



The Government's Response to the House of Commons Home Affairs Select Committee Report: Young Black People and the Criminal Justice System



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Presented to Parliament by
Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty
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Introduction

The House of Commons Home Affairs Select Committee (the Committee) published the report of its *Inquiry on Young Black People and the Criminal Justice System* (CJS)¹ on Friday 15 June 2007. The Inquiry looked at the relationship between young black people and the CJS, focusing on the reasons for their over-representation in the system. This Command Paper sets out the Government's response to the recommendations in that report.

The Government welcomes the Committee's comprehensive report, which contains many important observations and constructive recommendations.

Our detailed response to each recommendation follows.

¹ House of Commons Home Affairs Committee (2007): *Young Black People and the Criminal Justice System*, The Stationery Office, London.
URL: www.publications.parliament.uk/pa/cm200607/cmselect/cmhaff/181/181i.pdf

Government's response to the Committee's recommendations

We have identified **67** separate recommendations or conclusions from the Committee's report which we have numbered, and for which we have provided paragraph references.

A coherent strategy

Recommendation 1

To provide a focus and structure for change, we recommend that the Government should draw together a specific, cross-departmental strategy to reduce the overrepresentation of young black people in the criminal justice system. The strategy should bring together a coherent overview of what is being done by all government departments and at national and local level at present to reduce overrepresentation and should make an assessment as to why it has failed. It should make specific recommendations as to the contribution which is needed from each department and agency in order to reduce overrepresentation. (Paragraph 219, *Main Report*; Paragraph 8, *Conclusions & Recommendations*)

Recommendation 2

The strategy to reduce overrepresentation will need to set out clearly the responsibility of central Government departments. Cooperation between the Home Office and the new Department of Justice over this issue will be key. The Office for Communities and Local Government, Youth Justice Board and NOMs will also have a vital role to play. (Paragraph 220, *Main Report*; Paragraph 9, *Conclusions & Recommendations*)

We agree. We already have the strategies in place to deliver real change. *Improving Opportunity, Strengthening Society*² (IOSS), which set out our strategy for race equality and community cohesion, is just one example of effective joint-working across government to improve equality of opportunity and promote rights and responsibilities. We published the second annual progress report³ in August which illustrates the challenges we face and demonstrates the progress we are making. Similarly, the new Youth Strategy⁴ will improve and join up services for children throughout the country and engage young people at the earliest opportunity. The new Youth Task Force (launched in October 2007) will further work to help young people fulfil their potential, prevent them getting into trouble, and help them to give and get respect in their communities. The recent REACH report⁵, the recommendations of which we are currently considering, also contains practical and innovative proposals that we believe could act as real facilitators for change.

² DCLG (2005): *Improving Opportunity, Strengthening Society*, The Stationery Office, London.
URL: <http://www.homeoffice.gov.uk/documents/improving-opportunity-strat>

³ DCLG (2007): *Improving Opportunity, Strengthening Society; Two Years On*, The Stationery Office, London.
URL: www.communities.gov.uk/publications/communities/twoyearson

⁴ DCSF (2007): *Aiming High for Young People: a ten year strategy for positive activities*, The Stationery Office, London.
URL: www.hm-treasury.gov.uk/media/2/6/cyp_tenyearstrategy_260707.pdf

⁵ REACH (2007): *An independent report to Government on raising aspirations and attainment of black boys and young black men*, DCLG, London.
URL: www.communities.gov.uk/publications/communities/reachreport

To ensure our strategies deliver for young black people, we are drawing together existing and planned work in this area into a simple, cost-effective delivery strategy that:

- sets out how we aim to reduce unfair disproportionality for young black people;
- has clear and effective leadership from a sponsoring minister and accountability across Government at ministerial and official level; and
- has robust monitoring and reporting arrangements to ensure that progress can be clearly measured.

We will bring forward detailed operating proposals in December 2007.

Recommendation 3

We do not believe there should be an explicit target to reduce over-representation. Such a target would create the perception and perhaps real danger that the exercise of justice was being distorted to meet a government target. Instead, we believe that the Government's aim should be to work towards a situation in which levels of recorded crime, self-report surveys about involvement in the criminal justice system and levels of victimisation reflect the proportions of young people from different socio-economic backgrounds in the population. The Section 95 statistics published annually by the Home Secretary should include details of progress towards this goal. (Paragraph 222, *Main Report*; Paragraph 11, *Conclusions & Recommendations*)

We agree. We are introducing a Basket of Indicators, focused on a number of key areas within the CJS, which will help us to identify where disproportionality is occurring. It will be the responsibility of CJS agencies to ensure that any identified disproportionality is not due to any unfair CJS practices or omissions. Where evidence suggests this may be the case, action will be taken.

Each of the selected indicators represents an important decision point within the CJS process. Examples include:

- indicators to identify disproportionality within Black and Minority Ethnic (BME) and white communities in the use of Stop and Search powers; and
- levels of victim satisfaction among white and BME communities with police action.

Data to support the Basket of Indicators will be drawn from existing and developing data sources. Where relevant, agencies will be able to look at this data and analyse it by juvenile and adult categories.

The Basket of Indicators will track levels of disproportionality over time and will be the first stage in a process to identify where systems are operating in a discriminatory fashion.

While we would hope to see changes in disproportionality over time reflected in the annual publication of Statistics on Race and the Criminal Justice System, we would need to consider very carefully whether this is the right mechanism for reporting progress.

Recommendation 4

The department which 'owns' the strategy to reduce over-representation should make regular assessments of progress towards a reduction in disproportionality and should challenge other departments to report regularly on progress towards indicators for reducing over-representation. (Paragraph 223, *Main Report*; Paragraph 12, *Conclusions & Recommendations*)

We agree. The delivery strategy will have clear and robust monitoring and reporting structures. Again, we will report full details in December 2007.

Recommendation 5

We are aware that the Government has published several strategies aimed at tackling elements of social exclusion in areas as diverse as housing, educational attainment and employment. Several of these have addressed the particular needs of BME communities in general and of particular BME communities. The effectiveness of these strategies needs to be kept under regular review. (Paragraph 225, *Main Report*; Paragraph 13, *Conclusions & Recommendations*)

We agree. We already have a range of options for monitoring the delivery and accessibility of services across a range of government business through the performance management frameworks of the Public Service Agreement (PSA) targets. IOSS is a good example of a government strategy which is subject to annual review and on which we have produced two comprehensive annual reviews.

Recommendation 6

Statutory services which impact on or aim to tackle social exclusion-such as education, youth and careers advice, youth housing services and drug treatment-should be routinely monitored to assess the extent to which different ethnic groups are able to benefit from them. This data should be regularly reviewed to explore the reasons for any shortcomings in the ability of all young people to access and benefit from services. (Paragraph 226, *Main Report*; Paragraph 14, *Conclusions & Recommendations*)

We agree. As previously mentioned, performance management frameworks for the PSA targets are a useful tool.

The Commission for Equality and Human Rights will provide independent scrutiny and appraisal of performance, but we will also consider what further independent scrutiny and appraisal arrangements might be appropriate. Our continued commitment to robust and effective Equality Impact Assessments of

policies, services and functions will help identify areas in which young black people may experience difficulties accessing services.

Support for positive adult influences

Recommendation 7

We believe a full evaluation of government support for parenting – from parenting orders to interventions for struggling families – should be carried out to assess the extent to which current provision is accessible, appropriate and relevant to the needs of black groups. (Paragraph 227, *Main Report*; Paragraph 15, *Conclusions & Recommendations*)

We agree. Evaluations are being carried out on specific policy areas, including how black groups access support. For example, the juvenile cohort study being carried out for the National Offender Management Service (NOMS) and the Youth Justice Board (YJB) will include an additional sample of young BME offenders who have Parenting Orders, so that their experiences can be described.

The Department for Children, Schools and Families (DCSF) – formerly the Department for Education and Skills (DfES) – have commissioned research to identify how children and parenting support services are effectively engaging with BME parents. Case studies and a full report of the findings will be available in early 2008. Additionally, the Department will be working in 53 local authorities, through the Family Intervention Projects to embed effective, evidenced practice to meet the needs of struggling families.

Recommendation 8

We recommend Youth Offending Teams and social services should consider making greater use of voluntary organisations who have established success in providing parenting support to black families. (Paragraph 228, *Main Report*; Paragraph 16, *Conclusions & Recommendations*)

We agree. Current guidance for local authorities⁶ states that local expertise can include third sector (see definitions) providers.

As part of the Alliance agenda, which forms strong partnerships across the community and government with clear priorities to reduce re-offending, the Ministry of Justice (MoJ) and the YJB are working to create partnerships at national level with organisations that share a desire to work with young offenders. The aim is to drive the development of local partnerships where these do not already exist and to overcome barriers to joined-up working between Youth Offending Teams (YOTs) and local organisations. The majority of this work will focus on young people who are already in the Youth Justice System (YJS) but we believe that these relationships can also benefit our prevention programme.

⁶ DfES (2006): *Parenting Support: Guidance for Local Authorities in England*, DfES, London.
URL: www.dfes.gov.uk/localauthorities/index.cfm?action=content&contentID=3952&subjectID=91&subsubjectID=34

The Government has published proposals in the new Youth Strategy for a sharper focus on prevention through local agencies pooling elements of their funding. The expectation is that more services investing together in a more preventative approach will ultimately help all local partners meet their objectives, and that one of the benefits will be improved commissioning of third sector involvement. *Aiming High* also makes clear that over the next three years the Government will invest in greater support for third sector organisations that have developed effective approaches to working with young people.

Recommendation 9

We recommend that the National Parenting Academy, which is due to become operational in Autumn 2007, should offer specific advice to practitioners on the needs of families of African and Caribbean origin. It could also draw on the support of voluntary organisations working in this area to deliver its training programmes for practitioners. (Paragraph 229, *Main Report*; Paragraph 17, *Conclusions & Recommendations*)

We agree. The National Academy for Parenting Practitioners (NAPP) will carry out an extensive mapping exercise to:

- evaluate local parenting support provision;
- identify gaps in under-served locations and groups; and
- identify successful organisations and areas.

The results will inform the support that NAPP gives to the development of its workforce. Clearly, if the mapping exercise identifies a specific training requirement around the needs of families of African and Caribbean origin or if gaps are found in the provision of services to those families, action will be taken.

NAPP will be drawing on all areas of expertise to deliver training programmes to the 10 areas identified as having the most need, including voluntary organisations. NAPP will be building up its knowledge of programmes that work, including those that specialise in BME communities, through its mapping project, for which early results will be available at the end of October 2007, and a full review of parenting programmes by October 2008.

Recommendation 10

It is important to take urgent steps to expand support for mentoring programmes which are focused on young black people. Government should evaluate promising schemes working with young black people currently, such as 'Generating Genius' and the 'From Boyhood to Manhood' programme and, in the long term, should build on this research when prioritising funding. In the shorter term we recommend that there should be a presumption in favour of expanding the existing work of organisations which have grown from local communities and which are well supported by them. (Paragraph 231, *Main Report*; Paragraph 18, *Conclusions & Recommendations*)

We agree. The REACH report acknowledges the potential contribution that third sector organisations can make in addressing the under-achievement of young black people, particularly by providing positive role models. The report recommends establishing a national role model programme for black boys and young black men. The Government is currently considering this recommendation and how such a programme will fit in with the National Peer Mentoring Programme and the recommendation of the Youth Strategy to build a culture of volunteering and mentoring.

Recommendation 11

School is an environment in which guidance and motivation can make a crucial difference. We suggest that schools should, where appropriate, make use of mentoring to assist and inspire young black people both in the classroom and outside. (Paragraph 232, *Main Report*; Paragraph 19, *Conclusions & Recommendations*)

We agree. The Government recognises the potential of mentoring as a positive force for change for young black people; peer mentoring forms part of the drive to deliver the outcomes of our strategy *Every Child Matters*⁷. A large number of schools, with the support of the National Peer Mentoring Programme, have already introduced peer mentoring programmes, or peer education initiatives. A pilot, aimed at establishing and evaluating the impact of peer mentoring, is due to report in Spring 2008. We will use this pilot to help inform how we take forward our mentoring programme.

Recommendation 12

DfES could create a database of organisations offering mentoring support in different parts of the country and track their methods and effectiveness. Information on the benefits of mentoring and advice on how best to procure and deploy it should be disseminated to schools. The department should assess whether, and how much, additional funding schools will need to engage these organisations and make this available where necessary. (Paragraph 232, *Main Report*; Paragraph 19, *Conclusions & Recommendations*)

We disagree. The Government believes that an awareness of quality and effectiveness is vital to commissioning services for young people and this is a role for local authorities not central government. Local authorities have a better awareness of local providers and would be more able to ensure that contracts and service level agreements include and deliver a sufficient emphasis on quality.

Schools, often working with the third sector, currently receive funding to assist them in setting up and delivering extended services such as childcare, study support and mentoring. Decisions on how this funding is used to meet the needs of pupils, parents and the community need to be taken by schools at a local level.

⁷ URL: www.everychildmatters.gov.uk

Recommendation 13

Mentoring should be preventative rather than solely curative. Ken Barnes told us that mentoring organisations are currently often brought in on a remedial basis, “after our children have reached a kind of psychosis where they are beginning to rebel against society.” (Paragraph 233, *Main Report*; Paragraph 19, *Conclusions & Recommendations*)

We agree. Our National Peer Mentoring Programme looks to support young people to respond positively to challenging issues and transitions. We also need to ensure that at-risk young people have access to mentoring services. The Government’s recently-published Youth Strategy commits us to improving the availability of mentoring services to these young people.

The central role of schools

Recommendation 14

Our evidence suggested that school exclusion and under-attainment are closely correlated with young black people’s disproportionate involvement in the Criminal Justice System. It is therefore vital that the Department for Education and Skills is closely involved in the development of strategy to reduce overrepresentation. (Paragraph 234, *Main Report*; Paragraph 21, *Conclusions & Recommendations*)

We agree. The over-representation of young black people in the CJS cannot be addressed by CJS agencies in isolation. DCSF has an immensely important role to play in bringing about real change in this area and discussions have already begun on how DCSF can best contribute. We remain committed to joint working across government as we develop proposals for meeting the challenges highlighted by the Committee’s Inquiry.

Recommendation 15

Many respondents believed disciplinary problems began with misunderstandings between teachers, pupils and parents. We are encouraged that the new Professional Standards for teachers, which will come in from September 2007, require specifically that teachers must know how to adapt teaching, learning and behaviour management strategies for all learners and know how to make effective personalised provision for those they teach, including how to take practical account of diversity and promote equality and inclusion in their teaching. School inspection should prioritise assessment of the extent to which disciplinary measures are appropriate and fair. (Paragraph 237, *Main Report*; Paragraph 23, *Conclusions & Recommendations*)

We disagree. The Office for Standards in Education (OFSTED) inspections require schools to provide details of exclusions by gender and ethnic origin and may form part of the pre-inspection brief where inspectors believe this may be an issue.

Recently revised DCSF guidance for schools states that exclusions should be monitored by ethnicity, but external monitoring of below exclusion level punishments is not possible due to the sheer volume of information involved. However, DCSF guidance on discipline and behaviour makes it clear that every school should monitor the impact of rewards and punishments by ethnicity.

Recommendation 16

It is significant that the Government's own Priority Review concluded that there are measures which can and should be taken to reduce the exclusions of young black people. We urge the Government to implement the findings of the priority review carried out by the Department for Education and Skills in 2006, which recommended that additional guidance and training should be provided to help school leaders and staff reduce gaps in areas where they are greatest and that compliance mechanisms should be strengthened to 'turn up the heat' on schools which fail to address persistent gaps. Attention should be given to ensuring all schools are fully meeting their responsibilities under the Race Relations (Amendment) Act 2000 to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons of different ethnic groups. (Paragraph 238, *Main Report*; Paragraph 24, *Conclusions & Recommendations*)

We agree. We will look to reduce the exclusions of young black people by applying the findings of the Priority Review⁸. A targeted package of measures is now being implemented to significantly reduce the gap between Black Caribbean, Mixed White/Black Caribbean pupils and the average in those local authorities where this is an issue. These measures will ensure positive steps are taken that will:

- strengthen race equality awareness in school leadership and management programmes;
- support school and local authority compliance with the Race Relations (Amendment) Act 2000 (RR(A)A 2000); and
- encourage the recruitment of BME teachers and school support staff.

In addition, the new Youth Strategy will, over 2007/8, be used to consider how schools and local authorities can be supported and encouraged to meet their obligations under the RR(A)A 2000.

Recommendation 17

We stress the importance of ensuring that proper educational provision is made for those young people who are excluded from school. (Paragraph 239, *Main Report*; Paragraph 25, *Conclusions & Recommendations*)

⁸ DfES (2006): *Priority Review: Exclusion of Black Pupils – Getting it. Getting it right*, DfES, London.
URL: www.standards.dfes.gov.uk/ethnicminorities/resources/PriorityReviewSept06.pdf

We agree. In September 2007, the Education and Inspections Act 2006 came into force. This set out the procedure after a pupil has been excluded from school. For the first five days parents are responsible for the whereabouts of the child and the school is expected to provide work. From day six, schools are required to arrange suitable full-time education for fixed-period exclusions, and local authorities for permanent exclusions.

Guidance on suitability and what constitutes education in this context, *Improving Behaviour and Attendance: guidance on exclusions from schools and Pupil Referral Units*⁹ was published online in January 2007. Should a local authority be unable or unwilling to respond to increasing demand, the Government is empowered to ensure that local authorities and schools have access to, and make use of, the full range of alternative provision available to them.

Recommendation 18

We also recommend that DfES should increase its efforts to explore and publicise legitimate alternatives to full exclusion, such as excluding internally or giving disruptive students constructive duties within schools. (Paragraph 240, Main Report; Paragraph 26, Conclusions & Recommendations)

We agree, and the Government is already taking sufficient action in this area. The latest DCSF guidance on exclusions, published in July 2007, included a chapter on alternatives to exclusions, and the use of internal exclusion. In addition, the DCSF is encouraging schools to work together to improve behaviour and persistent absence by adopting a preventative and early intervention strategy to reduce the need for exclusion.

Recommendation 19

We recommend that DfES should consult black voluntary and community groups and black pupils themselves to identify any gaps in the relevance of the curriculum to their needs. Attention should be given to identifying curricular content which interests and empowers young black people. (Paragraph 241, Main Report; Paragraph 27, Conclusions & Recommendations)

We agree. The Ajebo Review¹⁰ highlighted the need for all schools to have mechanisms in place to ensure that the pupil's voice is heard and acted upon. Schools should consider the use of forums, school councils, pupil questionnaires or other mechanisms for discussions around identity, values and belonging.

Recommendation 20

Government should ensure history lessons are relevant to all young people in Britain. Attention should be paid to ensuring they include reference to the contribution of black communities – for example, their involvement in two world wars. Several witnesses alluded to the importance of including reference to the slave trade in the curriculum. This could form a part of the new focus on citizenship education recommended by the Ajebo review of the citizenship

⁹ URL: www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance2007

¹⁰ DfES (2007): *Curriculum Review: Diversity and Citizenship*, DfES, London.
URL: www.publications.teachernet.gov.uk/eOrderingDownload/DfES_Diversity_&_Citizenship.pdf

curriculum and recently accepted by Government. (Paragraph 241, *Main Report*; Paragraph 27, *Conclusions & Recommendations*)

We agree. The Government believes that the history curriculum is flexible enough to reflect the needs of all pupils regardless of ethnicity. For example, guidance on the *Challenges and Opportunities for Teaching Emotive and Controversial History*¹¹ was published by the Historical Association, and case studies have been provided for each key stage on topics such as Islam, Slavery and the Holocaust. In addition, schools and individual teachers at Key Stage 3, the crucial primary-secondary transition period, have the opportunity to design learning experiences tailored to meet the needs of, and engage with, all pupils.

The new secondary curriculum for citizenship education¹², recommended by the Ajegbo review has now been made available to schools and will begin teaching to Year 7s from September 2008.

Recommendation 21

We recommend that Government should ensure specific teacher resources are available to all schools who have gun, gang or knife crime problems. (Paragraph 242, *Main Report*; Paragraph 28, *Conclusions & Recommendations*)

We agree. We have already supported a number of teachers' resources, such as providing funding for the Be Safe project which educates young people about what can happen if they carry a knife; as well as to other organisations with experience of gangs and bullying. It is up to individual head teachers to decide which resources to use, but the Government aims to make schools aware of the resources available to them.

Recommendation 22

We were encouraged by the apparent success of Safer Schools Partnerships, which bring together schools, police and crime reduction partnerships to gather intelligence and prevent crime. Many of the plans involve a police or community support officer coming into school to work with the children and teachers. According to the Government, these have led to a drop in crime and anti-social behaviour and a reduction in the numbers of children excluded for poor behaviour. Other police forces should consider instigating Safer Schools Partnerships in high crime areas. (Paragraph 243, *Main Report*; Paragraph 29, *Conclusions & Recommendations*)

We agree. The Government has recognised the potential effectiveness of Safer Schools Partnerships, and in June 2007 ministers wrote to Chief Constables encouraging them to consider setting up partnerships in those schools that would benefit most and where partnerships do not already exist. Similarly, Sir Ronnie Flanagan's Independent Review of Policing recognised the potential of Safer Schools Partnerships and encourages forces to work closely with schools to identify where they may be helpful.

¹¹ URL: www.haevents.org.uk/PastEvents/Others/Teach%20report.pdf

¹² URL: www.curriculum.qca.org.uk

Recommendation 23

We recommend that mentoring support within schools should be targeted at the primary-secondary transfer to help ensure a successful transition. (Paragraph 244, *Main Report*; Paragraph 33, *Conclusions & Recommendations*)

We agree. Peer mentoring forms part of the drive to deliver the outcomes of *Every Child Matters* and a large number of schools have introduced peer mentoring or peer education initiatives, many of which are aimed at supporting pupils make the transition from primary to secondary education. The National Peer Mentoring Pilot used this transition as one of their inclusion criteria for schools.

Recommendation 24

Youth inclusion programmes should be targeted particularly at at-risk young people in this age group. Schools should be trained to swiftly identify those who are headed down the wrong track and divert them to appropriate interventions. (Paragraph 245, *Main Report*; Paragraph 31, *Conclusions & Recommendations*)

We agree. As well as the main Youth Inclusion Programme (YIP) model focusing on 13 to 16 year-olds, junior YIPs have been introduced in some areas covering the 8 to 13 age range – a key transition period.

We encourage schools to work with other local agencies, including the police, in identifying and dealing with individual young people who are at risk or already engaged in wrong-doing. Schools' pastoral responsibilities are consolidated in a new duty to promote the well-being of pupils which came into effect from 1 September 2007. We shall be consulting on the guidance to schools about this new duty as part of our wider consultation on the Children and Young People's Plan¹³, including guidance on how schools should respond to the issues of guns and gangs, in co-operation with police and other services.

Recommendation 25

Attention should be given to informing young people about the law and the consequences of becoming involved in crime. (Paragraph 246, *Main Report*; Paragraph 32, *Conclusions & Recommendations*)

We agree. At each key stage, pupils are taught about choices, rules, the law and how they relate to society. This builds from learning to recognise the choices that individuals can make for themselves in Key Stage 1, to learning about the legal and human rights responsibilities underpinning society, including the role and operation of the criminal and civil justice systems in Key Stage 4.

¹³ URL: www.everychildmatters.gov.uk/strategy/planning_and_commissioning/cypp/

Recommendation 26

Government should conduct further research to evaluate the success of supplementary schools and the reasons for this. Where appropriate, it should encourage Local Authorities to promote knowledge among mainstream schools of the existence of supplementary schools in the area, and of the possibilities for cooperation. (Paragraph 247, *Main Report*; Paragraph 33, *Conclusions & Recommendations*)

We agree. We announced in January 2007 the establishing of a new National Resource Centre (NRC) for Supplementary Education. The NRC, jointly funded by DCSF and the Paul Hamlyn Foundation and managed by the education charity ContinYou, will help:

- raise standards within supplementary schools;
- support the development of more and better quality supplementary schools through, in particular, the extended schools and specialist schools agenda;
- promote best practice in supplementary school management and administration to support partnerships between mainstream and supplementary schools; and
- support local authorities in the work they do to help supplementary schools.

We recognise that more still needs to be done to strengthen links between supplementary education, mainstream schools and wider policy developments and we will embed this work more securely into the next stages of our new Youth Strategy.

Recommendation 27

We recommend that local authorities should adopt a strategic approach to overrepresentation, mirroring that which we have recommended for central government. Local authorities should set out clearly the responsibilities of all relevant agencies – voluntary and independent as well as public sector – to reducing overrepresentation and should hold regular joint meetings to assess progress and address any shortcomings in the response. (Paragraph 248, *Main Report*; Paragraph 34, *Conclusions & Recommendations*)

We agree with the principle that local authorities and their partners should adopt a strategic approach to over-representation. However, we believe that it is for local authorities and their partners to determine how best to do so in their local circumstances, within the framework of the Local Government White Paper (LGWP)¹⁴. The LGWP, published in October 2006, committed Government to putting in place a new framework for strategic leadership in local areas, bringing together local partners to focus on the needs of citizens and communities.

¹⁴ DCLG (2006): *Strong and prosperous communities: the Local Government White Paper*, DCLG, London.
URL: www.communities.gov.uk/documents/localgovernment/pdf/154067

Under powers contained within the Local Government & Public Involvement in Health Bill – due to receive Royal Assent in November 2007 – local authorities, in consultation with local partners, will be required to develop a Sustainable Community Strategy, which sets out the strategic vision for an area and for agreeing priorities for improvement in the Local Area Agreement. Responsibility for implementing plans and for driving delivery of outcomes is the role of the partners such as Crime and Disorder Reduction Partnerships and children’s trusts which underpin the Local Strategic Partnership (LSP).

Recommendation 28

We recommend that local authorities should consider as a matter of priority whether services are sufficiently accessible to young black people and vulnerable young people of all ethnicities, and should offer more user-friendly alternatives where necessary. (Paragraph 250, *Main Report*; Paragraph 35, *Conclusions & Recommendations*)

We agree. Local authorities are already under a legal duty to ensure that their services are not delivered in such a way as to disadvantage BME groups.

In addition, the Education Act 2006 requires local authorities to secure young people’s access to positive activities and facilities in their area, and to ascertain their views about local activities. The Government will make it clear through statutory guidance that local authorities should focus their response to both of these duties (access and ascertaining views) on those young people at greatest risk of poor outcomes.

Drug use

Recommendation 29

We recommend that the Department of Health explore ways to determine effectively the extent of drug use among young people of different ethnicities and that it conduct a review of the location and type of treatment currently available to determine how far treatment is meeting their needs and fill any gaps. We also believe that there is a need for a more detailed study of cannabis use and its use by, and effects on, young people of different ethnicities. (Paragraph 252, *Main Report*; Paragraph 36, *Conclusions & Recommendations*)

We agree. Reducing drug use and preventing young people, particularly the most vulnerable, from becoming tomorrow’s problematic drug users is central to our drug strategy. The Home Office has carried out an analysis of the British Crime Survey data¹⁵ on the prevalence of illicit drug use across different ethnic groups to inform the development of prevention, early intervention and treatment services¹⁶. A great deal has been achieved under the current drug strategy, but significant challenges remain. We are now looking to renew and refresh our approach, building on the successes to date.

¹⁵ Home Office (2006): *British Crime Survey 2005/6*, Home Office, London.
URL: www.homeoffice.gov.uk/rds/crimeew0506.html

¹⁶ Home Office (2003): *Ethnicity and drug use: key findings from the 2001-02 British Crime Survey*, RDS Findings 209, Home Office, London.
URL: www.homeoffice.gov.uk/rds/pdfs2/r209.pdf

Over the summer we issued a consultation paper *Drugs: our community, your say*¹⁷, backed by a wider programme of consultation events, to inform the future development of the strategy. As part of that development we are already reviewing the drug treatment available in the community and its accessibility to young people, including young people of different ethnicities.

On 18 July 2007, the Prime Minister announced that he will ask the Advisory Council on the Misuse of Drugs to look at whether cannabis should be reclassified from a Class C drug to the more serious Class B.

Mental health treatment

Recommendation 30

We recommend that the Department of Health conduct a review to ensure mental health treatment is appropriate and sufficient to meet young black people's needs. (Paragraph 253, *Main Report*; Paragraph 37, *Conclusions & Recommendations*)

We disagree. A substantial review of mental health service provision for BME communities was carried out in January 2005 shortly before the publication of *Delivering Race Equality in Mental Health Care* (DRE)¹⁸ – an action plan for achieving equality and tackling discrimination in mental health services for people from BME groups. The DRE also provided the Government's response to recommendations made by the independent inquiry into the death of David Bennett.

A comprehensive five-year delivery plan (2005-10) stemmed from the DRE; it is based on three building blocks:

- making services more responsive and appropriate;
- engaging communities with services; and
- making better use of information and evidence.

A programme delivery board oversees implementation of the action plan, and includes representation from a wide range of professionals, service users and other stakeholders. It works in conjunction with a new ministerial advisory group for the wider BME mental health programme, convened by the minister responsible for mental health policy and co-ordinated by Lord Victor Adebowale, Chief Executive of Turning Point.

¹⁷ Home Office (2007): *Drugs: our community, your say*, Home Office, London.
URL: <http://drugs.homeoffice.gov.uk/publication-search/drug-strategy/drug-strategy-consultation.pdf>

¹⁸ Department of Health (2005): *Delivering Race Equality in Mental Health Care*, Department of Health, London.
URL: www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4100773

Housing

Recommendation 31

The evidence we received suggested there is a need for a review of housing, for vulnerable young people of all ethnicities. We recommend that within this particular attention should be given to monitoring levels of access and success of interventions at local level for black young people to ensure the needs of this group are being met. (Paragraph 254, *Main Report*; Paragraph 38, *Conclusions & Recommendations*)

We disagree. Housing data is already collected on the Continuous Recording of Social Lettings (CORE)¹⁹, which is managed and published by the Centre for Housing Research at the University of St. Andrews, on behalf of the Housing Corporation and the Department for Communities and Local Government (DCLG). Historically, CORE has collected information for registered social landlords, but recently it started to collect information for local authorities. Information collected through CORE data is specific to new social lets, which can be broken down by age and the ethnicity of the lead household member.

More broadly, Supporting People²⁰ is a national programme which funds and enables provision of housing-related support. Local authorities determine, in partnership with others (the health or probation services, for example), how Supporting People funding will be spent, based on the local needs and priorities as set out in the five-year Supporting People strategies. The ethnicity of those accessing services is recorded, and these responses are collected and analysed. This informs one of the programme's Key Performance Indicators: fair access to people who are eligible for Supporting People services. The National Youth Homelessness Scheme, launched in March 2007, includes a specific module about developing and disseminating good practice in responding to the needs of homeless young people from BME groups.

Safe spaces and youth activities

Recommendation 32

We recommend that Government should look to increase awareness of, and access to, safe spaces in areas of high deprivation in which young people can meet informally with friends and gain access to information about organised activities and help and advice. Consideration should be given to how to make these centres 'single gateways' through which young people can gain access to a full range of other statutory services. (Paragraph 256, *Main Report*; Paragraph 39, *Conclusions & Recommendations*)

We agree. The new Youth Strategy will look at effective approaches to increase awareness of these services, particularly organised activities, including extended school activities.

¹⁹ URL: www.core.ac.uk/core/introduction.html

²⁰ URL: www.spkweb.org.uk

In addition, as a response to the cross-Whitehall *Youth Matters: Next Steps*²¹ agenda published in 2006, we have already put in place a new duty as part of the Education and Inspections Act 2006 for local authorities to secure access to positive activities. The statutory guidance makes clear that the Government expects local authorities to work under the new legislation to secure an increase in participation among young people in general, and among disadvantaged groups.

Recommendation 33

We recommend that funding should be given to provision of, and awareness-raising about, opportunities for all young people in deprived areas to get involved in organised youth activities such as sport, outdoor and environmental work and drama. Local authorities should look to raise awareness of, and access to, youth activities ranging from formal, national organisations to more informal or local associations. (Paragraph 257, *Main Report*; Paragraph 40, *Conclusions & Recommendations*)

We agree. The Government has provided £115 million from 2006 to 2008 through the Youth Opportunity and Youth Capital Funds, specifically to fund positive activities, including sports, arts and drama activities. Young people make the decisions on how the funds are spent and the guidance makes it clear that the funds must reach disadvantaged young people.

We are also working to better integrate youth support services. New duties as part of *Youth Matters: Next Steps* guidance will see multi-agency provision and co-location of services. The guidance also makes it clear that local authorities will need to provide a comprehensive, accurate and accessible information service for young people about all existing local activities.

Recommendation 34

We recommend that Government should work towards a situation in which there are sufficient places on YIPs to meet the needs of all high risk young people in high crime areas. Government should also look to ensure that there are adequate numbers of Youth Inclusion and Support Panels (YISPs) – groups which plan and manage interventions to prevent involvement in crime among at-risk young people – and that they have sufficient capacity to meet the needs of young people in their area. (Paragraph 258, *Main Report*; Paragraph 41, *Conclusions & Recommendations*)

We agree. The prevention of offending and early intervention is at the heart of the Government's strategy for children at risk of offending. In 2005, an extra £45 million was made available over three years for YOTs to fund programmes on prevention of offending and anti-social behaviour. There are now 118 YIPs and around 220 Youth Inclusion and Support Panels (YISPs) funded via the YJB, with other programmes funded from alternative sources.

²¹ URL: <http://www.everychildmatters.gov.uk/youthmatters>

Gang membership

Recommendation 35

Local authorities should identify where gang exit programmes are necessary. Where it is required, Government should provide some additional pump priming funding to enable such programmes to get off the ground. Information about successful gang exit programmes should be collected at national level and disseminated to local agencies. (Paragraph 260, *Main Report*; Paragraph 42, *Conclusions & Recommendations*)

We agree. Where it is recognised that there is a problem, many local authorities, together with the police and community groups, are working collaboratively to tackle gang problems. By working in partnership, local authorities are identifying the problems and possible solutions. Gang exit programmes are one method to deal with gangs and are being used by some local partnerships.

We fully recognise the value of this approach, but there are also successful alternatives. For example, the West Midlands Mediation and Transformation Service was established following the deaths of Charlene Ellis and Letisha Shakespeare in Birmingham in 2005. Developed on the Northern Ireland model, the service has achieved notable success in preventing the escalation of conflict between gangs. Local partnerships decide which methods, or combination of tactics, for dealing with gang problems are most effective for their area.

The Government has already provided some funding through the Connected Fund²² to programmes which tackle gang issues. Round six of the Connected Fund, which closed in April 2007, specifically focused on projects that tackle gangs, bringing the total amount provided to local community groups by the fund to £1.75 million since May 2004.

Through the Connected Fund we are also producing best practice guidance on street gangs, primarily for local authorities, incorporating information about successful projects. The guidance will be available in early 2008. Emerging good practice from YOTs in dealing with gang interventions (specifically involving the under 18s) will also be collated and shared.

The Home Secretary announced on 9 September that neighbourhoods in parts of London, Liverpool, Greater Manchester and Birmingham would be the focus of targeted action to tackle gun crime and serious violence among young people. The Home Secretary has appointed DCC Jon Murphy, formerly of Merseyside Police, to head up the team that is taking the work forward. The team is drawn from government departments, local authorities and other partners and is working closely with neighbourhoods identified by the police as suffering disproportionately from problems with violent gangs which can be involved in gun crime and which present the greatest challenges. The Government is

²² URL: www.connected.gov.uk/

working with the police, partner agencies and local authorities to roll out a tailored package of enforcement action and community reassurance for each area which will be underpinned by ongoing prevention and intervention work with parents and young people and new national coordination. This may include gang exit programmes as well as other work to support young people. £1 million has been allocated for this work. Police forces have made bids for this funding and these have now been agreed and actions put in place.

Recommendation 36

Key to most of the gang exit programmes we heard about was their separateness from local criminal justice agencies as perceived by their clients. Where there is a need, local authorities should consider contracting with community or voluntary sector organisations to provide gang exit programmes in their area. We also recommend that attention be given to the idea of creating 'safe-houses' for young people who wish to escape from gang violence but need protection in order to do so. (Paragraph 261, *Main Report*; Paragraph 43, *Conclusions & Recommendations*)

We agree. Some local authorities are already contracting with community and third sector organisations, having analysed the gang problem in their area and considered the most appropriate response. The best practice guidance on street gangs will offer extra guidance to all local authorities and the public, and provide an opportunity for local areas to be part of a consistent effort throughout the country.

The Government accepts that safe houses may be an appropriate response and will therefore consider including, as part of national guidance, encouragement to those areas that are looking at the option of safe houses. This will include carrying out a detailed evaluation of the local gang problem, its impact and an assessment of the risks involved. The Tackling Gangs Action Programme, launched on 9 September, will work with partners to consider the option of providing safe houses.

Recommendation 37

Where criminal gangs are clearly causing problems for local neighbourhoods, the police should use existing legislation to apprehend gang members. Where the concern is more about the potential for looser affiliations of young people who are not heavily involved in violence or crime as yet, we recommend that local youth services devote resources to draw these young people into focused activities through organised youth activities, improved access to facilities and the provision of one-to-one support and mentoring. We also believe there may be a need for more focused support at school to help young people say 'no' to gang membership and to raise awareness about where they can get help if they feel pressurised to join a gang. (Paragraph 263, *Main Report*; Paragraph 44, *Conclusions & Recommendations*)

We agree. Communities offer a range of places for young people to socialise without the threat of peer pressure and violence and there are already a number of these activities in place for young people engaged in crime or who are at most risk of offending, truanting or being socially excluded. These activities include:

- Extended Schools Programme which is being accelerated in high priority areas covered by the Tackling Gangs Action Programme;
- in Liverpool, the Merseyside Police are developing mentoring services as part of the Tackling Gangs Action Programme and providing additional resources to deliver MissDorothy.com education packages on personal safety;
- YIPs for 13 to 16 year olds;
- junior YIPs for 8 to 13 year-olds;
- Positive Futures scheme which provides lifestyle, educational and employment opportunities for young people living in deprived areas; and
- YISPs – multi-agency support and resources offering a range of local activities including clubs, holiday activities and mentoring.

The Government is already working to produce guidance for schools on tackling gangs and gang membership. The best practice guidance on street gangs will be an online resource for anyone who is interested in learning about gangs and how to deal with them. We are also developing guidance for the leadership teams in those schools that are affected by gang issues on how to:

- prevent gangs from developing; and
- respond to gangs.

The material places a strong emphasis on working in partnership with parents, community groups, police and YOTs to understand the characteristics of local gang activity. The advice will also help schools select the right teaching resources and approaches from the range that is available nationally.

Voluntary organisations

Recommendation 38

Identification of the means by which voluntary organisations can be funded adequately and consistently over time should form a key part of Government's strategy for tackling the overrepresentation of young black people in the Criminal Justice System. We do not think there can be a one size fits all model for effective use of voluntary and community groups to reduce overrepresentation. We would urge grant-makers and government to consider grants for small voluntary organisations as well as support for larger charities working to reduce the numbers of young black people who are represented in

the criminal justice system. (Paragraph 267, *Main Report*; Paragraph 45, *Conclusions & Recommendations*)

We agree. The third sector is well placed to improve the delivery of services to young black people because of its flexibility, community links, specialist knowledge, closeness to users and involvement of volunteers. The Government operates a number of successful grant programmes. We want to support organisations in developing their public service delivery and in a way that encourages sustainability.

For example, the vision of our Futurebuilders²³ programme is to improve public services significantly in the longer term through investing in a range of third sector organisations. The programme offers investment packages to organisations that are delivering public services, or would like to deliver services. Twenty-eight per cent of applicants and 21 per cent of investees are BME-managed third sector organisations.

In addition, DCLG runs the Connecting Communities Plus programme²⁴, worth £18 million over three years. The programme supports the delivery of the Government's strategy on race equality and community cohesion, *Improving Opportunity, Strengthening Society*, and in particular to improving the experiences that BME people have with public services – including education, employment, health, housing and the CJS.

We know that small grants can do a great deal to transform the capabilities of organisations providing services at grass roots level. As a Government, we cannot and should not try to influence independent grant makers, but we do recognise that there is a place for grants as well as government contracts in public service delivery.

In the 2007 budget, we announced an £80 million small grants programme which will support smaller organisations. NOMS is currently looking at the potential role of grants alongside commissioning, including where these might strengthen the involvement of diverse third sector organisations in shaping and delivering local services.

Recommendation 39

Government should consider how it can support faith-based organisations delivering preventative interventions and make contact with young people who have fallen outside statutory activity. The Department for Communities and Local Government should carry out an evaluation of existing faith-based interventions in gang membership and should consult these groups on how they could best be supported to achieve their goals. Based on this, government should consider extending support to faith-based organisations whose interventions have proved successful. (Paragraph 271, *Main Report*; Paragraph 46, *Conclusions & Recommendations*)

²³ URL: <http://www.futurebuilders-england.org.uk/>

²⁴ URL: http://www.a4e.co.uk/Customers_Connecting_Communities_Plus.aspx

We agree. Faith communities play a key role at all levels of public life and greatly contribute to social and community cohesion. Through the Faith Communities Consultative Council, we are looking at routes to improve the role of faith communities in local public partnerships and engagement in matters of national policy.

We already provide financial support to faith-based organisations looking to engage with young black people. Our Connected Fund has provided funds to faith-based groups such as Street Pastors who are making a difference on the streets of some of our most deprived inner-city areas. The success of projects supported by the Connected Fund, including those directed toward gang interventions, is currently being evaluated and will be used to help support future funding decisions.

DCLG also operates the Faith Communities Capacity Building Fund (FCCBF)²⁵. The FCCBF was announced in the Government's *Improving Opportunity, Strengthening Society* strategy in January 2005 and £13.8 million has been invested in supporting faith communities to improve community cohesion.

DCLG will be conducting an evaluation (through the Community Development Foundation) of the two rounds of the FCCBF to assess the level of success the fund has had in supporting the capacity of faith and interfaith organisations. The full evaluation will be completed in the summer of 2008 and we will use this to draw out best practice case studies.

Recommendation 40

We recommend that local authorities should review their channels of communication with voluntary agencies to ensure they are responding to local need. Local authorities should seek to ensure that local agencies are giving appropriate weight to the concerns of voluntary organisations and taking action where necessary. (Paragraph 273, *Main Report*; Paragraph 47, *Conclusions & Recommendations*)

We agree. Proposals to ensure that local authorities engage more actively with their full range of local partners, including the third sector, were put forward in the LGWP. These are now being codified in the Local Government and Public Involvement in Health Bill, for which Royal Assent is expected in November 2007.

The Bill will put the Local Area Agreement, collectively agreed by the local authority and its local partners, on a statutory footing, and set out how the consultation process on that agreement should work.

As key providers of services to local communities, the third sector has a vital role to play in every local authority area, and will be involved in this consultation process. While the range of voluntary and community organisations in any given area will vary (and so, therefore, cannot be specified in the Bill), ministers have

²⁵ URL: www.cdf.org.uk/bfora/systems/xmlviewer/default.asp?arg=DS_COF_TECHART_23/page.xsl/27&xsl_argx=3

made clear throughout the passage of the Bill that local authorities must consult representatives from the third sector. Statutory Guidance arising from the Local Government and Public Involvement in Health Bill, will be published for consultation later this year. The guidance will explain how relevant authorities should ensure meaningful communication and consultation with local communities, voluntary and community organisations.

More broadly, we are also following up the commitment in the LGWP to work with a wide range of national third sector umbrella bodies, and the Local Government Association, to establish a standard and principles by which the local third sector will be represented on Local Strategic Partnerships (which draw up the Local Area Agreements) and engage in local public life. It is anticipated the principles will be published by the end of 2007.

Recommendation 41

We believe central government and local authorities should review the timescales on which they offer funding, to ensure voluntary organisations have an adequate opportunity to effect change in a particular area. (Paragraph 277, *Main Report; Paragraph 48, Conclusions & Recommendations*)

We agree and believe that there are already sufficient measures in place.

Funding from central and local government should be sustainable and where it achieves value for money, longer-term funding arrangements should be in place. The LGWP announced the expectation that local authorities pass on the stability of their three-year settlements to the third sector where this would represent good value for money.

As part of *Comprehensive Spending Review 2007*²⁶, Her Majesty's Treasury has asked departments to identify ways to pass on the flexibility and certainty offered by multi-year funding to third sector organisations, so that funding of at least three-years becomes the norm.

The Compact²⁷ is the agreement between the third sector and government, both central and local. The *Compact's Code of Good Practice on Funding and Procurement*²⁸ sets out the expected standards. The establishment of the Compact Commissioner in October 2006 is one way that we are seeking to ensure that Compact principles are followed in practice.

Recommendation 42

We recommend that Government consider its guidance to the Youth Justice Board, local authorities and other grant issuing bodies, to ensure that it is sufficiently flexible to allow criteria to be tailored to the particular client group in

²⁶ URL: www.hm-treasury.gov.uk/spending_review/spend_csr07/spend_csr07_index.cfm

²⁷ Home Office (1998): *Compact on Relations between Government and the Voluntary and Community Sector in England*, Home Office, London.
URL: www.thecomcompact.org.uk/shared_asp_files/GFSR.asp?NodeID=100318

²⁸ URL: www.ncvo-vol.org.uk/uploadedFiles/NCVO/What_we_do/Compact_Advocacy/Funding%20code.pdf

question. Where possible, monitoring and evaluation should take a long term view and should use both qualitative and quantitative measures. (Paragraph 281, Main Report; Paragraph 49, Conclusions & Recommendations)

We agree. Central guidance is already flexible enough to allow specific criteria to be taken into account. Monitoring and evaluation of third sector organisations' performance against a contract, or the outcomes achieved with a grant, should be proportionate to the grant or contract and the nature of the work or service. Different government departments have different arrangements for the monitoring and evaluation requirements of different grants and contracts, depending on the particular circumstances.

The cross-governmental public services action plan, *Partnership in Public Services*²⁹, contains an action to develop a rating system for the evaluation of third sector programmes to support organisations to benchmark their performance against that of existing providers; and another action to support the capacity for the sector to better identify and promote its impacts. These actions should contribute to better evaluation of third sector effectiveness where third sector organisations are delivering public services.

Broadcasters' responsibility and popular culture

Recommendation 43

We believe that greater censorship would be both undesirable and impractical. Any government role in relation to artists and the material they produce should be restricted to ensuring organisations and individuals are not contravening the broadcasting code or breaking other laws, such as those against incitement to commit hate crime. (Paragraph 283, Main Report; Paragraph 50, Conclusions & Recommendations)

We agree that greater censorship is undesirable. However, broadcasters, not the Government, are responsible for ensuring individuals and organisations do not contravene the Broadcasting Code³⁰. The UK media are free of government control over editorial content. Broadcasters are required to comply with the standards set out in the code by the independent regulator Ofcom; principally this is to minimise harm and offence and regulate advertising.

The Government, therefore, does not offer guidance to broadcasters on these issues – they must comply with the code, and its enforcement is a matter for Ofcom rather than the Government. Guidance³¹ for broadcasters on adhering to the code has already been issued by Ofcom.

Ofcom cannot dictate to broadcasters what type of content is included in their schedules, but can intervene and take action if the code is breached, or complaints are received from the public.

²⁹ URL: www.cabinetoffice.gov.uk/third_sector/documents/public_service_delivery/psd_action_plan.pdf

³⁰ Ofcom (2005): *The Ofcom Broadcasting Code*, Ofcom, London.
URL: www.ofcom.org.uk/tv/ifi/codes/bcode/

³¹ URL: www.ofcom.org.uk/tv/ifi/guidance/bguidance/

If broadcasters comply with the code, they would remain well within the law. If they not only breached the code but also broke the law, it would be a matter for the prosecuting authorities.

Recommendation 44

Given the impact of music and videos on young people who are already vulnerable, we believe both public service and commercial broadcasters should formulate and publicise policies on how they intend to tackle this key public concern. Broadcasters who receive videos and tracks from young artists which portray violence or crime should demonstrate that they are engaging in dialogue with young people, and showing them what is and what is not eligible to receive airtime. (Paragraph 284, *Main Report*; Paragraph 51, *Conclusions & Recommendations*)

This is a matter for broadcasters. However, we are encouraged to see that broadcasters are already engaging with young people. A wide variety of community projects have been given backing and free air-time by broadcasters. For example:

- Choice FM recently relaunched its highly commended anti-gun and knife crime campaign, Peace on the Streets³²;
- Galaxy Manchester has run a gun and knife amnesty campaign; and
- Channel 4's 'Guns are Cool' documentary, aimed to open the debate among young people about gun culture, and won the Royal Television Society Education (14-19 years) Award.

Recommendation 45

The Department for Culture, Media and Sport should receive support to provide appropriate funding to music projects which involve young people to express their creativity positively. We also recommend that DfES should explore what training and support should be made available to youth workers and teachers to help build resilience in young people to negative messages in popular culture. (Paragraph 285, *Main Report*; Paragraph 52, *Conclusions & Recommendations*)

We agree. The Music Manifesto³³, launched in 2004 with the DCSF, aims to support the formal education sector and the wider music sector to deliver a diverse range of musical experiences to young people.

The Department for Culture, Media and Sport (DCMS) is also working with the Respect Task Force and Youth Music³⁴ to encourage young people to get involved through the roll-out of a music mentoring scheme in 14 Respect areas.

³² URL: www.choice-fm.co.uk/Article.asp?id=371112

³³ URL: www.musicmanifesto.co.uk/

³⁴ URL: www.youthmusic.org.uk/

This project offers mentoring opportunities to young people who want to make music and was given £666,666 over two years. This funding ends in March 2008 and the DCMS and its partners are currently considering future funding sources to sustain the project.

The Live Music Forum³⁵ was set up in 2004 to make sure, among other things, that as many venues as possible take advantage of the opportunities arising from the Licensing Act 2003, to present a wide range of live performances.

The final report of the Forum, presented to ministers in July 2007, recommended to the Government that, building on the success of similar initiatives in Wrexham and Stockton-on-Tees, it should work with local authorities, regional development agencies and other commercial and non-commercial partners, to develop affordable and well-resourced rehearsal spaces, especially in areas where there is a lack of provision. Ministers recently announced that they have tasked Fergal Sharkey, the ex-Chair of the Forum, with taking this recommendation forward.

We know that quality youth work helps to build resilience against a number of risk factors and negative influences in young people's lives, including messages in popular culture. The Government is committed to ensuring that those who work in a variety of contexts with young people develop the particular skills needed to deal with young people. For youth workers, the Government is working with the National Youth Agency which is identifying the skills and competencies necessary for delivering good health information, advice and guidance that youth workers need in their work with young people. This will become part of all training in youth work in the future. Central to this training will be the incorporation of emerging research and evidence that adolescence is a distinct developmental stage. Such understanding will assist practitioners in getting beneath the surface of many presenting issues and to offer more valuable advice and support.

Recommendation 46

We also recommend that Government should work with local and national broadcasters who reach a large black audience to disseminate messages about how to report and deal with crime. Radio stations, TV channels and websites may provide useful platforms from which to publicise weapons amnesties or to give out anonymous contact numbers for Operation Trident, Crimestoppers or other helplines. (Paragraph 286, *Main Report*; Paragraph 53, *Conclusions & Recommendations*)

We agree. The Government is currently reviewing new crime reduction communication proposals. However, the Home Office Marketing Unit is investing £1 million this financial year in developing a sound approach to tackling the problem of possession of knives among young people, and ultimately violent crime. This will be done in three stages:

³⁵ URL: www.culture.gov.uk/what_we_do/Creative_industries/music/live_music_forum.htm

- qualitative research to enable us to segment and understand those who carry, and who are on the edge of carrying knives;
- work with the Association of Chief Police Officers (ACPO), relevant charities and expert advertising and media planning agencies to run pilot campaigns in two cities (to be announced shortly); and
- using the evaluation and lessons learned from the pilots to roll this campaign out further in 2008 and beyond.

Broadcasters also play their part. The Don't Trigger³⁶ campaign has been supported by the Home Office and has used music and video to get across the anti-gun message to vulnerable communities.

Recommendation 47

We believe it is critically important that young people are involved in the formulation of any policy on popular culture and how it can be used to prevent involvement in crime. (Paragraph 287, *Main Report*; Paragraph 54, *Conclusions & Recommendations*)

We agree. Examples of children and young people's involvement in popular culture to date include:

- Artsmark³⁷
- Creative Partnerships³⁸
- Children's Play Review³⁹
- BBC Charter Review⁴⁰
- development of the broadcasting strand of the DCMS Respect Mentoring Programme⁴¹.

Youth offending teams

Recommendation 48

We recommend that the YJB should make greater efforts to ensure YOTs can demonstrate that they have identified and analysed any pattern of overrepresentation in their area. Where overrepresentation is a significant issue, YOTs should be required to show that the support they provide for young black people is designed to meet the particular needs of these young people and to reduce their risk of reoffending. (Paragraph 292, *Main Report*; Paragraph 55, *Conclusions & Recommendations*)

³⁶ URL: www.dont-trigger.com/

³⁷ URL: www.artscouncil.org.uk/artsmark/

³⁸ URL: www.creative-partnerships.com/

³⁹ URL: www.culture.gov.uk/Reference_library/Publications/archive_2003/childplayprogramme.htm

⁴⁰ URL: www.bbccharterreview.org.uk/

⁴¹ URL: www.culture.gov.uk/Reference_library/Press_notices/archive_2006/dcms136_06.htm

We agree. The YJB has already established a corporate objective and a performance indicator for multi-agency YOTs and, as part of this process, YOTs are required to undertake local analysis and develop local action plans to address these issues. The YJB will build on this approach, incorporating the Race Action Plan in the guidance on developing local Youth Justice Plans in future years. Although some high-performing local authorities are exempt from the statutory requirement to produce Youth Justice Plans, in practice most produce them voluntarily and the YJB will still be able to monitor local planning.

The YJB is in the process of revising its performance framework and will further strengthen the emphasis on over-representation and meeting the particular needs of young people. The YJB is revising its current performance framework to include an annual assessment of overall capability of YOTs to meet their objectives and within this assessment will include the issue of partnership arrangements to address the issues surrounding over-representation.

The YJB is also commissioning a study to explore the specific needs of young BME people and the associated levels of current service provision. The study will include a mapping exercise to chart the extent to which these needs are being met.

Recommendation 49

YOTs should be required to identify the support they will require from other agencies and voluntary organisations. They should be required to show that they possess or are developing appropriate partnerships with these organisations. (Paragraph 293, *Main Report*; Paragraph 56, *Conclusions & Recommendations*)

We agree. As noted in the response to Recommendation 47, the YJB is revising its current performance framework to include an annual assessment of capability and within this will address partnership arrangements to address the issue of over-representation.

Recommendation 50

Given the multifaceted causes of the problem and the shared responsibilities involved in resolving these, YOT indicators should form part of the wider, overarching performance framework for local government and its partners. Throughout, close collaboration will be needed with the adult Probation Service to ensure a co-ordinated response at both local and national level. (Paragraph 294, *Main Report*; Paragraph 57, *Conclusions & Recommendations*)

We agree. The national indicator set which will underpin the new performance framework for local government (working on its own or in partnership) has been developed through the Comprehensive Spending Review. The Government is considering how issues of ethnicity in the YJS could be reflected in the indicator set.

Further data and research

Recommendation 51

We understand that the Home Office has just commissioned the development of advice and guidance on the collection and use of a minimum dataset on race statistics, following the publication of the Root and Branch Review of Race and the Criminal Justice System in September 2006. We welcome this move, and would emphasise the importance of local criminal justice boards taking a holistic view of the workings of the system in their area. This will require full and accurate monitoring by all agencies, including the CPS and the courts. A full set of recommendations on further data and research is set out in the Annex. (Paragraph 297, *Main Report*; Paragraph 58, *Conclusions & Recommendations*)

We agree. While statistics can never provide all the answers to over-representation in the CJS, this Government appreciates that robust and comprehensive data must be the starting point for the CJS in understanding the BME experience.

The development and implementation of the Minimum Dataset (MDS) will fill the current gaps in the Section 95 (see definitions) data on race and the CJS, particularly on remand and sentencing data, which will give us the robust evidence needed to drive forward any necessary changes.

The MDS was introduced following extensive consultation with a range of stakeholders, including Local Criminal Justice Boards (LCJBs). For the first time, the MDS will map out a comprehensive but achievable specification of data that needs to be collected across the CJS to manage performance in relation to race issues. The MDS will be accompanied by data collection guidance.

The MDS is being piloted up to Spring 2008 (with a full roll-out from Summer 2008) in a selection of LCJB areas, including a mix of:

- locations;
- urban and rural areas;
- large and small BME populations; and
- areas with either strong or weaker data collection systems in place.

We will use the experience gained from the pilots to improve and refine the final dataset and ensure that the accompanying guidance is comprehensive and clear.

Local ownership of data is crucial if we are to really understand and address the issues; LCJBs will take the lead in disseminating the findings from the Section 95 statistics in their area and sharing them with their local communities.

Recommendation 52

The Government should undertake monitoring of CPS charging decisions to verify that any undue bias to charging decisions in cases where the suspect is black has been eliminated. (Paragraph 298, *Main Report*; Paragraph 59, *Conclusions & Recommendations*)

We agree. In order to establish the nature and extent of any disproportionality, the CPS undertook an equality and diversity impact assessment of CPS statutory charging decisions in England and Wales covering cases from September 2004 to March 2005. The main results with regard to ethnicity indicated that there were no significant differences across different ethnic groups.

A further impact assessment is now complete. This assessment is based on a year's data from April 2005 to March 2006 and has a wider remit to include gender, ethnicity and age of the suspect as defined below:

- Young Offender (suspects under 18 years of age)
- Persistent Young Offender (suspects under 18 years of age)
- Prolific Priority Offender (a mixture of suspects under or over 18 years of age designated as 'prolific' by the local police force)
- None Specified (a mixture of suspects under or over 18 years of age).

Findings from the second impact assessment indicate that there is little variation of charging decisions by gender, except that female suspects are slightly more likely to receive a decision of 'not to prosecute' on evidential grounds rather than a decision to charge.

There is also no variation of a charging decision by the main ethnic group of the suspect except that non-white suspects are slightly less likely to receive a decision of 'not to prosecute' on evidential grounds.

With respect to age (as defined by the four categories above), the data showed considerable variation. The percentage charged was around 66 per cent for Persistent Young Offenders and 62 per cent for Prolific Priority Offenders. This would be expected for these categories, who are known to be offenders and for whom the evidence base is likely to be much stronger. Young offenders are significantly more likely (45.7 per cent) to be charged than adults (40 per cent). The reasons for this difference will be explored in future impact assessments.

Both the first and the second impact assessments are published on the CPS website⁴². The CPS is committed to fulfilling its obligations under statutory gender and race equalities duties and, as part of this commitment, will continue to undertake equality and diversity impact assessments of its charging decisions.

⁴² URL: www.cps.gov.uk/publications/equality/index.html

Stop and search powers and policing

Recommendation 53

We recommend that existing measures to understand and combat disproportionality should be reviewed. We recommend that strategies for the use of stop and search should explicitly recognise the balance that needs to be struck between use of the power to prevent or detect crime and the negative impact its use has on public co-operation with, and support for, the police. Such a strategy would focus on halting the increase and then reducing the proportion of stops and searches which detect no crime or criminal intent and whose impact is damaging. (Paragraph 301, *Main Report*; Paragraph 61, *Conclusions & Recommendations*)

We agree. Nationally, work to reduce disproportionality is being led by the National Policing Improvement Agency (NPIA). Stop and Search used in an intelligence-led way can be extremely valuable in the fight against crime and terrorism. Used fairly, it is key to the development of good relationships between police and communities. Used inappropriately, it is ineffective and damages police relations with communities and overall trust and confidence in the CJS.

There is a clear structure in place that ensures that the power can be applied only if a police officer has a reasonable suspicion that the individual to be searched has committed a crime. The *Police and Criminal Evidence (PACE) Act guidelines*⁴³, the *Home Office Stop and Search Manual*⁴⁴ and the *National Centre for Policing Excellence (NCPE) Practice Guidelines*⁴⁵ emphasise that Stops and Searches conducted under PACE require that an officer has a reasonable suspicion that the individual to be searched has committed a crime. In addition, the manual recognises the potential negative impact of Stop and Search and encourages a proactive approach to working with communities. This includes:

- publicising rights
- improved facilities for complaints
- publicising the use of the power
- discussions about future Stop and Search activity.

Nevertheless, disproportionality in the police use of Stop and Search remains a concern that the Government is determined to address. We must ensure that the tools that we already have in place to promote the effective use of Stop and Search are applied by all police forces.

Nationally, work to reduce disproportionality in Stop and Search, led by the NPIA, aims to take a coherent, joined-up approach and includes:

⁴³ URL: www.police.homeoffice.gov.uk/operational-policing/powers-pace-codes/stop-search1.html/?version=2

⁴⁴ URL: www.thamesvalley.police.uk/news_info/freedom/policies_procedures/pdf/stopandsearch_international.pdf

⁴⁵ URL: www.npia.police.uk/en/6664.htm

- requiring forces with high levels of disproportionality to use the Practice Orientated Package (POP)⁴⁶;
- continuing oversight by the independent NPIA Stop and Search Community Panel chaired by Lord Victor Adebawale;
- ensuring police authorities fulfil their statutory duty to hold forces to account in their use of the power; and
- a research paper, published in Summer 2007, on the identification of ‘hot spots’ used to inform the use of Stop and Search.

Recommendation 54

Clearly, the negative impact of stop and search on innocent young people can be greatly reduced if proper attention is given to the way in which the encounter is conducted. The evidence we received suggested police efforts to improve the quality of the encounter have yet to be felt on the ground. Changes need to be made to the nature of the encounter in order to ensure it is respectful, courteous and well explained. (Paragraph 302, *Main Report*; Paragraph 62, *Conclusions & Recommendations*)

We agree. When a young person is stopped or searched it may be their first direct encounter with a police officer and can, therefore, have a significant impact on their opinion of the police and willingness to co-operate with them in the future.

POP requires that police forces discuss with local communities:

- their expectations of the use of the power; and
- the causes of conflict in its use.

The recently published Practice Guidelines require Sergeants to ensure that officers are using the power appropriately.

In addition, the NPIA Stop and Search Delivery Board and the Community Panel Strategy and Work Plan will reflect the need to ensure that Stop and Search is used only when it is operationally appropriate to do so. In order to do this, there will be a requirement to integrate the principles of the POP within general operational planning activities. Within the next year the NPIA will promote the use of POP to all forces.

The NPIA BME Trust and Confidence Group, chaired by Doreen Lawrence, is proactively visiting police services throughout the country, meeting with young black people and police officers to examine barriers to trust and looking at ways to improve confidence. The aim of the group is to monitor and scrutinise the work of the Government and the police in how they build trust and confidence

⁴⁶ URL: www.police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/PACE-SSAT-POP.pdf

between BME communities and the CJS, with particular reference to policing. This work will help to identify those primary traits that will ensure that officers' approach to Stop and Search is courteous and well explained.

We are also ensuring that young people are empowered by encouraging them to know their rights through the continuing Stop and Search – Know Your Rights campaign.

Recommendation 55

Our witnesses made clear that in some cases, the benefits of stop and search might be outweighed by the negative consequences in terms of the willingness of young people to communicate with and trust the police. Stop and search is not a notably productive means of tackling crime, particularly if done on an uninformed basis. Alternatives to stop and search that might help the police engage better with young people should be considered. (Paragraph 303, *Main Report*; Paragraph 63, *Conclusions & Recommendations*)

We disagree. This Government is committed to the appropriate and proportionate use of this power. While we recognise that the proportion of Stop and Searches leading to arrest may be relatively low, we consider it important that the police continue to have the ability to use Stop and Search powers to enable officers to allay or confirm suspicions about individuals without exercising their powers of arrest. The alternative to Stop and Search would be to arrest. This would be excessive and result in considerable disruption to the individual not only in terms of time and inconvenience but, following arrest on suspicion of a recordable offence, the police would have the powers to take fingerprints, photographs and DNA. Similarly, this would add considerably to the pressures on police time, resources and custody facilities. What is clear is that we need to address the core issues with the current system. We have already set out our activity in this area.

Recommendation 56

We recommend that all forces should provide as standard training on relating to local ethnic minority communities, both for probationers and on an ongoing basis as the ethnic composition of an area changes. Fairness and objectivity should be key performance measures against which individual officers should be assessed when it comes to appraisal, and the police should prioritise these attributes when recruiting. (Paragraph 304, *Main Report*; Paragraph 64, *Conclusions & Recommendations*)

We agree. The Home Office, ACPO and Association of Police Authorities (APA), with the NPIA, have developed and are actively implementing the five-year Police Race and Diversity Learning and Development Strategy Programme.

The learning programme establishes a national curriculum of agreed learning outcomes. A key requirement of the programme is that it should also be placed

in context: that the local force communities are profiled and that the training is delivered through consultation and engagement with local people.

The *Police Race and Diversity Learning and Development Strategy*⁴⁷ also requires that over an agreed period of time, currently up to 2009, all police officers and police staff have their competency assessed against the National Occupational Standard *Promoting Equality and Valuing Diversity*. Continuing competence will be monitored through the annual Performance Development Review.

Since 2006, all newly-qualifying police officers must achieve an assessment of competence against this standard, as part of the Initial Police Learning and Development Programme, and within the Qualifications & Curriculum Authority (QCA) Assessment Strategy for National Vocational Qualifications (NVQ). The NPIA is monitoring achievement of the standard across all forces and is implementing an agreed evaluation strategy. In addition, a benefits management strategy is being developed to measure impact.

Recommendation 57

We recommend that more police forces should create local forums in which police and young people can come together to talk about issues affecting the community. These panels could identify local flashpoints or areas of tension and find solutions and may also prove useful for gathering intelligence about local needs and priorities. (Paragraph 305, *Main Report*; Paragraph 65, *Conclusions & Recommendations*)

We agree. The Metropolitan Police have been doing excellent work with the UK Youth Parliament on Project: Consider. This project, part-funded by the Metropolitan Police and focusing on knife and gun crime resulted in a DVD which was produced and edited by young people. Project: Consider demonstrates the views and commitment of young people to addressing the problem of knife and gun crime. A DVD of the project was produced in October 2006 and won the "Best Broadcast produced by Young people for young people" in the *Young People Now Awards*. Greater engagement with young people is an activity which will form part of the BME Trust and Confidence Group's strategic plan for 2007/08. This independent group is chaired by Doreen Lawrence and is made up of community representatives, stakeholders and other independent members.

In a broader context, all the project groups from the earlier Lawrence Steering Group are now part of the wider *Improving Opportunities and Strengthening Society* strategy structure to help deliver the overarching aims which include:

- building relations between public services and the BME communities they serve;
- raising the aspirations and achievement of black boys and young black men;

⁴⁷ URL: www.police.homeoffice.gov.uk/training-and-career-development/PRDLDP/

- increasing the number of BME staff at senior levels in the public services – in particular Chief Constables; and
- recognising, understanding and responding to racist incidents.

Recommendation 58

As our predecessor Committee in the last Parliament commented in its report on Police Reform, published in 2005:

The issue of positive discrimination is a very sensitive one. There is undoubtedly a problem which needs to be tackled. Despite recent increases in recruitment from minority ethnic groups, many police forces remain unrepresentative of their wider communities. This is particularly the case in London. Doing nothing is therefore not an option. Equally, it would be counter-productive to take action which led to a lowering of recruitment standards, or which created a widespread sense of unfairness on the part of white police officers. (Paragraph 307, *Main Report*; Paragraph 66, *Conclusions & Recommendations*)

We repeat the recommendation made by our predecessors:

We believe that the best way forward is through a combination of: (a) increased effort put into ‘positive action’, that is, promotional and outreach activities aimed at encouraging more members of minority groups to apply to join the police; and (b) the prioritising in recruitment of certain abilities such as language skills and knowledge of cultural background, where relevant to policing needs in particular areas. A case can be made for doing this on a purely crime-fighting basis. (Paragraph 308, *Main Report*; Paragraph 67, *Conclusions & Recommendations*)

We agree. We encourage forces to take every possible step within the existing legislation to improve the diversity of their forces to reflect the communities they serve. In January 2007, we put in place advice on additional police officer recruitment criteria. This advice encourages forces to consider using additional criteria, based on operationally valuable skills, such as languages and community knowledge as a means of accelerating the appointment of candidates who must first have passed the national assessment centre.

Recommendation 59

An evaluation of existing ‘positive action’ – including targeted recruitment and other measures to increase the numbers of recruits from different backgrounds – should be undertaken. It would also be valuable to explore in more detail the reasons why the Metropolitan Police have been more successful in recruiting Community Support Officers from ethnic minorities than they have been in recruiting police officers. (Paragraph 309, *Main Report*; Paragraph 68, *Conclusions & Recommendations*)

We agree. We will carry out an evaluation and assessment of current positive action initiatives within the service that impact upon recruitment, progression and retention. This information will underpin the current NPIA Equality Diversity and Human Rights Unit Knowledge Management Project. The purpose of the project is to provide a central resource of knowledge owned by the service in order to support local Diversity and Equality Practitioners.

The Metropolitan Police has experienced real success in attracting BME candidates to Police Community Support Officer (PCSO) posts. Currently, BME people represent approximately one quarter of PCSO staff, broadly reflecting the economically active BME population in London. This attests to the positive view that BME Londoners have of the PCSO role, and is also likely to be driven by the view that the role is one of support rather than enforcement. An assessment of best practice is currently underway to inform future recruitment initiatives.

Recommendation 60

We recommend that attention be given to improving perceptions of policing as a career option at school in ethnic minority communities. Forces should publicise work experience and internship programmes. Forces should demonstrate their commitment to the development of all employees by publicising their activities in this area to local communities and potential recruits. (Paragraph 310, *Main Report*; Paragraph 69, *Conclusions & Recommendations*)

We agree. Individual forces already engage in community liaison, open events, recruitment events, published literature and many other varied interactions with the individuals and communities they serve, including schools. The community trust and confidence toolkit, the first draft of which is scheduled for delivery in April 2008, will enable effective monitoring of forces' progress.

Transition from juvenile to adult CJS

Recommendation 61

We recommend that support for young people should be tailored to individual need, rather than age, and should continue at least until age 25 where appropriate. Support should recognise the distinct needs of young adult offenders as a group within this. The Government told us they had been looking at the transition from the juvenile to the adult criminal justice systems and said an announcement on this was "imminent". We await this announcement with interest. (Paragraph 312, *Main Report*; Paragraph 70, *Conclusions & Recommendations*)

We agree. As a starting point, we are reviewing our policies in this area. In November 2005, the Young Adult Offenders (YAOs) Project was initiated to consider the implications of abolishing Detention in a Young Offender Institution (DYOI) and the regime that would need to be in place to ensure sufficient safeguards for this age group in custody and the community.

The project recommended that the abolition of DYOI in favour of a specialist provision for 18 to 25 year olds, based on needs, vulnerability and development stage was the optimum solution. However, it was concluded that taking account of the constraints posed by current prison capacity and the need to undertake further work to test an approach to YAOs, the time is not yet right to abolish DYOI. We will revisit the decision regarding DYOI including a feasibility review of financial constraints and population pressures, following the outcome of this work, including testing the proposed regime for 18-25 year olds in a new custodial establishment which is due to begin accommodating offenders in 2009.

Any further work will not require additional funding as it draws on existing resources. This announcement was made on 8 May 2007 and it is to this that Recommendation 60 refers.

All prisoners (whether a young person or adult) have their own tailor-made sentence plan based on an assessment of their individual needs, but the Government recognises that more needs to be done for particular groups and individual needs within those groups. We are currently looking to develop proposals to test the best approaches to youth support, both in custody and in the community, and to look at the most appropriate methods of addressing the specific needs of 18 to 24 year olds in future. They include:

- training of offender management staff to understand adolescent development and the specific needs of this age group;
- development of an evidence base around the value of mentoring and volunteering;
- a transitions protocol that has been agreed with the YJB to bridge the gap from under-18 to over-18 services; and
- piloting a regime in custody to assess the specific needs of 18 to 25 year olds and the most effective engagement styles.

We are seeking to address some of the issues of 'falling between the gaps' when offenders move from the under-18 (YJB) provision into the young adult offender age group. As a positive starting point, a transitions protocol is being implemented which will, among other things, look at the interface between the offender assessment and sentence planning tools used in the respective systems (ASSET and OASys). The provision will identify any gaps and eventually enable both systems to form a smooth sequence, and avoid duplication of services.

Reducing fear of crime among black communities

Recommendation 62

The police and local Crime and Disorder Reduction Partnerships (CDRPs) need to directly address fear of crime among young black people, including fear of falling victim to other young people. The police and local agencies should regard all young people as potential victims, not just as potential offenders – even if they

have been involved in crime themselves. (Paragraph 315, *Main Report*; Paragraph 71, *Conclusions & Recommendations*)

We agree. Accordingly, new statutory minimum standards commenced on 1 August 2007 requiring CDRPs to:

- target their community engagement activities to diverse groups;
- engage with those most likely to be affected by their new priorities; and
- have regard to other community engagement activities undertaken by individual partners.

Under the new requirements, CDRP priorities will be identified through the analysis of information obtained from partners and the local community. Efforts will therefore be concentrated on young black people in the community where a specific area or group is locally identified as being at risk.

The Government recognises the need to support all young people, acknowledging that many young offenders can also be victims. This will be part of the focus of new joint work, involving the Home Office, MoJ, DCSF, ACPO, the YJB and other partners to develop our cross-government approach to youth crime.

Recommendation 63

We recommend that CDRPs, neighbourhood policing teams and, where they exist, Safer Schools Partnerships, should provide regular forums to communicate with young people and understand their primary concerns in terms of personal safety and crime. This could be done by way of a drop-in session or surgery at the school. Neighbourhood police officers should publicise a local telephone number that young people can call with information and to pass on personal safety concerns. In particular trouble spots, neighbourhood policing teams should ensure there is a visible police presence on routes to and from schools. (Paragraph 316, *Main Report*; Paragraph 72, *Conclusions & Recommendations*)

We agree. The new CDRP minimum standards require partners to target diverse groups when carrying out community engagement activities and to engage with those most likely to be affected by such activities.

The Government is also encouraging the development of Safer Schools Partnerships to improve the relationship between young people and their communities. The BME Trust and Confidence Group's strategic plan (as outlined in response to Recommendation 56) will underpin and reinforce such work.

Accessibility and ease of contact are fundamental elements of Neighbourhood Policing, an initiative that is being implemented across England and Wales and should be in place in all areas by April 2008. Neighbourhood Policing Teams, working in partnership with their local community and community safety

partners, identify the priorities for their team. If these include issues with a particular school, its pupils or problem locations, the Neighbourhood Team will work with the school and partners to find the most effective solutions.

Recommendation 64

At present, gun crime is a blight on some black communities. We fully support the efforts of Operation Trident in this area and urge full and continued financial backing for this operation. We recommend that forces in other areas where levels of gun crime are high might consider whether other, similar initiatives are necessary. (Paragraph 317, *Main Report*; Paragraph 73, *Conclusions & Recommendations*)

We agree and note the Committee's support of Operation Trident. Operations Xcalibre⁴⁸ and Axle in Manchester and the West Midlands respectively have the same aims as Trident. In addition, ACPO's Criminal Use of Firearms Group are helping and advising forces that have an emerging problem with levels of gun crime.

The Tackling Gangs Action Programme is focusing on neighbourhoods in areas which suffer disproportionately from gun crime and gangs. This complements the work of targeted police operations such as Trident and other intelligence-led police enforcement operations.

The Programme is also targeting the illegal supply of firearms. Officers from SOCA and HMRC have been seconded to the Tackling Gangs Action Programme and are working with law enforcement colleagues on operations focused on the supply and availability of illegal firearms.

Leaving custody

Recommendation 65

A renewed emphasis should be placed on the rehabilitation, resettlement and reintegration of all young people leaving custody. A review should be undertaken to ensure that provision for prison leavers is appropriate, accessible and beneficial to young people from all ethnic groups. On the basis of this review, it may be necessary to devise new measures which should themselves be examined to ensure they cater to all groups. (Paragraph 318, *Main Report*; Paragraph 74, *Conclusions & Recommendations*)

We agree. In 2006, the YJB published a new Youth Resettlement Framework⁴⁹, which focuses on developing the key resettlement pathways including health, education, training and employment and substance misuse.

Resettlement and Aftercare Provision (RAP) schemes exist in over 50 YOT areas, providing planned resettlement activities for young offenders in custody and in the community. Evaluation of the schemes will include ethnicity. The YJB also published an Accommodation Strategy in November 2006. Critically, the strategy

⁴⁸ URL: www.gmp.police.uk/mainsite/pages/xcalibre.htm

⁴⁹ URL: www.yjb.gov.uk/Publications/Scripts/prodView.asp?idproduct=282&eP

looks to ensure that young offenders have adequate access to accommodation services by improving the organisation of YOTs. The strategy has also:

- supported work to phase out the provision of unsupported bed and breakfast accommodation for 16 and 17 year olds; and
- made the prevention of family breakdown and homelessness a key priority for the YJS.

The YJB is looking at how to strengthen the work on resettlement and possibly incorporating it into the overall Reducing Re-offending Delivery Plan for youth justice. As part of this work, the YJB will consider whether:

- services meet the needs of all ethnicities; and
- if a specific review of this aspect of resettlement work is required.

The Department for Work and Pensions and Jobcentre Plus have a number of processes and programmes designed to help young offenders re-integrate with the labour market on release. For example:

- Freshstart: initially involves pre-arranging a New Jobseeker Interview to claim benefit (Jobseeker's Allowance) at the prisoner's local Jobcentre Plus office, on release; and
- Prison-based Employment and Benefit Surgeries: Jobcentre Plus advisers work in co-operation with the Prison Service and other agency staff to address the key employment and benefit needs of prison inmates during both the entry and pre-release stages of their period in custody.

National DNA database

Recommendation 66

We recommend that Government should conduct a study to determine the implications of the presence of such a high proportion of the black male population on the National DNA Database. (Paragraph 319, *Main Report*; Paragraph 75, *Conclusions & Recommendations*)

We agree. While data suggests that any bias in proportionality reflected on the National DNA Database is likely to result from over-representation in the CJS as a whole and not because of inherent bias in National DNA Database processes, we must ensure that this is the case.

The NPIA is currently scoping an equality impact assessment to identify any potential adverse effects contained within the National DNA Database and the DNA Good Practice Guide. If any such discrimination exists, we will take action to address it. This work is being taken forward in consultation with the Commission for Racial Equality and is being driven by the NPIA's Chief Executive Officer.

Recommendation 67

Whilst many of our recommendations will be relevant to this group [mixed race young people], we urge the Home Office, the Ministry of Justice and the Office of Government Statistics to undertake further work to identify whether any additional actions are required. (Paragraph 320, *Main Report*; Paragraph 76, *Conclusions & Recommendations*)

We agree. More and more people identify themselves as being of mixed-race origin, and demographic trends suggest that this is likely to increase. The Government appreciates the need for more focused attention on this group.

As a good starting point, the new MDS will use the 16+1 ethnicity classification (see definitions), which includes mixed-race as a separate category, rather than the more restrictive classifications of 4+1/5+1 (see definitions), where mixed-race is part of the 'other' category. This will inevitably help to get a more accurate picture of the national ethnicity breakdown. LCJBs are expected to use 16+1 as the minimum classification, but they are encouraged to adapt it where a particular 'other' ethnicity has a distinctly high presence in their area.

The Office for National Statistics (ONS) is currently running a consultation exercise which will look at changing the questions from the 2001 census. The ONS are holding a series of focus groups to establish where change is necessary, for example with language. An equality impact assessment has been carried out for the new 2011 census and the proposed questions will be submitted for approval in early 2008.

Government's Response to the Committee's Annex: Recommendations relating to data and research on young black people's over-representation in the Criminal Justice System (CJS)

In the Report's Annex, the Committee made a further 24 recommendations to Government on data and research.

A full and accurate picture of over-representation will be vital to any strategy to reduce it. We are encouraged that the Home Office has recently commissioned the development of advice and guidance on the collection and use of a minimum dataset on race statistics. We recommend that further action on statistics on race and the criminal justice system should include the following measures:

Recommendation a)

When aggregating data on ethnicity, all agencies should use the same ethnicity categories to allow clear comparison of data at different stages of the system.

We agree. The Minimum Data Set (MDS) will specify the race data that should be collected consistently to common standards at key points in the CJS to enable comparisons across the CJS.

Recommendations from the MDS include:

- the 16+1 classification (see definitions) being used as the minimum standard for all CJS agencies;
- Local Criminal Justice Boards (LCJBs) to move from the visual 4+1 (see definitions) classification to the self-identification 16+1 classification for ethnic monitoring; and
- to improve the completeness and timeliness of 16+1 data.

We recognise that there will be some practical difficulties, but we are providing support to agencies during this transition.

Recommendation b)

The Youth Justice Board should set robust targets to Youth Offending Teams to improve recording of the ethnicity of young people being supervised, including a requirement for YOT data returns to be disaggregated by gender and ethnicity simultaneously.

We disagree. The Youth Justice Board (YJB) will be working with other agencies on the development of the MDS and are committed to improving the quality of data. The YJB will ensure that Youth Offending Team (YOT) data can be

disaggregated by gender and ethnicity simultaneously in the future. General improvements in the recording of data by YOTs have been achieved and in light of these developments, it is not proposed to set specific targets to YOTs on ethnicity recording.

Recommendation c)

The government should pilot research on the feasibility of police forces collecting data on victimisation, to be published as part of the Home Office's Section 95 statistics.

We agree. We already collect data on victimisation. Section 95 statistics¹, published annually, contain details of the ethnicity of homicide victims. The British Crime Survey² measures crime victimisation and experience of and attitudes to crime, through interviews conducted on a rolling basis with results published quarterly; it also provides us with information on the victims of incidents which might not have been reported to the police.

Police forces are currently looking to make mandatory the collection of the ethnicity of victims of racist offences. The proposal has the support of the Association of Chief Police Officers (ACPO). The MDS is currently looking at the feasibility of collecting ethnicity data of victims in cases of general crime. It is due to report in Spring 2008.

Recommendation d)

The Crown Prosecution Service should provide ethnic data on charging and disposals.

We agree. Information on charging is already available. To establish whether there is disproportionality in charging young black people, the CPS undertook an equality and diversity impact assessment of CPS statutory charging decisions in England and Wales, covering cases from September 2004 to March 2005. The report showed no significant differences across ethnic groups. A second report has been published and is available on the CPS website (see recommendation 51). This is based on a full year's data from April 2005 to March 2006. This report has a wider remit and includes the gender, ethnicity and age of the suspect.

The quality of the data on disposals as part of the Section 95 statistics needs significant improvement. The current work underway to develop and implement the new MDS will seek to rectify this, and the collection of charging data.

Recommendation e)

The Home Office should collect data from police forces on the proportion of people arrested where no further action is taken following arrest, by ethnicity. This should be published as part of the annual Section 95 report.

¹ URL: www.homeoffice.gov.uk/rds/pubsstatistical.html

² Home Office (2006): British Crime Survey 2005/6, Home Office, London.
URL: www.homeoffice.gov.uk/rds/crimeew0506.html

We agree. The MDS project is investigating the feasibility of providing this information.

Recommendation f)

Ethnic data for those who are charged with an offence should be published as part of Section 95 data. This is only currently available for juveniles.

We agree. As part of the ongoing work into the development of the MDS, the collection of charging data is being reviewed as is the outcome of court appearances.

Recommendation g)

Government should collect and publish data on the ethnicity and age of those convicted of firearms and knife crime offences.

We agree in principle. We already collect some details of different firearms and knife-related offences. As part of the work being taken forward by the MDS project, we are looking to improve the completeness of the ethnicity data related to sentencing, including firearms and knife-related offences. Once these improvements have been made, we will look at the best way to publish.

Recommendation h)

Government should include a breakdown of the type of weapon used in its statistics on firearms offences, to allow distinction to be made between crimes involving air weapons and those involving other types of firearms.

We agree. Analysis of firearm offences is published annually within a supplementary volume to the *Crime in England and Wales series*³. Tables distinguish between the number of offences involving air weapons and non-air weapons, and further breakdowns of the latter by weapon type. Latest analyses are in chapter two of *Homicides, Firearms Offences and Intimate Violence 2005/6*⁴, released in January 2007.

Recommendation i)

Section 95 statistics on race should provide more information about gender to build a fuller picture of differences between males and females of different ethnicities.

We agree. The MDS pilots are looking at which key demographic factors are collected so that ethnicity data can be analysed in a meaningful way. Gender is being piloted as well as age and geographical area.

Recommendation j)

Government should provide a breakdown of the application of ASBOs and fixed penalty notices to different ethnic groups.

³ URL: www.homeoffice.gov.uk/rds/hosbpubs1.html

⁴ URL: www.homeoffice.gov.uk/rds/pdfs07/hosb0207.pdf

We accept the desirability of providing such data, and are working to achieve it.

With regards to fixed penalty notices, self-reported (16+1) ethnicity data is collected; however, the MDS project will be looking at ways to improve the completeness of the data.

Recommendation k)

We recommend that compliance on provision of statistics at the local level should be monitored on a regular basis by the appropriate government department and by the inspectorates for each agency.

We agree. We already have centralised quality assurance systems to ensure that the data we publish is accurate and of as high a standard as possible. However, we recognise that we need to introduce more quality checks at the local level. The MDS work is looking at practical monitoring regimes that local practitioners can use to ensure that any data errors are picked up early. The MDS work is also looking to review our centralised systems to ensure that they are effective, but do not overly delay publication of statistics.

Recommendation l)

Government should undertake monitoring of CPS charging decisions to verify that there is no undue bias to charging decisions in cases where the suspect is black.

We agree. See our response at Recommendation 51 and Recommendation (d) of the Annex.

In addition to further statistical data, there is a need for further research to help interpret the statistics and pinpoint effective solutions. In particular, there is a need to understand how existing interventions impact on young people of different ethnic minorities. We understand that the Youth Justice Board is planning to commission research into the needs of BME young people and young women generally and how these are met by criminal justice agencies, and into the interventions for young people who have committed racially-motivated offences. We also understand that the Commission for Racial Equality and the Economic and Social Research Council (ESRC) are planning research into the causes of ethnic minority young people's experience of the CJS. We suggest that the Government and, where appropriate, the Economic and Social Research Council should also consider commissioning research into:

Recommendation m)

The extent of, and reasons for, different offending patterns among different ethnic groups;

Recommendation n)

The progress of different ethnic groups through the Criminal Justice System through arrest and charge to prison, probation and aftercare. This should be a comprehensive study with qualitative and quantitative elements.

Recommendation o)

Factors that protect and place young people at risk of involvement in crime;

Recommendation p)

Youth affiliation, peer groups and gangs and their relationship with criminal behaviour;

Recommendation q)

Availability of post-sentence support for offenders of different ethnic origins and their impact on recidivism;

Recommendation r)

Alternatives to use of stop and search by the police;

Recommendation s)

effectiveness of conflict resolution schemes and initiatives aiming to Reduce retribution and reprisals;

Recommendation t)

Reasons for any ethnic differences in the decision to charge young defendants, and into ethnic differences in the number of young people remanded in custody before sentence;

Recommendation u)

Extent of, and reasons for, ethnic differences in sentencing, to establish whether any differences are accounted for by case characteristics.

We agree that high-quality social research is important to help us to better understand what the statistics are telling us. But we must prioritise our spending. We are currently clear that we must improve the capture and use of our statistical data. We believe that the work that we are undertaking on the MDS will provide us with the robust data that we need at local and national level both to manage performance and to get an accurate picture of where disproportionality occurs in the CJS. Once we have that picture we will be better able to focus our resources on those research projects that will make a real difference in outcomes for young black people, both at a national and local level.

There is a particularly pressing need to improve police forces' collection and use of data. In terms of stop and search, Baroness Scotland told us that "we will be able to move, even if it takes five, ten years, into real-time data, to enable forces to determine where disproportionality may lie within a force or unit". This data

would seem to be key in identifying potential areas of discrimination. We recommend that the police should move as quickly as possible to gather and use this data, and would hope it could be made available within the next five years.

Force level data will not always capture the full picture of if, where and how discrimination is occurring. We therefore recommend that police forces should be required to analyse their own data at Basic Command Unit level and to demonstrate to local criminal justice boards, police authorities and/or the Home Secretary that they are using this to inform practice. In many areas this will mean working with small numbers, so police forces should use qualitative approaches to understand the factors which underlie overrepresentation.

We agree that this information is essential. The Practice Orientated Package requires forces to gather and analyse Stop and Search data. We can report the following progress:

- a number of forces now publish real time Stop and Search information on the internet. A leading example is the Metropolitan Police which publishes data two months in arrears borough by borough⁵; and
- a number of forces, South Yorkshire for example, invite community members (Independent Advisory Committees (IAGs)) to scrutinise real time Stop and Search information, which can include questioning officers and asking them to account for specific Stops and Searches they have conducted. In South Yorkshire the IAGs themselves are evaluated to assess their effectiveness in scrutinising Stop and Search⁶.

The piloting of hand-held computers to record Stops and Searches by the British Transport Police (BTP) has been successful. The use of mobile data terminals mean that the data is collected instantaneously and can be analysed immediately. We believe that this system could provide an effective long-term solution and the pilot will be subject to a full cost-benefit analysis.

Parliament amended PACE Code A in August 2006 to allow the BTP to conduct a pilot into the use of supplying electronic receipts at the point of contact rather than having to produce written records. The BTP were able to use technology which allowed printing of electronic records at the point of contact but initial findings show that many people did not want a copy of the record.

We are currently examining with NPIA the potential to amend PACE Code A to remove the requirement for a record – written or electronic – to be replaced with a receipt to be provided in all cases where the officer conducting the stop or stop and search is using an electronic or palm-held device to record the activity. We are looking at the potential to make the change this calendar year.

⁵ URL: www.met.police.uk/stopandsearch/borough_data.htm

⁶ Adamson, S. and Cole, B. (2007): *Evaluation of the West Yorkshire Police Community Scrutiny Panels (Stop and Search) – Final Report*, Centre of Criminology and Sociological Studies, Hull.

Glossary and Definitions

Glossary

| | |
|--------|-------------------------------------------------------|
| ACPO | Association of Chief Police Officers |
| ASB | Anti-Social Behaviour |
| ASBO | Anti-Social Behaviour Order |
| BME | Black and Minority Ethnic |
| CDRP | Crime and Disorder Reduction Partnership |
| CEHR | Commission for Equality and Human Rights |
| CJS | Criminal Justice System |
| CORE | Continuous Record of Social Lettings |
| CPS | Crown Prosecution Service |
| DCC | Deputy Chief Constable |
| DCLG | Department for Communities and Local Government |
| DCMS | Department for Culture, Media and Sport |
| DCSF | Department for Children, Schools and Families |
| DfES | Department for Education and Skills |
| DIP | Drug Intervention Programme |
| DoH | Department of Health |
| DRE | Delivering Race Equality in Mental Health Care |
| DYOI | Detention in a Young Offenders' Institute |
| ESRC | Economic and Social Research Council |
| FCCBF | Faith Communities Capacity Building Fund |
| HMRC | Her Majesty's Revenue and Customs |
| KPI | Key Performance Indicator |
| LCJB | Local Criminal Justice Board |
| MDS | Minimum Data Set |
| MoJ | Ministry of Justice |
| NAPP | National Academy of Parenting Practitioners |
| NCPE | National Centre for Policing Excellence |
| NICE | National Institute for Health and Clinical Excellence |
| NOMS | National Offender Management Service |
| NPIA | National Police Improvements Agency |
| NRC | National Resource Centre |
| NTA | National Treatment Agency |
| Ofcom | Office of Communications |
| OFSTED | Office for Standards in Education |
| ONS | Office for National Statistics |

| | |
|--------|----------------------------------------------|
| PACE | Police and Criminal Evidence Act |
| PCSO | Police Community Support Officer |
| POP | Practice Oriented Package |
| PSA | Public Service Agreement |
| RAPS | Resettlement and Aftercare Provision Schemes |
| RR(A)A | Race Relations (Amendment) Act |
| SOCA | Serious Organised Crime Agency |
| YAO | Young Adult Offenders |
| YIP | Youth Intervention Programme |
| YISP | Youth Inclusion and Support Panel |
| YJB | Youth Justice Board |
| YOT | Youth Offending Team |

Definitions

Disproportionality: Particular minority groups may be more or less likely to be the subject of an action by a criminal justice agency, and sometimes this involvement is disproportionate to the representation of that minority group in the resident population as a whole. The term 'disproportionality' refers to this situation.

Section 95 Statistics: Section 95 of the Criminal Justice Act 1991 requires the Secretary of State for the Home Department to publish such information as she considers expedient in order to avoid discrimination on the basis of race, sex or other improper grounds. Accordingly, ethnicity statistics are published annually and give information on CJS agencies' activities by ethnicity.

Third Sector: The Third Sector is defined by the Government as non-governmental organisations that are value-driven and which principally reinvest their surpluses to further social, environmental or cultural objectives. The Third Sector consists of voluntary and community organisations, social enterprises, and cooperatives and mutuals.

'4+1', '5+1' and '16+1': These are ethnicity classification systems with varying levels of details. 4+1 includes four specific categories plus 'other', 5+1 has five specific categories plus 'other', and 16+1 has 16 specific categories plus 'other'.



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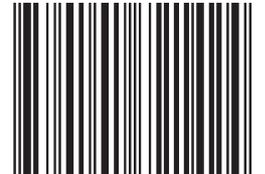
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