth justice data means that we are unable to determine the extent to which BME looked after children may be overrepresented in the juvenile secure estate. HMIP survey data indicates that BME children in custody are less likely than white children to report having been in local author care (HMIP, 2018). However, YJB data made available to the Laming Review determined that 44 percent of all looked after children in custody were BME in 2015 (PRT, 2016).

When invited to discuss the combination of ethnicity and looked after status, the majority of interviewees found it difficult. Mainly, they reported that BME looked after children experience a double disadvantage insofar as they are overrepresented in looked after populations and in youth justice populations. Several interviewees referred to this as a '*double whammy'* effect. Youth Justice Consultant 1 suggested that a child's looked after status and their ethnicity *'exacerbate'* one another. Indeed, the literature suggests that ethnicity intersects with other facets of identity to compound disadvantage (see for example, Doolan *et al.*, 2013). Academic 7 highlighted that *'it's not an issue I know a huge amount about considering I've been researching it for a while […] it suggests a gap in my knowledge as well and a gap in the research.'* Indeed, there is a dearth of research regarding the relationship between ethnicity, looked after status and youth justice involvement (Staines, 2016) and this was certainly reflected in the fieldwork interviews. Both the interviewees' limited knowledge and the lack of research about the intersection between ethnicity and looked after status provides an opportunity for further inquiry to shed light on the particular experiences of minoritised looked after children.

The lack of reliable data also means that we are unable to determine whether, like for BME children more generally, the proportion of looked after children in custody has increased as the overall number of children in custody has decreased. Youth Justice Consultant 2 pointed out that '*you can definitely say that [looked after children] are*

overrepresented but […] we've got no idea whether that has gotten worse or better'. DfE data shows that the number of looked after children with youth 'justice legal statuses' in England doubled from 150 in 2012 to 310 in 2013 before tapering off to 240 (DfE, 2016a; 2017a).[61] However, Staines (2016:5) suggests that 'it is not unreasonable to attribute much of the increase' to LASPO. Nonetheless, a Director of a leading NGO argued that unpublished (and albeit, incomplete) YJB data that they had accessed, had also shown an overall increase in the proportion of looked after children in custody.

> *'[…] the Youth Justice Board got better at collecting data [and] it became obvious [that there was] this disparity between the drop in children in general compared to the comparative steady-state for children in care. It wasn't so much that the number of children in care went up, it was that the number of children who weren't in care went down'* (Director of NGO 1)

The ostensible increase in the proportion of looked after children mirrors that of BME children. As the overall numbers of children in custody have fallen, the proportion of BME children increased from one quarter in 2008/09 to 45 percent in 2016/17 (YJB, 2010a; 2018a). Likewise, HMIP annual surveys show that the proportion of boys who reported having local authority care experience increased from 27 percent in 2010/11 to 42 percent in 2016/17 (Summerfield, 2011; Taflan 2017). A small number of interviewees argued that the overrepresentation of looked after children is a longstanding issue.

> *'You know I have sat in meetings talking about this for 10, 12, 15 years maybe and nothing has changed.'* (Director of Children's Services 1)

> *'I have been researching around this area […] for a long time now and I've seen a number of different initiatives talking about children in care and ministers from different political walks of life repeating the same*

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[61] Prior to December 2013, the category of 'youth justice legal statuses' employed by DfE included looked after children on remand or committed to trial, children with a supervision order, and children in local authority accommodation under Section 38(6) of the Police and Criminal Evidence Act 1984. After the implementation of LASPO in December 2013, the category now also includes children remanded by the court under LASPO.

messages that we need to improve outcomes, [that] this is a disgrace […]
But things still don't seem to get better in a consistent way.' (Academic 7)

'[looked after overrepresentation] has always been the case but it is
actually worse given that young people's offending has gone right down
but for those who are looked after, it hasn't gone down as fast […] In that
respect it has got worse.' (Former Magistrate)

Specifically, interviewees felt that looked after children have been overrepresented in the youth justice system in general, and the secure estate in particular, for at least the last 15 years. Certainly, the Home Office was aware of high proportions of looked after children, or children who have previously been looked after, in the youth justice system nearly two decades ago (Lyon, Dennison & Wilson, 2000). Moreover, there is likely to be significant overlap between looked after children in custody and BME children in custody, a group which has also suffered as a result of longstanding disproportionality. Therefore, when we discuss issues relating to BME children, such issues may relate to looked after children, and vice versa. When interviewees were asked to discuss the drivers of this overrepresentation their responses centred on three main themes: pre-care experience, 'care' experience and the youth justice system itself.

Looked After Children and Pre-Care Experience

We now explore the overlap between the characteristics of children who become looked after, and the characteristics of children in the youth justice system. This chapter discusses a potential link between pre-care experience and later youth justice involvement. Ultimately, it determines that pre-care experience cannot fully explain the overrepresentation of looked after children in the youth justice system in general, and the secure estate in particular.

The research literature suggests that many looked after children are likely to be disadvantaged in myriad ways (Action for Children, 2014; Akister, Owens & Goodyer, 2010; Berens & Nelson, 2015; Blades *et al.*, 2011; Hart, 2006; 2016; PRT, 2016; Schofield *et al.*, 2014; 2015; Schofield, Larsson, & Ward, 2017). Likewise,

children in youth custody in England and Wales have high levels of disadvantage (Day, Hibbert & Cadman, 2008; Goldson, 2002b; 2015; Gyateng *et al.*, 2013; Jacobson *et al.*, 2010; Willow, 2015). This has led some researchers to suggest that characteristics shared by looked after children and children in the youth justice system, may account for the overrepresentation of looked after children (Darker, Ward & Caulfield, 2008; Schofield *et al.*, 2014). A number of interviewees commented that the 'risk factors' associated with being looked after are the same 'risk factors' that could lead to offending and youth justice involvement.

> *'Clearly [looked after] children are more vulnerable in the first place [...] their risk factors [...] they have more than the average child. So their propensity to offend or seriously offend is going to be greater because of those risk factors.'* (Youth Justice Consultant 2)

> *'[...] the fairly obvious correlation between the sorts of characteristics you'd associate with children who display particular forms of behaviour that get them in trouble and the sorts of characteristics of children who come into the care system… you would expect everything being equal to get higher proportions of children from a looked after background coming into the youth justice system just because the two groups of kids overlap substantially.'* (Academic 1)

> *'[...] there's an enormous correlation between the factors which lead to young people being in care and the factors which lead to young people being in the youth justice system.'* (Senior Professional at YJB)

The interviewees did not claim that children are looked after because of their offending behaviour; almost all children who become looked after do so for reasons other than their own behaviour (see Chapter Three). The interviewees merely drew attention to the considerable overlap between the biographies of children who enter care and the biographies of children who enter custody (Bebbington & Miles, 1989; Darker, Ward & Caulfield, 2008; Schofield *et al.*, 2015; Shaw, 2014; Staines, 2016). Boswell's (1996) study found that between 50 and 90 percent of children serving custodial sentences for serious offences had experienced child abuse. Furthermore, 'adverse

childhood experiences' have been associated with higher rates of offending (Baglivio *et al.*, 2015; Fox *et al.*, 2015). More generally, Ellis and Savage's (2009: 88) work indicates a 'consistent negative association between social support and later offending'. Indeed, it is the impact of adverse pre-care experiences that may contribute to the overrepresentation of looked children in the youth justice system in general, and the secure estate in particular. Director of Children's Services 1 elucidated this most clearly when referring to a radio program he had listened to.

> *'I don't always say this, but I'm with Martin Narey on this one. He was on the Today programme this week [...] and John Humphrys tried to put it back to him "well there's more children in care [who] are criminalised" and he said "that's a completely fatuous comparison" and I think it is, to compare with the so-called "normal population". The reality is that children who come into care come in for a reason [...] they can no longer live with their parents and sometimes their behaviour also determines that they can no longer live with their parents and it's because of the abuse and neglect that they've received but they sort of channel that back into their behaviour and that means that they are often involved in offending before we have them in care [...] I don't think it should be a surprise that children in care are more heavily represented in the [youth] justice system, that isn't to be complacent, I think it's just how it is.'* (Director of Children's Services 1)

The interviewees acknowledged the difficult backgrounds of looked after children and factored this into their explanations of overrepresentation. Several interviewees suggested that actually, children who become looked after later in life are likely to be most overrepresented in the youth justice system.

> *'[Children] who have come into care later [will be particularly overrepresented]'* (Senior Police Officer)

> *'[...] particularly the ones who come into care later on [in life], they've got a lot of problems to deal with which may make them at greater risk of offending anyway.'* (Youth Justice Consultant 2)

'[…] the outcomes for children who come into care at a much earlier age are much better than those children who come into care in their teenage years and we know that they are better in terms of education, in terms of offending, all sorts.' (Director of Children's Services 2)

There is no official data that details outcomes for looked after children along with the age at which they first became looked after. Therefore, it is difficult to track whether children who become looked after at an older age have higher rates of youth justice involvement than children who come into care at a younger age. Nonetheless, Baskin and Sommers' (2010) study suggests that the age at which a child becomes looked after can have an impact on youth justice involvement. They found that children who first became looked after between 7 and 12 years old were five times more likely to be arrested than children who first became looked after when they were 6 years old or younger (Baskin & Sommers, 2010). In 2012, Lord Carlile reported on the Edlington Case in which two young brothers had seriously assaulted two other boys. Lord Carlile (2012) outlined numerous missed opportunities for intervention and concluded that 'a lack of meaningful and *timely* action' (emphasis added) by Doncaster Council meant that they had failed to prevent the assaults. Certainly, it may be the case that children who are exposed to maltreatment for longer durations, are more likely to display behaviours that can lead to youth justice involvement.

While most interviewees commented on the biographies of looked after children, no one saw this as an exclusive explanation for the overrepresentation of looked after children in the youth justice system in general, and the secure estate in particular. Every interviewee mentioned some other factor which was not an individual-level explanation for youth justice involvement.

'I think the problem is that there's been too much focus on pre-care experience and some of the individual level 'risk factors' […] the discourse has basically allowed those to dominate […] of course they are important, of course we need to take account of them but there needs to be a shift to recognise the system level problems and the structural problems because I think we've allowed ourselves to get caught almost in the "well

of course it's inevitable" argument [...] I think we need to question that and society should be challenging those sorts of ideas.' (Academic 7)

Individualised and responsiblising explanations have tended to take precedence in discussions about looked after children in trouble and, as a result, have tended to minimise the structural factors which contribute to the disproportionate numbers of children who have been looked after in the youth justice system (Carr & McAllister, 2016; Fitzpatrick, 2009; 2015; 2017; Shaw, 2014; 2017; Stanley, 2017; Taylor, 2006). This chapter demonstrates considerable overlap between the biographies of looked after children, or children who have previously been looked after, and children who enter the youth justice system. It establishes that looked after children are likely to have endured difficult life experiences which may contribute to their overrepresentation. Nonetheless, this cannot be offered as a full explanation for the overrepresentation of looked after children in the youth justice system. This chapter seeks to re-direct this focus and considers the impact of 'care' experience and the youth justice system on looked after children in England and Wales.

Looked After Children and 'Care' Experience

We now turn to the complex issues associated with the 'care' experience and how these can lead to both challenging behaviour and the criminalisation of looked after children. Interviewees were clear that failings of the care system contribute significantly to the disproportionate numbers of looked after children in the youth justice system and the secure estate.

> *'[...] we have a group of young people where the state is responsible and has a moral duty of care [and it] actually hasn't fulfilled its role very well'* (Academic 3)

> *'I think that a lot of the so-called conveyor belt from care to custody is actually rooted in the inadequacy of the care system's response to a teenage care admission.'* (Chief Executive of NGO)

'[…] over time I've come to realise that actually fundamentally it's about the care system stupid *and it's taken me, to my shame, a while to realise it'* (Laming Review Member 1)

Each of the 27 interviewees referred to the care system when charting the drivers of looked after overrepresentation. Interviewees were keen to highlight problems with stability and looked after children, particularly around moving placement. It was demonstrated in Chapter Three that looked after children are likely to experience a range of disruptive events including changes of social worker, moving school and moving placements, with a number of children experiencing these multiple times (Children's Commissioner for England, 2017; PRT, 2016; Selwyn, Wood & Newman, 2017). The interviewees reiterated these concerns. They argued that a lack of stability can further damage children as well as produce challenging behaviour that can be viewed as criminal.

'[…] some of the experiences of care that children who are looked after have are of the sort that leave the child thinking that they don't have […] any person or any system that really cares about them […] I know from meeting individual looked after children who have said "no one cared about me so I thought sod you, I'm going to just do whatever I want to do". It also makes them very angry and that can manifest into behaviour, some of which might be around offending, risk-taking behaviour generally.' (Laming Review Member 1)

'[…] the [care] system itself encourages them and almost pressurises them into being antisocial and having to protect themselves […] It's hardly surprising that they've actually built a level of resentment and for some kids that's violence because a lot of them that's why they are in care the first place because they have been physically abused.' (Senior YOT Manager)

'[…] she'd had 17 placements in the last 12 months and they were all over the place and up and down the country […] she said "I just go completely

off my head sometimes" and that's where she gets into trouble and it's not surprising really.' (Former Magistrate)

The failure of the care system to provide stability was a prominent discussion point during interviews and many felt that this contributes to the challenging behaviour and youth justice involvement of some looked after children. It was outlined in Chapter Three that looked after children are often excluded from the key decision making processes and that this can lead to challenging behaviour. Laming Review Member 2 described this process using the example of a looked after girl who had been involved with the youth justice system.

'A young person said to me she had no time whatsoever for social workers and I said "why is that?" And she said "because they come and go, they are useless." So I said "does that apply to every social worker you've ever met? What about your last social worker?" And she said to me "my last social worker said to me after we'd had regular contact for a couple of months, she said to me you don't want a relationship with me do you?" So this young woman in care said "yes you're right I don't." "Why don't you want to have a relationship with me?" "Because like all the rest you will come and go and you will leave when it suits you." So the social worker says "yes I see that you've had quite a number of social workers, let's strike a deal, I'll be with you at least until you are 16 years old which is only 18 months-time. I'll be with you at least until you're 16." This young person in care said to me "I didn't believe her" ... she said "I then decided okay, so I began to trust her and I opened myself out to her, I shared a great deal of myself that I had never shared with anybody else before. One day, less than a year later, long before I was 16, she said to me I've got news for you, I'm leaving, I've been promoted, I'm going to another place." This young woman said to me "I will never trust anybody in my life again."' (Laming Review Member 2)

This story is an example of the damage that can occur when professionals enter and exit children's lives, creating inconsistency and a lack of trust (Day, 2017; Selwyn, Wood & Newman, 2017). The problem of stability can also be extended to include the

location of looked after children's placements. Interviewees highlighted the issue of looked after children being placed outside of their local area and how this might contribute to offending. Official data shows that currently a third of all looked after children are placed outside of their council boundary (DfE, 2017a). Concerns about out of area placements were raised during the Laming Review by both professionals and looked after children. The interviewees appeared to confirm this, the Senior YOT Manager remarked *'[...] of the kids we've got [who] are looked after on our books, more of them are from out of the area than in the area'.* The Former Magistrate commented that most of the looked after children that they had dealt with were *'dumped from London boroughs'.* The issue of out of area placements was linked to a lack of support from local authorities, which will be returned to later in this chapter.

As well as highlighting the criminogenic potential of instability within the care system, interviewees also drew particular attention to the quality of provision available for looked after children. Predominantly, interviewees made links between residential children's homes and the criminalisation of looked after children.

> *'[Children in] children's homes appear to me to be particularly vulnerable [to YJS involvement]'* (Youth Justice Consultant 2)

> *'[...] we are particularly concerned about children who end up in children's homes who have moved from one placement to another'* (Director of NGO 1)

> *'[...] those who have come into care and lived in children's homes'* (Senior Police Officer)

> *'My view is certainly that it is those [who have lived] in children's homes that are overrepresented.'* (Academic 1)

Certainly, the available evidence suggests that children in residential care are significantly more likely to receive a formal youth justice sanction than children in other placement types (see Chapter Three). It seems that children's homes are key to understanding the story of looked after overrepresentation; interviewees suggested

that this may be to do with the availability of provision. More specifically, interviewees reiterated the notion that children's homes tend to have a 'last resort' status among local authorities (see, for example Schofield, Larsson, & Ward, 2017).

'[…] children's homes a lot of them are dumping grounds and a last resort because everybody is so fed up with [the looked after child]' (Former Magistrate)

'[…] other countries are much more positive about residential care than we are, they don't see it as a last resort whereas we tend to say that the only placement worth having is a family placement and if there's something wrong with you, and you are a failure, that you end up in residential and I think that's a really bad message.' (Youth Justice Consultant 3)

'[…] it's actually those [children] who are less easy to place who end up in children's homes and so it's not surprising that they're also the ones that end up in the [youth] justice system.' (Senior Professional in YJB)

The effect of this 'last resort' status was viewed as twofold: firstly, children who have behavioural difficulties, and who are perhaps already offending, are likely to be placed in a children's home, and secondly, children who are placed in a children's home may feel like a failure when they are unable to live in a family setting, which can lead to behavioural difficulties. The Senior Professional at the YJB suggested it is *'not necessarily causative, it may be those children [in foster care] are easier to place'.* Moreover, the Former HM Inspector of Prisons argued that *'by the time they get into a children's home, they are already in that cycle [of offending]'.* Academic 1 argued that *'frequently there are children who can't be found the 'good' sorts of placement … and children cannot fail to pick up on that, they cannot fail to know that if you are in the children's homes […] that means that among the care population you are a failure'.*

Many of the interviewees felt that the diminishing status of residential care was strongly linked to the increasing use of private providers who are contracted by local

authorities. Most recent figures show that 87 percent of children's homes placements outside of the council boundary are privately run (DfE, 2017a). The increasing move to private provision was felt to have the greatest impact on looked after children from large cities where property is expensive.

'[…] the move towards foster care rather than residential provision in many local authorities [means that they] have divested nearly all their own residential accommodation and rely increasingly on the market and private providers who tend to buy property in areas where property is cheap which tends to be frequently away from the communities where the children come from. So certainly in London for example, there are hardly any local authority run children's homes and children from London are placed all over' (Academic 1)

'If you've got a property in London […] where it's worth a fortune, you're not going to want to rent it out to be a children's home so therefore children are shoved […] somewhere way away from London […] so they're away from everything they're familiar with and that itself isn't conducive to behaving properly.' (Magistrate)

'[…] places like [small Northern town] have got loads of [private children's homes] because you can buy a two-bedroom terrace house for 40 or 50 grand. Now you know they are then charging £100,000 for two kids in a year and you've still got the house. Now some of the homes are very, very good, but most of them aren't, most of them are employing people on minimum wage with minimum experience, minimum training and you have some very well-meaning people who actually just aren't equipped to do the job.' (Senior YOT Manager)

It is abundantly clear that interviewees saw a link between the overrepresentation of looked after children in the youth justice system and the broader landscape of care provision which is increasingly privatised (see HLPR, 2018a). The relationship between youth justice involvement and private provision was believed to impact on BME children in particular. Official data shows that BME children are significantly

more likely to be placed outside of their council boundary than white looked after children (Ofsted, 2016). Several interviewees argued that the lack of children's homes in inner city areas, which have large BME populations, would more heavily impact upon BME children who are looked after.

> *'Very often placements are not available […] a lot of young people get placed down on the south coast etc., moved away from areas where there isn't a lot of people from their own heritage and culture, so that is compounded as well I think.'* (Senior Professional in YJB)

> *'[…] they are placed in [county] and they are black they stick out like a sore thumb. So that doesn't help them really. I mean they are placed by [local authority] which is quite a white, working-class, poor area. They are often placed in some of the two most deprived wards […] because accommodation is cheap, it's all boarding houses and guesthouses and things like that […] They are placed in these areas because the people making money want to place them in cheap accommodation where they don't have to pay much so it just exacerbates the situation. And then you get black young men walking around completely out of [their] culture in an area which is not very supportive to [them].'* (Former Magistrate)

While it can be problematic to discuss the notion of 'culture' when referring to BME children (see Chapter Five), studies have highlighted that black children can struggle to negotiate a sense of 'identity' when operating in largely white contexts (Barn, 2001; Wright, 2010). The Laming Review emphasised that BME looked after children feel that they are especially disadvantaged in the youth justice system (PRT, 2016). The key problem which emerged from the fieldwork interviews in relation to placing BME looked after children was that children often are 'out of place' and unsupported. When interviewees discussed offending in care more generally, many argued that the 'care' experience impacts children's behaviour in ways that could lead to youth justice involvement. A number of interviewees provided examples of cases where children had committed offences after they had received poor treatment as a looked after child. The Former Magistrate told two stories which exemplify the way that care system procedures can lead to challenging behaviour.

'One of the last cases I sat on […] was a young woman of 15 and she had sort of learning difficulties and she had been in this particular children's home for four or five years she said. She was in court, first offence for assaulting a member of staff, smashing windows […] So when the story started being told this young woman was just being approached about moving out because she was coming up to 16. She had lived in this place and felt it was her home […] so they said "you're going to have to start looking after yourself and find somewhere" and she went mad. I was absolutely flabbergasted and furious in court […] and she'd been perfectly well-behaved as far as we know' (Former Magistrate)

'[…] there was a 15-year-old lad [who] had a previous [conviction], he was at special school down in [omitted] and he was quite well spoken. Big lad, he played rugby. He'd been asked to play for [omitted] under 15's rugby team and they were touring away and he had to get permission from his social worker to go away […] the permission to do this was a long time coming. He had autism and he was clearly very bright but very troubled but rugby was his passion. But his key worker took him into a room and said "sorry we haven't got permission, you can't go" and again he went mad and ended up with three or four staff pinning him down and trying to control him […] he assaulted them and he was in court. He was very apologetic […] But you get that sort of behaviour and I can go on and on and on with similar cases' (Former Magistrate)

The Former Magistrate argued that *'it's not surprising that [looked after children] are overrepresented [in youth custody] because of the way that they are placed in these places without proper care. It is a scandal, it really is.'* The above statements are just two examples of children reacting negatively to adverse circumstances brought about by their looked after status. They demonstrate how a lack of consideration for the wishes and feelings of looked after children can lead to challenging behaviour and youth justice involvement. Therefore, they add weight to previous research conducted with looked after children (see for example Day, 2017; Shaw, 2014; 2017) by adding a Magistrate's perspective.

While interviewees were keen to highlight how care system injustices experienced by looked after children can result in challenging behaviour, they were more concerned with the ways in which the care system *responds* to challenging behaviour. The majority of interviewees believed that some looked after children are actually criminalised by the care system itself. Many of the 27 interviewees suggested that 'carers' too readily seek police involvement when a child's behaviour becomes challenging. The interviewees echoed findings from earlier research which shows that children who go missing from care are likely to be reported to the police (see Chapter Three). The HLPR has cautioned against police officers becoming familiar with children in residential homes regardless of the underlying intentions of the interaction (2017b; HLPR, 2018c). Director of Children's Services 1 detailed that *'staff feel duty bound to ring the police and say he's missing and so this kid ends up with the police file as long as your arm because they come back two hours late every night'*. Perhaps more troubling is the fact that interviewees also gave numerous examples of 'carers', particularly staff in children's homes, calling the police for minor offences that would not usually result in youth justice intervention. Laming Review Member 1 argued that looked after children appearing before court for trivial offences is longstanding and continues to be an issue.

> *'You will encounter people in your research who will say "oh no, that was 10 or 15 years ago, that's not the case these days" but actually we specifically in our work on the [Laming] Review asked the Magistrates' Association how they felt about that and they were able […] to produce current examples of children appearing in court in front of them for really minor things.'* (Laming Review Member 1)

There is no centrally held record of calls to the police made from children's homes, therefore the evidence remains largely anecdotal (see Chapter Three). Director of NGO 1 described how they had heard *'aggrieved'* magistrates give examples of minor misdemeanour cases appearing before the court and *'although it's anecdotal, if you think of 220 such anecdotes it starts to become evidence'*. The HLPR (2017b) has argued that the police forces who have made progress in reducing the criminalisation of children in residential care have all attempted to monitor the issue using data

available within the force. Many interviewees also pointed out that the police who attend these incidents previously had no option but to record crime which can further embed children into the system.[62]

The professionals who took part in this research specifically focused on private children's homes when outlining the criminalisation of looked after children. They felt that staff are more likely to call the police in these homes for two key reasons: the pressure to follow profit-driven procedures and the lack of proper training. Alarmingly, several interviewees claimed that in some instances staff in private children's homes were seeking police involvement in order to make insurance claims.

> *'[…] in some places at least there is a policy that you have to [involve the police] if there is any damaged property in order to get an insurance claim.'* (Academic 1)

> *'[Staff in children's homes] sometimes report these cases because they need a [crime] number to claim on their insurance'* (Magistrate)

> *'[Children's homes] know when they are prosecuting someone that they are claiming the insurance back, that's their way to get the insurance back for the crime'* (Academic 7)

The use of police intervention to pursue insurance claims is a worrying finding which requires further exploration that is not possible in this thesis. Nevertheless, a number of interviewees still felt that the *'moneymaking'* ethos of private provision encouraged staff to call the police. This is not too difficult to believe, given that children are exposed to placement instability for the same reasons (see Chapter Three). Furthermore, many interviewees believed that staff in private children's homes were

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[62] Crime recorded by the police must have an outcome code. In 2016, the Home Office introduced 'Outcome 21' for police recording which allows officers to record that 'Further investigation, resulting from the crime report, which could provide evidence sufficient to support formal action being taken against the suspect is not in the public interest.' The HLPR (2017) were told that some police forces have been employing this code to record incidents in children's homes. The fieldwork interviews took place before the new outcome code was introduced.

excessively calling upon the police because they were not equipped to deal with difficult behaviour.

> *'[the police] still end up being called to kids homes to take kids out as a method of discipline that should be being done within the institution'* (Senior YOT Manager)

> *'I think the fact is that some children's homes are using the police to support them.'* (Magistrate)

> *'[…] calls for criminal damage and violence and assault, a lot of them were late […] we went back and spoke to managers the next day as to what had happened prior to that call […] it was often things like they tried to take a mobile phone off the young person or they tried to tell them that they had to go to bed. Instead of building up to that all day and talking to them and helping people to manage their own behaviour and that kind of thing, they get to a point where they go "right, that's it now, you're going to bed" and then what happens is that it all kicked off, whereas actually that needed to be managed quite early in the evening around what time they were going to go to bed and how that was going to work. Just things like that, you start thinking that's about management actually. You know a lot of the staff are only paid a minimum wage and some of them don't speak English very well, how is that going to help? Change of staff regularly and a lot of the young people I speak to say "they are just a member of staff, they don't care about me, they are just doing a job, they have no care for me". That's really sad isn't it? Because they are meant to be their parents'* (Senior Police Officer)

Previous research has suggested that staff in residential children's homes resort to police intervention as a way of asserting authority and maintaining control when they lack the necessary resources and skills to do their job (Centre for Social Justice, 2008; 2012; HMIC, 2015; HM Inspectorate of Probation, 2012; Home Office, 2004; Shaw, 2014; Taylor, 2006). Furthermore, staff may be unwilling to adopt more restorative approaches to behaviour management since it can make them feel more vulnerable

(Halsey, 2010). The HLPR (2017b: 2) outlined that one police officer believed that the police were sometimes used to 'tuck up' teenagers who refused to go to bed; this specific issue was raised by the Senior Police Officer above. Interviewees thought that the use of police intervention was the result of working conditions in private residential homes where there is a high turnover of staff who are poorly paid and lack proper training. Calling the police to help manage behaviour is damaging because it can put children on the *'police radar'* (Director of NGO 2) and lead to formal youth justice sanctions.

> *'I remember doing some workshops where I was ranting about ASBOs and how inappropriate they were for traumatised children and a woman in the audience confronted me and she said "you don't know what you're talking about, I work in a children's home and I've had to take out ASBOs on six of my kids"… I literally had no idea what to say, I hadn't even considered that care home workers were using court orders for discipline.'* (Chief Executive of NGO)

Many interviewees suggested that staff incompetence can lead to unnecessary and excessive police intervention, which is a *'slippery slope'* (Director of NGO 2) to getting a conviction. The Former Magistrate argued that private children's homes are principally concerned with profit and so '*they kick [children] into court at the slightest opportunity.'* This is exacerbated by the fact that when the police attend an incident in a children's home it is often complicated by the home's role as the victim.

> *'[…] often they come into custody because the children's home are the victim and therefore they want them to come into custody [overnight]. So they've got a young person who is kicking off for whatever reason and they can't manage their behaviour so they call the police and we take them into custody. And then in order to justify the action, they are more likely to want to push for prosecution as well and put us in quite a difficult position.'* (Senior Police Officer)

> *'[…] if they've come from a residential establishment and the offence is in the establishment then bail becomes problematic because the police have*

a mentality that you don't bail somebody to the place right next to where they committed the offence. It's still going to go to court but that's compounded by the fact that some of the children's homes use it as a couple of days respite from the child. So both the police, the way the police approach bail and some of the responses from the children's homes may lead to children being less likely to get bail than their non-looked after counterparts.' (Academic 1)

The issue of children spending the night in police custody is touched upon in Chapter Three. Altogether the evidence suggests that police officers were called to residential children's homes as a method of discipline and that this led to some looked after children being remanded in custody overnight (see for example, HLPR, 2016b; 2017a; 2017b; HMIC, 2015). The Former HM Inspector of Prisons suggested that repeated exposure to police intervention can contribute to the high numbers of looked after children in penal custody.

'I think what happens to [looked after] children [who end up] in custody is that it just gets ratcheted up […] the response gets more punitive, so you act up more, so you have a more punitive response […] So you won't get a custodial sentence because you set fire to curtains but it may in a sense be part of a pattern of behaviour and a pattern of reaction by the authorities that further embeds you in that sort of nexus.' (Former HM Inspector of Prisons)

Certainly, the Edinburgh Study of Youth Transitions and Crime has highlighted the ways in which youth justice intervention can hamper desistance and further criminalise children (McAra & McVie, 2010; 2013; 2019). Many interviewees were also critical of children's services more generally, suggesting that a lack of support can further propel children into the system. A number of interviewees argued that social services can sometimes *'pass the buck'* (Academic 7) when it comes to looked after children who offend, leaving youth offending teams to deal with them.

'[…] it does tend to happen young people who are involved in the care system once they get involved in the [youth] justice system the social

workers will often step back and think "well it's now a [youth] justice issue, leave it to the YOT". So there's a tendency to cease seeing those young people as a priority because they feel they've got another avenue of support.' (Senior Professional at YJB)

'[…] there has been a tendency to pass the parcel. So if [youth] justice takes over then it's [their] responsibility isn't it?' (Senior Professional at NGO 2)

'[children's services] can in the worst cases appear to wash their hands of the children in their care who offend, and just say "oh it's the YOT's business"' (Youth Justice Consultant 2)

'[…] children's services would tend to just withdraw any responsibility once the kid had offended and it became a youth justice issue. And the courts have said that you know that's not good enough you can't do that but there is still a tendency in that direction.' (Academic 1)

The HLPR (2017b) has highlighted how police forces can feel frustrated with some local authorities who are failing to fulfil their duties as a corporate parent. Police forces felt that this lack of support can lead to children entering the youth justice system unnecessarily (ibid). Given that children and family social workers have on average 17.8 cases at any one time (DfE, 2017d), it seems plausible that some would step back from their duties to a looked after child who is offending. Such behaviour is at odds with guidance which requires corporate parents place 'the child at the centre of the work' (HM Government, 2010: 12). Furthermore, some interviewees linked issues of support to the austerity agenda of recent governments and its impact on local authority budgets (see for example, Gray & Barford, 2018; Hastings *et al.,* 2015).

'[…] our cash budget in [local authority] […] was about 180 million and it will go down by the end of 2019, it will be about 120 million. So it's more than a third of the cash that's gone and if [you take inflation into consideration] the amount of money that we can spend on anything is reduced by about 40 percent and so the only things that […] we'll really

be into doing [are] child protection, youth justice, children in care and that's probably about it ... because we won't have any money left to do any youth work or anything like that sadly and we won't be the only local authority in that position by a very long way. People don't realise yet the degree to which the funding that local authorities receive has been slashed, so it's a big problem going forward.' (Director of Children's Services 1)

'Less social workers and greater caseloads. Then I think that's obviously not good for the children who are meant to be supported by social workers [...] I have felt that the caseload for social workers seems to be growing increasingly and you do wonder if you have got a caseload of 30 children in care, are you really providing proper services and support to those children? So as a result of cutbacks over the last six or seven years, the social work caseload for people in care has increased and that is obviously not a good thing' (Director of NGO 2)

The interviewees argued that financial strains experienced by local authorities have a direct impact upon the quality of support that looked after children receive. Such lack of support they felt, can contribute to disproportionate numbers of looked after children in the youth justice system. Ofsted inspections indicate that child social care is in crisis: in 2016/17, 65 percent of children were looked after in local authorities who were assessed as 'Requiring Improvement' or 'Inadequate' (Oakley, Miscampbell & Gregorian, 2018). The available literature suggests that poor experiences of the care system directly impact upon children's risk of youth justice involvement (see Chapter Three). The crisis in child social care is likely to make poor 'care' experiences more commonplace and therefore, exacerbate the issue of looked after overrepresentation.

All interviewees believed that issues with the care system are essential to understanding the overrepresentation of looked after children in the youth justice system in general, and the secure estate in particular. This section establishes that looked after children who enter the youth justice system, are likely to have experienced instability and a lack of support, particularly in relation to placement moves and

placement location. This is likely to bear down particularly heavily on BME looked after children. Such instability is viewed as contributing to difficult behaviour which could lead to the overrepresentation of looked after children in the youth justice system. It also raises concerns about the availability of quality provision for looked after children and the impact of 'last resort' status of residential children's homes. Most significantly, it demonstrates clear problems with the way that staff in children's homes respond to challenging behaviour that would not normally warrant police involvement in a family setting. It is clear that some children's homes use formal police intervention as a method of discipline.

This criminalisation is compounded by the fact that the local authority sometimes appears to withdraw support for looked after children who are involved with the youth justice system. This is likely to be the result of increasing financial pressures placed on local authorities as a consequence of austerity politics. Taken together, this information suggests that the 'care' experience is crucial to understanding the overrepresentation of looked after children. It also builds upon Taylor's (2006) contention that some 'care' placements can intensify, create and promote offending behaviour and shows that such issues have persisted over time.

Looked After Children and Youth Justice Experience

This chapter now explores the ways in which looked after status can disadvantage children when they come into contact with the youth justice system. All interviewees believed that looked after status can have a negative impact on children in the youth justice system. Many interviewees argued that some youth justice practitioners make harmful assumptions about looked after children and that such assumptions influence their decision making.

> *'[…] I've heard police officers [say] that children in care are naughty kids [...] it's changed a lot over the last two or three years, but I do still occasionally hear that kind of idea that they are naughty kids, that they are a pain, that they are difficult kids and that's why they are in care'*
> (Senior Police Officer)

'[...] there's also these people who are involved in a more operational level, at a practitioner level, who still have some very clearly negative fixed entrenched views and a lack of understanding really about why people come into the care system' (Academic 7)

'[...] some looked after young people have argued that there is a stigma that people generalise from the label looked after or in care to trouble, troublemaker, so there are stereotypes that may play [a] part.' (Academic 5)

The stigma that can be associated with being looked after has been expressed by looked after children in a range of settings (Baginsky, Gorin & Sands, 2017; Children's Commissioner for England, 2015; 2017; Coram Voice, 2015; PRT, 2016; Selwyn, Wood & Newman, 2017). The apparent impact of stigma resonates with findings from Chapter Five which suggest that stereotypes influence the numbers of BME children in the youth justice system. It seems that looked after children may experience similar differential treatment on the basis of their looked after status. One interviewee suggested that the stigma attached to looked after status is exacerbated by ethnicity and so BME looked after children are at an even greater disadvantage.

'We've had black kids plonked in [small Northern town] who stick out like a sore thumb. We had one kid where we just knew that he was going to reoffend, he was a black kid from London, and sure enough he did because he was having to fight with some of the kids in [small Northern town] and when the police arrived guess who got arrested? And he was the one who was a bit bolshie as well because strangely enough he's used to having to fight [...] all those stereotype images come into people's heads and wallop, it's the kid that suffers.' (Senior YOT Manager)

BME looked after children who gave evidence to the Laming Review raised similar concerns about compounded disadvantage (PRT, 2016). Nevertheless, the stigma surrounding looked after status generally, expressed itself in different ways. Some practitioners were thought to have a *'lack of understanding'* (Academic 7) and be guilty of '*labelling'* (Children's Services Consultant) looked after children, while

others were viewed as well-meaning people who inadvertently draw looked after children into the youth justice system.

> *'[…] a young person who comes to our attention whose parents are supportive or any kind of carers/guardians that they think will be supportive of police action, they are not going to come into custody, they are going to be dealt with out-of-court. Unless they have committed a very serious offence which is a different ball game.'* (Senior Police Officer)

> *'[…] when a police officer finds a [looked after] kid by and large they will know that they are looked after because it'll be on the systems, now that's a positive thing but it can also be a negative thing because if they do have that derogatory view straightaway any idea of "well she is just messing around" or "he's had a couple to drinks too many, let's just take him home and let his parents deal with it" goes out of the window, it's almost like "oh shit I'd better do something"'* (Senior YOT Manager)

> *'Whatever the particular pattern and nature of their offending they are treated differently and in a discriminatory way because it is perceived that they are not controlled or contained or supported by other sorts of support … youth justice workers and the youth court make decisions based on the perception or reality of the individual children's backgrounds. That results in harsh outcomes because […] often these children have little alternative sorts of support, so actually in a way they're more punished because of that […] the [youth] justice response in the form of punishment actually is a kind of alternative albeit perverse sort of care, it's an alternative type of care. What else do we do with these children?'* (Academic 4)

Many interviewees felt that looked after children were disadvantaged in the youth justice system because they are not perceived as having *'supportive'* (Youth Justice Consultant 3) backgrounds. It has been demonstrated that this perception is likely to be grounded in reality: many looked after children suffer because of instability, and for some, this instability precedes any offending behaviour. Interviewees suggested

that problems with the care system lead youth justice professionals to respond to offending with harsher sanctions as they feel they must intervene.[63] The findings are not dissimilar to Hart's (2010) work on breach of youth justice orders. Hart found that often, well-intentioned sentencers would give children multiple requirements to meet as a means of providing support. This would, ironically, make it more difficult for children to comply with orders, and result in breach and up-tariffing (ibid). Greater use of diversionary measures and alternatives to custody played a large role in reducing the young custodial population (Allen, 2011; Bateman, 2012; 2014; Briggs, 2017). In order for children to receive such alternatives to custody, sentencers must be confident that children have the necessary support to comply with their sentence (Judicial College, 2016). The view expressed by one interviewee was that the courts are less inclined to offer diversionary disposals because of concerns about the levels of support available for looked after children.

> *'Both diversion and also the early stages of formal intervention do require considerable support from people other than youth justice or […] diversion professionals who people encounter, and if you haven't got that then that's going to become more difficult'* (Laming Review Member 1)

The Laming Review highlighted how 'a lack of parental support and the state's failure to replace this' can disadvantage looked after children in the youth justice system (PRT, 2016: 86). Several interviewees reiterated this and suggested that looked after children fair worse because *'no one is fighting their corner'* (Former HM Inspector of Prisons). The apparent lack of support that looked after children receive from their corporate parents, often has practical implications when a child attends court. A large number of interviewees drew attention to the fact that looked after children often attend court without being accompanied by an adult, which was discussed in chapter Three. Some of those interviewees thought that this had a tangible impact on the number of looked after children in custody since they have *'no one to advocate for them'* (Director of NGO 1).

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[63] Phoenix (2010: 356) asserts that magistrates employ 'common sense' to develop a narrative about the young person's appearance in court, based on the information available to them and that this helps to inform judgements.

'[looked after children] quite often don't have their social worker with them and the social worker is the corporate parent and if you haven't got a parent with you and somebody speaking for you and supporting you […] the magistrates are more likely to sentence to custody for instance. If there's a parent there saying "yes I am here to support them and help them we can do these things in our work with youth offending team", then the magistrates are more likely to feel confident that there was a program, an order that can be carried out in the community that will help address the offending behaviour. If there's no parent there and they don't seem to care […] then they're more likely to say "well there's nobody here that seems to be taking much interest in this kid" […] they'd be more likely to send them into custody. ' (Senior YJB Worker)

'[…] if [looked after children] go to court, particularly for children who are placed out of area, it is unlikely that they will have anyone accompanying them other than someone from the children's home who at one level, you know in terms of the legal situation, is the victim […] and it becomes very problematic in terms of what the court then does. But it also means that very frequently the court has little information […] about a care plan and anything like that which makes it more likely it seems to me to impose a higher level sentence than they might otherwise do if they were satisfied that the local authority plans were ones which would deal with the situation. If they are given nothing then they will try and impose a structure around the child. Which is the first instance may not be custody but if they come back 2 or 3 times…' (Academic 1)

Several interviewees were adamant that a lack of advocacy can result in looked after children receiving harsher sanctions, in particular custodial sentences. They believed that professionals perceive the lives of such children as *'chaotic'* (Youth Justice Consultant 3) and so attempt to mediate that by imposing structure. The absence of parents or guardians is especially problematic given the current state of legal advocacy. A review found massive variability in the quality of legal advocacy in the youth court (Wigzell, Kirby & Jacobson, 2015). Of particular concern was the lack of youth justice knowledge among many advocates, an inability to communicate with

young defendants, lower legal fees combined with large caseloads, a failure to adequately prepare and the fact that some professionals do not recognise the seriousness of cases dealt with in the youth court (ibid). Such problems are likely to be exacerbated when children are not accompanied by someone who knows them well (see Chapter Three). Furthermore, this can cause looked after children to feel frustrated and powerless, which can lead to negative behaviours (PRT, 2016). Among the majority of interviewees, there was a sense that, looked after children receive differential treatment whereby their behaviour is escalated, which means that they are at a greater risk of receiving a custodial sentence.

> *'I'm fairly convinced too that there is an amplification effect for quite a few children [...] I suppose where I would say it particularly operates is for children who are placed in residential children's homes.'* (Academic 1)

> *'[looked after children] are being escalated through the system [...] therefore they end up in custody much sooner because [of] the tariff, the sort of ladder of sentencing once they get into trouble, they're likely to be pushed through far faster than anybody that is not looked after.'* (Former Magistrate)

> *'[...] those young people who don't have [...] good family support are the most vulnerable and I think that kind of escalates them through the system.'* (Children's Services Consultant)

> *'[...] lack of parental presence and apparent support will tend to push kids more into the criminal justice system'* (Senior Professional in YJB)

Here, the notion of escalation is a key one. Goldson and Chigwada-Bailey (1999) highlighted that BME children experience a 'multiplier effect' in which they are treated progressively harsher at all stages of the youth justice system. It appears that interviewees saw a similar process happening with looked after children in which the seriousness of their behaviour is *'escalated'* compared to that of non-looked after children, and that this determines their trajectory through the youth justice system.

Regardless of the driving factors behind such escalation, whether it be through negative labelling or the pervasive interventions of well-meaning practitioners, it appears that looked after children are forced further into the youth justice system precisely because of their status.

In recent years, there has been a wealth of guidance on dealing with looked after children in the youth justice system (see PRT, 2016). However, such guidance requires that the youth justice professionals working with looked after children are aware of their looked after status. Some interviewees pointed out that still the court does not always know when it is presented with a looked after child.

'[…] sometimes the court doesn't even know whether somebody is in care. Sometimes the YOT doesn't know.' (Youth Justice Consultant 3)

'[…] it isn't always clear, it usually is but sometimes it doesn't come out and then there's a little clue given that sort of latches you on to it but you haven't actually been told and then of course you can ask the question is he looked after… I'd have to guess the figure, I'd say 95 percent of the time you know but not a hundred. It has sometimes surprised me that they are looked after, I haven't been told that in court.' (Magistrate)

Currently, it is impossible to know how many children pass through the courts without their status being revealed. This lack of knowledge could perhaps become more problematic when it comes to children who have previously been looked after but who are not currently. These children will have all of the disadvantages that come with being a looked after child but will not benefit from avenues of support, however limited these may be. It seems that for some looked after children there is a clear lack of communication between different agencies. Joined up working and improved communication featured heavily in Lord Laming's recommendations (PRT, 2016). This research builds upon and extends Laming's findings and adds weight to his contention that looked after children in the justice system are not receiving the support to which they are legally entitled. Moreover, the disadvantages that looked after children experience in the justice system continues through to custodial

establishments. Looked after children in the juvenile secure estate are often insufficiently supported by their corporate parents.

> *'[…] the kid gets a four-month sentence and the social worker gets a four-month holiday, not holiday but you know what I mean, they get a break.'*
> (Senior YOT Manager)

> *'[…] often what happens is you know the child is in custody it's seen as out of sight, out of mind, a bit of a respite. So the engagement by the home local authority is often very poor.'* (Former HM Inspector of Prisons)

Research has revealed that when a looked after child becomes involved with the youth justice system, the local authority sometimes takes a step back from their duties to that child (Blades *et al.*, 2011; Centre for Social Justice, 2008; Fitzpatrick, 2009; Hart, 2006; HMIP; 2011; House of Commons Justice Committee, 2013; Taylor, 2016). Certainly, several interviewees argued that a 'pass the parcel' attitude of some social workers is most obvious when looked after children are sentenced to penal custody. One interviewee exemplified this with the issue of pocket money.

> *'One of the things which shocked me […] was [that] it was quite routine for local authorities to stop paying kids pocket money. So ironically, children who are looked after are significantly financially less well off in custody than kids who are still living with their families, even though they are very poor, who will be making a big effort to get money into the prison because having a bit of cash makes a massive difference to your experience and your lifestyle. And they just stop paying them pocket money so they have no money at all. It's just extraordinary that they would do that.'* (Academic 1)

HMIP (2011) first found evidence of this in their short thematic review, however, the Laming Review determined that this is actually routine for many local authorities (PRT, 2016). The withdrawal of pocket money demonstrates that looked after children in custody are not being afforded the 'same quality of care as all other looked after children' (HM Government, 2010: 144). While there is no legislation which provides

that looked after children should receive pocket money, it is very much common practice in local authorities (DfE, 2012c). The loss of pocket money will not only make it more difficult for looked after children to experience custody, but it sends a message to looked after children that they are, quite literally, not supported.

Much like BME children, looked after children are disproportionately likely to experience the most troubling aspects of juvenile detention, including physical restraint and isolation (Carlile, 2006; HMIP, 2011; Taflan, 2017). However, the principal focus here is the question of overrepresentation, rather than the qualitative experience of penal detention. The fieldwork interviews focused on factors that lead to the overrepresentation of looked after children in youth custody, and as a consequence, they were most concerned with the factors that might result in looked after children reoffending after release. The majority of interviewees were concerned that local authorities are not doing enough to ensure the effective resettlement of looked after children, many argued that this can result in an *'unvirtuous circle'* (Director of Private Provider) whereby children will return to custody.

> *'[…] we still have instances that occur all of the time of children, who are looked after who have no family to go to, being told you know go and present yourself as homeless, in complete contravention of the law, at the local homeless department. You know it's not surprising that so many of those kids then go on to reoffend so it's almost like a spiral from the start of the system'* (Senior Professional at NGO 1)

> *'[…] you've got those young people coming out of custody that are sort of "unplaceable" […] one young person [was] due to leave me just before Christmas and 40 different children's homes were tried and they all said no to him because of his difficult and challenging behaviour, because they didn't feel he'd mix with the other kids, because he might be a danger to them and all those other things. So eventually this kids goes to somewhere he doesn't want to be, somewhere he doesn't really know, in the middle of nowhere and the prognosis for him sticking to his supervision requirements are going to be zero. Then he'll breach and then he'll be back in custody again.'* (Director of Private Provider)

'I think what's critical for looked after children is the problem they have getting accommodation when they leave […] So there you are, you are 17, and you're an immature 17-year-old probably, and you can't go back home. Plonking you in a bed-and-breakfast with a lot of people with drug and mental health problems is not providing you with suitable accommodation. So I think there's a real issue about getting them accommodation. That's a big problem.' (Former HM Inspector of Prisons)

In 2017, the HLPR (2018c) received 67 new enquiries about resettlement to their legal advice line. Primary concerns included: children placed in emergency accommodation, children released to unsuitable environments and children who received inadequate support or no support at all upon release. Moreover, the above statements corroborate findings from HMIP surveys (see Chapter Three). Research suggests that practical support is essential in children and young people's own journeys to desistance (Bateman, 2015; Bateman & Hazel, 2013; Bateman, Hazel & Wright, 2013; BYC, 2017; Halsey, 2010). Furthermore, some interviewees mentioned how the lack of effective planning for release can have an impact on the amount of time a looked after child spends in custody.

'We don't have good data on it but, anecdotally, it is not uncommon for kids not to get early release if they are looked after because they haven't got anywhere to go and live, the local authority hasn't sorted it out.' (Academic 1)

'[…] you hear ridiculous stories, completely ridiculous, where [a looked after child] in custody has got a discharge date but on the day of discharge he still doesn't know where he is going to go and live […] this is pathetic […] when a kid is sitting there waiting for discharge and people are saying "sorry you can't go because we don't know where you're going to" what does that tell you about the local authority's approach? And that is dreadful.' (Laming Review Member 2)

Indeed, poor resettlement planning can result in some looked after children spending longer than necessary in custody. The Director of Private Provider described these children as *'unplaceable'* since it is so difficult to find children's homes who are willing to take them on after a stint in the juvenile secure estate. In this sense, such treatment can be viewed as a continuation of the instability and uncertainty which many looked after children experience in the community. Clearly, this is an issue which warrants further understanding and inquiry, improved data monitoring would be a sensible starting point here (see Chapter Seven).

The above demonstrates that looked after children experience stigma that can influence their trajectories through the youth justice system. This is particularly concerning for BME looked after children who must also contend with 'institutionalised racialisation' (see Chapter Five). Such stigma expresses itself in at least two ways: through negative perceptions of looked after children as troublemakers, and through perceptions of looked after children as unsupported and in need of structure. The lack of advocacy for looked after children plays a key role here; the absence of supportive adults can influence sentencing and push children further into the system. In contrast to this, if decision-makers in court are unaware of a child's looked after status, then this can have implications for the support that they receive. This places looked after children in a double bind: on the one hand, they may be treated more punitively if their status is known, and on the other, they will not receive the support to which they are legally entitled if their status is not known. This chapter also demonstrates that the uncertainty and instability that many looked after children are subjected to follows them into the juvenile secure estate. The withdrawal of support from local authorities, coupled with poor resettlement planning means that looked after children are likely to return to penal custody at some point in the future. For looked after children, issues with the care system interact with processes in the youth justice system and can sometimes give rise to cycles of challenging behaviour. This chapter reveals that looked after status can blight children in the youth justice system, through harmful stigma, a lack of effective support and a combination of the two. It supports and extends findings by Bateman, Day and Pitts (2018: 1) that '[t]he relationship between the care and youth justice systems is inevitably a complex one that is determined, at least in part, by the exogenous factors that influence the functioning of each system'.

Conclusion

This chapter establishes that the data regarding looked after children and the youth justice system is woefully inadequate. Despite this, it determines that looked after children are quite significantly overrepresented in the juvenile secure estate. It is also evidences a considerable overlap between looked after children in custody and BME children in custody. It seems that to some degree, we may be talking about the same group of children. In order to better understand the nature and extent of looked after overrepresentation, there must be a radical overhaul of youth justice data recording and practices on the ground must be improved. Youth justice workers must ensure that they are aware of a child's looked after status and proceed accordingly.

The chapter considered the drivers of looked after overrepresentation along three main themes: pre-care experience, 'care' experience and the youth justice system. It explored the impact of pre-care experience on youth justice involvement. It determined that there are parallels between the biographies of looked after children and the biographies of children in the youth justice system. However, we must move away from individual explanations and take account of structural factors which influence children's trajectories through the justice system. Such structural factors can be found within the looked after system and the youth justice system.

The chapter establishes that issues within the care system can impact upon children's behaviour, lead to police involvement and ultimately, criminalisation. Wider issues with both the availability and quality of provision means that children are subjected to instability and a lack of support which may impact BME looked after children in particular. Nonetheless, the most significant finding of this chapter relates to police intervention as a method of discipline in some children's homes. This constitutes the criminalisation of looked after children because they do not live in a family home. This chapter has highlighted that more research is needed to determine the extent to which privatisation plays a role in this criminalisation. Taken together, this provides that serious questions must be asked of the care system.

The chapter also explored the ways in which assumptions about looked after children can determine their trajectories through the youth justice system. It seems that looked

after children can be judged on their status, much in the same way that BME children can be judged based on their ethnicity. Such assumptions are particularly concerning for BME looked after children who also have to deal with racialisation (see Chapters Two and Five). Here, in-depth research is needed to determine the precise nature of court decision-making and how looked after status might influence sentencing. We must also gain a greater understanding of advocacy for looked after children and how this might mediate punitivity. Moreover, YOTs must ensure that they are aware of a child's looked after status and that this information is communicated effectively to other relevant actors. This will ensure that children receive the support to which they are legally entitled. These issues must be addressed in order to eliminate the double bind that looked after children face, whereby they are disadvantaged if they reveal their status, and disadvantaged if they do not. More efforts also need to be made in order to ensure that looked after children are properly supported when they enter the youth justice system in order to prevent cycles of challenging behaviour.

Altogether, this chapter has re-directed the focus on individual factors by exploring the impact of 'care' experience and the youth justice system on looked after children in England and Wales. It has highlighted significant issues which must be addressed in order to reduce the overrepresentation of looked after children in the youth justice system and the juvenile secure estate. It established that like BME children, looked after children are disadvantaged by structural factors which are beyond their control. This ultimately results in the institutionalised criminalisation of this group.

It has also showed that further research is needed in order to understand the precise ways in which looked after status and ethnicity intersect and impact upon experience of the youth justice system.

Chapter Seven   Disproportionality in the Youth Justice System: The Case for Policy Reform and Further Research

Introduction

Thus far, this thesis has made clear that both BME children and looked after children are subjected to institutionalised criminalisation as the result of a combination of social disadvantages in wider society and injustices in the care system and youth justice system. However, it is less clear how the specific intersections between BME identity and looked after status express themselves. The intersections between ethnic identity, 'care' status and criminalisation must be interrogated further. This chapter outlines broader conditions of social and economic disadvantage, apparently increasing levels of youth violence and exploitation, and deteriorating conditions in the youth justice system. It demonstrates that such conditions in the broader policy and youth justice spheres make the case for further research more pressing. The chapter concludes with a summary of the thesis and offers recommendations for policy reform and further research.

Adverse Social and Economic Conditions in the UK and Europe: Diminishing Life Chances

Increasing levels of poverty and inequality across the UK and Europe are apparent. Conditions of austerity have resulted in greater numbers of children who may be exposed to children's services intervention and youth justice involvement. The same conditions are likely to have worrying implications for already marginalised children and may exacerbate the disadvantages experienced by both BME children and looked after children in England and Wales.

For nearly a decade, England and Wales like other parts of the UK and Europe, has been characterised by austerity politics which have most heavily impacted upon vulnerable and marginalised groups (Cooper and Whyte, 2017). In October 2018, the

then Chancellor of the Exchequer, Phillip Hammond, announced that 'austerity is coming to an end' after eight years of cuts to public spending (Sabbagh & Inman, 2018). Despite this claim, the Institute for Fiscal Studies (IFS) determined that the UK government would require an additional £19 billion a year to realise an end of austerity and that this looked unlikely (Emmerson, Farquharson & Johnson, 2018). The impacts of austerity measures are impossible to ignore. In 2011/12, child poverty rose in absolute terms in the UK for the first time in two decades (Wickham *et al.*, 2016). The Royal College of Paediatrics and Child Health (RCPCH) (2018) found that a third of children in the UK are now living in poverty and that the number of children living in relative poverty in the UK has increased rapidly in recent years. Poverty has a 'toxic impact' on the health and well-being of children (Wickham *et al.*, 2016: 7): it can contribute to mental health problems and heighten risk of facing adverse experiences (RCPCH, 2018) which are more common in BME and looked after populations (Dogra, Singh & Svirydzenka, 2012; Fagan & Novak, 2018; Oakley, Miscampbell & Gregorian, 2018).

The IFS (2017) forecast that levels of child poverty will increase further as a result of planned benefit reforms that signal further adverse effects for low-income, working families. In particular, the four-year freeze on financial support and the two-child limit under Universal Credit (UC) will lead to 200,000 additional children in poverty. The proposed introduction of UC is especially problematic for GRT communities who experience heightened levels of poor literacy and difficulties surrounding internet access (Friends, Families and Travellers and National Federation Gypsy Liaison Groups, 2018). Moreover, the government has largely neglected consolidating child poverty. The Welfare Reform and Work Act 2016 repealed large sections of the Child Poverty Act 2010 and effectively removed the government's duty to end child poverty by 2020. The Children's Society (2018) has argued that abolishing this target is unacceptable and that the government's definition of poverty is inadequate. It is apparent that child poverty has deepened as a result of government policy and this raises implications for the types of services and prospects of criminalisation for vulnerable groups.

The impacts of adverse economic conditions expand much further than the UK. Currently, the EU is not on track to achieve its Europe 2020 target of lifting 20 million

people out of poverty (Atkinson, Guio & Marlier, 2017). Child poverty and social exclusion have increased in Europe since the economic crisis as 3 in 10 children are now at risk (Eurostat, 2017). Income inequality levels are at historical highs (OECD, 2016). In the last quarter century, young people have replaced the elderly as the group most at risk of income poverty (OECD, 2014). Of 36 countries in the OECD, the UK is among the five worst for income inequality, followed only by Mexico, Israel, Turkey and USA (Keeley, 2015). Furthermore, social mobility in the UK trails behind the rest of Europe: it has been estimated that it will take five generations for children born in the bottom of the income distribution to reach the average income threshold (OECD, 2018). Mai (2010: 71) suggests that there has been a 'minoritization of poverty' in which increasing numbers of young people are becoming poor precisely because they are young. All of these factors are likely to exacerbate existing processes of criminalisation which have been illuminated in this thesis in respect of BME children and looked after children.

In the midst of rising poverty and inequality, child social care has been particularly affected by government cuts to public spending. In the last seven years, government funding for local authorities has decreased by 50 percent in real terms and the most deprived areas have experienced the greatest budget cuts (The Children's Society, 2018). Early intervention services have been particularly affected as budgets have fallen by £743 million since 2012/13 (Action for Children, 2018). This suggests that 'children's lives are being allowed to develop into crisis points' instead of services tackling problems when they first arise (The Children's Society: 2018: 2-3). A number of interviewees drew attention to the reduction in prevention services which they saw as vital to tackling disproportionality in the youth justice system.

> *'[...] that kind of opportunity to really engage with kids is what it's all about really so the more stressed-out and overworked your staff are the less opportunity [they have] to engage with kids. A lot of the services that have gone are the non-statutory services, so things like youth work, youth clubs, children's centres. All that kind of preventative supportive work is what's taking the hit. So by the time kids get into the system quite often problems might be quite entrenched'* (Youth Justice Consultant 3)

'I think one of the challenges at the moment in terms of austerity is a lot of that early intervention funding is being cut and certainly from policing.' (Senior Police Officer)

'[the] impact of austerity is real, that's putting a lot of pressure on the partnerships that youth offending services are having with organisations in their localities and communities. So in terms of some of the diversion activity it's really difficult to manage some of that activity when local products can't sustain themselves. So we are having a tough time.' (Children's Services Consultant)

It is clear that children and young people have been deeply affected by the economic crisis and subsequent austerity measures. Cooper and Stewart's (2015: 5) study demonstrates a relationship between household financial resources and children's outcomes: 'poorer children have worse cognitive, social-behavioural and health outcomes in part *because they are poorer*'. Moreover, the conditions of austerity bear down on BME children particularly heavily (Hall *et al.*, 2017), and make them more likely to become looked after (Bywaters, 2017; Bywaters *et al.*, 2016). When children are both BME and looked after there is a greater likelihood that they will experience criminalisation (as demonstrated in this thesis). Therefore it is imperative that we take these conditions into consideration when discussing disproportionality in the youth justice system. Most recent statistics show an upswing in the numbers of looked after children in England and Wales (see Chapter Three). So there is now also a larger cohort of children who require support services and access to essential resources. Moreover, this increase is set against a context of deep cuts which were signalled above.

The Association of Directors of Children's Services (ADCS) blames conditions of austerity for the rise in looked after children. They suggest that 'the symptoms of poverty are driving increased demand' and that 'the lack of sustainable funding must be addressed as a matter of urgency' (ADCS, 2017: 6). Indeed, children living in the most deprived areas are 10 times more likely to be on a child protection plan and to become looked after than children in other areas (ADCS, 2017). Bywaters and colleagues (2016) outline that parental levels of deprivation are imperative to understanding how to determine children's needs. This is especially problematic for

BME children who must also contend with institutional racialisation. Clark (2013: 128) argues that 'being a young ethnic minority with a low [socio-economic status] does not necessarily make one more likely to commit crime, but it makes it more likely that one will become a crime statistic' since they are more likely to be monitored and arrested (Clark, 2013: 128). Academic 1 outlined that reduced support services are particularly problematic given that the youth justice system is also shrinking.

'[…] in an ideal world you would like to see a contraction of the youth justice system being matched by an expansion of mainstream services to deal with the problems which otherwise lead children to end up in the youth justice system. And that really hasn't happened, they've contracted perhaps not quite as fast but they have been contracting for longer […] the prospects for kids in many areas without a youth service for example is just frightening in my view.' (Academic 1)

Indeed, the fact that there are fewer children involved with the youth justice system does not mean that fewer children are suffering because of social and economic disadvantage. The decrease in youth justice interventions coupled with a reduction in generic support services (Clinks, 2018; Localgiving, 2018), implies that many children are receiving no support at all. Many interviewees recognised this fact. They made clear that the overrepresentation of BME children and looked after children is not merely a youth justice issue, but rather a societal one which requires a more holistic approach.

'I do really believe that if it's left to the justice system then [overrepresentation] is not going to shift very much because the [youth] justice system gets what it gets. And a lot of the time […] the factors that have led the child into offending behaviour have been exacerbated over time hence they've ended up in the system.' (Youth Justice Consultant 1)

'[we must work on] expanding those opportunities of creating prevention activities, more programs which are accessible at the point where it is needed not two points ahead but at the point of need […] somehow we managed to create the facility but it's like five steps ahead and the poor person is awaiting

here. They can't get the access to that service because they haven't fulfilled certain criteria […] So we need to get better at doing that at a very external level which is in society, at the school level, at the places where they live, the youth centres that they attend, the GP centres that they access, any counselling that they need, all of that out there. If we fulfil that then we're going to stop the flow of many of these children with complex needs and damage then coming into the [juvenile secure] estate' (Academic 3)

'I think the answers all lie in the community […] we haven't got enough services for kids who are starting down a criminal path' (Youth Justice Consultant 3)

The interviewees were confident that wider support services have a role to play in reducing the criminalisation of vulnerable and disadvantaged children. Disproportionality is an issue which stretches beyond the youth justice system and so the government's apparent lack of concern for child poverty and inequality is worrying. Moreover, changes to the demographics of child populations also increase the urgency for greater understanding of the specific challenges faced by BME looked after children. In the last decade, there have been increasing numbers of migrants entering the European Union from North Africa and the Middle East (Pisani, 2019). Changing migration has led to an increase in the number of unaccompanied asylum seeking children (UASC) who are looked after by local authorities. In 2017, 4,560 looked after children were also UASC, a rise of 34 percent since 2006 (DfE, 2012a; DfE, 2017a). Furthermore, 86 percent of UASC looked after by local authorities identified as BME (DfE, 2017a). Pisani (2019) outlines the contradictions between viewing child migrants as both vulnerable children who the state is legally obliged to protect, and as illegal threats. Indeed, these are a particularly marginalised group and often 'it is when an "offence" has been committed that the child/young person becomes visible' (Pisani, 2019: 178). Because of their marginality, UASC who are looked after are identified as being particularly vulnerable to exploitation and crime (DfE, 2017e). It is therefore essential that we learn more about the specific challenges they face.

Parkin (2013: 2) asserts that there has been a 'criminalisation of migration', which has intensified over the last two decades. She argues that fears about migrant 'criminality'

have pervaded political and media discourses whilst there is little evidence that migrants are responsible for a disproportionate amount of crime (ibid). Goldson (2019: 232) suggests that these discourses around immigration 'are serving to both *victimise* migrants on the street and to *criminalise* them in the public imagination'. This process of 'double-victimisation' means that the children most vulnerable to social exclusion, structural discrimination, hate crime and racist violence are also disproportionality criminalised (Goldson, 2019: 240). This climate of hostility combined with wider issues of economic uncertainty outlined above, means that this group is especially vulnerable to the processes of criminalisation explored in this thesis. Reports suggests that looked after children with immigration issues are being 'let down by local authorities' who are not equipped with the knowledge or skills to regularise their legal status in the UK (Mohdin, 2018). The 'double whammy' described by interviewees in Chapter Six may become a 'triple whammy' for BME looked after children who are also contending with immigration status. However, further research is needed to establish the precise nature of these intersecting factors.

The increasing number of vulnerable child migrants is especially problematic given the precarious economic conditions outlined above. This is likely to be exacerbated by uncertainty caused by the Brexit negotiations. In the aftermath of the Brexit vote there was a spike in hate crimes against BME communities (Devine, 2018). However, its impact on more insidious forms of racialisation has been greater. The United Nations (2018) has criticised the UK for an apparent 'growth in the acceptability of explicit racial, ethnic, and religious intolerance' since the Brexit vote. The UN (2018) argues that the vote has created a hostile environment for all BME people since ethnicity continues to be deployed in UK as proxy for immigration status. This comes at a time when children in schools are exposed to increasing levels of racist bullying (Marsh & Mohdin, 2018). Such a climate of intolerance is likely to exacerbate processes of criminalisation experienced by BME children which are outlined in Chapter Five.

It is clear that straitened economic conditions are likely to intensify the disadvantages experienced by both BME children and looked after children growing up in England and Wales. The upturn in poverty and inequality across the UK and Europe has worrying implications for groups who are already marginalised. The reduction in support services for disadvantaged children adds further weight to this. Furthermore,

such circumstances can lead to an increase in the numbers of BME looked after children who are especially vulnerable to processes of criminalisation. It is therefore imperative that we take this into consideration moving forward. It is clear that the changing demographics of youth populations make it more important that we understand the ways in which victimisation and criminalisation intersect, particularly in relation to ethnic minority children and young people. We now explore this issue further with reference to current concerns about knife crime and forms of criminal and sexual exploitation of children.

Conditions of Violence and Exploitation: The Complex Relationships between Victimisation and Criminalisation

There is a sequence of overlapping processes that make the exploration of the interface between BME identities and' care' status ever more pressing. Of particular concern is the complex relationships between violence and inequality specifically in relation to knife crime, 'county lines' gangs and child sexual exploitation, which require attention.

As stated above, increasing poverty and inequality has serious implications for vulnerable children. We also know that rising inequality within society is often linked to greater levels of violence both within and between countries (Hsieh & Pugh, 1993; Sethi *et al.,* 2010). In a meta-analysis of 34 data studies, violent crime, poverty and income inequality were found to be positively correlated in 97 percent of cases (Hsieh & Pugh, 1993). In addition to this, the rate of injury attributable to youth violence (aged 11 to 17 years) is greater when deprivation levels are higher (Jones, Sivarajasingam & Shepherd, 2011). Grimshaw and Ford (2018: 10) argue that the available evidence 'provides a strong case for violent acts being deeply rooted in wider social structures and relationships, far removed from the immediate control of the individuals involved'. ONS (2018b) figures show that in recent years there has been a substantial increase in higher violent offences.[64] Children and young people have been particularly affected by this rise and violence committed by and against young people

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[64] The data includes 'violence against the person' which encompasses: homicide, death or serious injury caused by unlawful driving, violence with injury, violence without injury, and stalking and harassment. (ONS, 2018b)

has drawn considerable concern. In 2018, there were 131 violent murders in London alone, the highest numbers in nearly a decade (Townsend, 2018; Grierson, 2018). More specifically, 36 teenagers were stabbed to death in London in 2018; the fourth worst year for knife deaths since records began in 1980 (Young & Barr, 2018).

Knife crime is particularly relevant since it is viewed by government and media outlets as primarily a youth issue (Grimshaw & Ford, 2018). It has a wide definition that includes different offences where a knife is used and/or the possession of a knife or sharp object (ibid). Statistical data suggests that knife crime is a growing problem. Police have recorded a 57 percent increase in offences involving a knife or sharp instrument since data was first collected in 2010/11. In the last three years, the number of hospital admissions as a result of assault using a sharp instrument have risen by 22 percent (Allen and Audickas, 2018). Moreover, incidents tend be clustered in particular locations. The majority of incidents in 2017/18 were recorded by just six police forces, with 36 percent of incidents recorded by the Metropolitan Police (ONS, 2018b). The figures are so concerning that the government has proposed plans to stagger school leaving times in certain areas in an attempt to reduce violent altercations between students (Campbell, 2018). Grimshaw and Ford (2018: 5) argue that there may not have been an increase in children and young people carrying knives, but rather some 'are feeling the need to use them more, or in more harmful ways'.

The apparent increase in knife offences means that more 'visible' children are at greater risk of youth justice contact and criminalisation. As a consequence of rising knife crime, the police are engaging in discussions to expand their powers of stop and search, including the removal of 'reasonable grounds' for suspicion (Dodd, 2018). This is alarming given that stop and search has been found to be both an ineffective and inefficient method of reducing the number of knives on the streets (Hales, 2016) and to be disproportionately targeted at BME children and young people (see Chapter Two). Moreover, such zero tolerance approaches may actually be counterproductive in the fight against violence (Grimshaw & Ford, 2018; Silvestri *et al.,* 2009) and intensive policing has worrying implications for BME communities (see Chapter Five).

Nationwide, 38 percent of people convicted of carrying a knife or sharp instrument were BME in 2016/17, and this rose to 60 percent in London (Panjwani, 2018). The proportion of people convicted who are BME has increased substantially since 2009. This constitutes a significant overrepresentation of BME communities and is likely, at least in part, to be related to disproportionate policing practices outlined in Chapters Two and Five. Indeed, contemporary preoccupations with 'gangs', weapons and violence focus more sharply on BME children and young people than on white children and young people (see Goldson, 2011). Problematic and racialised conceptions of 'gangs' can determine policing strategies while the gang membership appears to be determined by location rather than ethnicity (see Chapter Two). Some have argued that the 'gang' might offer a sense of belonging for children who do not have stability in their lives (BYC, 2015; Centre for Social Justice, 2009); it may act as 'substitute family' (Centre for Social Justice, 2009: 27). Others have questioned the role of familial relations in 'gang' involvement (Young, Fitzgibbon & Silverstone, 2013; 2014).

'Gang' involvement is associated with experiences of poverty, living in a high crime area, poor familial relationships and poor educational attainment (BYC, 2015; Pitts, 2008; Young, Fitzgibbon & Silverstone, 2013; 2014). These are factors that are more common in both BME populations and looked after populations (see Chapters Three, Five and Six). While the above factors are not causative, the impact of 'gang' violence on the most vulnerable children in society strengthens the case for further exploration of intersections between BME identities and looked after status. In some ways, the *actual* demographics of 'gang' membership are perhaps less relevant than the *perceived* demographics of 'gang' membership. Heightened concerns about 'gang' activity and violence is likely to impact upon BME children more heavily, and contribute to process of criminalisation which have been highlighted in this thesis.

The government believes that 'county lines' drug dealing gangs have contributed significantly to the increase in serious violence in direct and indirect ways (HM Government, 2018). County lines involves the exploitation of children and young people to courier and distribute drugs in more rural areas due to the saturation of inner city drug markets (Windle & Briggs, 2015). Drug dealers may travel to rural areas to work each day (known as 'commuting'), stay over for a few nights (known as

'holidaying') or take over a vulnerable person's home address to support their criminal activity (known as 'cuckooing') (Coomber & Moyle, 2015). The government officially defines county lines as follows:

> 'County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of "deal line". They are likely to exploit children and vulnerable adults to move [and store] the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons' (HM Government, 2018: 48)

The National Crime Agency (NCA) estimated that there are at least 720 county lines operating across England and Wales (NCA, 2017). The government's Serious Violence Strategy (HM Government, 2018) recognises several factors which could increase a person's vulnerability to such exploitation. These include: prior experience of violence, abuse and neglect; an unsafe or unstable home environment; insecure accommodation; social isolation; economic vulnerability; 'gang' involvement, having a physical or learning disability; having mental health or substance misuse issues, care system experience (and experience of residential care in particular); and disrupted education (Home Office, 2018: 4). Therefore, BME children and looked after children may be at an increased risk of county lines involvement due to heightened levels of disadvantage which are outlined in this thesis.

The NCA (2017) indicated that 35 out of 44 police forces had dealt with cases of knife crime associated with county lines. 28 police forces linked county lines to the exploitation of children in their area (ibid). Children involved in county lines gangs are exposed to extreme levels of violence and coercion as well as sexual assault (HM Government, 2018; Home Office, 2018; NCA, 2017; Niche Health and Social Care Consulting, 2018). Gangs first use violence to intimidate children and young people into working for them and later use violence as a tool for securing compliance (NCA, 2017). Children who are drawn into county lines activity, whilst technically engaging in criminal acts, should be viewed primarily as victims. In particular, groups prey on missing children, children without criminal records, children in residential care and children with broader vulnerability issues (ibid). The majority of children involved in

county lines are males aged between 15 and 17 years and their ethnicity largely reflects the population of the area in which they live (ibid). The prevalence of county lines activity and the characteristics associated with county lines involvement, make the case for greater understanding of the specific issues faced by BME looked after children in England and Wales.

County lines have also been linked to Child Sexual Exploitation (CSE), in which looked after children, and looked after children in residential care, are particularly vulnerable (DfE, 2017f; Jay, 2016; Office for the Children's Commissioner, 2012; PRT, 2016). The NCA (2017) found that 37 percent of police forces reported some evidence of sexual exploitation in relation to county lines. However, the problem is much broader than this. The Office for the Children's Commissioner (2012) inquiry into sexual exploitation estimated that one in five looked after children were sexually exploited. The government defines CSE as follows:

> 'Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.' (DfE, 2017f: 5)

Looked after girls are especially vulnerable to CSE and this can contribute to the processes of criminalisation explored earlier in this thesis (Fitzpatrick, 2017; PRT, 2016). Children in residential homes are particularly targeted by offenders (DfE, 2017f; Jay, 2014), and this is compounded by issues of instability and lack of support within the care system (see Chapters Three and Six). Stanley's (2017: 69) longitudinal study shows that 'routes from care to custody are embedded in the interconnected, and often life-long, processes of victimization and criminalization'. The Jay Report (2014) outlined how victims of CSE in Rotherham were failed by social services and youth justice agencies who did not intervene in abuse and instead criminalised them. Indeed, the relationship between victimisation and criminalisation can be compounded by

gender; vulnerable girls and young women are often not listened to and are less likely to be seen as victims (Jay, 2014; Fitzpatrick, 2017).

Longstanding tensions between the duty to address children's welfare concerns and to respond to challenging behaviour (Smith, 2005) are perhaps most clearly expressed in the detention of children for their own safety. Some children who have experienced CSE are placed in secure residential units on 'welfare grounds' (Andow & Byrne, 2018; Hart, La Valle & Holmes, 2015). Under Section 25 of the Children Act 1989, looked after children may be placed in SCHs if they are deemed to be at risk of harm or absconding (Goldson, 2002b). These children are placed alongside others who are remanded or sentenced to custody as a result of a criminal conviction. Scholars have highlight the similarities between children placed in SCHs for their own welfare, and children placed in SCHs as punishment (Hart, 2016; Hart La Valle & Holmes, 2015; Goldson, 2002b). They argue that routes into secure residential care depend on 'which agencies are involved and the way the child's distress has manifested itself' (Hart, La Valle & Holmes, 2015: 30). There are only a small number of children on secure placements for their own welfare due to financial and practical factors as well as negative perceptions of secure placements (Mooney *et al.,* 2012). Andow and Byrne (2018: 50) suggest that taking away a child's liberty under these circumstances is both 'arbitrary and unjust'. The blurred lines between secure 'care' as protection and as punishment demonstrates the importance of understanding routes between 'care' and custody. Further research is needed to address the impact of additional factors such as gender and ethnicity.

There are clear although complex links between violence, exploitation, and inequality and this ties into equally complex processes of victimisation and criminalisation. The most vulnerable children are increasingly at risk of being exposed to violent crime, child criminal exploitation and CSE. Such exposure also means that they are more likely to experience youth justice involvement and criminalisation. It is therefore imperative that we understand the way in which the intersection of BME identity and looked after status expresses itself in these domains. BME looked after children may be especially vulnerable to these processes, but further research is needed to develop and nuance our understanding. Furthermore, the prevalence of violence against vulnerable children and their risk of criminalisation are further compounded by the

fact that conditions in the youth justice system and juvenile secure estate appear to be deteriorating.

Conditions in the Youth Justice System and the Juvenile Secure Estate

Attention now turns to the problematic conditions in the youth justice system and particularly the juvenile secure estate by drawing upon fieldwork interviews, recent inspections and academic literature. This adds weight to the need for further exploration of the experiences of BME looked after children who are disproportionately exposed to incarceration (PRT, 2016). The majority of interviewees were not optimistic about the future of youth justice.

> *'I'm not overly confident that things are going to improve in the near future, not at all.'* (Senior YOT Manager)

> *'I fear what's going to happen next in youth justice. When it's all devolved back out to localities, when each local authority has a significant cut to youth justice, it's got massive challenges around children's services and the amount of kids that are looked after in general, and how you manage that with the budget that you've got? Something's got to give.'* (Youth Justice Consultant 1)

> *'[…] the [YJB] has driven practice in the last 10 years in a really positive direction and I can tell you now that once [commissioning] goes out to the local authorities […] ground is going to be lost, practice ground is going to be lost. And we will end up with more kids in custody and that will cost us more money. And we're going to have more kids not getting community sentences. It's just going to happen.'* (Director of Children's Services 1)

Interviewees were critical of shifts in youth justice policy including planned changes to the YJB and the commissioning of custody beds (Her Majesty's Prison and Probation Service, 2018; Ministry of Justice, 2016; Taylor, 2016). Many interviewees felt that conditions of austerity which impact both the youth justice system and the wider policy sphere would lead to an eventual upturn in the number of children in penal custody. Certainly, Goldson (2015) has highlighted that patterns of youth

imprisonment are subjected to ebbs and flows which are determined by wider political, economic and social conditions. This is worrying given the challenging conditions faced by children and young people that are signalled above. Furthermore, interviewees were even less confident about the state of the juvenile secure estate.

> *'The fixtures, fittings, set up, premises… these are mini prisons and I wouldn't put any child in them.'* (Chief Executive of NGO)

> *'[…] young offender institutions are horrendous places and no child should be in them. I also think that no child should be in a secure training centre the way that they are currently set up but I think that the infrastructure in terms of the buildings potentially could be okay.'* (Academic 1)

> *'[…] whatever you call them [they are] run-on disciplinary lines in prison buildings with very limited activities or suitable therapeutic interventions to change behaviours. And what you get I think quite strongly are the patterns of violence that have often characterised these children's lives before they came to custody [continue] and they lead very violent lives in custody […][the YOI] is a completely wrong and dysfunctional model for these [who are] the most damaged children. It's completely inappropriate.'* (Former HM Inspector of Prisons)

> '*The current [youth] custody system has so many weaknesses it's very hard to know where to begin'* (Laming Review Member 1)

The majority view among interviewees was that custodial institutions for children, and YOIs in particular, are deeply problematic and serve to damage already vulnerable children. In January 2011, the juvenile secure estate came under scrutiny after a BBC Panorama programme documented physical and emotional abuse in Medway STC. The Medway Improvement Board (2016: 6) was set up in response to the documentary programme and discovered 'a culture that appears to be based on control and contract compliance rather than rehabilitation and safeguarding vulnerable young people'. The Board found evidence of falsification of records, bullying of children and a lack of boundaries. Despite these findings, conditions in the wider juvenile secure estate

appear to have worsened. In his annual report, HM Chief Inspector of Prisons detailed significant failings in the system:

> 'In early 2017, I felt compelled to bring to the attention of ministers my serious concerns about the findings in the youth estate. By February 2017, we concluded that there was not a single establishment that we inspected in England and Wales in which it was safe to hold children and young people. The speed of decline has been staggering…There seems to have been something of a vicious circle. Violence leads to a restrictive regime and security measures that in turn frustrate those being held there. We have seen regimes where boys take every meal alone in their cell, where they are locked up for excessive amounts of time, where they do not get enough exercise, education or training, and where they do not have any credible plans to break the cycle of violence.'(HMCIP, 2017: 9)

The report paints a bleak picture of a juvenile secure estate which is not equipped to meet the needs of the vulnerable children it holds (HMCIP, 2017). In 2016/17, every STC was assessed as either 'inadequate' or 'requiring improvement' in all areas (HMCIP, 2018). Furthermore, the Youth Custody Improvement Board (2017: 1) has determined that the juvenile secure estate is no longer 'fit for purpose' given the deterioration in quality of provision and increases in violence. Hart (2017: 12) contends that current arrangements for managing secure estate are 'fragmented' and 'dysfunctional'. Taken together, the apparent crisis in the juvenile secure estate means that is it increasingly important to address the institutionalised criminalisation of BME children and looked after children.

The Review of the Youth Justice System made recommendations for 'Secure Schools' with a focus on education which would hold between 60 and 70 children (Taylor, 2016). Hart (2016; 2017) has criticised Taylor's review for not going far enough, stating that we need to adopt more radical changes to the current model of youth custody.[65] She has also expressed concern that youth justice will come to a standstill

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[65] Hart (2016) explored youth custody models in the UK, Spain, Finland and USA. Her work identified several features which make for transformative custodial experiences: small units (up to 12 children) which are located close to the child's home area, a regime that promotes adolescent development, staff as agents of change, family engagement and phased re-entry to community.

while public and political attention is so heavily focused on Brexit negotiations. The need for more radical changes to the youth justice system has also been highlighted by the End Child Imprisonment campaign which was launched in November 2018 (Article 39, 2018). The campaign unites a range of high profile individuals and third sector organisations in order to raise awareness of the harms of child imprisonment, achieve the closure of YOIs, promote the creation of welfare-based responses and to use deprivation of liberty as an absolute last resort (ibid).

Indeed, this thesis has identified significant problems with the use of penal custody for children and there are also practical reasons necessitating a reduction in child incarceration. Overall, 65 percent of children and young people reoffend within one year of release from custody. This figure increases to 71 percent for children serving between 6 and 12 months (ONS, 2018c). Research suggests that short custodial sentences are associated with higher rates of reoffending (Mews *et al.,* 2015). Moreover, a meta-analysis of reviews relating to punishment and adults found that punitive and discipline-based measures, such as prison sentences, do not reduce reoffending and can actually reinforce criminal identities (see Barnett & Fitzalan, 2018).

The deprivation of liberty with children held in poor and unsuitable custodial institutions is a problem across Europe. Many states are not meeting their obligations as provided by international children's rights standards (Goldson, 2019). The United Nations (2016: para 79) has called for the UK to bring youth justice fully in line with the UNCRC and has drawn attention to several areas of concern including: the low age of criminal responsibility; children's criminal records; mandatory life sentences for children; the use of segregation and isolation in child detention facilities and the lack of statutory support for the principle of imprisonment as a last resort. Indeed, Cunneen, Goldson and Russell (2018: 430) argue that while reductions in the use of youth custody are welcome, 'they have ultimately failed to displace continuities in the form of systemic human rights violations' including the disproportionate incarceration of BME children and looked after children.

Given the challenges faced by the youth justice system, it seems that the odds are stacked against BME children and looked after children in custody. It is therefore

imperative that we interrogate the ways in which BME identity and looked after status interact to produce and compound disadvantage and inequality. The current state of juvenile custody only serves to make the case more pressing. This chapter now considers what might be done to tackle disproportionality and outlines methods of addressing the institutionalised criminalisation outlined in this thesis.

Disproportionality in the Youth Justice System: Enduring Problems and Potential Solutions

Chapters Five and Six established that BME children and looked after children are disadvantaged in the youth justice system in part because of who they are. It is apparent that these groups do not receive the same treatment as their white and non-looked after peers. Laming Review Member 1 contended that although many efforts have been made to reduce the numbers of children in the youth justice system, these have not achieved the desired effect.

> *'I think that the most important single explanation both for black children and also for looked after children is the sense of othering that it is easier to see […] those groups of children as having a lesser entitlement than children generally. To see them as being other than the rest, less deserving, those sort of concepts. And therefore not to apply the same vigorous analysis in terms of how you respond.'* (Laming Review Member 1)

Indeed, such sentiments were reflected by the Magistrate who struggled to engage with black children (Chapter Five) and the Senior Police Officer who knew some colleagues thought of looked after children as *'naughty kids'*. However, Laming Review Member 1 was speaking to the problem of not just practitioner neglect, but also wider systemic neglect. The majority of interviewees felt that there needs to be greater awareness of ethnic disproportionality and the reasons why children become looked after in order to prevent unnecessary criminalisation. Perhaps more importantly, they held that in order to tackle the overrepresentation of such groups, there needs to be greater acknowledgement of the problems. Many interviewees believed that ethnic disproportionality has been neglected by central government.

'[…] it is extremely important to actually first start by acknowledging the problem and many of the criminal justice agencies have not yet acknowledged that they have a problem with race issues' (Academic 3)

'[…] it's been a struggle to get race on the agenda especially in terms of the youth justice system' (Director of NGO 2)

'I remember back at the time of Every Child Matters […] having meetings with the policy team that were delivering and I raised the issue around overrepresentation there and [said] "well, you know shouldn't there be a key outcome? You know the five outcomes, shouldn't that be there?" And the response was "no, it's a thread that runs throughout them all". And I thought it's such a thin bloody thread I can't see it […] government are still jumpy about saying what it is and being very clear that there is an expectation. Especially the current government and the coalition, they don't want to own it' (Youth Justice Consultant 1)

Several interviewees perceived a lack of real political commitment to reducing ethnic disproportionality in the youth justice system. Director of NGO 2 argued *'there's been a lot of talk'* rather than action and Youth Justice Consultant 1 suggested that this signifies a *'political appetite to be seen to be doing, as opposed to significantly making a difference'*. As Academic 6 pointed out, efforts to reduce ethnic disproportionality usually *'fall off the agenda'*. Some interviewees were able to provide concrete examples of lacklustre attempts to reduce ethnic disproportionality.

'Well when I was at [name of organisation] [prior to 2009], we worked with the YJB on a whole monitoring toolkit which they didn't really use and now I see that they've just launched another initiative around trying to get black children out of the [youth justice] system. [It was] quite a sophisticated tool [that] we designed for the YJB but they didn't really take it up […] I think this is the third time since then that they have tried to tackle the issue […] it's very frustrating and it has been talked about forever and ever and ever.' (Former Magistrate)

'The Youth Justice Board has commissioned a number of fairly big pieces of research on the issue and they have attempted to use the lessons of that research to drive change. And they did for a period of time, they had a target for youth offending teams to reduce the overrepresentation of BME kids in the system and that target was never met so it was dropped. Which is what tends to happen to targets which aren't met.' (Academic 1)

These examples suggest that despite the rhetoric of good intent, the government and YJB have ultimately failed to address the issue of ethnic disproportionality. Similarly, interviewees felt that there has been a lack of political will in relation to reducing the overrepresentation of looked after children in the youth justice system. Academic 1 argued that there has been '*a complete lack of […] doing anything specific in relation to looked after children within the system.'* Furthermore, a Senior Police Officer suggested that the lack of official data on looked after children is '*an indicator that no one cared'*. Two interviewees gave examples of youth justice professionals and policymakers appearing to view the issue of looked after overrepresentation as not representing an organisational priority.

'[…] one police representative said […] "care issues are not business critical for us". It was like well hang on a minute there is a police policy that's just come out that says it should be a key priority […] for me that is really telling […] there are all these policy documents and all the stuff going on but it needs to be more of a priority, it needs to be "business critical" to use his words' (Academic 7)

'[…]for 6 or 7 years, probably longer, the Association of Chief Police Officers had a draft [protocol on reducing the criminalisation of looked after children] which they were trying, with the YJB's support, to get the Home Office to agree to issue to more local police forces. And the Home Office resisted constantly and in frankly incredible ways […] twice in 12 or so months apart we arranged meetings between the Department for Education and the Home Office and the Youth Justice Board in order to discuss the protocol and how we might move it forward to adoption. And on both occasions, both ministries signed up and agreed to meet [the YJB] and send their most appropriate policy officers. And

on each occasion, and the last time actually without any explanation, the Home Office just didn't attend. When these things happen and happen repeatedly you realise that it's not just mischance, there is something deliberate and organisational about not wanting to see something happen.' (Laming Review Member 1)

Indeed, efforts to reduce the criminalisation of looked after children have been patchy and incredibly localised (see PRT, 2016). Academic 7 argued that this constitutes a *'postcode lottery'* in which some looked after children are criminalised while others receive support. It is clear that sustained commitment from central government is needed in order to tackle the overrepresentation of both looked after children and BME children in the youth justice system.

'[…] the overarching policy failure would be a failure to state clearly enough that these are issues that specifically need to be addressed in policy so that then there is an expectation that the youth justice system would be on message in terms of how it responded to black and minority ethnic children and looked after children' (Laming Review Member 1)

'I think there needs to be a national strategy that identifies that [looked after children and BME children] have high levels of need and we should do all we can to divert young people from entering custody, that's the first thing.' (Academic 5)

'I absolutely know that you've got to get the headline policy right, if you get the headline policy right […] it will be much easier to shift practice […] There needs to be that overarching policy lead, there needs to be that ownership nationally that this is really important.' (Laming Review Member 1)

Several interviewees suggested that such strategies should be '*informed by what young people say about their experiences'* (Senior Professional at NGO 2) and involve agencies working together across youth justice and children' services boundaries.

'I think we kind of need to have institutions which are more open, more transparent, more inclusive and [who are] prepared to use local charities and voluntary organisations which have expertise […] We definitely need partnership and collaboration and I just don't see enough of it.' (Director of NGO 2)

'Success depends upon each of the key services being willing to make their unique contribution and to work happily, successfully and comfortably across organisational boundaries and they've got to trust each other.' (Laming Review Member 2)

The majority of interviewees felt that a robust commitment to reducing the overrepresentation of BME children and looked after children in the youth justice system requires *'clear monitoring and accountability'* (Academic 5).

'[we need] a level of national accountability […] hospitals are [held] accountable for the rate of deaths […] there is a focus there. There is no such focus like that on the overrepresentation [of BME children]. So nobody essentially is being held accountable and if you're not being held accountable, is it your business?' (Youth Justice Consultant 1)

'[…] we need to get a system whereby there are checks throughout the whole of young people's journeys which attempt to minimise the impact of [racial] discrimination.' (Academic 1)

'I know that from the meeting I had in [an adult] prison last week that there are still real problems with identifying people from care as adults, but they had this new guidance that they published and the very first sentence said "this guidance imposes no new requirements". That immediately deprioritises it from the very outset. If you are an incredibly busy practitioner with a load of things to do you read the first line "no new requirements", close, put down. If you even have time to pick it up in the first place of course.' (Academic 7)

Interviewees made clear that accountability measures must be robust enough to avoid the practices of the past. It is vital to create greater awareness about the overrepresentation of BME children and looked after children in the youth justice system, and the associated processes of institutionalised criminalisation. In order to address this properly, there must be a clear strategy from central government to achieve change which is informed by the direct experiences of children and young people. This strategy requires a level of commitment that involves accountability structures to promote good practice.

Progress on Disproportionality: A Cautious Step in the Right Direction

Since the completion of this fieldwork, there have been some key developments surrounding disproportionality in the youth justice system that speak to some of the key research and findings in this thesis.

In her first speech as Prime Minister, Theresa May acknowledged the problems of ethnic disproportionality in the criminal justice system (Prime Minister's Office, 2016). The profile of ethnic disproportionality was also raised considerably by the publication of the Lammy Review (2017). The Review drew a detailed response from government which addressed all 35 recommendations (Ministry of Justice, 2017d). Most significantly, the government has proposed to establish a Race and Ethnicity Board that will be held accountable for progress in addressing ethnic disparities as well as a dedicated Youth Justice Policy Unit which aims to tackle the problem holistically (Ministry of Justice, 2018b). The government is also making plans to adopt 18+1 ethnic categorisations which will enable more nuanced understanding of ethnicity within the justice systems (Ministry of Justice, 2017d). In a recent update, the government has maintained that it is committed to achieving greater transparency and accountability in relation to ethnic disproportionality (Ministry of Justice, 2018b). The government has also established the *Ethnicity Facts and Figures website* which appears to demonstrate a greater commitment to racial equality more generally (Cabinet Office, 2018).

Despite these welcome changes, the Young Review (2017) noted a disappointing lack of focus on equality among police forces in England and Wales. 32 out of 42 police

forces made no reference to race equality in their Police and Crime Plans and only 10 forces had in-depth plans for ensuring equality. The audit concluded that many PCCs 'have yet to recognise that there are race disparities to address' and in doing so are failing to meet their statutory duties under the Equality Act 2010 (ibid: 4). Furthermore, in response to the recommendations of the Lammy Review, the YJB published an evaluation of its Summary Disproportionality Toolkit in November 2018. The toolkit was designed to increase awareness of ethnic disproportionality among young justice practitioners and was piloted in 2014 and 2015. The evaluation indicated that the toolkit itself did not change practitioner's approaches since it 'does not suggest solutions or offer ways to improve' (YJB, 2018d: 5). However, it did act as a catalyst for some YOTs to approach partner agencies. The evaluation found that some YOTs lacked the resources to use the toolkit effectively (ibid). Given the issues of resources signalled earlier, this is not especially surprising. We must wait and see whether the toolkit is adopted and utilised across the youth justice system. However, the previous failed attempts discussed in this chapter are not positive signifiers.

There have also been significant developments in relation to the overrepresentation of looked after children in the youth justice system. After the completion of this fieldwork, the Laming Review (PRT, 2016) was published and the HLPR launched a two-year investigation into the criminalisation of children in care. The HLPR programme has since been extended by two years (Neilson & Sands, 2018) and was granted the Youth Justice Award at the Children and Young People Now Awards in 2018 (Children and Young People Now, 2018). This represents a move towards greater awareness of the criminalisation of looked after children. The broader issues faced by looked after children and care leavers have also received greater political attention. The government has introduced the Keep on Caring initiative designed to support care leavers' transition to adulthood which highlights the importance of safe and stable care. The initiative includes new Staying Close arrangements that are designed to 'enable young people to live independently, in a location close to their children's home with ongoing support from that home' (HM Government, 2016: 3.46). The Children and Social Work Act 2017 forged corporate parenting principles into law which strengthens existing statutory guidance. It also establishes local offers to care leavers, extended support for care leavers up to the age of 25 years and introduced a new regulator, Social Work England. Furthermore, the Care Leaver Covenant (2018)

was launched October 2018. The Covenant brings together over 50 businesses, charities and every government department in England. It aims to support care leavers transitions into adulthood through improving opportunities for education and training. The Secretary of State, David Guake, wrote a letter committing the Ministry of Justice to supporting the Covenant (Ministry of Justice, 2018d).

Perhaps most significantly, since this fieldwork was completed, the DfE, Home Office and Ministry of Justice have published a national protocol on reducing the unnecessary criminalisation of looked after children and care leavers (DfE, 2018c). The protocol represents national recognition of the issue and provides a recommended framework for key partners to establish effective monitoring and accountability processes which take account of the views of looked after children (DfE, 2018c). The protocol is based on the South East protocol which adopts a holistic approach to looked after children.[66] It focuses on behaviour management, diffusion and dealing with incidents without police intervention. It emphases the fact that 'children and young people already within the youth and criminal justice systems need protection from escalation' (ibid: 10). It encourages partners to recognise that both pre-care experience and 'care' experience can contribute to negative behaviours. While the protocol fails to take account of straitened resources outlined earlier in this chapter, it appears to be a 'big step forward in recognising and addressing the problem' (Sands, 2018). Moreover, new accountability measures have also been put in place for children's homes. In April 2018, Ofsted (2018: 5.2) introduced a new inspection framework which includes police call-outs to residential children's homes and advocates the reduction of formal police intervention.

It appears that disproportionality in the youth justice is receiving renewed attention. There have been a number of developments which have the potential to lead youth justice and children's services practice in a more positive direction. However, we must not be complacent. Many of the people interviewed for this thesis have been working in these areas for decades and have seen little change. It is therefore important that

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[66]The implementation of the South East Protocol led to a 94 percent decrease in FTEs to the youth justice system in the last decade (YJB, 2018c).

researchers continue to explore these issues and advocate for children who are not always able to advocate for themselves.

Conclusion

This thesis has examined the nature and extent of BME and looked after overrepresentation in the youth justice system in general, and the secure estate in particular, in England and Wales. It has also interrogated the drivers of overrepresentation in relation to BME children, looked after children, and BME looked after children. It achieved this using a mixed-methods approach drawing upon analysis of quantitative data and qualitative interviews with youth justice and children's services professionals. In doing so, the thesis has demonstrated that a contraction of the youth justice system has intensified existing inequalities in respect of BME children and looked after children. It has shown that reductions in the number of children in the juvenile secure estate have accentuated longstanding and persistent issues of overrepresentation which also affect children when they are held in custody. It has made clear that the combination of complex factors which led to decreases in all formal youth justice sanctions have had a lesser impact on BME children and looked after children compared to white children and non-looked after children.

This thesis has highlighted high levels of social, political and economic marginalisation and disadvantage found among BME children and looked after children. It has argued that although this puts these groups at a greater risk of youth justice involvement, it alone cannot explain their overrepresentation in the youth justice system in general, and the secure estate in particular. Certainly, this thesis has moved the focus away from individualised explanations and has instead emphasised the structural disadvantages and systems injustices that such children must contend with. It has challenged the notion that BME children and looked after children are more likely to offend. It contends that the principal drivers of overrepresentation are the ways in which the behaviour of such children is perceived and dealt with by professionals, whether it be police officers or 'care' workers.

This thesis has outlined that both a child's ethnicity and looked after status can make them more likely to come into contact with the youth justice system and to be subjected

to formal sanctions. In regards to ethnicity, this thesis has principally focused on black children, and to a lesser extent mixed ethnicity children, since such groups cause the most concern. It has drawn attention to the significant overrepresentation of GRT children, however, further research is needed which focuses on this group specifically. This thesis has argued that racialised assumptions about children's involvement in offending, and in particular their involvement in 'gangs', means that black children in particular are policed excessively and that their behaviour is likely to be perceived as more serious. Such practices create tensions on both sides which can further contribute to and exacerbate processes of criminalisation for BME children. It has demonstrated that early interactions with the youth justice system are equally important in understanding the overrepresentation of looked after children. This thesis has indicated that dysfunctional systems of 'care' can fail to address the needs of already vulnerable children whilst also creating new problems. It has established that the behaviours which can arise from poor 'care' experiences are met with a lack of tolerance which results in frequent and inappropriate police intervention. This serves to familiarise the police with looked after children as well as contributing to negative perceptions about them. This is also exacerbated by wider operational issues within the care system which mean that some children are more likely to spend the night in a police cell and to be formally sanctioned as a result of police intervention.

This thesis has also signalled that BME children and looked after children disproportionately receive punitive outcomes within the court system. It has explored differential treatment with regards to BME children, and highlighted how racialised assumptions about black and mixed ethnicity children may influence sentencing decisions. It has argued that a shortage of BME representation in key decision making roles may contribute to poorer outcomes for black and mixed ethnicity children in the court arena. With regards to looked after children, this thesis has outlined that problematic assumptions can contribute to more punitive sentencing outcomes in two key ways: through negative perceptions about looked after children as offenders and through well-meaning youth justice practitioners who see it as their duty to intervene. This is also exacerbated by a lack of support from corporate parents who do not appropriately advocate for children in court. This suggests that the status of looked after children affects their sentencing outcomes. However, this thesis has determined that ultimately, further research is needed to unpick the precise nature of decision

making within the courts in order to determine the factors which drive the overrepresentation of both groups of children in the juvenile secure estate.

This thesis has also identified a persistent gap in knowledge concerning the specific intersections between BME identities and looked after status. It has argued that BME looked after children are likely to be doubly disadvantaged since they must cope with the strains of institutionalised racialisation as well as issues relating to their care status. It has suggested that these children may be subjected to the poorest experiences of both systems, compounding their disadvantage and leading to greater levels of criminalisation. Nonetheless, it has established the need for greater understanding of the specific issues faced by BME looked after children.

This thesis has highlighted the importance of conducting further research in demonstrating that children are exposed to increasing levels of disadvantage and uncertainty which place greater strain on systems which were already struggling. Set against this problematic backdrop, the thesis has shown that in order to achieve justice for BME children and looked after children, governments, youth justice and children's services professionals, and the public more generally, must tackle the negative perceptions that obstruct understanding and perpetuate injustice. It is clear that significant challenges lie ahead since the issues extend beyond the immediate remit of youth justice and child-care systems. Nonetheless, this is not to say that youth justice and child-care systems are unable to effect positive change. Proper monitoring and accountability structures are vital in this regard. The recent developments outlined in this chapter are encouraging. However, a more radical overhaul of youth justice and child-care appears necessary, one which includes reducing the need for a juvenile secure estate altogether (Goldson, 2005b).

This thesis has built upon and extended previous research which interrogates disproportionality in relation to both groups of children. It has indicated that BME children and looked after children are subjected to interconnecting and complex processes of criminalisation which are institutionalised in systems of 'care' and 'justice'. It is therefore essential that research continues to unpack disproportionality within the youth justice system, in order to disrupt enduring patterns of injustice.

References

Aalsma, M.C., Lau, K.S.L., Perkins, A.J., Schwartz, K., Tu, W., Wiehe, S.E., Monahan, P. & Rosenman, B. (2016) 'Mortality of youth offenders along a continuum of justice system involvement', *American Journal of Preventive Medicine*, 50: 303–310.

Action for Children (2014) *Too Much, Too Young*. Cardiff: Action for Children.

Action for Children (2018) 'Budgets for children's early help services suffer £743 million funding drop in five years, figures show', *Action for Children* [online]. Available at:

https://www.actionforchildren.org.uk/news-and-blogs/press-releases/2018/september/budgets-for-children-s-early-help-services-suffer-743-million-funding-drop-in-five-years-figures-show/ (Accessed 10 December 2018).

ADCS (2017) *A Country That Works For All Children*. Manchester: The Association of Directors of Children's Services Ltd.

Akister, J., Owens, M., & Goodyer, I. M. (2010) 'Leaving care and mental health: Outcomes for children in out-of-home care during the transition to adulthood', *Health Research Policy and Systems/BioMed Central*, 8, 10.

Aldridge, J., Medina-Ariza, J. & Ralphs, R. (2007) *Youth Gangs in an English City: social exclusion, drugs and violence*. Swindon: ESRC.

Alexander, C. (2008) *(Re)thinking 'Gangs'*. London: Runnymede Trust.

Alexander, M. (2010) *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: New Press.

All Parliamentary Group for Runaway and Missing Children and Adults and the All Parliamentary Group for Looked After Children and Care Leavers (2012) *Report from the Joint Inquiry Into Children Who Go Missing From Care*. London: The Children's Society.

All Party Parliamentary Group for Children (2014a) *"It's all about trust": Building good relationships between children and the police: Report of the inquiry held by the All Party Parliamentary Group for Children 2013-2014*. London: National Children's Bureau.

All Party Parliamentary Group for Children (2014b) *All Party Parliamentary Group for Children inquiry into 'Children and the Police': Initial analysis of information request to police forces*. London: National Children's Bureau.

Allen, G. & Audickas, L. (2018) *Knife Crime in England and Wales*. London: House of Commons Library.

Allen, R. (2011) *Last Resort? Exploring the Reduction in Child Imprisonment 2008-11*. London: Prison Reform Trust.

Allison, E. & Hattenstone, S. (2016) 'Approved restraint techniques can kill children, MoJ found', *Guardian* [online]. Available at: https://www.theguardian.com/uk-news/2016/dec/05/approved-restraint-techniques-can-kill-children-moj-found (Accessed 4 June 2017).

Almalki, S. (2016) 'Integrating quantitative and qualitative data in mixed methods research—challenges and benefits', *Journal of Education and Learning*, 5(3): 288-296.

Anderson, F., Worsley, R., Nunney, F., Maybanks, N. & Dawes, W. (2010) *Youth survey 2009: research study conducted for the Youth Justice Board for England and Wales.* London: Youth Justice Board.

Anderson, J. F. (1998) 'Transcribing with voice recognition software: a new tool for qualitative researchers', *Qualitative Health Research*, 8(5): 718-723.

Anderson, S.A.S., Hawes, D.J. & Snow, P.C. (2016) 'Language impairments among youth offenders: A systematic review', *Children and Youth Services Review*, 65:195-203.

Andersen, T.S. (2015) 'Race, ethnicity, and structural variations in youth risk of arrest: evidence from a national longitudinal sample', *Criminal Justice and Behavior*, 42(9): 900-916.

Andow, C. & Byrne, B. (2018) 'Family characteristics and experiences of children entering secure settings'. In T. Bateman, P. Goodfellow, R. Little and A. Wigzell (eds) *Child Friendly Youth Justice?* London: National Association for Youth Justice.

Article 39 (2018) 'End child imprisonment', *Article 39* [online]. Available at: https://article39.org.uk/endchildimprisonment/ (Accessed 5 December 2018).

Aspinall, P.J. (2012) 'Answer formats in British census and survey ethnicity questions: does open response better capture 'superdiversity'?', *Sociology*, 46(2): 354–364.

Atkinson, A., Guio, A.C. & Marlier, E. (2017) 'Monitoring social inclusion in Europe' In A. Atkinson, A.C. Guio and E. Marlier (eds). *Monitoring Social Inclusion in Europe*. Luxemburg: Publications Office for European Union.

Baginsky, M., Gorin, S. & Sands, C. (2017) *The Fostering System in England: evidence review*. London: Department for Education.

Baglivio, M.T., Wolff, K.T., Piquero, A.R. & Epps, N. (2015) 'The relationship between adverse childhood experiences (ACE) and juvenile offending trajectories in a juvenile offender sample', *Journal of Criminal Justice*, 43(3): 229-241.

Barn, R. (2001) *Black Youth on the Margins: A Research Review*. York: Joseph Rowntree Foundation.

Barn, R., Andrew, L. & Mantovani, N. (2005) *The Experiences of Young Care Leavers from Different Ethnic Groups*. London: Joseph Roundtree Foundation.

Barn, R., Feilzer, M. & Hardwick, N. (2018) 'Black and minority ethnic boys and custody in England and Wales: understanding subjective experiences through an analysis of official data', *Social Sciences*, 7(11): 226-242.

Barnard, H. & Turner, C. (2011) *Poverty and Ethnicity: A review of evidence*. London: Joseph Roundtree Foundation.

Barnes, M.L. (2016) '"The more things change ...": new moves for legitimizing racial discrimination in a "post-race" world', *Minnesota Law Review*, 100(5): 2043–2102.

Barnett, G.D. & Fitzalan H.F. (2018), 'What doesn't work to reduce reoffending? A review of reviews of ineffective interventions for adults convicted of crimes', *European Psychologist*, 23(2): 111-129.

Barrett, G.A., Fletcher, S.M.G. & Patel, T.G. (2014) 'Black minority ethnic communities and levels of satisfaction with policing: Findings from a study in the north of England', *Criminology & Criminal Justice*, 14(2): 196-215.

Baskin, D.R. & Sommers, I. (2011) 'Child maltreatment, placement strategies, and delinquency', *American Journal of Criminal Justice*, 36(2): 106–119.

Bateman, T. (2005) 'Reducing child imprisonment: A systemic challenge', *Youth Justice,* 5(2): 91–105.

Bateman, T. (2012) 'Who pulled the plug? Towards an explanation of the fall in child imprisonment in England and Wales', *Youth Justice*, 12(1): 36-52.

Bateman, T. (2014) 'Where has all the Youth Crime Gone? Youth Justice in an Age of Austerity', *Children & Society*, 28: 416-424.

Bateman, T. (2015) *Resettlement of Young People Leaving Custody: Lessons from the literature Update March 2015*. London: Beyond Youth Custody.

Bateman, T. (2017) *The State of Youth Justice 2017: an overview of trends and developments*. London: NAYJ.

Bateman, T., Day, A. & Pitts, J. (2018) *Looked After Children and Custody: a brief review of the relationship between care status and child incarceration and the implications for service provision*. London: Nuffield Foundation.

Bateman, T. & Hazel, N. (2013) *Resettlement of Young People Leaving Custody: Lessons from the literature Update July 2013*. London: Beyond Youth Custody.

Bateman, T. & Hazel, N. (2014) *Resettlement of Young People Leaving Custody: lessons from the literature leaving custody. Update: March 2014*. London: Beyond Youth Custody.

Bateman, T., Hazel, N. & Wright, S. (2013) *Resettlement of Young People Leaving Custody: Lessons from the literature*. London: Beyond Youth Custody.

Bazalgette, L., Rahilly, T. & Trevelyan, G. (2015) *Achieving Emotional Wellbeing for Looked After Children: A whole system approach*. London: NSPCC.

Bazeley, P. & Jackson, K. (2013) *Qualitative Data Analysis with NVivo (2nd edition)*. London: Sage.

Bebbington, A. & Miles, J. (1989) 'The Background of Children who Enter Local Authority Care', *British Journal of Social Work*, 19(5): 349–68.

Bender, K. (2010) 'Why do some maltreated youth become juvenile offenders?', *Children and Youth Services Review*, 32(3): 466-473.

Berelowitz, S. (2011) *'I think I must have been born bad' — Emotional well-being and mental health of children and young people in the youth justice system*. London: Office of the Children's Commissioner.

Berens, A. E., & Nelson, C. A. (2015) 'The science of early adversity: Is there a role for large institutions in the care of vulnerable children?' *The Lancet*, 6736(14): 1–11.

Bergman, M. M. (2008) 'The straw men of the qualitative-quantitative divide and their influence on mixed methods research'. In M.M. Bergman (ed.) *Advances in Mixed Methods Research: Theories and Applications*. London: Sage.

Berridge, D., Biehal, D.N. & Henry, L. (2012) *Living in Children's Residential Homes*. London: Department for Education.

Beyond Youth Custody (2015) *Gang-Involved Young People: custody and beyond*. London: Beyond Youth Custody.

Beyond Youth Custody (2016) *Trauma and Young Offenders: a review of the research and practice literature*. London: Beyond Youth Custody.

Beyond Youth Custody (2017) *Lessons from Youth in Focus*. London: Beyond Youth Custody.

Bhopal, R. (2004) 'Glossary of terms relating to ethnicity and race: for reflection and debate', *Journal of Epidemiology and Community Health*, 58(6): 441–445.

Bird, C.M. (2005) 'How I stopped dreading and learned to love transcription', *Qualitative Inquiry*, 11, 226-48.

Blades, R., Hart, D., Lea, J. & Wilmott, N. (2011) *Care - A Stepping Stone to Custody? The Views of Children in Care on the Links between Care, Offending and Custody*. London: Prison Reform Trust.

Blom-Cooper, L. & Drabble, R. (1982) 'Police perception of crime: Brixton and the operational response', *British Journal of Criminology*, 22(2): 184-187.

Body-Gendrot, S. (2010) 'Police marginality, racial logics and discrimination in the *banlieues* of France, *Ethnic and Racial Studies*. 33(4): 656-674.

Bonnett, A. & Carrington. B. (2000) 'Fitting into categories or falling between them? Rethinking ethnic classification', *British Journal of Sociology of Education*, 21(4): 487-500.

Boswell, G.R. (1996) 'The needs of children who commit serious offences', *Health and Social Care in the Community*, 4(1): 21-29.

Bourne, J. (2001) 'The life and times of institutional racism', *Race & Class*, 43(2): 7-22.

Bowling, B. & Phillips, C. (2002) *Racism, Crime and Justice*. London: Longman.

Bowling, B. & Phillips C. (2007) 'Disproportionate and Discriminatory: Reviewing the Evidence on Police Stop and Search', *Modern Law Review*, 70: 936–61.

Bowling, B., Parmar, A. & Phillips, C. (2008) 'Policing ethnic minority communities' In T. Newburn (ed.) *Handbook of Policing*. Devon: Willan Publishing.

Boyatzis, R.E. (1998) *Transforming Qualitative Information: thematic analysis and code development*. Thousand Oaks, CA: Sage.

Bradford, B. (2006) *Who are the 'Mixed' Ethnic Group?* London: Office for National Statistics.

Bridges, L. (2015) 'The Met Gangs Matrix: Institutional racism in action', *Institute of Race Relations* [online]. Available at: http://www.irr.org.uk/news/the-met-gangs-matrix-institutional-racism-in-action/ (Accessed 27 February 2017).

Bridges, L. (2017) 'Lammy Review: will it change outcomes in the criminal justice system?', *Race & Class*, 59(3): 80-90.

Briggs, D. (2017) *Youth Justice and Youth Penality in England and Wales: a theoretical and empirical exploration* (unpublished doctoral thesis, University of Liverpool).

Brinkmann, S. (2013) *Qualitative Interviewing*. Oxford: Oxford University Press.

Brinkmann, S. (2018) 'The interview'. In Denzin, N.K. and Y.S. Lincoln (eds) *The Sage Handbook of Qualitative Research (5th Edition)*. London: Sage.

British Society of Criminology (2015) *Statement of Ethics 2015*. Available at: file:///C:/Users/Katie/Downloads/BSCEthics2015.pdf (Accessed 2 February 2016).

British Sociological Association (2004) *Statement of Ethical Practice for the British Sociological Association*. Available at: http://www.britsoc.co.uk/NR/rdonlyres/801B9A62-5CD3-4BC2-93E1FF470FF10256/0/StatementofEthicalPractice.pdf (Accessed 2 February 2016).

Brooks, C. (2010) 'Embodied transcription: a creative method for using voice-recognition software', *The Qualitative Report*, 15(5): 1227-1242.

Brown, P., Scullion, L. & Martin, P. (2013) *Migrant Roma in the United Kingdom: Population size and experience of local authority partners*. Salford: University of Salford.

Bryan, K., Freer, J. & Furlong, C. (2007) 'Language and communication difficulties in juvenile offenders', *International Journal of Language and Communication Disorders*, 42(5): 505-520.

Bryan, K., Garvani, G., Gregory, J. & Kilner, K. (2015) 'Language difficulties and criminal justice: the need for earlier identification', *International Journal of Language & Communication Disorders*, 50(6): 763-775.

Bucke, T. & Brown, D. (1997) *In Police Custody: police powers and suspects' rights under the revised PACE codes of practice. Home Office Research Study 174*. London: Home Office.

Bullock, R. & Gaehl, E. (2012) 'Children in care: A long-term follow up of criminality and mortality', *Children and Youth Services Review*, 34(9): 1947-1955.

Burton, J., Nandi, A. & Platt, L. (2010) 'Measuring ethnicity: challenges and opportunities for survey research', *Ethnic and Racial Studies*, 33(8): 1332–1349.

Bywaters, P. (2017) 'What the looked-after children statistics don't tell us', *Community Care* [online]. Available at:
https://www.communitycare.co.uk/2017/10/03/new-looked-children-statistics-dont-tell-us/ (Accessed 2 December 2018).

Bywaters, P., Brady, G., Sparks, T. & Bos, E. (2014) 'Inequalities in child welfare intervention rates: the intersection of deprivation and identity', *Child and Family Social Work*, 21(4): 452–463.

Bywaters, P., Bunting, L., Davidson, G., Hanratty, J., Mason, W., McCartan, C. & Steils, N. (2016) *The Relationship Between Poverty, Child Abuse and Neglect: an evidence review*. London: Joseph Roundtree Foundation.

Cabinet Office (2018) *Race Disparity Audit Summary Findings from the Ethnicity Facts and Figures Website*. London: Cabinet Office.

Campbell, D. (2018) 'Knife crime: stagger school leaving times, say London doctors', *Guardian* [online]. Available at:
https://www.theguardian.com/uk-news/2018/nov/06/knife-stagger-school-leaving-times-say-london-doctors (Accessed 30 November 2018).

Care Leaver Covenant (2018) *Care Leaver Covenant Overview*. London: Care Leaver Covenant.

Carlile, A. (2006) *An Independent Inquiry into the use of Physical Restraint, Solitary Confinement and Forcible Strip Searching of Children in Prisons, Secure Training Centres and Local Authority Secure Children's Homes*. London: Howard League for Penal Reform.

Carlile, A. (2012) *The Edlington Case: a review by Lord Carlile of Berriew CBE QC*. London: Crown Copyright.

Carlile, A. (2014) *The Independent Parliamentarians' Inquiry into the Operation and Effectiveness of the Youth Court*. London: National Children's Bureau.

Carminati, L. (2018) 'Generalizability in qualitative research: a tale of two traditions', *Qualitative Health Research*, 28(13): 2094–2101.

Carr, N. & McAlister, S. (2016) 'The Double-Bind: Looked After Children, Care Leavers and Criminal Justice' In P. Mendes, and P. Snow P. (eds) *Young People Transitioning from Out-of-Home Care*. London: Palgrave Macmillan.

Cashmore, J. (2011) 'The link between child maltreatment and adolescent offending: systems neglect of adolescents', *Family Matters*, 89: 31-41.

Cemlyn, S., Greenfields, M., Burnett, S., Matthews, Z. & Whitwell, C. (2009) *Inequalities Experienced by Gypsy and Traveller Communities: A Review*. London: Equality and Human Rights Commission.

Centre for Justice Innovation (2017) *Building Trust: How our courts can improve the criminal court experience for Black, Asian, and Minority Ethnic defendants*. London: Centre for Justice Innovation.

Centre for Social Justice (2008) *Breakthrough Britain: Couldn't care less*. London: Centre for Social Justice.

Centre for Social Justice (2009) *Dying to Belong: An in-depth review of street gangs in Britain*. London: Centre for Social Justice.

Centre for Social Justice (2012) *Rules of Engagement: Changing the heart of youth justice*. London: Centre for Social Justice.

Chainey, S. & Macdonald, I. (2012) *Stop and Search, the Use of Intelligence and Geographic Targeting: Findings from case study research*. London: National Policing Improvement Agency.

Cheliotis, L.K. & Lielbling, A. (2006) 'Race matters in British prisons', *British Journal of Criminology*, 46 (2): 286-317.

Children and Young People Now (2018) 'CYP Now 2018 Award winners unveiled', *Children and Young People Now* [online]. Available at: https://www.cypnow.co.uk/cyp/news/2006085/cyp-now-2018-award-winners-unveiled (Accessed 23 November 2018).

Children's Commissioner for England (2015) *State of the Nation: Report 1. Children in Care and Care Leavers Survey 2015*. London: Office of the Children's Commissioner.

Children's Commissioner for England (2017) *Children's Voices: A review of evidence on the subjective wellbeing of children in detention in England*. London: Office of Children's Commissioner.

Children's Rights Director for England (2009) *Care and Prejudice*. Manchester: Ofsted.

Clark, M. (2013) 'Young people, crime and society: some critical insights'. In J. Azzopardi, S. Formosa, S. Scicluna and A. Willis (eds). *Key Issues in Criminology*. Zetjun: University of Malta.

Clinks (2018) *The State of the Sector: Key trends for voluntary sector organisations working with offenders and their families*. London: Clinks.

Colton, M. & Roberts, S. (2007) 'Factors that contribute to high turnover among residential child care staff', *Child and Family Social Work*, 12: 133-142.

Commission for Racial Equality (2003) *Race Equality in Prisons: A formal investigation by the Commission for Racial Equality into HM Prison Service of England and Wales, Part Two*. London: Commission for Racial Equality.

Coomber, R. & Moyle, L. (2017), 'The changing shape of street-level heroin and crack supply in England: commuting, holidaying and cuckooing drug dealers across "county lines"', *British Journal of Criminology*, 58(6): 1323-1342.

Cooper, K. & Stewart, K. (2013) *Does Money Affect Children's Outcomes?* Manchester: Joseph Rowntree Foundation.

Cooper, V. & Whyte, D. (2017) *The Violence of Austerity*. London: Pluto Press.

Coram Voice (2015) *Children and Young People's Views on Being in Care: A Literature Review*. Bristol: Hadley Centre for Adoption and Foster Care Studies.

Corrado, R.R., Kuehn, S. & Margaritescu, I. (2014) 'Policy issues regarding the overrepresentation of incarcerated aboriginal young offenders in a Canadian context', *Youth Justice*, 14(1): 40–62.

Correll, J., Park, B., Judd, C. M. & Wittenbrink, B. (2002) 'The police officer's dilemma: using ethnicity to disambiguate potentially threatening individuals', *Journal of Personality and Social Psychology*, 83(6): 1314-1329.

Cottrell, C.A. & Neuberg, S.L. (2005) 'Different emotional reactions to different groups: a sociofunctional threat-based approach to "prejudice"', *Journal of Personality and Social Psychology*, 88(5):770–789.

Crenshaw, K.W. (2011) 'Twenty years of critical race theory: looking back to move forward', *Connecticut Law Review*, 43(5): 1253–1352.

Creswell, J.W. (2015) *A Concise Introduction to Mixed Methods Research*. Thousand Oaks, CA: Sage.

Creswell, J.W., & Plano Clark, V.L. (2011) *Designing and Conducting Mixed Methods Research (2nd edition)*. London: Sage.

Cripps, H. (2010) *Children and Young People in Custody 2009–10: An analysis of the experiences of 15–18-year-olds in prison*. London: HMIP.

Cunneen, C., Goldson, B. & Russell, S. (2018) 'Human rights and youth justice reform in England and Wales: A systemic analysis', *Criminology & Criminal Justice*, 18(4): 405-430.

Cunneen, C. & White, R. (2011) *Juvenile Justice: Youth and Crime in Australia*. Melbourne: Oxford University Press.

Cutuli, J.J., George, R.M., Coulton, C., Schretzmann, M., Crampton, D., Charvat, B.J., Lalich, N., Raithel, J.A., Gacitua, C. & Lee, E.L. (2016) 'From foster care to juvenile justice: Exploring characteristics of youth in three cities', *Children and Youth Services Review*, 67: 84-94.

Darker, I., Ward, H. & Caulfield, L. (2008) 'An analysis of offending by young people looked after by local authorities', *Youth Justice*, 8(2):134-148.

Darlington, Y., & Scott, D. (2002) *Qualitative Research in Practice: Stories from the Field*. Maidenhead: Open University Press.

Davis, A., Hirsch, D., Padley, M. & Shepherd, C. (2018) *A Minimum Income Standard for the UK 2008-2018: continuity and change*. York: Joseph Roundtree Foundation.

Davis, P. (1989) 'Law as microaggression', *The Yale Law Journal*, 98(8): 1559-1577.

Day, A. (2017) 'Hearing the voice of looked after children: challenging current assumptions and knowledge about pathways into offending', *Safer Communities*, 16(3): 122-133.

Day, C., Hibbert, P. & Cadman, S. (2008) *A Literature Review into Children Abused and/or Neglected Prior Custody*. London: Youth Justice Board for England and Wales.

Delmar, C. (2010) '"Generalizability" as recognition: Reflections on a foundational problem in qualitative research', *Qualitative Studies*, 1: 115-128.

Denzin, N.K. (1978) *The Research Act: A Theoretical Introduction to Sociological Methods (2nd Edition)*. London: McGraw-Hill.

Department for Communities and Local Government (2012) *Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers*. London: DCLG.

Department for Education (2010a) *National Tables: SFR27/2010*. Available at:

https://www.gov.uk/government/statistics/children-looked-after-by-local-authorities-in-england-year-ending-31-march-2010 (accessed 2 October 2017).

Department for Education (2010b) *Main tables: SFR38/2010*. Available at: https://www.gov.uk/government/statistics/outcomes-for-children-looked-after-by-local-authorities-england-31-march-2010 (accessed 2 October 2017).

Department for Education (2010c) *Outcomes for Children Looked After by Local Authorities in England, as at 31 March 2010.* Available at: https://webarchive.nationalarchives.gov.uk/20110908092309/http://www.education.gov.uk/researchandstatistics/statistics/statistics-by-topic/childrenandfamilies/lookedafterchildren/a00196615/outcomes-for-children-looked-after-by-local-author (accessed 2 October 2017).

Department for Education (2011a) *National Tables: SFR21/2011*. Available at: https://www.gov.uk/government/statistics/children-looked-after-by-local-authorities-in-england-year-ending-31-march-2011 (accessed 2 October 2017).

Department for Education (2011b) *National tables: SFR30/2011*. Available at: https://www.gov.uk/government/statistics/outcomes-for-children-looked-after-by-local-authorities-in-england-31-march-2011 (accessed 2 October 2017).

Department for Education (2012a) *National Tables: SFR20/2012*. Available at: https://www.gov.uk/government/statistics/children-looked-after-by-local-authorities-in-england-including-adoption (accessed 3 October 2017).

Department for Education (2012b) *National Tables: SFR32/2012*. Available at: https://www.gov.uk/government/statistics/outcomes-for-children-looked-after-by-local-authorities-in-england-31-march-2012 (accessed 3 October 2017).

Department for Education (2012c) *Financial Capability and Looked After Children: guidance for carers and residential workers*. London: Department for Education.

Department for Education (2013a) *National Tables: SFR36/2013.* Available at: https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption--2 (accessed 3 October 2017).

Department for Education (2013b) *National Tables: SFR50/2013*. Available at: https://www.gov.uk/government/statistics/outcomes-for-children-looked-after-by-las-in-england (accessed 4 October 2017).

Department for Education (2014a) *National Tables: SFR36/2014*. Available at: https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption--2 (accessed 4 October 2017).

Department for Education (2014b) *National Tables: SFR49/2014*. Available at: https://www.gov.uk/government/statistics/outcomes-for-children-looked-after-by-local-authorities (accessed 4 October 2017).

Department for Education (2015a) *The Children Act 1989 Guidance and Regulations - Volume 2: care planning, placement and case review*. London: Department for Education.

Department for Education (2015b) *National Tables: SFR34/2015*. Available at: https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2014-to-2015 (accessed 4 October 2017).

Department for Education (2016a) *National tables: SFR41/2016*. Available at: https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2015-to-2016 (accessed 5 October 2017).

Department for Education (2016b) *National Tables: SFR11/2015*. Available at: https://www.gov.uk/government/statistics/outcomes-for-children-looked-after-by-las-31-march-2015 (accessed 4 October 2017).

Department for Education (2017a) *National tables: SFR50/2017*. Available at: https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2016-to-2017 (5 January 2018).

Department for Education (2017b) *National tables: SFR12/2017*. Available at: https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2015-to-2016 (accessed 5 October 2017).

Department for Education (2017c) *School Census 2016 to 2017 Guide, Version 1.6*. London: Department for Education.

Department for Education (2017d) *Experimental statistics: Children and family social work workforce in England, year ending 30 September 2017*. London: Department for Education.

Department for Education (2017e) *Care of Unaccompanied Migrant Children and Child Victims of Modern Slavery Statutory Guidance for Local Authorities*. London: Department for Education.

Department for Education (2017f) *Child Sexual Exploitation: definition and a guide for practitioners, local leaders and decision makers working to protect children from child sexual exploitation*. London: Department for Education.

Department for Education (2018a) *National tables: SFR20/18*. Available at:

https://www.gov.uk/government/statistics/outcomes-for-children-looked-after-by-las-31-march-2017 (30 March 2018).

Department for Education (2018b) *Permanent and Fixed Period Exclusions in England: 2016 to 2017*. London: Office for National Statistics.

Department for Education (2018c) *The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers*. London: Crown Copyright.

Devine, D. (2018) *The UK Referendum on Membership of the European Union as a Trigger Event for Hate Crimes*. Available at SSRN:

https://ssrn.com/abstract=3118190 or http://dx.doi.org/10.2139/ssrn.3118190

Devine, P.G. (1989) 'Stereotypes and prejudice: Their automatic and controlled components', *Journal of Personality and Social Psychology*, 56(1): 5-18.

Devine, P.G. & Elliot, A.J. (1995) 'Are Racial Stereotypes Really Fading? The Princeton Trilogy Revisited', *Personality & Social Psychology Bulletin*, 21(11): 1139-1150.

Dodd, V. (2018) 'Police in talks to scrap 'reasonable grounds' condition for stop and search', *Guardian* [online]. Available at:

https://www.theguardian.com/law/2018/nov/11/uk-police-chiefs-hold-talks-to-expand-stop-and-search (Accessed 12 November 2018).

Dogra, N., Singh, S.P. & Svirydzenka, N. (2012) 'Mental health problems in children and young people from minority ethnic groups: the need for targeted research', *The British Journal of Psychiatry*, 200(4): 265-267.

Donner, J. K. (2011) 'Whose compelling interest? The ending of desegregation and the affirming of racial inequality in education', *Education and Urban Society*, 44(5): 535–552.

Donner, J.K. & Ladson-Billings, G. (2018) 'Critical race theory and the postracial imaginary'. In Denzin, N.K. and Y.S. Lincoln (eds) *The Sage Handbook of Qualitative Research (5th Edition)*. London: Sage.

Doolan, I., Najman, J., Mills, R., Cherney, A. & Strathhearn, L. (2013) 'Does child abuse and neglect explain the overrepresentation of Aboriginal and Torres Strait Islander young people in youth detention? Findings from a Birth Cohort Study', *Child Abuse & Neglect: The International Journal*, 37(5): 303–309.

Dorling, D. (2009) 'Race and the repercussions of recession', *Bulletin: Runnymede Quarterly*, 1 –3.

Dovidio, J.F. & Gaertner, S.L. (2000) 'Aversive racism and selection decisions 1989 to 1999', *Psychological Science*, 11(4): 315-319.

Duncan, B. L. (1976) 'Differential social perception and attribution of intergroup violence: testing the lower limits of stereotyping blacks', *Journal of Personality and Social Psychology*, 34: 590–598.

Duncan, P. & Dodd, V. (2018) 'Police, military and courts lagging decades behind on ethnic diversity', *Guardian* [online]. Available at: https://www.theguardian.com/uk-news/2018/dec/05/police-military-and-courts-lagging-decades-behind-on-ethnic-diversity (Accessed 5 December 2018).

Dunleavy, A.M. & Leon, S. C. (2011) 'Predictors for resolution of antisocial behaviour among foster care youth receiving community-based services', *Children and Youth Services Review*, 33(11): 2347-2354.

Eberhardt, J.L., Purdie, P.A., Goff, V.J. & Davies, P.G. (2004) 'Seeing black: race, crime, and visual processing', *Journal of Personality and Social Psychology*, 87(6): 876–893.

Ellis, S. & Savage, J. (2009) 'Strain, social support, and persistent criminality'. In J. Savage (ed.) *The Development of Persistent Criminality*. Oxford: Oxford University Press.

Elwood, C. (2013) *Children and Young People in Custody 2012–13: An analysis of 12–18 year-olds' perceptions of their experience in secure training centres.* London: HMIP.

Emmerson, C., Farquharson C. & Johnson, P. (2018) 'Promises to end austerity and to balance the books by mid 2020s are unlikely to be compatible', *Institute for Fiscal Studies* [online]. Available at: https://www.ifs.org.uk/publications/13517 (Accessed 10 December 2018).

Equality and Human Rights Commission (2009a) *Police and Racism: What has been achieved 10 years after the Stephen Lawrence Inquiry Report?* London: EHRC.

Equality and Human Rights Commission (2009b) *Gypsies and Travellers: Simple solutions for living together*. London: EHRC.

Equality and Human Rights Commission (2010) *Stop and Think: A Critical Review of the Use of Stop and Search Powers*. Manchester: Equality and Human Rights Commission.

Equality and Human Rights Commission (2013) *Stop and Think Again: Towards race equality in police PACE stop and search.* Manchester: Equality and Human Rights Commission.

Eurostat (2017) 'Being young in Europe today - living conditions for children', *European Commission* [online]. Available at: https://ec.europa.eu/eurostat/statisticsexplained/index.php?title=Being_young_in_ Europe_today_-_living_conditions_for_children (Accessed 1 Dec 18)

Fagan, A.A. & Novak, A. (2018) 'Adverse Childhood Experiences and adolescent delinquency in a high-risk sample: a comparison of white and black youth', *Youth Violence and Juvenile Justice*, 16(4): 395–417.

Feilzer, M. & Hood, R. (2004) *Differences or Discrimination?* London: Youth Justice Board.

Fekete, L. (2017) 'Lammy Review: without racial justice, can there be trust?', *Race & Class*, 59(3): 75-79.

Fergusson D. M., Horwood L. J. & Swain-Campbell, N. (2003) 'Ethnicity and criminal convictions: results of a 21-year longitudinal study', *Australian and New Zealand Journal of Criminology*, 36:354–67.

Firestone, W.A. (1993) 'Alternative arguments for generalizing from data as applied to qualitative research', *Educational Researcher*, 22: 16-23.

Fisher, P.A. (2015) 'Review: Adoption, fostering, and the needs of looked-after and adopted children', *Child and Adolescent Mental Health*, 20(1): 5-12.

Fitzgerald, M., Stockdale, J.E. & Hale, C. (2003) *Young People and Street Crime: Research into Young People's Involvement in Street Crime*. London: Youth Justice Board.

Fitzpatrick, C. (2009) 'Looked after children and the criminal justice system' In K. Broadhurst, C. Grover and J. Jamieson (eds) *Critical Perspectives on Safeguarding Children*. Chichester: John Wiley & Sons.

Fitzpatrick, C. (2014) *Achieving Justice for Children in Care and Care Leavers*. London: Howard League for Penal Reform.

Fitzpatrick, C. (2017) 'What do we know about girls in the care and criminal justice systems?', *Safer Communities*, 16(3): 134-143.

Fitzpatrick, S., Bramley, G., Sosenko, F., Blenkinsopp, J., Wood, J., Johnsen, S., Littlewood, M. & Watts, B. (2018) *Destitution in the UK 2018*. York: Heriot-Watt University.

Fletcher, A.K. & Shaw, G. (2011) 'How voice-recognition software presents a useful transcription tool for qualitative and mixed methods researchers', *International Journal of Multiple Research Approaches*, 5(2): 200–206.

Flick, U. (2017) 'Triangulation'. In Denzin, N.K. and Y.S. Lincoln (eds) *The Sage Handbook of Qualitative Research (5th Edition)*. London: Sage.

Flood-Page, C., Campbell, S., Harrington ,V. & Miller, J. (2000) *Youth Crime: Findings from the 1998/99 Youth Lifestyles Survey. Home Office Research Study 209*. London: Home Office.

Fox, B.H., Perez, N., Cass, E., Baglivio, M.T. & Epps, N. (2015) 'Trauma changes everything: Examining the relationship between adverse childhood experiences and serious, violent and chronic juvenile offenders', *Child Abuse & Neglect*, 46: 163-173.

Friends, Families and Travellers and National Federation Gypsy Liaison Groups (2018) 'To the United Nations Special Rapporteur on extreme poverty and human rights - joint submission', *Office of the High Commissioner* [online]. Available at: https://www.ohchr.org/EN/Issues/Poverty/Pages/UKVisitSubmissions.aspx (Accessed 11 November 18).

Gabhann, C.M. (2011) *Voices Unheard A Study of Irish Travellers in Prison*. London: The Irish Chaplaincy in Britain.

Gaertner, S.L., & Dovidio, J.F. (1986) 'The aversive form of racism'. In J.F. Dovidio and S.L. Gaertner (eds) *Prejudice, Discrimination, and Racism*. Orlando: Academic Press.

Gaertner, S.L., & Dovidio, J.F. (2005) 'Understanding and addressing contemporary racism: from aversive racism to the common ingroup identity model', *Journal of Social Issues*, 61(3): 615—639.

Gayle, D. (2018) 'Stop and search harms fight against knife crime, Met officer says', *Guardian* [online]. Available at: https://www.theguardian.com/law/2018/mar/13/police-stop-search-minor-drug-offences-harms-battle-against-knife-crime-met-officer-says (Accessed 13 March 2018).

Geertz, C. (1973/2011) 'Thick description: toward an interpretive theory of culture'. In D. Steel and F. Guala (eds) *The Philosophy of Social Science Reader*. Oxon: Routledge.

Gendrot, S. (2006) 'France: the politicization of youth justice'. In J. Muncie and B. Goldson (eds) *Comparative Youth Justice*. London: Sage.

Gibbs, P. & Kirby, A. (2014) *Judged by Peers? The diversity of lay magistrates in England and Wales. Working Paper*. London: Howard League for Penal Reform.

Gibbs, P. & Ratcliffe, F. (2018) Path of little resistance: is pre-trial detention of children really a last resort? London: Transform Justice.

Gillborn, D. (2013) 'Interest-divergence and the colour of cutbacks: race, recession and the undeclared war on Black children', *Discourse: Studies in the Cultural Politics of Education*, 34(4): 477-491.

Gilroy, P. (1991) *There Ain't No Black in the Union Jack: The Cultural Politics of Race and Nation*. London: Routledge.

Gilroy, P. (2008) 'The myth of black criminality'. In B. Spalek (ed.) *Ethnicity and Crime: a reader*. Maidenhead: Open University Press.

Goff, P. A., & Kahn, K.B. (2012) 'Racial bias in policing: Why we know less than we should', *Social Issues and Policy Review*, 6: 177–210.

Goldson, B. (2002a) 'New punitiveness: The politics of child incarceration'. In J. Muncie, G. Hughes and E. McLaughlin (eds) *Youth Justice: Critical Readings*. London: Sage.

Goldson, B. (2002b) *Vulnerable Inside: Children in Secure and Penal Settings*. London: The Children's Society.

Goldson, B. (2005a) 'Taking liberties: Policy and the punitive turn' in B. Goldson and J. Muncie (eds) *Youth Crime and Juvenile Justice, Volume 2*. London: Sage.

Goldson, B. (2005b) 'Child imprisonment: a case for abolition', *Youth Justice*, 5(2): 77-90.

Goldson, B. (2011) *Youth in Crisis? 'Gangs', territoriality and violence*. London: Routledge.

Goldson, B. (2015) 'The circular motions of penal politics and the pervasive irrationalities of child imprisonment', in B. Goldson and J. Muncie (eds) *Youth Crime and Justice* (2nd edition). London: Sage.

Goldson, B. (2019) 'Reading the present and mapping the future(s) of juvenile justice in Europe: complexities and challenges. In B. Goldson (ed.) *Juvenile Justice in Europe: past, present and future*. Oxon: Routledge.

Goldson, B. & Chigwada-Bailey, R. (1999) '(What) justice for black children and young people' In B. Goldson (ed.) *Youth Justice: Contemporary Policy and Practice*. Aldershot: Ashgate.

Gooch, K. (2017) '"Kidulthood": Ethnography, juvenile prison violence and the transition from "boys" to "men"', *Criminology & Criminal Justice*, 19(1): 80 –97.

Goodkind, S., Shook, J.J., Kim, K.H., Pohlig, R.T., & Herring, D.J. (2012) 'From child welfare to juvenile justice: race, gender, and system experiences', *Youth Violence and Juvenile Justice*, 11(3): 249-272.

Gordon, P. (1983) *White Law: Racism in the Police, Courts and Prisons*. London: Pluto Press.

Graham, J. & Bowling, B. (1995) *Young People and Crime*. London: Home Office.

Gray, M. & Barford, A. (2018) 'The depths of the cuts: the uneven geography of local government austerity', *Cambridge Journal of Regions, Economy and Society*, 11(3): 541–563.

Greenfield, P. & Marsh, S. (2018) 'Vulnerable children treated 'like cattle' in care home system', *Guardian* [online]. Available at: https://www.theguardian.com/society/2018/nov/10/vulnerable-children-treated-like-cattle-in-care-home-system (Accessed 11 November 2018).

Grierson, J. (2018) 'Knife crime offences rise to highest level since 2010', *Guardian* [online]. Available at: https://www.theguardian.com/uk-news/2018/dec/13/knife-crime-offences-rise-to-highest-level-since-2010-official-figures (Accessed 13 December 2018).

Grimshaw, R. & Ford, M. (2018) *Young People, Violence And Knives - Revisiting the Evidence and Policy Discussions*. London: Centre for Crime and Justice Studies.

Grogan-Kaylor, A., Ruffolo, M., Ortega, R. & Clarke, J. (2008) 'Delinquent behaviour of youth involved in the child welfare system', *Child Abuse & Neglect*, 32: 35–49.

Guest, G., MacQueen, K.M., & Namey, E.E. (2012) *Applied Thematic Analysis*. London: Sage.

Gyateng, T., Moretti, A., May, T., & Turnbull, P.J. (2013) *Young People and the Secure Estate: Needs and Interventions*. London: Youth Justice Board for England and Wales.

Hales, G. (2016) 'Stop and search and knife crime revisited: a small piece of the bigger picture', The *Police Foundation* [online]. Available at:

http://www.police-foundation.org.uk/2016/12/stop-and-search-and-knife-crime-revisited-a-small-piece-of-the-bigger-picture/ (Accessed 1 December 2018).

Hales, J., Nevill, C., Pudney, S. & Tippin, S. (2009) *Longitudinal Analysis of the Offending, Crime and Justice Survey 2003–06. Research report 19.* London: Home Office.

Hall, S., Critcher, C., Jefferson, T., Clarke, J. & Roberts, B. (2013) *Policing the Crisis: Mugging, the State and Law and Order (2nd edition).* London: Palgrave-Macmillan.

Hall, S., McIntosh, K., Neitzert, E., Pottinger, L., Sandhu, K., Stephenson, M.A., Reed, H. & Taylor, L. (2017) *Intersecting Inequalities: The Impact of Austerity on Black and Minority Ethnic Women in the UK.* Women's Budget Group.

Hällsten, M., Szulkin, R. & Sarnecki, J. (2013) 'Crime as the price of inequality? The gap in registered crime between childhood immigrants, children of immigrants and children of native Swedes', *British Journal of Criminology*, 53(3): 456-481.

Hallsworth, A. & Brotherton, D. (2011) *Urban Disorder and Gangs A Critique and a Warning.* London: Runnymede Trust.

Hallsworth, S. & Young, T. (2008), 'Gang talk and gang takers: a critique', Crime Media and Culture, 4: 175-195.

Halsey, K. (2010) *Evaluation of the Children in Trouble Programme.* Slough: NFER.

Hammersley, M. (1987) 'Some notes on the terms "validity" and "reliability"'. *British Educational Research Journal*, 13(1): 73-81.

Hammersley, M. (1992) *What's Wrong with Ethnography? Methodological Explorations.* London: Routledge.

Hammersley, M. (2008) 'Troubles with triangulation'. In Bergman, M. M. (ed) *Advances in Mixed Methods Research: Theories and Applications.* London: Sage.

Hart, D. (2006) *Tell Them Not to Forget about Us: A guide to practice with looked after children in custody.* London: NCB.

Hart, D. (2010*) Children and Young People in 'Breach': a scoping report on policy and practice in the enforcement of criminal justice and anti-social behaviour orders.* London: National Children's Bureau.

Hart, D. (2016) *Correction or Care? The Use of Custody for Children in Trouble.* London: Winston Churchill Memorial Trust.

Hart, D. (2017) *The 'Transformation' of Youth Custody: A discussion paper.* London: NAYJ.

Hart, D., La Valle, I. & Holmes, L. (2015). *The Place of Residential Care in the English Child Welfare System*. London: Department for Education.

Hastings, A., Bailey, N., Bramley, G., Gannon, M. & Watkins, D. (2015) *The Cost of Cuts: The impact on local government and poorer communities*. London: Joseph Roundtree Foundation.

Hay, C., Firston, E.N., Hollist, D.R., Altheimer, I. & Schaible, L.M. (2007) 'Compounded risk: the implications for delinquency of coming from a poor family that lives in a poor community', *Journal of Youth and Adolescence*, 36: 593–605.

Hay, C. & Forrest, W. (2009) 'The implications of family poverty for a pattern of persistent offending'. In J. Savage (ed.) *The Development of Persistent Criminality*. Oxford: Oxford University Press.

Hayden, C. (2010) 'Offending behaviour in care: Is children's residential care a 'criminogenic' environment?', *Child and Family Social Work*, 15(4): 461-472.

Hazel, N. (2008) *Cross-national Comparison of Youth Justice*. London: Youth Justice Board.

HC Deb 1 February 2017, cc348 – 355WH

Her Majesty's Chief Inspector of Prisons (2017) *HM Chief Inspector of Prisons for England and Wales Annual Report 2016–17*. London: Her Majesty's Inspectorate of Prisons.

Her Majesty's Government (2010) *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Nottingham: Department for Children, Schools and Families.

Her Majesty's Government (2015) *The Children's Homes (England) Regulations 2015*. London: HM Government.

Her Majesty's Government (2016) *Keep on Caring: supporting young people from care to independence*. London: Crown Copyright.

Her Majesty's Government (2018) *Serious Violence Strategy*. London: HM Government.

Her Majesty's Inspectorate of Constabularies (2013) *Stop and Search Powers: Are the police using them effectively and fairly?* London: HMIC.

Her Majesty's Inspectorate of Constabularies (2015) *The Welfare of Vulnerable People in Police Custody*. London: HMIC.

Her Majesty's Inspectorate of Constabularies (2017) *Best Use of Stop and Search (BUSS) scheme: A summary of the findings of an HMIC revisit of the 19 forces that were not complying with the scheme in 2015*. London: HMIC.

Her Majesty's Inspectorate of Prisons (2003) *Juveniles in Custody: A unique insight into the perceptions of young people held in Prison Service (2001-03)*. London: HMIP.

Her Majesty's Inspectorate of Prisons (2010) *The Management of Gang Issues among Children and Young People in Prison Custody and the Community: A Joint Thematic* Review. HMIP.

Her Majesty's Inspectorate of Prisons (2011) *The Care of Looked After Children in Custody: A Short Thematic Review*. London: HMIP.

Her Majesty's Inspectorate of Prisons (2014a) *Children in Custody 2013–14 – Appendices: Young Offender Institutions*. London: HMIP.

Her Majesty's Inspectorate of Prisons (2014b) *Children in Custody 2013–14 – Appendices: Secure Training Centres*. London: HMIP.

Her Majesty's Inspectorate of Prisons (2014c) *People in prison: Gypsies, Romany and Travellers - A findings paper*. London: HMIP.

Her Majesty's Inspectorate of Prisons (2015a) *Behaviour management and restraint of children in custody: A review of the early implementation of MMPR by HM Inspectorate of Prisons*. London: HMIP.

Her Majesty's Inspectorate of Prisons (2015b) *Children in Custody 2014–15 Appendices*. London: HMIP.

Her Majesty's Inspectorate of Prisons (2016) *Children in Custody 2015–16 Appendices*. London: HMIP.

Her Majesty's Inspectorate of Prisons (2017) *Children in Custody 2016-17 Appendices*. London: HMIP.

Her Majesty's Inspectorate of Prisons (2018) *Children in Custody 2017–18: An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions*. London: HMIP.

Her Majesty's Inspectorate of Probation, Ofsted and Estyn (2012) *Looked after children: an inspection of the work of the youth offending teams with children and young people who are looked after and placed away from home*. London: HM Inspectorate of Probation.

Her Majesty's Prison and Probation Service (2018) 'Youth Custody Service Partnership Bulletin - March 2018', M*inistry of Justice* [online]. Available at: https://www.gov.uk/government/publications/youth-custody-service-partnership-bulletin-march-2018/youth-custody-service-partnership-bulletin-march-2018 (Accessed 1 April 2018).

Herz, D., Ryan, J.P. & Bilchik, S. (2010)' Challenges facing crossover youth: An examination of juvenile-justice decision making and recidivism', *Family Court Review*, 48(2): 305-321.

Hodson, G., Hooper, H., Dovidio, J.F. & Geartner, S.L. (2005) 'Aversive racism in Britain: The use of inadmissible evidence in legal decisions', *European Journal of Social Psychology*, 35: 437–448.

Holdaway, S. (1983) *Inside the British Police*. Oxford: Blackwell.

Holdaway, S. (2009). *Black Police Associations: An Analysis of Race and Ethnicity within Constabularies*. Oxford: Oxford University Press.

Holdaway, S. & O'Neill, M. (2007) 'Where has all the racism gone? Views of racism within constabularies after Macpherson', *Ethnic and Racial Studies*, 30(3): 397-415.

Home Affairs Committee (2007) *Young Black People and the Criminal Justice System - Second Report of Session 2006–07: Volume I. HC 181-I.* London: House of Common Library.

Home Affairs Committee (2009) *The Macpherson Report—Ten Years On. HC 427.* London: The Stationary Office.

Home Office (2004) *Preventative Approaches Targeting Young People in Local Authority Residential Care: Development and practice report 14*. London: Home Office.

Home Office (2014) *Best Use of Stop and Search Scheme*. London: Home Office.

Home Office (2016) *Do initiatives involving substantial increases in stop and search reduce crime? Assessing the impact of Operation BLUNT 2*. London: Home Office.

Home Office (2017a) *Stop and Search Statistics Data Tables: Police powers and procedures year ending 31 March 2017*. Available at: https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2017 (accessed 30 January 2018).

Home Office (2017b) *Best Use of Stop and Search Statistics: Police powers and procedures year ending 31 March 2017 second edition*. Available at:

https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2017 (accessed 30 January 2018).

Home Office (2017c) *Police Workforce, England and Wales, 31 March 2017*. Available at: https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2017 (accessed 2 February 2018).

Home Office (2017d) *Concordat on Children in Custody: preventing the detention of children in police stations following charge*. London: Home Office.

Home Office (2018) *Criminal Exploitation of Children and Vulnerable Adults: county lines guidance*. London: Home Office.

Hood, R. (1992) *Race and Sentencing*. Oxford: Oxford University Press.

Hopkins, K., Uhrig, N. & Colahan, M. (2016) *Associations between ethnic background and being sentenced to prison in the Crown Court in England and Wales in 2015*. London: Ministry of Justice.

House of Commons Justice Committee (2013) *Seventh Report of Session 2012–13 - Volume I: Report, together with formal minutes, oral and written evidence*. London: The Stationery Office.

Howard League for Penal Reform (2013) *Child Arrests in England and Wales 2008–2011: Research briefing*. London: HLPR.

Howard League for Penal Reform (2014) *Child Arrests in England and Wales 2013: Research briefing*. London: HLPR.

Howard League for Penal Reform (2015) *Child Arrests in England and Wales 2014: Research briefing*. London: HLPR.

Howard League for Penal Reform (2016a) *The Carlile Inquiry 10 years on: The use of restraint, solitary confinement and strip-searching on children*. London: HLPR.

Howard League for Penal Reform (2016b) *Criminal Care: Children's homes and criminalising children*. London: HLPR.

Howard League for Penal Reform (2017a) *Ending the Criminalisation of Children in Residential Care: Briefing one*. London: HLPR.

Howard League for Penal Reform (2017b) *Ending the Criminalisation of Children in Residential Care – Briefing Two: best practice in policing*. London: HLPR.

Howard League for Penal Reform (2018a) *Child arrests in England and Wales 2017: Research briefing*. London: HLPR.

Howard League for Penal Reform (2018b) *Ending the Criminalisation of Children in Residential Care. Briefing Three: 'hearts and heads' – good practice in children's homes*. London: HLPR.

Howard League for Penal Reform (2018c) *More Than a Roof Overhead: what home means to children in trouble with the law*. London: HLPR.

Hsieh, C.C. & Pugh, D. (1993) 'Poverty, income inequality, and violent crime: a meta-analysis of recent aggregate data studies', *Criminal Justice Review*, 18(2): 182-202.

Hughes, C. & Kenway, P. (2016) *Foreign-Born People and Poverty in the UK*. London: Joseph Roundtree Foundation.

Independent Inquiry into Child Sexual Abuse (2018) *Interim Report*. Available at: https://www.iicsa.org.uk/reports (accessed 30 November 2018).

Irwin-Rogers, K. & Shuter, M. (2017) *Fairness in the Criminal Justice System: What's race got to do with it?* London: Catch 22.

Jacobson, J., Bhardwa, C., Gyateng, T., Hunter, G. &Hough, M. (2010) *Punishing Disadvantage - A Profile of Children in Custody*. London: Prison Reform Trust.

Jay, A. (2014) *Independent Inquiry into Child Sexual Exploitation in Rotherham: 1997 – 2013*. Rotherham: Rotherham Borough Metropolitan Council.

Jeffries, S. & Stenning, P. (2014)' Sentencing Aboriginal offenders: Law, policy, and practice in three countries', *Canadian Journal of Criminology and Criminal Justice*, 56: 447-449.

John, G. (2003) *Race for Justice: A review of CPS decision-making for possible racial bias at each stage of the prosecution process*. London: Gus John Partnership.

Johnson, B.E. (2011) 'The speed and accuracy of voice recognition software-assisted transcription versus the listen-and-type method: a research note', *Qualitative Research*, 11(1): 91–97.

Jones, S.J., Sivarajasingam, V. & Shepherd, J. (2011), 'The impact of deprivation on youth violence: a comparison of cities and their feeder towns', *Emergency Medicine Journal*, 28(6): 496-499.

Jonson-Reid, M. (2002) 'Exploring the relationship between child welfare intervention and juvenile corrections involvement', *American Journal of Orthopsychiatry*, 72(4): 559-576.

Jonson-Reid, M. & Barth, R.P. (2000) 'From placement to prison: The path to adolescent incarceration from child welfare supervised foster or group care', *Children and Youth Services Review*, 493-493.

Judicial College (2016) *Youth Court Bench Book*. London: Judicial College.

Junger-Tas, J. & Marshall, I. H. (1999)' The Self-Report Methodology in Crime Research', *Crime and Justice*, 25: 291-367.

Kahn, K.B. & McMahon, J.M. (2015) 'Shooting deaths of unarmed racial minorities: understanding the role of racial stereotypes on decisions to shoot', *Translational Issues in Psychological Science*, 1(4): 310–320.

Keeley, B. (2015) *Income Inequality: The Gap between Rich and Poor - OECD Insights*. Paris: OECD Publishing.

Kelly, L. & Armitage, V. (2015) 'Diverse diversions: youth justice reform, localized practices and a "New Interventionist Diversion"', *Youth Justice*, 15(2): 117-133.

Kennedy, E. (2013) *Children and Young People in Custody 2012–13: An analysis of 15–18-year-olds' perceptions of their experiences in young offender institutions*. London: HMIP.

Kituse, J. & Cicourel, A. (1963) 'A note on the use of official statistics', *Social Problems*, 11(2): 131-139.

Klimentidis, Y.C. & Shriver, M.D. (2009) 'Estimating genetic ancestry proportions from faces', *PLoS ONE*, 4(2): e4460.

Knight, G., Little, M., Losoya, S. & Mulvey, E. (2004) 'The Self-Report of Offending among Serious Juvenile Offenders: Cross-Gender, Cross-Ethnic/Race Measurement Equivalence', *Youth Violence And Juvenile Justice*, 2(3):273-295.

Kuppens, T. & Spears, R. (2014) 'You don't have to be well-educated to be an aversive racist, but it helps', *Social Science Research*, 45: 211-223.

Lammy Review (2017) *An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System.* Available at:

https://www.gov.uk/government/publications/lammy-review-final-report

(accessed 10 September 2017).

Landau, S.F. (1981) 'Juveniles and the police', *The British Journal of Criminology*, 1: 128-149.

Lawrence, C. (1976) 'When the defendants are foxes too: The need for intervention by minorities in reverse discrimination suits like bakke', *Guild Practitioner*, 34(1): 1-20.

Lea, J. & Young, J. (2008) 'The race and crime debate'. In B. Spalek (ed.) *Ethnicity and Crime: a reader*. Maidenhead: Open University Press.

Lennox, C. & Khan, L. (2012) 'Youth Justice' In Chief Medical Officer (ed.) *Annual Report of the Chief Medical Officer 2012 - Our Children Deserve Better: Prevention Pays*. London: Department for Health.

Lincoln, Y.S. & Guba, E.G. (1985) *Naturalistic Inquiry*. California: Sage.

Localgiving (2018) *Local Charity and Community Group Sustainability Report 2017/18*. London: Localgiving.

Lord Chief Justice of England and Wales (2018) *Judicial Diversity Statistics 2018*. London: Ministry of Justice.

Lyon, J., Dennison, C. & Wilson, A. (2000) *'Tell Them So They Listen': Messages from Young People in Custody. Home Office Research Study 201*. London: Home Office.

Macpherson, W. (1999) *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny*. London: Home Office.

Maher, C., Hadfield, M., Hutchings, M. & de Eyto, A. (2018) 'Ensuring rigor in qualitative data analysis: a design research approach to coding combining NVivo with traditional material methods', *International Journal of Qualitative Methods*, 17: 1-13.

Mai, N. (2010) 'Marginalized young (male) migrants in the European Union'. In J. Kanics, J. Senovilla Hernández and K. Touzenis (eds). *Migrating Alone: unaccompanied and separated children's migration to Europe*. Paris: UNESCO.

Malvaso, C.G. & Delfabbro, P. (2015) 'Offending behaviour among young people with complex needs in the Australian out-of-home care system', *Journal of Child and Family Studies*, 24: 3561–3569.

Malvaso, C. G., Delfabbro, P. H. & Day, A. (2017) 'The child protection and juvenile justice nexus in Australia: A longitudinal examination of the relationship between maltreatment and offending', *Child Abuse & Neglect*, 64: 32–46.

Marsh, S. & Mohdin, A. (2018) 'Record number of UK children excluded for racist bullying', *Guardian* [online]. Available at: https://www.theguardian.com/education/2018/nov/30/record-number-of-uk-children-excluded-for-racist-bullying (Accessed 4 December 2018).

Martin, E.A. & Gerber, E. (2006) *Methodological Influences on Comparability of Race Measurements: Several cautionary examples*. Washington DC: Statistical Research Division, US Census Bureau.

Mason, P. & Prior, D. (2008) *Engaging Young People Who Offend*. London: Youth Justice Board.

Matheson, J.L. (2007) 'The Voice Transcription Technique: Use of Voice Recognition Software to Transcribe Digital Interview Data in Qualitative Research', *The Qualitative Report*, 12(4): 547-560.

May, T., Gyateng, T. & Bateman, T. (2010) *Exploring the Needs of Young Black and Minority Ethnic Offenders and the Provision of Targeted Interventions*. London: HMSO.

May, T., Gyateng, T. & Hough, M. (2010) *Differential Treatment in the Youth Justice System*. Swindon: Economic and Social Research Council.

McAra, L. & McVie, S. (2010) 'Youth crime and justice: key messages from the Edinburgh Study of Youth Transitions and Crime', *Criminology and Criminal Justice*, 10(2): 179-209.

McAra, L. & McVie, S. (2013) 'Delivering justice for children and young people: key messages from the Edinburgh Study of Youth Transitions and Crime' In A. Dockley (ed.) *Justice for Young People: Papers by Winners of the Research Medal 2013*. London: Howard League for Penal Reform.

McAra, L. & McVie, S. (2016) 'Understanding youth violence: The mediating effects of gender, poverty and vulnerability', *Journal of Criminal Justice*, 45: 71-77.

McAra, L. & McVie, S. (2019) 'Transformation in youth crime and justice across Europe: evidencing the case for diversion' In B. Goldson (ed.) *Juvenile Justice in Europe: past, present and future*. Oxon: Routledge.

McCool, S. & Stevens, I.C. (2011) 'Identifying speech, language and communication needs among children and young people in residential care', *International Journal of Language and Communication Disorders*, 46(6): 665-674.

McCristal Culp, J. (1994) 'Colorblind remedies and the intersectionality of oppression: Policy arguments masquerading as moral claims', *New York University Law Review*, 69(1): 162-196.

McElvaney, R. & Tatlow-Golden, M. (2016) 'A traumatised and traumatising system: Professionals' experiences in meeting the mental health needs of young people in the care and youth justice systems in Ireland', *Children and Youth Services Review*, 65: 62-69.

Medway Improvement Board (2016) *Final Report of the Board's Advice to Secretary of State for Justice*. London: Ministry of Justice.

Mews, A., Hillier, J., McHugh, M. & Coxon, C. (2015) *The Impact of Short Custodial Sentences, Community Orders and Suspended Sentence Orders on Re-Offending*. London: Ministry of Justice.

Mhlanga, N. (1997) *The Colour of English Justice: A multivariate analysis.* Avebury: Aldershot.

Miles, R. & Brown, M. (2003) *Racism (2nd edition)*. London: Routledge.

Miller, J., Bland, N. & Quinton, P. (2000) *The Impact of Stops and Searches on Crime and the Community. Police Research Series Paper 127*. London: Home Office.

Ministry of Justice (2010) *Statistics on Race and the Criminal Justice System 2010 – Statistical Tables*. London: Ministry of Justice.

Ministry of Justice (2012a) *Statistics on Race and the Criminal Justice System 2010 – Statistical Tables*. Available at: https://www.gov.uk/government/statistics/race-and-the-criminal-justice-system--3 (accessed 10 June 2018).

Ministry of Justice (2013) *Suspect Statistics*. Available at: https://www.gov.uk/government/statistics/statistics-on-race-and-the-criminal-justice-system-2012 (accessed 10 June 2018).

Ministry of Justice (2015a) *Chapter 4: Police Activity Tables*. Available at: https://www.gov.uk/government/statistics/race-and-the-criminal-justice-system-2014 (accessed 10 June 2018).

Ministry of Justice (2015b) 'Age of criminal responsibility', *Gov.uk* [online]. Available at: https://www.gov.uk/age-of-criminal-responsibility (Accessed 10 January 2016).

Ministry of Justice (2016) *The Government Response to Charlie Taylor's Review of the Youth Justice System*. London: Ministry of Justice.

Ministry of Justice (2017a) *Chapter 4: Police Activity Tables*. Available at: https://www.gov.uk/government/statistics/race-and-the-criminal-justice-system-2016 (accessed 10 June 2018).

Ministry of Justice (2017b) *Exploratory Analysis of 10-17 Year Olds in the Youth Secure Estate by Black and Other Minority Ethnic Groups*. London: Ministry of Justice.

Ministry of Justice (2017c) *Chapter 6: Practitioners Tables*. Available at: https://www.gov.uk/government/statistics/race-and-the-criminal-justice-system-2016 (accessed 10 June 2018).

Ministry of Justice (2017d) *Government Response to the Lammy Review on the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System*. London: Ministry of Justice.

Ministry of Justice (2018a) *A Guide to Youth Justice Statistics*. London: Ministry of Justice and Youth Justice Board.

Ministry of Justice (2018b) *Tackling Racial Disparity in the Criminal Justice System: 2018 Update*. London: Ministry of Justice.

Ministry of Justice (2018c) *Prison Population: 30 September 2018*. London: Ministry of Justice.

Ministry of Justice (2018d) 'Ministry of Justice: Care Leaver Covenant offer', *Gov.uk* [online]. Available at:
https://www.gov.uk/government/publications/ministry-of-justice-care-leaver-covenant-offer?utm_source=c7362285-0af1-4259-b769-806e2b78a630&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate (Accessed 30 October 2018).

Mohdin, A. (2018) 'Councils 'failing children in care with immigration issues', *Guardian* [online]. Available at:
https://www.theguardian.com/uk-news/2018/nov/01/children-care-irregular-immigration-statuses-councils-accused (Accessed 10 November 2018).

Mooney, A., Statham, J., Knight, A. & Holmes, L. (2012) *Understanding the Market for Secure Children's Homes: a rapid response study for the Department of Education*. London: Childhood Wellbeing Research Centre.

Moore, E., Gaskin, C. & Indig, D. (2013) 'Childhood maltreatment and post-traumatic stress disorder among incarcerated young offenders', *Child Abuse & Neglect*, 37(10): 861-870.

Morrow, W.J., Dario, L.M. & Rodriguez, N. (2015) 'Examining the prevalence of a "youth discount" in the juvenile justice system', *Journal of Crime and Justice*, 38(4): 473-490.

Morse, J.M. (1999) 'Qualitative generalizability', *Qualitative Health Research*, 9: 5-6.

Muncie, J. (2008) 'The punitive turn in juvenile justice: Cultures of control and rights compliance in western Europe and the USA', *Youth Justice: An International Journal*, 8(2): 107–121.

Muncie, J. & Goldson, B. (2006) 'England and Wales: The New Correctionalism', in J. Muncie and B. Goldson (eds) *Comparative Youth Justice*. London: Sage.

Murray, R. (2012) *Children and Young People in Custody 2011–12: An analysis of the experiences of 15–18-year-olds in prison*. London: HMIP.

MVA & Miller, J. (2000) *Profiling Populations Available for Stops and Searches*. London: Home Office Policing and Reducing Crime Unit.

Narey, M. (2016) *Residential Care in England: Report of Sir Martin Narey's independent review of children's residential care*. London: Department for Education.

National Audit Office (2014) *Children in Care*. London: National Audit Office.

National Crime Agency (2017) *County Lines Violence, Exploitation and Drug Supply 2017*. London: National Crime Agency.

National Police Chiefs Council (2015) *National Strategy for the Policing of Children & Young People*. London: NPCC.

National Police Chiefs Council (2016) 'Children in care: We must get our response to this most vulnerable group right', *National Police Chiefs Council* [online]. Available at:

https://news.npcc.police.uk/releases/children-in-care-we-must-get-our-response-to-this-most-vulnerable-group-right (Accessed 3 February 2017).

Neilson, A. & Sands, C. (2018) 'News about our work on criminalisation and residential care', *Howard League for Penal Reform* [online]. Available at: https://howardleague.org/blog/news-about-our-work-on-criminalisation-and-residential-care/ (Accessed 20 January 2019).

Ng, C. (2014) 'Invisible female indigenous offenders in the youth justice system: what's the problem: an illustration from the Northern Territory perspective', *Australian Indigenous Law Review*, 18(2): 19-28.

Niche Health and Social Care Consulting (2018) *Recognising and Acting on Signs of 'County Lines' Child Exploitation: a case study*. London: Niche Health and Social Care Consulting Ltd.

Nowell, L.S., Norris, J.M., White, D.E. & Moules, N.J. (2017) 'Thematic analysis: striving to meet the trustworthiness criteria', *International Journal of Qualitative Methods*, 16(1): 1-13.

Oakley, M., Miscampbell, G. & Gregorian, R. (2018) *Looked-after Children: the silent crisis*. London: The Social Market Foundation.

OECD (2014) *Rising Inequality: youth and poor fall further behind Insights from the OECD Income Distribution Database*. Paris: OECD Publishing.

OECD (2016) *Income Inequality Remains High in the face of Weak Recovery*. Paris: OECD Publishing.

OECD (2018) *A Broken Social Elevator? How to Promote Social Mobility*. Paris: OECD Publishing.

Office for National Statistics (2001) *Outcome Indicators for Looked After Children Twelve months to 30 September 2001 England*. Available at: https://webarchive.nationalarchives.gov.uk/20110909232541/https://www.education.gov.uk/researchandstatistics/statistics/allstatistics/a00194550/outcome-indicators-for-looked-after-children-twelv (accessed 8 October 2017).

Office for National Statistics (2002) *Outcome Indicators for Looked After Children Twelve months to 30 September 2001 England*. Available at: https://webarchive.nationalarchives.gov.uk/20110909232541/https://www.education.gov.uk/researchandstatistics/statistics/allstatistics/a00194550/outcome-indicators-for-looked-after-children-twelv (accessed 8 October 2017).

Office for National Statistics (2003) *Outcome Indicators for Looked After Children Twelve months to 30 September 2002 England*. Available at: https://webarchive.nationalarchives.gov.uk/20110909232541/https://www.education.gov.uk/researchandstatistics/statistics/allstatistics/a00194550/outcome-indicators-for-looked-after-children-twelv (accessed 8 October 2017).

Office for National Statistics (2004a) *Children Looked After by Local Authorities Year Ending 31 March 2003*. Available at: https://webarchive.nationalarchives.gov.uk/20120123173007/http://www.education.gov.uk/researchandstatistics/statistics/allstatistics//a00194257/children-looked-after-by-local-authorities-year-en (accessed 8 October 2017).

Office for National Statistics (2004b) *Outcome Indicators for Looked After Children Twelve months to 30 September 2003 England*. Available at: https://webarchive.nationalarchives.gov.uk/20110909232530/https://www.education.gov.uk/researchandstatistics/statistics/allstatistics/a00194329/outcome-indicators-for-looked-after-children-twelv (accessed 8 October 2017).

Office for National Statistics (2005a) *Children Looked After by Local Authorities, Year Ending 31 March 2004*. Available at:

https://webarchive.nationalarchives.gov.uk/20120123173030/http://www.educatio n.gov.uk/researchandstatistics/statistics/allstatistics//a00194753/children-looked-after-by-local-authorities-year-en (accessed 8 October 2017).

Office for National Statistics (2005b) *Outcome Indicators for Looked After Children Twelve months to 30 September 2004 England*. Available at: https://webarchive.nationalarchives.gov.uk/20110915152344/http://www.educatio n.gov.uk/researchandstatistics/statistics/allstatistics//a00194797/outcome-indicators-for-looked-after-children-twelv (accessed 8 October 2017).

Office for National Statistics (2006a) *Children Looked After by Local Authorities, Year Ending 31 March 2005*. Available at: https://webarchive.nationalarchives.gov.uk/20120123173007/http://www.educatio n.gov.uk/researchandstatistics/statistics/allstatistics//a00194257/children-looked-after-by-local-authorities-year-en (accessed 8 October 2017).

Office for National Statistics (2006b) *Outcome Indicators for Looked After Children Twelve months to 30 September 2005 England*. Available at: https://webarchive.nationalarchives.gov.uk/20110927122031/https://www.educati on.gov.uk/researchandstatistics/statistics/allstatistics?f_publication_category=Chil dren+and+Families&page=1&f_coverage_status=Final&f_publication_subcatego ry=Safeguarding+children+&f_topics=thes-tag-3928 (accessed 8 October 2017).

Office for National Statistics (2007) *Outcome Indicators for Looked After Children Twelve months to 30 September 2006 England*. Available at: https://webarchive.nationalarchives.gov.uk/20110927122031/https://www.educati on.gov.uk/researchandstatistics/statistics/allstatistics?f_publication_category=Chil dren+and+Families&page=1&f_coverage_status=Final&f_publication_subcatego ry=Safeguarding+children+&f_topics=thes-tag-3928 (accessed 8 October 2017).

Office for National Statistics (2008) DCSF: *Outcome Indicators for Looked After Children Twelve months to 30 September 2007 England*. Available at: https://webarchive.nationalarchives.gov.uk/20110912074648/http://www.educatio n.gov.uk/researchandstatistics/statistics/allstatistics/a00195745/outcome-indicators-for-children-looked-after (accessed 8 October 2017).

Office for National Statistics (2009) *DCSF: Outcome Indicators for Looked After Children Twelve months to 30 September 2008 England*. Available at: https://webarchive.nationalarchives.gov.uk/20110927122031/https://www.educati on.gov.uk/researchandstatistics/statistics/allstatistics?f_publication_category=Chil

dren+and+Families&page=1&f_coverage_status=Final&f_publication_subcatego ry=Safeguarding+children+&f_topics=thes-tag-3928 (accessed 8 October 2017).

Office for National Statistics (2010) *DCSF: Statistical First Release (SFR) on Outcome Indicators for Children Looked After, Twelve months to 30 September 2009 - England*. Available at: https://webarchive.nationalarchives.gov.uk/20110909001751/https://www.educati on.gov.uk/researchandstatistics/statistics/allstatistics/a00196442/outcome-indicators-for-children-looked-after (accessed 8 October 2017).

Office for National Statistics (2011) 'DC2101EW - Ethnic group by sex by age', *Nomis* [online]. Available at: http://www.nomisweb.co.uk/census/2011/DC2101EW/view/2092957703?rows=c _age&cols=c_ethpuk11 (accessed 5 January 2017).

Office for National Statistics (2014) '2011 Census analysis: What does the 2011 Census tell us about the characteristics of Gypsy or Irish travellers in England and Wales?', *ONS* [online]. Available at: https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity /articles/whatdoesthe2011censustellusaboutthecharacteristicsofgypsyoririshtravell ersinenglandandwales/2014-01-21#key-characteristics-of-gypsy-irish-travellers (Accessed 1 March 2017).

Office for National Statistics (2018a) 'Regional ethnic diversity', *Gov.uk* [online]. Available at: https://www.ethnicity-facts-figures.service.gov.uk/british-population/national-and-regional-populations/regional-ethnic-diversity/latest (Accessed 21 October 2018).

Office for National Statistics (2018b) *Crime in England and Wales, year ending March 2018: Police Force Area Data tables*. London: Office for National Statistics.

Office for National Statistics (2018c) *Proven Reoffending Tables (3 Monthly), October 2016 to December 2016*. London: Office for National Statistics.

Office of the Children's Commissioner (2012) *Briefing for the Rt Hon Michael Gove MP, Secretary of State for Education, on the emerging findings of the Office of the Children's Commissioner's inquiry into child sexual exploitation in gangs and groups, with a special focus on children in care*. London: Office of the Children's Commissioner.

Ofsted (2014) *From a Distance: looked after children living away from their home area*. Manchester: Ofsted.

Ofsted (2016) *Children looked after placements by English local authorities*. Manchester: Ofsted.

Ofsted (2018) 'Social care common inspection framework (SCCIF): children's homes, including secure children's homes', *Gov.uk* [online]. Available at: https://www.gov.uk/guidance/social-care-common-inspection-framework-sccif-children-s-homes-including-secure-children-s-homes (Accessed 16 November 2018).

Owen, C. & Statham, J. (2009) *Disproportionality in Child Welfare. The Prevalence of Black and Minority Ethnic Children within the 'Looked After' and 'Children in Need' Populations and on Child Protection Registers in England*. Nottingham: Department for Children, Schools and Families.

Paik, L. (2017) 'Critical perspectives on intersectionality and criminology: Introduction', *Theoretical Criminology*, 21(1): 4-10.

Panjwani, A. (2018) 'Are a majority of youth knife offender minority ethnic?', *Full Fact* [online]. Available at: https://fullfact.org/crime/are-majority-youth-knife-offenders-minority-ethnic/ (Accessed 12 December 2018).

Parameshwaran, M. & Engzell, P. (2015) 'Ethnicity in England: what parents' country of birth can and can't tell us about their children's ethnic identification', *Journal of Ethnic and Migration Studies*, 41(3): 399–424.

Parke, S. (2008) *Children and Young People in Custody 2006–2008: An analysis of the experiences of 15–18-year-olds in prison*. London: HMIP.

Parker, H., Sumner, M. & Jarvis, G. (1989) *Unmasking the Magistrates*. Milton Keynes: Open University Press.

Parkin, J. (2013) *The Criminalisation of Migration in Europe, A State of the Art Academic Literature Search*. Brussels: Centre for European Policy Studies.

Parmar, A. (2017) 'Intersectionality, British criminology and race: Are we there yet?', *Theoretical Criminology: An International Journal*, 21(1): 35-45.

Payne, G. & Payne. J. (2004) *Key Concepts in Social Research*. London: Sage.

Phillips, C. (2011) 'Institutional racism and ethnic inequalities: an expanded multilevel framework', *Journal of Social Policy*, 40(1): 173-192.

Phillips C. (2012) *The Multicultural Prison: ethnicity, masculinity, and social relations among prisoners*. Oxford: Oxford University Press.

Phillips, C. & Bowling, B. (2017) 'Ethnicities, racism, crime and criminal justice' In A. Liebling, S. Maruna and L. McAra (eds) *Oxford Handbook of Criminology*. London: Oxford University Press.

Phillips, C. & Brown, D. (1998) *Entry into the Criminal Justice System: a Survey of Police Arrests and Their Outcomes. Home Office Research Study 185*. London: Home Office.

Phoenix, J. (2010) 'Pre-sentence reports, magisterial discourse and agency in the Youth Courts in England and Wales', *Punishment & Society*, 12(3): 348–366.

Pilowsky, D.J. & Wu, L. T. (2006) 'Psychiatric symptoms and substance use disorders in a nationally representative sample of American adolescents involved with foster care', *The Journal of Adolescent Health*, 38: 351-358.

Pisani, M. (2019) 'Illegal young bodies and the failings of liberal democracy: some reflections on the European Union's 'refugee crisis' and its implications for juvenile justice'. In B. Goldson (ed.) *Juvenile Justice in Europe: past, present and future*. Oxon: Routledge.

Pitts, J. (2008) *Reluctant Gangsters: The Changing Face of Youth Crime*. Cullompton: Willan.

Pitts, J. (2015) 'Youth crime and youth justice 2015-2020', *Youth & Policy*, 114: 31-42.

Platt, L., Simpson, L. & Akinwale, B. (2005) 'Stability and change in ethnic groups in England and Wales', *Population Trends*, 121: 35–46.

Poland, B.D. (2002) 'Transcription quality'. In J.F. Gubrium and J.A. Holstein (eds) *Handbook of Interview Research: context and method*. London: Sage, 629-649.

Polit, D. F., & Beck, C. T. (2010) 'Generalization in quantitative and qualitative research: Myths and strategies', *International Journal of Nursing Studies*, 47: 1451-1458.

Ponterotto, J.G. (2006) 'Brief note on the origins, evolution, and meaning of the qualitative research concept thick description', *The Qualitative Report*, 11(3): 538-549.

Powell, A. (2018) *Unemployment by Ethnic Background. Briefing Paper Number 6385*. London: House of Commons Library.

Prime Minister's Office (2016) 'Statement from the new Prime Minister Theresa May', Gov.uk [online]. Available at: https://www.gov.uk/government/speeches/statement-from-the-new-prime-minister-theresa-may (Accessed 14 July 2016).

Prime, R. (2014) *Children in Custody 2013–14: An analysis of 12–18-year-olds' perceptions of their experience in secure training centres and young offender institutions*. London: HMIP.

Prison Reform Trust (2016) *In Care, Out of Trouble: An independent review chaired by Lord Laming*. London: Prison Reform Trust.

Prison Reform Trust (2017) 'Progress update – May 2017', *Prison Reform Trust* [online]. Available at: http://www.prisonreformtrust.org.uk/ProjectsResearch/CareReview (Accessed 2 June 2017).

Quinion, M. (2005) *Port Out, Starboard Home: The Fascinating Stories We Tell About the Words We Use*. London: Penguin.

Quinton, P. (2011) 'The formation of suspicions: police stop and search practices in England and Wales', *Policing and Society*, 21(4): 357-368.

Quinton, P. (2015) 'Race disproportionality and officer decision-making' In R. Delsol and M. Shiner (eds) *Stop and Search: The Anatomy of a Police Power*. Basingstoke: Palgrave Macmillan. .

Rattansi, A. (2005), 'The uses of racialization: the time-spaces and subject-objects of the raced body', In K. Murji and J. Solomos (eds) *Racialization: Studies in Theory and Practice*. Oxford: Oxford University Press.

Redmond, A. (2015) *Children in Custody 2014–15: An analysis of 12–18-year-olds' perceptions of their experience in secure training centres and young offender institutions*. London: HMIP.

Reiner, R. (1993) *The Politics of the Police (2nd edition)*. London: Harvester Wheatsheaf.

Rollock, N. (2009) *The Stephen Lawrence Inquiry 10 Years On: A Critical Review of the Literature*. London: Runnymede Trust.

Royal College of Paediatrics and Child Health (2018) 'Visit by the United Nations Special Rapporteur on extreme poverty and human rights to the United Kingdom of Great Britain and Northern Ireland from 5 to 16 November 2018 – Submission', *Office of the High Commissioner* [online]. Available at:

https://www.ohchr.org/EN/Issues/Poverty/Pages/UKVisitSubmissions.aspx
(Accessed 11 November 18).

Rubin, H.J. & Rubin, I.S. (2012) *Qualitative Interviewing: The art of hearing data*.
London: Sage.

Rudin, J., & Zimmerman, L. (2014) 'The end is not in sight—the over-representation
of Aboriginal youth in custody in Ontario 2004-2010', *Criminal Law Quarterly*,
60(3): 433–446.

Ryan, J.P., Herz, D., Hernandez, P.M. & Marshall, M. (2007) 'Maltreatment and
delinquency: Investigating child welfare bias in juvenile justice processing',
Children and Youth Services Review, 29(8): 1035-1050.

Ryan, J.P., Hong, J.S., Herz, D. & Hernandez, P.M. (2010) 'Kinship foster care and
the risk of juvenile delinquency', *Children and Youth Services Review*, 32(12):
1823-1830.

Ryan, J.P. & Testa, M.F. (2005) 'Child maltreatment and juvenile delinquency:
Investigating the role of placement and placement stability', *Children and Youth
Services Review*, 27(3): 227-249.

Ryan, J.P., Testa, M.F. & Zhai, F. (2008) 'African American males in foster care and
the risk of delinquency: the value of social bonds and permanence', *Child Welfare*,
87(1):115-40.

Sabbagh, M. (2017) *Restorative Justice and Black, Asian and Minority Ethnic
Children in the Youth Justice System: A restorative justice council research report*.
London: Restorative Justice Council.

Sabbagh, D. & Inman, P. (2018) 'Hammond says end of austerity is in sight as he
boosts spending', *Guardian* [online]. Available at:
https://www.theguardian.com/uk-news/2018/oct/29/hammond-claims-hard-work-
paid-off-end-of-austerity-in-sight-budget (Accessed 10 December 2018).

Sands, C. (2018) 'Criminalising children, the Department for Education and county
lines exploitation', *Howard League for Penal Reform* [online]. Available at:
https://howardleague.org/blog/criminalising-children-the-department-for-
education-and-county-lines-exploitation/ (Accessed 29 November 2018).

Sarri, R., Stoffregen, E., and Ryan, J. (2016) 'Running away from child welfare
placements: Justice system entry risk', *Children & Youth Services Review*, 67: 191-
197.

Scarman, L. (1981) *The Scarman Report*. London: HMSO.

Schlesinger, T. (2018) 'Decriminalizing racialized youth through juvenile diversion', *Future of Children*, 28(1): 59–81.

Schofield, G., Biggart, L., Ward, E. & Larsson, B. (2015) 'Looked after children and offending: An exploration of risk, resilience and the role of social cognition', *Children & Youth Services Review*, 51: 125-133.

Schofield, G., Larsson, B., & Ward, E. (2017) 'Risk, resilience and identity construction in the life narratives of young people leaving residential care', *Child and Family Social Work*, 22: 782–791.

Schofield, G., Ward, E., Biggart, L. Scaife, V., Dodsworth, J., Larsson, B., Haynes. A. & Stone, N. (2014) *Looked After Children and Offending: Reducing risk and promoting resilience*. London: BAAF.

Sebba, J., Berridge, D., Luke, N., Fletcher, .J, Bell, K., Strand, S., Thomas, S., Sinclair, I. & O'Higgins, A. (2015) *The Educational Progress of Looked After Children in England: Linking care and educational data*. Oxford: University of Oxford Rees Centre.

Selwyn J., Harris P., Quinton, D., Nawaz S., Wijedasa, D. & Wood, M. (2008) *Pathways to Permanence for Black, Asian and Mixed Ethnicity Children: Dilemmas, decision making and outcomes*. Nottingham: Department for Children, Schools and Families.

Selwyn, J., Wood, M. J. E., and Newman, T. J. (2017) 'Looked after children and young people in England: developing measures of subjective well-being', *Child Indicators Research*, 10(2), 363-380.

Sethi, D., Hughes, K., Bellis, M., Mitis, F. & Racioppi, F. (2010) *European Report on Preventing Violence and Knife Crime Among Young People*. Copenhagen: World Health Organization.

Shallice, A. & Gordon, P. (1990) *Black People, White Justice? Race and the Criminal Justice System*. London: Runnymede Trust.

Sharp, C. & Budd, T. (2005) *Minority ethnic groups and crime: findings from the Offending, Crime and Justice Survey 2003. Home Office Online Report 33/05*. London: Home Office.

Sharp, D. & Atherton, S. (2007) 'To Serve and Protect? The Experiences of Policing in the Community of Young People from Black and Other Ethnic Minority Groups', *British Journal of Criminology*, 47: 746–63.

Shaw, J. (2012) 'Professionals' perceptions of offending in children's residential care', *Child and Family Social Work*, 17: 359–367.

Shaw, J. (2014) *Residential Children's Homes and the Youth Justice System: Identity, Power and Perceptions*. Basingstoke: Palgrave Macmillan.

Shaw, J. (2017) 'Residential care and criminalisation: the impact of system abuse' *Safer Communities*, 16(3): 112-121.

Shenton, A.K. (2004) 'Strategies for ensuring trustworthiness in qualitative research projects', *Education for information*, 22 (2): 63-75.

Shin, S.H. (2004) 'Developmental outcomes of vulnerable youth in the child welfare system', *Journal of Human Behavior in the Social Environment*, 9: 39-59.

Shiner, M., Carre, Z., Delsol, R. & Eastwood. N. (2018) *The Colour of Injustice: 'Race', drugs and law enforcement in England and Wales*. London: LSE.

Shuy, R.W. (2002) 'In-person versus telephone interviewing'. In J.F. Gubrium & J.A. Holstein (eds). *Handbook of Interview Research: Context and Method*. Thousand Oaks, CA: Sage.

Silvestri, A., Oldfield, M., Squires, P. & Grimshaw, R. (2009) *Young People, Knives and Guns. A comprehensive review, analysis and critique of gun and knife crime strategies*. London: Centre for Crime and Justice Studies.

Simmonds, J. (2016) *Children in Custody 2015–16: An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions*. London: HMIP.

Simon, P. (2005) 'The measurement of racial discrimination: the policy use of statistics', *International Journal of Social Science*, 183: 9-25.

Simon, P. (2012) 'Collecting ethnic statistics in Europe: a review', *Ethnic and Racial Studies*, 35(8): 1366–1391.

Sinclair, I. & Gibbs, I. (1998*) Children's Homes: A study in diversity*. Chichester: Wiley.

Smith, D.J. (2006) *School Experience and Delinquency at Ages 13 to 16*. Edinburgh: Centre for Law and Society.

Smith, R. & Gray, P. (2018) 'The changing shape of youth justice: models of practice', *Criminology & Criminal Justice*, 1-18.

Smith, R. (2005) 'Welfare versus justice – again!', *Youth Justice*, 5(1):3-16.

Smithson, H., Ralphs, R. & Williams, P. (2013), 'Used and abused: the problematic usage of gang terminology in the United Kingdom and its implications for ethnic minority youth', *British Journal of Criminology*, 53(1): 113-128.

Social Mobility Commission (2016) *Ethnicity, Gender and Social Mobility*. London: Social Mobility Commission.

Squires, P. (2016) 'Voodoo Liability: joint enterprise prosecution as an aspect of intensified criminalisation', *Onati Socio-Legal Series*, 6(4): 937-956.

Staines, J. (2016) *Risk, Adverse Influence and Criminalisation: Understanding the over-representation of looked after children in the youth justice system*. London: Prison Reform Trust.

Staines, J. (2017) 'Looked after children and youth justice: a response to recent reviews', *Safer Communities*, 16(3): 102-111.

Stanley, E. (2017) 'From care to custody: trajectories of children in post-war New Zealand', Youth Justice, 17(1): 57 –72.

StatsWales (2018a) *Children looked after by local authorities, by legal status, at 31 March*. Available at:
https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenlookedafterat31march-by-localauthority-legalstatus (accessed 5 October 2018).

StatsWales (2018b) *Children starting to be looked after during year to 31 March by local authority and need for care*. Available at:
https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenstartingtobelookedafterduringyearto31march-by-localauthority-needforcare (accessed 5 October 2018).

StatsWales (2018c) *Children looked after at 31 March by local authority and placement type*. Available at:
https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenlookedafterat31march-by-localauthority-placementtype (accessed 5 October 2018).

StatsWales (2018d) *Children looked after at 31 March per 10,000 population aged under 18 by local authority and year*. Available at:

https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenlookedafterat31marchper10000population-localauthority-year (accessed 5 October 2018).

StatsWales (2018e) *Children looked after at 31 March by local authority, gender and age*. Available at:
https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenlookedafterat31march-by-localauthority-gender-age (accessed 5 October 2018).

StatsWales (2018f) *Children looked after at 31 March by local authority and ethnicity*. Available at:
https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenlookedafterat31march-by-localauthority-ethnicity (accessed 5 October 2018).

StatsWales (2018g) *Children looked after at 31 March by local authority and ethnicity (Prior to April 2016)*. Available at:
https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenlookedafterat31march-by-localauthority-ethnicitypriortoapril2016 (accessed 5 October 2018).

Stewart, A., Livingston, M. & Dennison, S. (2008) 'Transitions and turning points: Examining the links between child maltreatment and juvenile offending', *Child Abuse & Neglect*, 32: 51–66.

Stone, R. (2009) *Stephen Lawrence Review – an independent commentary to mark the 10th anniversary of the Stephen Lawrence Inquiry*. London: The Uniting Britain Trust.

Stuart, M. & Baines, C. (2004) *Safeguards for Vulnerable Children: three studies on abusers, disabled children and children in prison*. York: York Publishing.

Summerfield, A. (2011) *Children and Young People in Custody 2010–11: An analysis of the experiences of 15–18-year-olds in prison*. London: HMIP.

Taflan, P. (2017) *Children in Custody 2016–17: An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions*. London: HMIP.

Taylor, C. (2006) *Young People in Care and Criminal Behaviour*. London: Jessica Kingsley.

Taylor, C. (2016) *Review of the Youth Justice System in England and Wales*. London: Ministry of Justice.

The Adolescent and Children's Trust (2008) *Care Experience and Criminalisation: An executive summary from TACT*. London: TACT.

The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers (2012) *Report into the Joint Inquiry into Children Who Go Missing From Care*. London: APPG.

The Children's Commissioner (2017) *Stability Index: Overview and initial findings*. London: Children's Commissioner for England.

The Children's Society (2018) 'Visit by the United Nations Special Rapporteur on extreme poverty and human rights to the UK in November 2018 - written submission from The Children's Society', *Office of the High Commissioner* [online]. Available at:

https://www.ohchr.org/EN/Issues/Poverty/Pages/UKVisitSubmissions.aspx

(Accessed 11 November 18).

The Institute for Fiscal Studies (2017) *Living standards, poverty and inequality in the UK: 2017–18 to 2021–22*. London: The Institute for Fiscal Studies.

The Traveller Movement (2016a) *Overlooked and Overrepresented: Gypsy, Traveller and Roma children in the youth justice system - An analysis of 12-18-year-olds' Gypsy, Traveller and Roma perceptions of their experiences in Secure Training Centres and Young Offender Institutions*. London: The Traveller Movement.

The Traveller Movement (2016b) *The Traveller Movement briefing: Policing and Crime Bill: House of Lords, Committee Stage*. London: Traveller Movement.

The Young Review (2014) *Improving outcomes for young black and/or Muslim men in the Criminal Justice System*. London: Barrow Cadbury Trust.

Thomas, C. (2017) 'Ethnicity and the fairness of jury trials in England and Wales 2006-2014', *Criminal Law Review*, 11: 860–876.

Townsend, M. & Allison, E. (2016) 'UK child prisons: thousands of injuries not disclosed by government', *Guardian* [online]. Available at:

https://www.theguardian.com/society/2016/feb/13/young-offenders-institution-restraint-injuries (Accessed 4 June 2017).

Townsend, M. (2018) 'Streets of fear: how London death toll reached 100', *Guardian* [online]. Available at: https://www.theguardian.com/society/2018/aug/26/death-toll-london-reaches-100-knife-crime-gang-violence (Accessed 30 November 2018).

Traube, D.E., James, S., Zhang, J. & Landsverk, J. (2012) 'A national study of risk and protective factors for substance use among youth in the child welfare system', *Addictive Behaviors*, 37: 641–650.

Tye, D. (2009) *Children and Young People in Custody 2008–2009: An analysis of the experiences of 15–18-year-olds in prison*. London: HMIP.

Uhrig, N. (2016) *Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales*. London: Ministry of Justice.

United Nations (2016) *Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*. CRC/C/GBR/CO/5. Geneva: United Nations Office of the High Commissioner for Human Rights.

United Nations (2018) *End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the United Kingdom of Great Britain and Northern Ireland*. Geneva: United Nations Office of the High Commissioner for Human Rights.

Ureche, H. & Franks, M. (2007) *This is Who We Are: A study of the views and identities of Rroma, Gypsy and Traveller young people in England*. London: Children's Society.

Vennard, J., Davis, G., Baldwin, J. & Pearce, J. (2004) *Ethnic Minority Magistrates' Experience of the Role and of the Court Environment*. London: Department for Constitutional Affairs.

Waddington, P. A. J., Stenson, K. & Don, D. (2004) 'In proportion: race and police stop and search', *British Journal of Criminology*, 44(6): 889-914.

Walker, M.A. (1989) 'The court disposal and remands of white, Afro-Caribbean and Asian men', *British Journal of Criminology*, 29(4): 353-367.

Webster, C. (2006) '"Race", youth crime and justice'. In B. Goldson and J. Muncie (eds) *Youth, Crime and Justice*. London: Sage.

Webster, C. (2008) 'Marginalized white ethnicity, race and crime', *Theoretical Criminology*, 12(3): 293-312.

Webster, C. (2012) 'The discourse on "race" in criminological theory'. In S. Hall and S. Winlow (eds). *New Directions in Criminological Theory*. London: Routledge.

Webster, C. (2019) '"Race", ethnicity, social class and juvenile justice in Europe', In B. Goldson (ed.) *Juvenile Justice in Europe: past, present and future*. Oxon: Routledge.

Weekes-Bernard, D. (2017) *Poverty and Ethnicity in the Labour Market*. London: Joseph Roundtree Foundation.

Weeks, M. & Lupfer, M.B. (2004) 'Complicating race: the relationship between prejudice, race, and social class categorizations', *Personality & Social Psychology Bulletin*, 30(8): 972-984.

Weenink, D. (2009) 'Explaining ethnic inequality in the juvenile justice system: an analysis of the outcomes of Dutch prosecutorial decision making', *British Journal of Criminology*, 49: 220-242.

White, R. (2015) 'Indigenous young people and hyperincarceration in Australia', *Youth Justice*, 15(3): 256–270.

Wickham, S., Anwar, E., Barr, B., Law, C. & Taylor-Robinson, D. (2016) 'Poverty and child health in the UK: using evidence for action', *Archives of Disease in Childhood*, 101 (8): 759-766.

Wight, C. (2003) 'The agent–structure problem and institutional racism', *Political Studies*, 51(4) 706–21.

Wigzell, A., Kirby, A. & Jacobson, J. (2015) *The Youth Proceedings Advocacy Review: Final Report*. London: University of London Institute for Criminal Policy Research Williams.

Williams, P. (2015) 'Criminalising the other: challenging the race-gang nexus', *Race & Class*, 56(3): 18 –35.

Williams, P. (2018) *Being Matrixed: the (over)policing of gang suspects in London*. London: Stopwatch.

Williams, P. & Clarke, B. (2016) *Dangerous associations: Joint enterprise, gangs and racism - An analysis of the processes of criminalisation of Black, Asian and minority ethnic individuals*. London: Centre for Crime and Justice Studies.

Willow, C. (2015) *Children Behind Bars: Why the Abuse of Child Imprisonment Must End*. Bristol: Policy Press.

Wilson D. (2004) '"Keeping Quiet" or "Going Nuts": Strategies Used by Young Black Men in Custody', *The Howard Journal of Criminal Justice*, 43: 317-30.

Wilson, J.P., Hugenberg, K. & Rule, N.O. (2017)' Racial bias in judgments of physical size and formidability: From size to threat', *Journal of Personality and Social Psychology*, 113: 59–80.

Windle, J. & Briggs, D. (2015) '"It's like working away for two weeks": the harms associated with young drug dealers commuting from a saturated London drug market', *Crime Prevention & Community Safety*, 17: 105–19.

Winter, G. (2000) 'A comparative discussion of the notion of "validity" in qualitative and quantitative research', *The Qualitative Report*, 4(3): 1-14.

Withrow, B.L. (2014) *Research Methods in Crime and Justice*. London: Routledge.

Wood, M. & Selwyn, J. (2017) 'Looked after children and young people's views on what matters to their subjective well-being', *Adoption & Fostering*, 41(1): 20–34.

Worsley, R. (2006) *Young People in Custody 2004 – 2006: An analysis of children's experiences of prison*. London: HMIP.

Wright, C. (2010) 'Othering difference: framing identities and representation in black children's schooling in the British context', *Irish Educational Studies*, 29(3): 305-320.

Young, G. & Barr, C. (2018) 'Surge in young knife deaths amid police cuts and 'a climate of fear', *Guardian* [online]. Available at:
https://www.theguardian.com/uk-news/2018/nov/29/surge-in-young-knife-deaths-amid-police-cuts-and-climate-of-fear (Accessed 30 November 2018).

Young, T., Fitzgibbon, W. & Silverstone, D. (2013) *The Role of the Family in Facilitating Gang Membership, Criminality and Exit*. London: Catch 22.

Young, T., Fitzgibbon, W. & Silverstone, D. (2014) 'A question of family? Youth and gangs', *Youth Justice*, 14(2): 171-185.

Youth Justice Board (2005) *Risk and Protective Factors*. London: Youth Justice Board.

Youth Justice Board (2010a) *Workload Tables*. Available at:
https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2008-2009 (accessed 30 January 2018).

Youth Justice Board (2010b) *Exploring the Needs of Young Black and Minority Ethnic Offenders and the Provision of Targeted Interventions*. London: Youth Justice Board.

Youth Justice Board (2011) *Workload Tables*. Available at:

https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2009-2010 (accessed 30 January 2018).

Youth Justice Board (2012) *Youth Justice Statistics: supplementary tables*. Available at:

https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2010-2011 (accessed 30 January 2018).

Youth Justice Board (2013) *Youth Justice Statistics: supplementary tables*. Available at:

https://www.gov.uk/government/statistics/youth-justice-statistics-2011-12 (accessed 30 January 2018).

Youth Justice Board (2014a) *Supplementary Tables – Youth Justice Statistics 2012-2013*. Available at:

https://www.gov.uk/government/statistics/youth-justice-statistics (accessed 30 January 2018).

Youth Justice Board (2014b) *Asset Forms: Young People in the Youth Justice System - Introduction*. London: Youth Justice Board.

Youth Justice Board (2014c) 'AssetPlus: assessment and planning in the youth justice system', *Gov.uk* [online]. Available at:

ttps://www.google.com/search?q=asset+plux+rolled+out&oq=asset+plux+rolled+out&aqs=chrome..69i57.4006j0j4&sourceid=chrome&ie=UTF-8 (accessed 1 February 2019).

Youth Justice Board (2015a) *Youth Justice Statistics 2013 to 2014: supplementary volumes*. Available at:

https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2013-to-2014 (accessed 30 January 2018).

Youth Justice Board (2015b) 'Practice advice: speech, language and communication needs (SLCN) in the youth justice system', *Gov.uk* [online]. Available at:

https://www.gov.uk/government/publications/speech-language-and-communication-needs-in-the-youth-justice-system/practice-advice-speech-language-and-communication-needs-slcn-in-the-youth-justice-system (Accessed 10 June 2017).

Youth Justice Board (2016) *Youth Justice Statistics 2014 to 2015: supplementary* volumes. Available at:

https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2014-to-2015 (accessed 30 January 2018).

Youth Justice Board (2017a) *Youth Justice Annual Statistics 2015 to 2016: supplementary* volumes. Available at: https://www.gov.uk/government/statistics/youth-justice-statistics-2015-to-2016 (accessed 30 January 2018).

Youth Justice Board (2017b) *Key characteristics of admissions to youth custody: April 2014 to March 2016*. Available at: https://www.gov.uk/government/statistics/youth-justice-statistics-2015-to-2016 (accessed 30 January 2018).

Youth Justice Board (2017c) *Youth Justice Statistics Glossary*. London: Youth Justice Board.

Youth Justice Board (2018a) *Youth Justice Statistics: 2016 to 2017 supplementary tables*. Available at: https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2016-to-2017 (accessed 30 January 2018).

Youth Justice Board (2018b) *Equality and Diversity Report 2018*. London: Youth Justice Board.

Youth Justice Board (2018c) *Regional Level Tables*. Available at: https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2016-to-2017 (accessed 30 January 2018).

Youth Justice Board (2018d) *YJB Case Level Ethnic Disproportionality Toolkit Pilot: A process evaluation*. London: Youth Justice Board.

Youth Custody Improvement Board (2017) *Findings and Recommendations from the Youth Custody Improvement Board*. London: Ministry of Justice.

Zayed, R. & Harker, R. (2015) *Children in Care in England: Statistics, Briefing Paper No. 04470*. London: House of Commons Library.

Appendices

Appendix 2A

Stop and search by legislation used 2001/02 to 2016/17

	Legislation				
	Section 1	Section 60	Section 44/47A		
Year	*Percentage*			Total (%)	Total (n)
2001/02	96.2	2.5	1.3	100.0	770,100
2002/03	92.1	4.6	3.3	100.0	971,735
2003/04	91.0	4.9	4.1	100.0	823,678
2004/05	91.6	4.4	3.9	100.0	940,118
2005/06	91.1	3.7	5.1	100.0	974,998
2006/07	91.7	4.3	4.1	100.0	1,050,438
2007/08	85.4	4.3	10.3	100.0	1,233,208
2008/09	76.3	9.9	13.8	100.0	1,519,561
2009/10	83.7	8.5	7.7	100.0	1,405,985
2010/11	94.3	4.8	0.9	100.0	1,303,540
2011/12	96.1	3.9	-	100.0	1,189,882
2012/13	99.5	0.5	-	100.0	1,017,542
2013/14	99.6	0.4	-	100.0	904,038
2014/15	99.8	0.2	-	100.0	541,144
2015/16	99.7	0.3	-	100.0	383,595
2016/17	99.8	0.2	-	100.0	303,845

Source: Data derived from Home Office (2017a)

Appendix 2B

Rate of stop and search per 10,000 of the general population by self-identified ethnicity 2010/11 to 2016/17

Year	Self-identified Ethnicity				
	White	Black	Asian	Mixed	Chinese or Other
2010/11	17	112	36	30	19
2011/12	16	95	32	29	16
2012/13	15	65	24	23	13
2013/14	13	55	19	20	12
2014/15	8	34	11	13	8
2015/16	5	31	9	10	6
2016/17	4	29	8	9	6

Source: Data derived from Home Office (2017a)

Appendix 2C

Outcome of stop and search by self-identified ethnicity 2016/17

	Self-identified Ethnicity							
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	All Ethnic Groups	
Outcome of stop and search	*Percentage*							Total (n)
Arrest	15.9	21.9	16.1	20.3	18.2	14.9	17.1	51,263
Summons	1.6	1.0	1.2	1.4	1.4	0.9	1.4	4,193
Caution	0.7	0.2	0.4	0.2	0.2	0.3	0.5	1,491
Cannabis warning	7.4	6.6	8.7	8.8	9.0	3.7	7.1	21,147
Penalty Notice for Disorder	1.2	1.6	2.5	1.5	1.5	0.7	1.3	3,976
Community resolution	1.8	0.9	1.3	1.5	1.2	1.1	1.5	4,335
No further action	71.5	67.9	69.8	66.3	68.5	78.3	71.2	213,375
Total (%)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	299,780

Source: Data derived from Home Office (2017b)

Appendix 2D

Proportion of stop and searches resulting in arrest by self-identified ethnicity

	Self-identified Ethnicity							
	White	Black	Asian	Mixed	Chinese or Other	Not Stated		
Year	*Percentage*						Total (%)	Total (n)
2012/13	10.2	12.9	8.9	12.7	13.1	9.3	10.5	104,363
2013/14	11.4	16.4	11.5	15.0	15.4	10.7	12.1	106,620
2014/15	12.8	20.2	13.7	17.4	16.6	12.3	13.9	73,465
2015/16	14.5	21.6	14.8	19.7	16.7	13.1	15.7	58,765
2016/17	16.0	22.0	16.2	20.4	15.5	14.4	17.1	50,584

Source: Data derived from Ministry of Justice (2017a)

Appendix 2E

Youth cautions by officer identified ethnicity 2006/07 to 2016/17

Year	Officer Identified Ethnicity					Total (%)
	White	Black	Asian	Other	Not Stated	
	Percentage					
2006/07	83.4	5.8	3.5	1.0	6.4	100.0
2007/08	83.6	5.9	3.6	1.0	6.0	100.0
2008/09	83.4	6.3	4.0	1.1	5.2	100.0
2009/10	83.0	6.3	4.0	1.2	5.5	100.0
2010/11	83.9	6.8	3.9	1.2	4.2	100.0
2011/12	85.4	7.0	3.9	0.8	3.0	100.0
2012/13	85.2	7.0	3.7	0.8	3.4	100.0
2013/14	84.7	7.1	3.7	0.7	3.8	100.0
2014/15	81.5	8.3	4.0	0.6	5.6	100.0
2015/16	79.0	8.7	3.9	0.6	7.9	100.0
2016/17	75.0	9.7	4.3	0.7	10.4	100.0

Source: Data derived from YJB (2018a)

Appendix 2F

Average population in the juvenile secure estate by self-identified ethnicity 2006/07 to 2016/17

Year	Self-identified Ethnicity				Total (%)	Total (n)
	White	Black	Mixed	Asian and Other		
	Percentage					
2006/07	73.2	13.9	7.4	5.5	100.0	2,915
2007/08	74.2	14.2	7.3	4.2	100.0	2,932
2008/09	72.3	15.2	7.1	5.4	100.0	2,881
2009/10	71.5	14.8	7.3	6.3	100.0	2,418
2010/11	68.2	18.4	6.4	7.0	100.0	2,040
2011/12	68.4	17.3	6.7	7.6	100.0	1,963
2012/13	61.2	21.8	9.1	7.9	100.0	1,544
2013/14	60.1	22.4	9.3	8.3	100.0	1,216
2014/15	60.1	21.1	9.8	8.6	100.0	1,037
2015/16	58.3	21.4	9.9	10.4	100.0	960
2016/17	54.8	23.5	11.3	10.4	100.0	868

Source: Data derived from YJB (2018a).

Appendix 3A

Looked after children in England by legal status 2006 to 2017[67]

Year	Legal Status						Total (%)	Total (n)
	Care Orders	Freed for Adoption	Placement Order Granted	Voluntary Agreements under Section 20	Detained for Child Protection	Youth Justice Legal Statuses		
	Percentage							
2006	65.8	3.6	0.9	29.3	0.1	0.3	100.0	60,380
2007	64.2	1.5	5.2	28.7	0.1	0.3	100.0	59,950
2008	62.1	1.0	7.4	29.1	0.1	0.3	100.0	59,410
2009	59.6	0.7	7.4	31.9	0.1	0.3	100.0	60,870
2010	59.4	0.5	6.7	33.0	0.1	0.3	100.0	64,300
2011	59.5	0.4	9.8	30.0	0.0	0.2	100.0	65,510
2012	59.2	0.4	12.0	28.1	0.1	0.2	100.0	67,130
2013	58.9	0.2	14.4	26.1	0.0	0.4	100.0	68,050
2014	58.1	0.1	13.9	27.4	0.1	0.4	100.0	68,800
2015	60.4	0.0	10.5	28.5	0.1	0.4	100.0	69,550
2016	64.9	0.0	8.7	26.0	0.0	0.3	100.0	70,460
2017	69.5	0.0	7.5	22.7	0.1	0.3	100.0	72,660

Source: Data derived from DfE (2010a; 2011a; 2012a; 2013a; 2014a; 2015b; 2016a; 2016b; 2017a)

[67] Placement orders came into force in December 2005 and so data is provided for 2006 onwards.

Looked after children in Wales by legal status 2003 to 2017

Year	Legal Status				Total (%)	Total (n)
	Care Orders	Voluntary Agreements under Section 20	Remand, Detained or Other Compulsory Order	Other Legal Status		
	Percentage					
2003	70.8	27.0	0.8	1.4	100.0	4,190
2004	70.7	27.0	0.7	1.6	100.0	4,320
2005	72.1	25.5	0.6	1.8	100.0	4,390
2006	71.8	25.4	0.6	2.3	100.0	4,535
2007	70.9	24.8	0.4	3.9	100.0	4,645
2008	69.7	23.7	0.3	6.3	100.0	4,635
2009	66.9	26.0	0.2	6.9	100.0	4,695
2010	67.2	25.4	0.3	7.2	100.0	5,160
2011	66.9	24.2	0.4	8.5	100.0	5,410
2012	65.8	23.3	0.1	10.8	100.0	5,720
2013	66.0	20.3	0.2	13.5	100.0	5,765
2014	64.5	21.1	0.2	14.2	100.0	5,750
2015	69.3	18.4	0.0	12.3	100.0	5,610
2016	73.2	15.8	0.2	10.9	100.0	5,665
2017	77.9	11.8	0.0	10.3	100.0	5,940

Source: Data derived from StatsWales (2018a)

Appendix 3B

Looked after children in England by category of need 2003 to 2017

Year	Abuse or Neglect	Child's Disability	Parent's Illness or Disability	Family in Acute Distress	Family Dysfunction	Socially Unacceptable Behaviour	Low Income	Absent Parenting	Total (%)	Total (n)
				Percentage						
2003	63.5	4.1	5.8	6.7	9.9	3.0	0.2	6.9	100.0	60,790
2004	62.6	3.9	5.6	6.9	10.0	2.8	0.2	8.0	100.0	61,010
2005	62.6	4.0	5.4	7.2	10.0	2.5	0.2	8.1	100.0	60,820
2006	62.2	4.0	5.3	7.5	10.3	2.2	0.2	8.4	100.0	60,410
2007	62.1	3.8	5.0	7.9	10.5	2.2	0.2	8.4	100.0	59,910
2008	61.8	3.9	4.7	8.2	10.6	2.0	0.2	8.6	100.0	59,430
2009	61.0	3.6	4.4	8.7	11.3	2.0	0.2	8.7	100.0	60,840
2010	60.9	3.4	4.4	9.0	12.4	2.0	0.3	7.6	100.0	64,370
2011	61.7	3.3	4.2	8.9	13.6	1.9	0.2	6.2	100.0	65,500
2012	62.3	3.4	4.0	8.9	14.2	1.7	0.2	5.2	100.0	67,100
2013	62.4	3.4	3.7	9.1	14.9	1.8	0.2	4.6	100.0	68,060
2014	61.6	3.4	3.6	9.1	15.9	1.8	0.2	4.5	100.0	68,800
2015	61.4	3.2	3.4	9.1	15.8	1.6	0.2	5.2	100.0	69,550
2016	60.5	3.3	3.3	8.7	15.5	1.5	0.2	7.0	100.0	70,450
2017	61.4	3.2	3.2	8.3	15.3	1.5	0.1	7.0	100.0	72,670

Source: Data derived from ONS (2004a; 2005a; 2006a) and DfE (2010a; 2011a; 2012a; 2013a; 2014a; 2015b; 2016a; 2016b; 2017a)

Children starting to be looked after in Wales by category of need 2003 to 2017

Year	Category of Need							Total (%)	Total (n)
	Abuse or Neglect	Child's Disability	Parent's Illness or Disability	Family in Acute Distress	Family Dysfunction	Socially Unacceptable Behaviour	Absent Parenting		
	Percentage								
2003	48.0	1.5	9.4	15.1	8.8	10.3	7.0	100.0	1,655
2004	47.4	1.5	9.4	17.5	10.5	8.5	5.3	100.0	1,710
2005	47.5	1.8	8.3	17.7	10.6	8.3	5.9	100.0	1,695
2006	48.5	1.8	7.8	16.2	12.6	7.8	5.4	100.0	1,675
2007	50.5	1.6	5.9	17.9	10.1	7.2	6.8	100.0	1,540
2008	51.9	2.8	5.2	13.1	13.8	7.3	5.9	100.0	1,455
2009	54.9	2.5	5.6	11.1	13.9	4.6	7.4	100.0	1,655
2010	59.7	1.5	4.2	9.2	15.1	4.7	5.7	100.0	2,020
2011	59.6	2.1	4.3	10.9	14.9	4.5	3.7	100.0	1,880
2012	61.1	1.8	4.0	9.6	16.2	4.3	3.0	100.0	1,980
2013	60.2	1.7	3.2	12.8	14.3	4.2	3.5	100.0	2,025
2014	58.6	1.2	3.7	11.5	15.2	5.2	4.5	100.0	2,005
2015	60.8	1.7	3.7	9.3	15.2	6.1	3.2	100.0	2,040
2016	63.7	1.5	2.4	10.7	13.6	4.1	3.9	100.0	2,065
2017	62.3	1.4	1.8	11.1	15.8	3.2	4.5	100.0	2,215

Source: Data derived from StatsWales (2018b)

Appendix 3C

Looked after children in England by placement type 2017		
Placement	Number of children	Proportion of children (%)
Foster placements	53,420	73.5
Placed for adoption	2,520	3.5
Placement with parents	4,370	6.0
Other placement in the community	3,090	4.3
Secure units, children's homes and semi-independent living accommodation	7,890	10.9
Other residential settings	1,080	1.5
Resident school	130	0.2
Other placement	160	0.2
Total	72,660	100.0

Source: Data derived from DfE (2017a)

Looked after children in Wales by placement type 2017

Placement	Number of children	Proportion of children (%)
Foster placements	4,715	73.7
Placed for adoption	240	3.8
Placement with parents	850	13.3
Local authority children's homes	260	4.1
Private or voluntary registered children's homes	45	0.7
Living independently	130	2.0
Absent or other	160	2.5
Total	6,400	100.0

Source: Data derived from StatsWales (2018c)

Appendix 3D

	Age Group		
Looked after children in England by age 2003 to 2017			
Year	Under 1 years to 9 years	Over 10 years	Total (n)
2003	25,000	35,700	60,700
2004	24,200	36,800	61,000
2005	23,700	37,300	61,000
2006	22,800	37,500	60,300
2007	22,600	37,300	59,900
2008	22,300	37,100	59,400
2009	23,300	37,800	61,100
2010	25,800	38,700	64,500
2011	23,170	37,730	60,900
2012	25,770	38,680	64,450
2013	27,480	38,020	65,500
2014	29,300	37,780	67,080
2015	29,890	38,180	68,070
2016	29,210	39,610	68,820
2017	28,080	41,410	69,490

Source: Data derived from ONS (2004a; 2005a; 2006a) and DfE (2010a; 2011a; 2012a; 2013a; 2014a; 2015b; 2016a; 2016b; 2017a)

Looked after children in Wales by age 2003 to 2017

Year	Age Group		Total (%)	Total (n)
	Under 1 years to 9 years	Over 10 years		
	Percentage			
2003	47.9	52.1	100.0	4,195
2004	47.2	52.8	100.0	4,325
2005	45.8	54.2	100.0	4,385
2006	45.1	54.9	100.0	4,530
2007	43.4	56.6	100.0	4,635
2008	42.8	57.2	100.0	4,625
2009	42.8	57.2	100.0	4,690
2010	45.8	54.2	100.0	5,165
2011	47.2	52.8	100.0	5,405
2012	48.1	51.9	100.0	5,720
2013	48.7	51.3	100.0	5,765
2014	47.8	52.2	100.0	5,750
2015	46.8	53.2	100.0	5,605
2016	46.5	53.5	100.0	5,655
2017	47.1	52.9	100.0	5,945

Source: Data derived from StatsWales (2018e)

Appendix 3E

Looked after children in England by gender 2003 to 2017

Year	Gender		Total (%)	Total (n)
	Male	Female		
	Percentage			
2003	55.3	44.7	100.0	60,800
2004	55.5	44.5	100.0	61,100
2005	55.3	44.7	100.0	60,900
2006	55.4	44.6	100.0	60,300
2007	55.7	44.3	100.0	60,000
2008	56.2	43.8	100.0	59,400
2009	56.8	43.2	100.0	60,900
2010	56.1	43.9	100.0	64,300
2011	55.6	44.4	100.0	65,510
2012	55.2	44.8	100.0	67,080
2013	55.1	44.9	100.0	68,060
2014	55.3	44.7	100.0	68,800
2015	55.4	44.6	100.0	69,540
2016	56.3	43.7	100.0	70,450
2017	56.4	43.6	100.0	72,670

Source: Data derived from ONS (2004a; 2005a; 2006a) and DfE (2010a; 2011a; 2012a; 2013a; 2014a; 2015b; 2016a; 2016b; 2017a)

Looked after children in Wales by gender 2003 to 2017

Year	Gender		Total (%)	Total (n)
	Male	Female		
	Percentage			
2003	54.1	45.9	100.0	4,195
2004	53.9	46.1	100.0	4,320
2005	53.8	46.2	100.0	4,390
2006	54.7	45.3	100.0	4,535
2007	54.3	45.7	100.0	4,645
2008	54.2	45.8	100.0	4,635
2009	55.0	45.0	100.0	4,695
2010	54.3	45.7	100.0	5,160
2011	53.4	46.6	100.0	5,410
2012	54.4	45.6	100.0	5,720
2013	54.5	45.5	100.0	5,765
2014	54.0	46.0	100.0	5,745
2015	53.8	46.2	100.0	5,615
2016	53.4	46.6	100.0	5,665
2017	59.8	40.2	100.0	7,310

Source: Data derived from StatsWales (2018e)

Appendix 3F

Looked after children in England by ethnicity 2003 to 2017

Year	Ethnicity						Total (%)	Total (n)
	White	Black	Asian	Mixed	Other	Not Stated		
	Percentage							
2003	81.3	6.9	2.1	8.2	1.4	-	100.0	60,870
2004	79.8	8.0	2.5	8.2	1.6	-	100.0	61,190
2005	79.0	8.0	3.0	8.2	1.8	-	100.0	60,900
2006	77.9	8.1	3.5	8.6	1.8	-	100.0	60,300
2007	77.5	7.8	3.8	8.8	2.0	-	100.0	60,000
2008	76.9	7.6	4.4	8.8	2.4	-	100.0	59,400
2009	76.1	7.2	4.9	8.5	3.0	0.3	100.0	60,970
2010	76.1	7.0	5.0	8.5	2.8	0.7	100.0	64,420
2011	76.9	6.9	4.8	8.9	2.2	0.2	100.0	65,500
2012	77.7	6.7	4.2	9.2	1.9	0.3	100.0	67,080
2013	77.9	6.6	3.8	9.2	2.0	0.4	100.0	68,060
2014	77.7	6.7	3.7	9.1	2.2	0.6	100.0	68,060
2015	77.1	7.1	3.8	8.9	2.4	0.7	100.0	68,800
2016	75.5	7.4	4.4	9.0	3.2	0.5	100.0	69,550
2017	74.7	7.2	4.7	9.1	3.4	0.9	100.0	70,450

Source: Data derived from ONS (2004a; 2005a; 2006a) and DfE (2010a; 2011a; 2012a; 2013a; 2014a; 2015b; 2016a; 2016b; 2017a)

Looked after children in Wales by ethnicity 2003 to 2017

Year	Ethnicity						Total (%)	Total (n)
	White	Black	Asian	Mixed	Other	Not Stated		
	Percentage							
2003	83.6	0.6	0.2	2.9	0.7	12.0	100.0	4,200
2004	86.8	0.7	0.5	2.8	0.8	8.4	100.0	4,320
2005	86.9	0.7	0.5	2.6	1.1	8.2	100.0	4,385
2006	86.4	0.7	0.4	2.5	1.0	9.0	100.0	4,525
2007	86.8	0.9	0.5	2.5	0.9	8.5	100.0	4,645
2008	88.3	0.8	0.6	2.6	0.9	6.8	100.0	4,630
2009	92.3	0.7	1.0	3.2	1.5	1.3	100.0	4,690
2010	93.5	0.9	1.1	2.8	1.3	0.5	100.0	5,160
2011	93.5	0.7	0.9	2.9	0.9	1.0	100.0	5,410
2012	92.7	0.8	1.0	3.1	1.0	1.6	100.0	5,720
2013	92.3	0.9	0.9	2.8	0.9	2.3	100.0	5,770
2014	91.1	0.8	1.1	3.0	0.9	3.0	100.0	5,745
2015	91.1	1.0	1.3	3.1	0.7	2.8	100.0	5,610
2016	90.7	1.1	1.3	3.4	0.9	2.6	100.0	5,665
2017	92.8	1.3	1.5	3.3	1.0	-	100.0	6,360

Source: Data derived from StatsWales (2018f; 2018g)

Appendix 3G

Looked after children and all children convicted or subject to a final warning or reprimand in England 2012/13 to 2016/17

Year	Age group	Number of looked after children	Proportion of looked after children (%)	Proportion of all children (%)
2012/13	10 to 12 years	40	-	-
	13 to 15 years	600	5	1
	16 to 17 years	1,190	11	3
	Total	1,830	6	1
2013/14	10 to 12 years	40	-	-
	13 to 15 years	560	5	1
	16 to 17 years	1,110	10	2
	Total	1,710	6	1
2014/15	10 to 12 years	40	-	-
	13 to 15 years	560	5	1
	16 to 17 years	1,030	9	2
	Total	1,630	5	1
2015/16	10 to 12 years	30	-	-
	13 to 15 years	560	5	1
	16 to 17 years	1,050	9	2
	Total	1,640	5	1
2016/17	10 to 12 years	30	-	-
	13 to 15 years	530	4	1
	16 to 17 years	1,030	8	2
	Total	1,590	5	1

Source: Data derived from DfE (2013b; 2014b; 2016b; 2017b)

Appendix 3H

Proportion of children in custody who reported having been in care by gender 2001/03 to 2011/12

	Gender			
	Boys	Girls	Boys	Girls
Years of Survey	*Percentage*		*Survey sample size*	
2001/03	37	43	1089	133
2004/06	41	44	929	104
2006/08	30	37	1086	73
2008/09	24	49	1046	54
2009/10	-	-	1115	47
2010/11	27	55	1052	40
2011/12	30	40	926	25

Source: Data derived from HMIP surveys of children in custody (Cripps, 2010; HMIP, 2003; Murray, 2012; Park, 2008; Summerfield, 2011; Tye, 2009; Worsley, 2006)

Appendix 3I

HMIP survey questions relating to looked after status

Years Surveyed	Question Used
2001/03	Have you had a foster family or been in a children's Home?
2004/06	Have you ever been in care (either foster care or children's home)?
2006/08	Have you ever been in care (either foster care or a children's home)?
2008/09	Have you ever been in care (either foster care or a children's home)?
2009/10	N/A
2010/11	Have you ever been in local authority care?
2011/12	Have you ever been in local authority care?
2012/13	Have you ever been in local authority care?
2013/14	Have you ever been in local authority care?
2014/15	Have you ever been in local authority care?
2015/16	Have you ever been in local authority care?
2016/17	Have you ever been in local authority care?

Source: Data derived from HMIP surveys of children in custody (Cripps, 2010; HMIP, 2003; Kennedy, 2013; Murray, 2012; Parke, 2008; Prime, 2014; Redmond, 2015; Simmonds, 2016; Summerfield, 2011; Taflan, 2017; Tye, 2009; Worsley, 2006)

Appendix 4A

Title of Dataset	Information Included	Years Where Data Available
'Chapter 1 – Gateway to the youth justice system'	Arrests for recorded crime by ethnicity (self-identified)	2006/07 to 2016/17
	Arrests, ethnicity and offence group (self-identified)	2015/16 to 2016/17
	Youth cautions by ethnicity (officer identified	2006/07 to 2016/17
'Chapter 2 – First time entrants to the youth justice system'	First time entrants by ethnicity (officer identified)	2006/07 to 2016/17
	First time entrants aged 13 years by ethnicity (officer identified)	2006/07 to 2016/17
	First time entrants aged 14 years by ethnicity (officer identified)	2006/07 to 2016/17
	First time entrants aged 15 years by ethnicity (officer identified)	2006/07 to 2016/17
	First time entrants aged 16 years by ethnicity (officer identified)	2006/07 to 2016/17
	First time entrants aged 17 years by ethnicity (officer identified)	2006/07 to 2016/17
'Chapter 3 – Demographic characteristics of children and young people in the youth justice system'	Children who received a youth caution or conviction by ethnicity (self-identified)	2006/07 to 2016/17
	Children who received a youth caution or conviction by ethnicity (self-identified) and age	2016/17
'Chapter 5 – Children and young people sentenced'	Children sentenced for indictable offences by ethnicity (self-identified) and offence type	2007/08 to 2016/17
	Children sentenced for indictable offences at magistrate's court by ethnicity (self-identified) and offence type	2011/12 to 2016/17
	Children sentenced for indictable offences at Crown court by ethnicity (self-identified) and offence type	2011/12 to 2016/17

'Chapter 6 – Use of remand for children and young people'	Average monthly remand population by ethnicity (self-identified)	2006/07 to 2016/17
	Outcomes for children on remand and ethnicity (self-identified)	2006/07 to 2016/17
'Chapter 7 – Children and young people in custody in the youth secure estate'	Average custodial population by ethnicity (self-identified)	2006/07 to 2016/17
	Average custodial population by ethnicity (self-identified) and legal basis for detention	2011/12 to 2016/17
	Average custodial population by ethnicity (self-identified) and offence group	2015/16
		2016/17
	Average number of days spent in custody by ethnicity (self-identified)	2011/12 to 2016/17
'Chapter 8 – Behaviour management in the youth secure estate'	Use of restrictive physical interventions by ethnicity (self-identified)	2009/10 to 2016/17
	Self-harm incidents by ethnicity (self-identified)	2009/10 to 2016/17
	Proven assaults in youth custody by ethnicity (self-identified)	2009/10 to 2016/17
	Use of single separation by ethnicity (self-identified)	2010/11 – juvenile secure estate
		2011/12 – SCHs and STCs
		2012/13 population data incorrect – unusable
		2013/14 to 2016/17 – SCHs and STCs only
'Chapter 9 – Proven reoffending by children and young people'	Proven reoffending by ethnicity (officer identified)	2005/06 to 2016/17
'Chapter 10 – Criminal histories of children and young people'	Average number of previous convictions/ cautioned for any offence by ethnicity (officer identified)	2006/07 to 2016/17

'Key characteristics of admissions to youth custody April 2014 to March 2016: supplementary tables (not national statistics)'	Key characteristics of children admitted to custody by self-identified ethnicity Level of risk to others Child protection plan Looked after status	2014/15 to 2015/16 (experimental)

Appendix 4B

List of interviewee pseudonyms by years of professional experience

Interviewee pseudonym	Minimum number of years of experience
Academic 1	11
Academic 2	15
Academic 3	15
Academic 4	10
Academic 5	21
Academic 6	20
Academic 7	11
Chief Executive of NGO	16
Children's Services Consultant	30
Director of Children's Services 1	20
Director of Children's Services 2	8
Director of NGO 1	16
Director of NGO 2	24
Director of Private Provider	30
Former HM Inspector of Prisons	14
Former Magistrate	40
Laming Review Member 1	40
Laming Review Member 2	20
Magistrate	24
Senior Police Officer	20
Senior Professional at NGO 1	6
Senior Professional at NGO 2	18
Senior Professional in YJB	12
Senior YOT Manager	30
Youth Justice Consultant 1	14
Youth Justice Consultant 2	11
Youth Justice Consultant 3	15

Appendix 4C

INTERVIEW SCHEDULE

General Background of Professional

1. What is your job title?

2. How long have you held this position?

3. Does your role involve having any specific knowledge and/or experience of black and minority ethnic (BME) children and/or looked after children in relation to youth justice in England and Wales?

Overrepresented Children

4. In the period 1990 to 2008, the average number of children (aged 10-17) in juvenile detention in England and Wales more than tripled. However, official statistics show that since 2008 this number has dramatically declined. Against this backdrop of fluctuating youth custody, BME children and looked after children have continued to be overrepresented within the youth justice system in general and the secure estate in particular. Drawing on your own experience how would you account for this?

   a. *Prompts – more likely targeted, less favourable treatment in courts*
   b. *Prompts – what about BME looked after children?*

Black and Minority Ethnic Children

5. Based on your knowledge and experience, are there any groups of BME children that are especially overrepresented within the youth justice system in general and the secure estate in particular? If so, how would you account for this?

   a. *Prompts – more likely targeted, less favourable treatment in courts*

6. Based on your knowledge and experience, has the overrepresentation of different groups of BME children been constant over time?

   a. *Prompts – Middle Eastern children more so now?*

7. Based on your knowledge and experience, can you identify any policies or practices that you would regard as a strength of the youth justice system in general and the secure estate in particular in dealing with BME children?

8. Based on your knowledge and experience, can you identify any policies or practices that you would regard as a weakness of the youth justice system in general and the secure estate in particular in dealing with BME children?

Looked After Children

9. Based on your knowledge and experience, are there any groups of looked after children that are especially overrepresented within the youth justice system in general and the secure estate in particular? If so, how would you account for this?

   a. *Prompts – BME looked after children?*

   b. *Prompts – more likely targeted, less favourable treatment in courts*

10. Based on your knowledge and experience, has the overrepresentation of different groups of looked after children been constant over time?

11. Based on your knowledge and experience, can you identify any policies or practices that you would regard as a strength of the youth justice system in general and the secure estate in particular in dealing with looked after children?

   a. *Prompts – BME looked after children*

12. Based on your knowledge and experience, can you identify any policies or practices that you would regard as a weakness of the youth justice system in general and the secure estate in particular in dealing with looked after children?

   a. *Prompts – BME looked after children*

The Long Term

13. The overrepresentation of BME children and looked after children within the youth justice system in general and the secure estate in particular has been discussed for decades. Based on your knowledge and experience, what needs to happen in order to deliver equal justice to children in trouble?

General Youth Custody

14. Drawing on your own experience, is the juvenile secure estate equipped to adequately care for children?

15. In recent years, government policy has been characterised by widespread cuts to public spending and austerity measures. In the broader context, in what way and to what extent if any, have cuts impacted BME children and looked after children?

16. Finally, do you have any other issues to raise or comments you would like to add?

END

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<u>Participant Information Sheet</u>

You are being invited to participate in a PhD research study. Before you decide whether to participate, it is important for you to understand the purpose of the research and what it will involve. Please take time to read the following information carefully and feel free to ask us if you would like more information or anything clarifying. It is vital that you understand that you do not have to take part in the research if you do not want to.

Thank you for reading this.

Title of Study

Understanding Fluctuating Rates of Child Imprisonment in England and Wales

What is the purpose of the study?

The number of children (aged 10-17) in prison more than tripled between 1991 and 2008. Since 2009, however, the child prison population has fallen substantially. The purpose of this research is to investigate the drivers of fluctuating child imprisonment rates in England and Wales, to examine how such fluctuations have varied across identifiable groups of children (with particular emphasis on 'looked after' children and black and ethnic minority children) and to explore why such patterns apply specifically to youth custody and not to the adult prison population. The research also seeks to examine the impact of the economic climate on child imprisonment.

Why have I been chosen to take part?

You have been chosen to take part because of your expert knowledge and experience in the field of youth justice and/or children's services. Forty professionals will take part in the research in total.

Do I have to take part?

Participation is NOT compulsory and you should only take part if you wish. You are free to withdraw from the study at any time and are not required to give a reason for doing so.

What will happen if I take part?

The research is part of a PhD thesis. The student will be conducting all of the research and analysis. If you choose to take part in the research, you will be interviewed about your expert knowledge and experience of youth justice and/or the juvenile secure estate. The interview will take approximately one hour and will be recorded using audio recording devices. Recordings of interviews will be transcribed and analysed after which the audio files will be destroyed.

Are there any risks in taking part?

There are no predicted risks of taking part in this study. If you should experience any discomfort or disadvantage during the interview then please let the researcher know immediately.

Are there any benefits in taking part?

By taking part in the study you will have an opportunity to share your expert knowledge and experience in a way that may offer improvements for future youth justice policy and practice initiatives.

What if I am unhappy or if there is a problem?

If you are unhappy, or if there is a problem, please let us know by contacting Katie Hunter on <will insert office telephone number once installed> and we will try to help. If you remain unhappy or have a complaint which you feel you cannot come to us with then you should contact the University of Liverpool Research Governance Officer at ethics@liv.ac.uk. If it is necessary to contact the Research Governance Officer, please provide details of the name or description of the study, the researcher involved, and the nature of the complaint.

Will my participation be kept confidential?

Audio recordings will be immediately removed from recording devices after the interview has taken place and will be stored on the university's secure server. Only the researcher (Katie Hunter) and the supervisor (Professor Barry Goldson) will have access to these files. Recordings will be transcribed soon after the interview and all audio files will then be destroyed. Interview transcripts will be anonymised according to your own preferences outlined in the consent form.

What will happen to the results of the study?

The results of the research will be published as part of a doctoral thesis. An electronic copy of the thesis will ultimately be available in the University of Liverpool library. You will not be identifiable from the results unless you have consented to being so.

What will happen if I want to stop taking part?

You are free to withdraw from the study at any time and you do not have to offer an explanation. Results up to the period of withdrawal may be used if you consent. Otherwise you may request that they are destroyed and no further use is made of them. If you wish for your data to be anonymised, then your results may only be withdrawn prior to anonymisation.

Who can I contact if I have further questions?

If you have any further questions then do not hesitate to contact the researcher:

Katie Hunter

Department of Sociology, Social Policy and Criminology

School of Law and Social Justice

The University of Liverpool L69 7ZA

Eleanor Rathbone Building

K.E.Hunter@liv.ac.uk

UNIVERSITY OF
LIVERPOOL

Committee on Research Ethics

PARTICIPANT CONSENT FORM

Title of Research Project:

Understanding Fluctuating Rates of Child Imprisonment in England and Wales

Researcher:

Katie Hunter

Please initial box

1. I confirm that I have read and have understood the information sheet dated 10th January 2015 for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.

2. I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason, without my rights being affected. In addition, should I not wish to answer any particular question or questions, I am free to decline.

3. I understand that, under the Data Protection Act, I can at any time ask for access to the information I provide and I can also request the destruction of that information if I wish.

4. I understand and agree that my participation will be audio recorded and I am aware of and consent to your use of these recordings to transcribe the interviews into text format. I am aware that the audio recording will be destroyed immediately after transcription.

5. I understand and agree to the <u>one</u> of the following anonymity options (please *initial one box*):

    a. I consent to my full name and job title to be used in the final thesis. I understand that I will be identifiable in any publications.

    b. I consent to my job title being used in the final thesis but do not wish for my name to be used. I understand that anonymity will be maintained.

    c. I do not want my name or job title to be used in the final thesis. I understand that confidentiality and anonymity will be maintained and it will not be possible to identify me in any publications.

Please initial box

6. I consent to <u>full quotations</u> from my interview to be used in the final thesis. I understand that quotations will be used in line with my anonymity preference.

7. I agree for the data collected from me to be used in relevant future research.

8. I agree to take part in the above study.

_____   _____   _____

Participant Name   Date   Signature

_____   _____   _____

Researcher   Date   Signature

Principal Investigator: **Student Researcher:**

Professor Barry Goldson   Katie Hunter

Eleanor Rathbone Building   Eleanor Rathbone Building

University of Liverpool   University of Liverpool

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