



T2A response to the Commission on Race and Ethnic Disparities call for evidence

Our interest in this matter

1. The Transition to Adulthood Alliance (T2A) evidences and promotes effective approaches for young adults (18-25) throughout the criminal justice process. It is an alliance of 12 leading criminal justice, health and youth organisations: Addaction, Care Leavers' Association, Black Training and Enterprise Group, Catch22, Centre for Crime and Justice Studies, Clinks, Criminal Justice Alliance, the Howard League for Penal Reform, Nacro, Prisoners Education Trust, Prison Reform Trust, Police Foundation, Revolving Doors Agency and Together for Mental Wellbeing.
2. T2A is convened and funded by the Barrow Cadbury Trust. Under the Trust's Criminal Justice programme, it has funded various projects examining race and ethnic disparities in young adults in contact with the criminal justice system. These include:
 - Baroness Lola Young of Hornsey's research on how to improve outcomes for young black and/or Muslim men in the criminal justice system, known as [the Young Review](#).
 - Maslaha's research on the impact of Islamophobia on criminal justice decision making, entitled [Young Muslims on Trial](#)
 - Leaders Unlocked's report [Race and the Criminal Justice System](#), based on interviews with Black, Asian or minority ethnic young adults on their experiences of engagement with the criminal justice system
 - Revolving Doors Agency's work on young adults in the revolving door of the criminal justice system, including a briefing on [Racial bias](#).

The Barrow Cadbury Trust is a co-funder of EQUAL which replaced the implementation group for the Young Review. The Criminal Justice Programme Manager is a member of its Independent Advisory Group.

Response to consultation

Q1: What do you consider to be the main causes of racial and ethnic disparities in the UK and why?

3. T2A is very concerned by the growing disproportionality of Black, Asian or minority ethnic young adults in the criminal justice system. These disparities have continued to increase as consecutive governments have failed to hear the lessons from several reviews regarding the criminal justice system—the Lammy Review, the Young Review, the Macpherson Review in particular—where potential reasons for racial disparities have been explored and the need for more systematic research to understand the causes has been identified. Research on young adults funded by the Barrow Cadbury Trust as part of the T2A programme has contributed to this evidence and we recommend that the Commission reviews our publications. For example, the Revolving Doors Agency has [found](#) that Black young adults are more likely to be pulled into the revolving door of the criminal justice system than any other ethnic group but highlights gaps in the data which make it challenging to understand their trajectories.

4. In 2018, the Justice Select Committee made the following observation of the Ministry of Justice's work on race.

While we welcome the Ministry's commitment to implement as far as possible the recommendations of the Lammy Review, the strikingly slow progress that has been made on improving outcomes for young black and Muslim men in the four years since the Young Review which the Government were also committed to implementing, illustrates the scale of the problem and resulting action required. The MoJ's Race and Ethnicity Board should therefore develop, as a priority, a meaningful programme to address disproportionalities for young Black, Asian and minority ethnic adults aged 18 to 25. As disproportionalities are likely to originate outside the criminal justice system addressing them must also be a high priority for the Reducing Reoffending Taskforce.

The Taskforce met once before being disbanded and to our knowledge there is no cross-government work programme to tackle these issues.

5. David Lammy MP called on the government to "explain or reform" the known disproportionalities and we have since seen neither being done adequately. Sadly, there are examples in which the opposite has happened, and the effect of recent changes has been to "ignore and deepen" disparities. We discuss this further in response to Q10. The focus of this Commission should therefore be to explore the barriers to the implementation of the important recommendations made in these reports, many of which are yet to be embedded or impacting on outcomes and to advise on the infrastructure necessary to ensure that this issue is at the heart of policymaking and practice across the CJS. The Commission should also ensure that Black, Asian or minority ethnic young adults are not considered as a homogenous group.

Q8: What could be done to enhance community relations and perceptions of the police?

6. This question makes the narrow assumption that legitimacy of the justice system solely relates to trust in the police when research has shown that perceptions of other criminal justice agencies are equally important. It also overlooks a wider question of what can be done to enhance community and criminal justice professionals' perceptions of BAME children and young adults and attitudes and behaviour towards them. The Ministry of Justice itself has emphasised the deep mistrust among BAME communities which they acknowledge stems from the evidence and/or experience of unequal treatment in the CJS. In its 2020 update on tackling race disparity in the justice system it details the steps it is taking to address the mistrust. It proposes that trust will be built as outcomes improve and experiences change, but that this will take time due to the systemic nature of the reforms required and the need to "unpick historical relationships with the CJS". T2A has funded research with Maslaha, Baroness Young, and Leaders Unlocked which illustrates that the issue of trust has implications throughout the justice system and would provide useful reading material for Commissioners.
7. In developing their thinking and recommendations, the Commission could usefully engage with BAME young adults who are experts by their own experience of the criminal justice system. With the support of Leaders Unlocked, T2A has established a young adult advisory group which allows young adults to get involved and have their say about policing and criminal justice and seeks to influence justice policy. Between November 2016 and March 2017, the advisory spoke to over 90 BAME young adults aged 15-25 years nationally. The report of their findings is sobering regarding experiences at each stage of the justice system and the lack of trust in the system as a whole, which commences in childhood. Examining the report itself and talking to the Leaders themselves would provide a rich source of important intelligence for the Commission.

8. Of particular importance for the Commission is the need to understand the profound implications of these experiences on the development of identity which is particularly crucial in young adulthood for preventing future engagement with the justice system. Once involved in the criminal justice system, BAME young adults find that they are perceived through a narrow lens as a perpetrator or a criminal and can find it challenging to move on from their offence and rebuild their lives. In 2014, Baroness Young highlighted the significance of the ways in which young black and/or Muslim men experience and perceive the intensity of negative stereotyping and its impact on outcomes for these individuals and identified that this is yet to be fully grasped by criminal justice professionals. Six years later, this remains the case. Maslaha recently found that Muslim offenders' and ex-offenders' responses were remarkably consistent when asked what was most discouraging in their efforts to change their lives. All were intensely aware of the ways in which pernicious stereotyping affected the way they and their communities were perceived and the effect of such attitudes on their own perceptions and behaviour. The wider negative discourse surrounding Islam, this influences practitioners in the criminal justice system and how Muslim communities are perceived. Until this is addressed the criminal justice system cannot have the legitimacy required to function effectively for every citizen, no matter what their race, ethnicity or age. Campaigns or creative projects for magistrates, probation workers and the police are needed to shed light on the daily lives of Muslim, Black and other ethnic minority communities. This is different to diversity training and would involve understanding the specific elements of a religion.

Q10: Can you suggest other ways in which racial and ethnic disparities in the UK could be addressed? In particular, is there evidence of where specific initiatives or interventions have resulted in positive outcomes? Are there any measures which have been counterproductive and why?

9. Implementing steps to address known disproportionality requires effective governance and scrutiny. The Ministry of Justice does not have a published Equality Strategy. It has published a series of objectives but there is no transparency about its action plan to achieve them. There is regular reporting of data on race and ethnicity and annual reporting of progress on implementing the Lammy Review recommendations but there is no evidence of impact on changing outcomes and there is no consideration of the intersectionality of race, ethnicity and age. There should be more rigorous scrutiny of the actions taken in response to monitoring data collected that reveals disparities in outcomes for young black and/or Muslim men, including to understand why steps taken are not impacting on outcomes.
10. In relation to counterproductive measures, a clear recent example of this is the sentencing white paper, the equalities impact assessment for which acknowledges racial inequalities arising from the Ministry of Justice's proposed policies which it is seeking to enshrine in legislation. The preliminary assessment notes various ways in which its proposals are likely to affect Black, Asian or minority ethnic individuals disproportionately but states that such an impact is "justified as a proportionate means of achieving the legitimate aims of the policy". Rather than explaining or reforming these known disparities, the measures in the White Paper will further entrench them. The government could have taken the opportunity to develop legislation in regard to Black, Asian or minority ethnic individuals who offend similar to that which exists to ensure that justice provision meets the specific needs of women offenders.
11. Similarly, the government is intending to increase the discretionary powers of probation officers and states in the impact assessment that individuals affected by this change will be disproportionately young, male, and Black, Asian or minority ethnic. While we support such a

proposal in principle, changing policy in this way before having addressed the cultural competence of the probation workforce to the extent that outcomes are changing, is likely to deepen disproportionalities. The recent, welcome significant shift in understanding of the nature of youth criminality and the role of exploitation in the commission of violent and drug-related offences has typically focused on those who are young and vulnerable. T2A believes that some Black, Asian or minority ethnic young adults may themselves have been exploited before this became a policy priority but were not identified as such. The government's approach to polarising victims and perpetrators which is prevalent in the White Paper oversimplifies the reality and undermines efforts to restore trust.

12. Emphasis should be placed on significantly increasing dedicated resources for community engagement to facilitate the development of culturally informed partnership working models for probation and prisons. This should ensure effective engagement, at strategic and delivery levels, of voluntary sector organisations with relevant cultural knowledge that can demonstrably meet the needs of 18-24-year-old black and Muslim offenders in prison and the community. Such knowledge should feed into the criminal justice process more systematically, including in devising pre-sentence reports, subsequent advice to sentencers and as well as in post-sentence provision. This would also enable social capital to be built within communities and support families experiencing the stigma of offending to facilitate crime reduction and successful resettlement. There should be a concerted push to establish partnerships with employers across all sectors to set up employment schemes for ex-offenders, particularly young adults. Current community-based criminal justice provision is dwarfed by the resources spent on expanding the prison estate. We believe that this is short-sighted and until the emphasis is shifted towards addressing structural inequalities and building a justice system which makes serious attempts to address disproportionality little will change in terms of outcomes for Black, Asian or minority ethnic young adults.