



Cyfiawnder Troseddol
yng Nghymru
Criminal Justice
in Wales



Understanding the issues which may be contributing to racial disparity within Pre-Court Diversionary approaches in Wales for all groups of people, with a focus on Women and Children.

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Written by Mark Jones,
Director at Higher Plain
Research & Education



Glasbriant Cyfiawnder
i Fenywod
Women's Justice
Blueprint



Rheolwyr Tîmau Troseddau Ieuenig Cymru
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Author details:

Mark Jones (He/Him)
Director, Higher Plain Research & Education Ltd
Visiting Professor, Centre for Criminology,
University South Wales

Tel: 07967839933

Email: higherplainresearcheducation@gmail.com

Website: <https://www.higherplainresearchandeducation.co.uk/>



Introduction

The tragic death of George Floyd was felt across the world and highlighted our own challenges with racism in the UK and Wales. The protests that took place in Cardiff and in other cities in Wales, as part of the Black Lives Matter movement, led to a reflection in many parts of society by the institutions that shape and influence it, including the Criminal Justice System (CJS). In response, Criminal Justice in Wales (CJIW) worked with all partners in the CJS across Wales to develop an Anti-Racism Action Plan through committed engagement with ethnically diverse groups and communities across Wales to ensure that it was co-produced.

The Anti-Racism Action Plan for the Criminal Justice System in Wales was published in September 2022 following the publication of the Welsh Government's, Anti Racist Wales Action Plan in May. The Welsh Government's plan and the CJS's plan align and support each other with an aim for a whole system approach to anti-racism and change across society. The Anti-Racism Action Plan for the CJS in Wales (2022)

has made seven commitments to the Welsh public and states that it will deliver the plan in keeping with Welsh Government's definition and understanding of anti-racism.

More recently the Crown Prosecution Service (CPS, 2024) has also made increased commitment to challenging disproportionality with the publication of its Disproportionality Action Plan in November 2024. The CPS plan states that it commits to developing an anti-racist culture and practices and eliminating racial bias in decision-making and working with other criminal justice partners to address racial disproportionality.

It could be argued that in Wales, there is a greater and stronger commitment to being an anti-racist society, as evidenced by these three important action plans. All these three plans have been published relatively recently and so only time will tell if this commitment to creating an anti-racist society free of racism and racial oppression and discrimination will be successful in Wales.



An Anti-Racism Action Plan founded on the evidence base and lived realities

The Anti-Racism Action Plan for Criminal Justice in Wales is evidence based and was informed by appropriate recent literature, research, and policy and co-created with those with expertise in anti-racism and associated themes. Importantly the process of co-creating the plan was done so with experts who have lived realities of the Criminal Justice System and/or are working in the field of anti-racism. Research suggests that those with protected characteristics, including women and children from ethnically diverse backgrounds can face double, triple or even quadruple disadvantage in their interactions with the CJS due to age, gender, ethnicity, and religion. Indeed, most academics and research in this area find the CJS to be racist at the personal, cultural, and institutional and structural level. In 2017, the Lammy Review shone an essential light on disparity in the treatment of, and outcomes for, ethnically diverse people within the CJS. Ethnically diverse defendants are consistently more likely to plead 'not guilty' than White UK majority defendants and consequently, if found 'guilty', they are then more likely to face more punitive sentences than if they had admitted guilt. Lammy highlighted that a lack of trust in the CJS is at the heart of this issue.

Racism and racial disproportionality are clearly not limited to the CJS and indeed racism and racial disparities are a strong feature of UK society and evident within the other main societal institutions and spaces of public life, including: health, education, employment, and within immigration policy. Amnesty International and the Runnymede Trust (2024) found that over the last four years racism and racial disparity has largely worsened due to the UK's government(s) continued failure to address institutional racism and that this inaction is to blame for the recent eruption of far-right racist and Islamophobic violence on UK streets in 2024. Indeed, their research and subsequent report submitted to the UN Committee on the Elimination of Racial Discrimination found that UK government legislation and policy infringes on key articles of the International Convention for the Elimination of Racial Discrimination, which is an agreed UN treaty. The report states that such legislation, institutional racism and practices, and UK society's customs combine to continue the oppression of ethnically diverse people. Their report concludes that due to the governmental failure to improve outcomes for

ethnically diverse people, whilst attacking and restricting the ways such individuals, groups, and communities can dissent and protest, creates a catastrophic situation for many people from ethnically diverse backgrounds who are under-protected, over-policed, and experience the reality of disproportional outcomes and quality of services throughout UK society (Amnesty International and the Runnymede Trust, 2024).

So, whilst there has arguably been some progress made within Wales with three clear policy commitments to anti-racism, it is clear that there is still a very long journey ahead to address racism, overrepresentation, and poor treatment of ethnically diverse people. Such realities are particularly oppressive for those ethnically diverse people with additional protected characteristics and/or vulnerabilities such as women and young people, not only in relation to the CJS but wider Welsh and UK society.



A focus on Women and Children in Wales

The joint Ministry of Justice (MOJ) and Welsh Government Women's Justice Blueprint (2019) set out a vision to build on the transformation of services to improve the outcomes and experiences of women across Wales, through a whole system approach. The Women's Justice Blueprint (2019) has sought to promote the need to take a person-centred and trauma informed approach to the delivery and design of services for women. The Blueprint is focused on delivering across a number of thematic areas that reflect key stages of the criminal justice journey, within which, there is a specific focus on strengthening early intervention and prevention opportunities for women across Wales and building robust community-based options that meet women's needs.

However, the Blueprint also recognises that there are key gaps in the evidence-base in relation to women from an ethnically diverse backgrounds, that may be impeding on the ability to offer the right support. By not understanding the potential challenges faced by these individuals, the risk is that they may not be getting the support they need and/or they may be disengaging from the services that are available due to their needs not being fully understood.

As of April 2025, the Women's Justice Blueprint has moved into a new delivery phase which will involve building on the existing framework and

principles, continuing to embed best practice in the justice system for women in Wales. The All-Wales Women in Justice Board (AWWIJB) has been recognised as the appropriate forum to provide strategic direction for criminal and social justice partners to help ensure ongoing effective delivery of the strategic priorities and principles of the Blueprint and within broader policy relating to women in the CJS in Wales.

In respect of children and young people, The Youth Justice Blueprint (2019) in Wales highlights the importance of supporting children who have adverse childhood experiences (ACEs) with much higher risks of committing violence and ending up in prison than children that do not have ACEs. The Blueprint is primarily focused on preventing and minimising the impact of ACEs and supporting positive change in children using a 'Child First' model of practice. Like the Women Justice Blueprint, the aim is to achieve this through a whole-system approach using a rights-based and trauma-informed practice and system. The main elements of the Youth Justice blueprint is to embed a child first approach that focuses on: targeted prevention, pre-court diversion, and community services with an emphasis on rolling out a trauma-based practice approach.

However, the evidence suggests that although youth diversion is beneficial for the children who go through it and has been shown to reduce re-offending, there is disproportionality in access and engagement with it from ethnically diverse children. Research strongly indicates that unequal treatment early in the CJS accumulates into larger disparities downstream (The Centre for Justice Innovation, 2021).



Implementing the Commitments in the Anti-Racism Action Plan for Criminal Justice in Wales

This reality has shaped the Anti-Racist Action for the CJS in Wales and aligns to several themes within the plan but relates directly to Commitment 7 regarding the anti-racist work that is needed within 'Prevention, Early Intervention and Rehabilitation' within the CJS.

There is a commitment to:

“Work together to end the over representation of ethnic minority people who have committed a crime and defendants in the criminal justice system in Wales” and that “We will provide holistic, person centred and trauma-informed support to offenders and those at risk of offending so they can make informed life choices for employment, education, social relationships, and mental and physical health and well-being.”

This means that work needs to be achieved to understand more about the lived realities and needs of all ethnically diverse groups within pre-court diversion (and the wider CJS) with a focus on Women and Children and this is the overarching aim of this project of work.

The idea for this project was initially proposed by Cardiff's Race Equality Taskforce and this was supported by the office of the South Wales Police and Crime Commissioner. The Cardiff Taskforce had been tasked with identifying practical opportunities for anti-racist change to improve race equality in the city, finding new ways that could deploy local levers to improve experiences and outcomes for ethnically diverse residents. The Taskforce worked together in partnership with communities, individuals with lived realities and expert organisations, to identify the problems and, most importantly, work together on solutions to address racism and racial disparities. The Taskforce and the office of the South Wales Police and Crime Commissioner identified the need to address negative experiences of diversion that children, women, and men from ethnically diverse backgrounds face within their engagement.

This focus was also highlighted as a need across Wales both within previous research and literature and whilst writing the Anti-Racism Action Plan for Criminal Justice in Wales which used a co-production approach to effectively listen and learn from those from ethnically diverse backgrounds. Therefore, as part of the work of implementing the Anti-Racist Action Plan for Criminal Justice in Wales (2022), the joint MoJ and Welsh Government Women's Justice Blueprint (2019), and the Youth Justice Blueprint (2019) in Wales commissioned a project in partnership with Criminal Justice in Wales. Mark Jones, Director at Higher Plain Research and Education Ltd, and Visiting Professor at University South Wales was commissioned to be the researcher for this project.

The main focus of this project is to better understand the disproportionality of experiences that people from ethnically diverse backgrounds face when engaging with pre-court diversion opportunities and Out of Court Disposals (OoCDs). This research has therefore gained understanding of disproportionality in diversion for all people from an ethnically diverse background but with a specific lens applied to the experiences and needs of women and children.

The project idea, as highlighted above, first came from the Cardiff Local Crime Justice Board and due to this it initially included a Cardiff locality case study element within the project design which was later expanded to a South Wales focus to support effective engagement with all stakeholders especially those with lived realities of engaging with pre-court diversion support.



Using this research to develop anti-racist pre-court diversionary practice in Wales

This project was governed and supported by key stakeholders and lead practitioners from ACE's Hub Cymru, Women's Justice Blueprint, Youth Justice Blueprint, South Wales Police, South Wales Police and Crime Commissioners Office, and Criminal Justice in Wales comprising the steering group. The research started in February 2023 and ended in March 2024 and the final element of this research project will be sharing and disseminating the findings of this report as highlighted above with the aim of enhancing pre-court diversion experiences for people from ethnically diverse backgrounds.

The findings and learning from this research project will be disseminated across Wales, via the current pan Wales criminal justice governance arrangements, Women in Justice Board, Youth Justice Boards and professional, policy, and academic networks and forums where appropriate. This research project will be used to inform the design and response to diversion services for those from ethnically diverse backgrounds across Wales. Due to the geographical South Wales focus of this research there will also be engagement with the South Wales Criminal Justice Board and other key regional and local partners. Ultimately, this research will be shared where it can positively influence understandings of inclusive anti-racist practice and policy development and where there is need and commitment to work towards an anti-racist pre-court diversion model and approach.



Executive Summary

The Anti-Racism Action Plan for the Criminal Justice System in Wales was published in September 2022 following the publication of the Welsh Government's Anti-Racist Wales Action Plan in May. The Welsh Government's plan and the CJS's plan align and support each other with an aim for a whole system approach to anti-racism and change across society. The Anti-Racism Action Plan for the CJS in Wales (2022) has made seven commitments to the Welsh public and states that it will deliver the plan in keeping with Welsh Government's definition and understanding of anti-racism.

The Anti-Racist Action for the CJS in Wales (2022) has seven commitments to ending racism and this research and report relates directly to Commitment 7 focused on anti-racist practice 'Prevention, Early Intervention and Rehabilitation' within the CJS.

The main focus of this project and this report is to share better understanding of the disproportional experiences that people from ethnically diverse backgrounds face when engaging with pre-court diversion opportunities and Out of Court Disposals (OoCDs). This research has therefore gained understanding of disproportionality in diversion for all people from an ethnically diverse background but with a specific lens applied to the experiences and needs of women and children and young adults (aged 18-25).

The findings and learning from this research project will be disseminated across Wales, via the current pan Wales criminal justice governance arrangements, Women in Justice Board, Youth Justice Boards and professional, policy, and academic networks and forums where appropriate. This research project will be used to inform the design and response to diversion services for those from ethnically diverse backgrounds across Wales. Due to the geographical South Wales focus of this research there will also be engagement with the South Wales Criminal Justice Board and other key regional and local partners. Ultimately, this research will be shared where it can positively influence understandings of inclusive anti-racist practice and policy

development and where there is need and commitment to work towards an anti-racist pre-court diversion model and approach.

The main aim and outcome of the project is to produce a set of recommendations, with specific attention given to women and children, that will contribute to the development of:

Tailored or alternative approaches to diversion for ethnically diverse groups that are also trauma informed. This is to ensure that there is equal opportunity to be diverted away from the CJS and into support-based services.

This project set out to achieve this aim by using an inclusive co-produced approach, ensuring people from ethnically diverse backgrounds, who are experts through their lived realities are heard and listened to as outlined as needed practice within the Anti-Racism Action Plan for CJ in Wales (2022).

To achieve this a sequential mixed methodological approach was used, meaning both quantitative and qualitative methods were utilised to meet the aims and scope of this research project including the use of a systematic literature review, OoCD Police data from Cardiff Bay Police station, focus groups and individual interviews, and two engagement events.





Learning and Recommendations for Developing Anti-Racist Pre-Court Diversion for Ethnically Diverse Children and Young Adults



1. A nationally defined and agreed model for Pre-Court Diversion for Children (up to 17 years old) and Young Adult's (aged 18-25) from ethnically diverse backgrounds (although many recommendations also apply to White Uk ethnicity) that:

- i. Where possible, Point of Arrest diversion should be used to reduce the impact and trauma of arrest and custody and signposts children and young adults to youth justice services, youth work support, and diversion providers with those services being notified to make contact and offer their support.
- ii. Inclusive eligibility conditions should be used for pre-court diversion / OoCDs with no need for an admission of guilt, scope for multiple diversion attempts, and an initial focus on light-touch conditions. Where needed for more complex needs diversion interventions should support the holistic needs and realities of the people

it supports and offer longer-term support which usually requires a minimum of 12-16 weeks of support for real behaviour change and personal growth to occur.

- iii. Diversion provision and intervention plan should be agreed using co-production and be person-centred and focused on developing relationships based on trust and respect using restorative, trauma-informed and anti-racist practice and where appropriate should be child first and or gender informed. This holistic approach is to support the psychological, neurological, biological, and social development and transition through childhood, adolescence and into adulthood where appropriate.
- iv. Getting to know children and young adults from ethnically diverse backgrounds and their preferred language and terminology is important and should be a focus of all support services to children and young adults from ethnically diverse backgrounds.
- v. Offers inclusive victim experience of a restorative justice approach so victims feel listened to, heard, and have choice and control within their experience of diversion programmes.
- vi. Restorative justice in pre-court diversion provision needs to be clearly defined and agreed at a national level to avoid current tokenistic practice and mislabelling of current diversion practice as restorative that is often not restorative because this mislabelling dilutes its meaning, the understanding of the potential impact and outcomes of a truly restorative approach.
- vii. Pre-court diversion utilises a model of strong inter-agency working with a shared vision, accurate information and data sharing, and joint decision making for OoCDs. There needs to be a focus on wherever possible using outcome 22 / youth caution to effectively support children and reduce trauma of engagement with court proceedings. Diversion providers should be central to this process and experience for children and young adults, so they feel safe and supported within custody experiences.
- viii. Ensures that diversion assessment and referral is timely (48 hours) to support diversion and engagement by children and young adults.

- ix.** Youth Diversion is captured as a positive outcome by the Police and their performance management schemes.
 - x.** Diversion programmes are managed and supported by dedicated child and young adult diversion practitioners that are not part of statutory provision to support trust and engagement.
 - xi.** There is consistently quick and effective translation support available for children and young adults who need it within custody suites.
 - xii.** Diversion support uses specialist mentors that are from ethnically diverse backgrounds and where possible have lived experiences of the CJS to effectively support children and young adults from similar backgrounds to engage.
 - xiii.** Assessment of needs for diversion should consider a children and young adult's cultural, heritage and religious identity.
 - xiv.** Diversion support should focus on implementing interventions with children and young adults that develop positive attitudes towards learning, employment, friends, family, and parenting as they are associated with low reoffending outcomes.
 - xv.** Diversion should offer quick (within 2 weeks) mental health support services as this is highly common and significant need. If current provision is not adequate to meet local need, then new diversion mental health support services should be developed.
 - xvi.** Specialist non-statutory services for ethnically diverse children and young adults who engage with OoCDs and the wider CJS need to be central to supporting children and young adults that are engaging with diversion. Such specialist providers should offer support and mentoring to other diversion providers to support the development of their anti-racist practice. When such specialist services are not available then these services need to be developed to meet local ethnically diverse needs. There needs to be the identification of diverse specialist services to facilitate the mapping and sharing of best practice and ensuring effective referral routes for diversion.
 - xvii.** All new diversion services should be co-produced with children and young adults from ethnically diverse backgrounds.
- 2. High Quality, long-term and co-produced Education and Training**
- xviii.** The CJS and other statutory services, such as social services, who are involved in the assessment of children and young adults and or support diversion work need ongoing and long-term education and training on child first, gender informed, trauma-informed practice and anti-racist practice especially front-line police officers and those within custody suites. Education and training should focus on:
 - a.** Developing friendly and non-judgmental communication skills that are culturally competent and use appropriate language and terminology.
 - b.** Understanding that a child or young adult that has potentially offended is a child first or young adult first and so the focus is to have empathy, understanding of racial stress and trauma, ACEs, and to build rapport to facilitate effective diversion uptake, assessment and support.
 - c.** Understand own personal biography realities and experiences and how racism, ageism, sexism, and religious discrimination perpetuates within the wider UK / Welsh society and culture.
 - d.** There needs to be a focus on understanding own conscious and unconscious biases and challenging these to support professional development of anti-racist practice, age-informed, gender informed, and religion informed practice so these characteristics are not a lens that perpetuate disproportionality and unfair assessment and punitive measures such as 'uptariffing' and 'adultification.'
 - e.** Creating a reflective practice culture to support confident reflective discussion with agencies, colleagues, teams, and supervisors on cultural competence and anti-racism and supporting children and young adults from ethnically diverse backgrounds so there is 'cultural reflective practice' and 'cultural humility.'
 - xix.** Education and training for youth justice police is needed so they can better recognise referral opportunities for diversion and to support appropriate assessment of risk and stop up-risking children from ethnically diverse backgrounds.

- xx.** Solicitors and lawyers need ongoing education and training on the positive outcomes and impacts of pre-court diversion and OoCDs so they can advise their clients appropriately.
- xxi.** Education and Training relating to anti-racism and anti-racist practice should, with appropriate support, be developed and facilitated by people from ethnically diverse backgrounds who have lived realities of engaging the CJS.
- xxii.** Diversion provider organisations need ongoing education and training on racial trauma-informed practice and anti-racist practice at all levels of the organisation, including senior leadership. This work will support effective delivery of services and the development of an anti-racist leadership and organisational culture so there is no fear of 'getting it wrong' and so all practitioners have the confidence to discuss such language, terminology, issues and realities.



3. High quality research that is inclusive of ethnically diverse lived realities

- xxiii.** There is a need for commonly agreed data and effective data capture with multi-agency sharing of data so all diversionary services can effectively understand and support people from ethnically diverse backgrounds. Recording and monitoring of ethnicity, language, and faith needs to be accurate so that analysis can be achieved to support understanding and ongoing practice development.
- xxiv.** Increased research to understand over-representation of children and young adults from ethnically diverse backgrounds in the system.
- xxv.** More research is needed on local contexts, so services are developed to meet local needs and experiences and better support diversion engagement and desistance. More qualitative research is needed to better understand the lived realities of custody sergeants in Wales in respect of their OoCDs decision making more generally and in relation to supporting people from ethnically diverse backgrounds.
- xxvi.** More research is needed to understand experiences and needs of girls from ethnic minority backgrounds within pre-court diversion and coproduce specialist services for diversion with / for girls if needed.

4. Building Trust with ethnically diverse people and community outreach

- xxvii.** The CJS and particularly the Police need to develop outreach projects to effectively build positive relationships with ethnically diverse individuals, groups, and communities that create trust so they can effectively promote the positive outcomes and impacts of pre-court diversion practice. These projects should be co-produced and delivered with services and community members from ethnically diverse backgrounds.
- xxviii.** Youth Justice Services and other diversion providers should consistently challenge the racism that ethnically diverse children and young adults experience in relation to racial profiling, stop and search, adultification, and harsher treatments by the system in pre-court diversion contexts (and wider CJS experiences).

5. Greater Diversity, Equity and Inclusion at an Organisational and Institutional Level

- xxix.** There needs to be a focus on increasing the ethnic diversity throughout the CJS and at all levels of institution to reflect the society we live in and the diversity of people the CJS serves.
- xxx.** Development of a recruitment, retainment, and progression strategy, policy, and practice that outlines CJS agency aims, actions, and commitments to how they will achieve having an ethnically diverse workforce across their organisations / institution, at all levels of practice, including at senior leadership. Ethnic diversity outcomes should be aligned to regional demographics and represent the public it serves, with a minimum benchmark of 5% for regions with low ethnic diversity.
- xxxi.** Development of an ethnically diverse external and independent review panel for recruitment, retainment, and progression strategy, policy, and practice for each CJ agency with a minimum membership representation of 70% needing to be from an ethnically diverse background.
- xxxii.** Due to the influence of racial disproportionality in pre-court diversion there should be a specific focus on increasing the ethnic diversity of front-line police officers and custody suite police sergeants. The focus on increasing the ethnic diversity of newly qualified police officers who have qualified through the degree will require collaborative working with Higher Education Institutions to ensure their commitment to this action. In the next 12-18 months all new appointments and or promotions to the role of custody sergeant should have a minimum of 15% representation from ethnically diverse groups.
- xxxiii.** All CJ agencies and allied professions should implement mentoring and reflective support from experienced ethnically diverse practitioners across all levels of their workforce including mentoring to those in senior leadership roles.



Learning and Recommendations for Developing Anti-Racist Pre-Court Diversion for Ethnically Diverse Women

- 1. A nationally defined and agreed model for Pre-Court Diversion for Women from ethnically diverse backgrounds (although many recommendations also apply to women from White UK ethnicity) that:**
 - i.** Uses a whole system approach with women's centres and specialist women's organisations that is joined up through Home Office, MOJ, & Health and Social Care Institutions (Public Health).
 - ii.** Inclusive eligibility conditions should be used for pre-court diversion / OoCDs with no need for an admission of guilt, scope for multiple diversion attempts, and an initial focus on light-touch conditions. Where needed for more complex needs diversion interventions should support the holistic needs and realities of the women it supports and offer longer-term support which usually requires a minimum of 12-16 weeks of support for real behaviour change and personal growth to occur.
 - iii.** Women should be given the choice of receiving legal advice and support from a female solicitor or lawyer as many women engaging with the CJS have or are experiencing domestic violence or abuse and so can find male engagement and intervention traumatic and stressful.
 - iv.** Diversion provision and intervention plan should be agreed using co-production and be person-centred and focused on developing relationships based on trust and respect using gender-informed, restorative, trauma-informed and anti-racist practice. This holistic approach is to support women's needs and realities.
 - v.** Getting to know women from ethnically diverse backgrounds and their preferred language and terminology is important and should be a focus of all support services to women from ethnically diverse backgrounds.
 - vi.** Offers inclusive victim experience of a restorative justice approach so victims feel listened to, heard, and have choice and control within their experience of diversion programmes.

- vii.** Restorative justice in pre-court diversion provision needs to be clearly defined and agreed at a national level to avoid current tokenistic practice and mislabelling of current diversion practice as restorative that is often not restorative because this mislabelling dilutes its meaning, the understanding of the potential impact and outcomes of a truly restorative approach.
- viii.** Pre-court diversion utilises a model of strong inter-agency working with a shared vision, accurate information and data sharing, and joint decision making for OoCDs. There needs to be a focus on wherever possible using lowest level caution to effectively support women and reduce trauma of engagement with court proceedings. Diversion providers should be central to this process and experience for women, so they feel safe and supported within custody experiences.
- ix.** Ensures that diversion assessment and referral is timely (48 hours) to support diversion and engagement by women.
 - x.** OoCD and diversion are captured as a positive outcome by the Police and their performance management schemes.
 - xi.** Diversion programmes are managed and supported by dedicated women diversion practitioners that are not part of statutory provision to support trust and engagement.
 - xii.** There is consistently quick and effective translation support available for women who need it within custody suites.
 - xiii.** Diversion support uses specialist mentors that are from ethnically diverse backgrounds and where possible have lived experiences of the CJS to effectively support women from similar backgrounds to engage.
 - xiv.** Assessment of needs for diversion should consider a women's cultural, heritage and religious identity.
 - xv.** Diversion support should focus on implementing community-based interventions with women that:
 - a.** Supports the development of positive attitudes and engagement with family, friends, and other positive social networks.
 - b.** Supports opportunities for learning, training, employment, and general life skills.
 - c.** Where appropriate, supports the development of positive parenting approaches.
 - d.** Where needed offers diversion support for substance use, gender-based violence, ACE's and racial trauma, poor well-being and mental health, and low self-esteem and confidence.
 - e.** Supports the development of self-control, emotional management, and social capital and self-agency.
 - f.** Supports women to have hope, purpose, and feel a sense of belonging within their community.
- xvi.** Diversion should offer quick (within 2 weeks) mental health support services as this is highly common and significant need. If current provision is not adequate to meet local need, then new diversion mental health support services should be developed.
- xvii.** Specialist non-statutory services for ethnically diverse women who engage with OoCDs and the wider CJS need to be central to supporting women that are engaging with diversion. Such specialist providers should offer support and mentoring to other diversion providers to support the development of their anti-racist practice. When such specialist services are not available then these services need to be developed to meet local ethnically diverse needs. There needs to be the identification of diverse specialist services to facilitate the mapping and sharing of best practice and ensuring effective referral routes for diversion.
- xviii.** All new diversion services should be co-produced with women from ethnically diverse backgrounds.



2. High Quality, long-term and co-produced Education and Training



xix. The CJS and other statutory services, such as social services, who are involved in the assessment of women and or support diversion work need ongoing and long-term education and training on gender informed, trauma-informed practice and anti-racist practice especially front-line police officers and those within custody suites. Education and training should focus on:

- a.** Developing friendly and non-judgmental communication skills that are culturally competent and use appropriate language and terminology.
- b.** Understanding that a woman that has potentially offended is a woman first and so the focus is to have empathy, understanding of gender informed needs, racial stress and trauma, ACEs, and to build rapport to facilitate effective diversion uptake, assessment and support.

- c.** Understand own personal biography realities and experiences and how racism, ageism, sexism, and religious discrimination perpetuates within the wider UK / Welsh society and culture.
 - d.** There needs to be a focus on understanding own conscious and unconscious biases and challenging these to support professional development of anti-racist practice, age-informed, gender informed, and religion informed practice so these characteristics are not a lens that perpetuate disproportionality and unfair assessment and punitive measures for women such as 'uptariffing.'
 - e.** Creating a reflective practice culture to support confident reflective discussion with agencies, colleagues, teams, and supervisors on cultural competence and anti-racism and supporting women from ethnic minority backgrounds so there is 'cultural reflective practice' and 'cultural humility.'
- xx.** Education and training for custody police is needed so they can better recognise referral opportunities for diversion for women and to support appropriate assessment of risk and stop up-risking women from ethnically diverse backgrounds.
- xxi.** Solicitors and lawyers need ongoing education and training on the positive outcomes and impacts of pre-court diversion and OoCDs so they can advise their clients appropriately.
- xxii.** Education and Training relating to anti-racism and anti-racist practice should, with appropriate support, be developed and facilitated by people from ethnically diverse backgrounds who have lived realities of engaging the CJS.
- xxiii.** Diversion provider organisations need ongoing education and training on racial trauma-informed practice and anti-racist practice at all levels of the organisation, including senior leadership. This work will support effective delivery of services and the development of an anti-racist leadership and organisational culture so there is no fear of 'getting it wrong' and so all practitioners have the confidence to discuss such language, terminology, issues and realities.

3. High quality research that is inclusive of ethnically diverse lived realities

- xxiv.** There is a need for commonly agreed data and effective data capture with multi-agency sharing of data so all diversionary services can effectively understand and support people from ethnically diverse backgrounds. Recording and monitoring of ethnicity, language, and faith needs to be accurate so that analysis can be achieved to support understanding and ongoing practice development.
- xxv.** Increased research to understand over-representation of women from ethnically diverse backgrounds in the criminal justice service.
- xxvi.** More research is needed on local contexts, so services are developed to meet local needs and experiences and better support diversion engagement and desistance. More qualitative research is needed to better understand the lived realities of custody sergeants in Wales in respect of their OoCDs decision making more generally and in relation to supporting people from ethnically diverse backgrounds.
- xxvii.** More research is needed to understand experiences and needs of young women from ethnic minority backgrounds within pre-court diversion and coproduce specialist services for diversion with / for young women if needed.

4. Building Trust with ethnically diverse people and community outreach

- xxviii.** The CJS and particularly the Police need to develop outreach projects to effectively build positive relationships with ethnically diverse individuals, groups, and communities that create trust so they can effectively promote the positive outcomes and impacts of pre-court diversion practice. These projects should be co-produced and delivered with services and community members from ethnically diverse backgrounds.
- xxix.** Women's diversion providers should consistently challenge the racism and sexism that ethnically diverse women experience in relation to racial profiling and the negative gender deviance lens that often leads to harsher treatment by the criminal justice system in pre-court diversion contexts (and wider CJS experiences).

5. Greater Diversity, Equity and Inclusion at an Organisational and Institutional Level

- xxx.** There needs to be a focus on increasing the ethnic diversity throughout the CJS and at all levels of institution to reflect the society we live in and the diversity of people the CJS serves.
- xxxi.** Development of a recruitment, retainment, and progression strategy, policy, and practice that outlines CJS agency aims, actions, and commitments to how they will achieve having an ethnically diverse workforce across their organisations / institution, at all levels of practice, including at senior leadership. Ethnic diversity outcomes should be aligned to regional demographics and represent the public it serves, with a minimum benchmark of 5% for regions with low ethnic diversity.
- xxxii.** Development of an ethnically diverse external and independent review panel for recruitment, retainment, and progression strategy, policy, and practice for each CJ agency with a minimum membership representation of 70% needing to be from an ethnically diverse background.
- xxxiii.** Due to the influence on racial disproportionality in pre-court diversion there should be a specific focus on increasing the ethnic diversity of front-line police officers and custody suite police sergeants. The focus on increasing the ethnic diversity of newly qualified police officers who have qualified through the degree will require collaborative working with Higher Education Institutions to ensure their commitment to this action. In the next 12-18 months all new appointments and or promotions to the role of custody sergeant should have a minimum of 15% representation from ethnically diverse groups.
- xxxiv.** All CJ agencies and allied professions should implement mentoring and reflective support from experienced ethnically diverse practitioners across all levels of their workforce including mentoring to those in senior leadership roles.



Overview of the Literature: Understanding Pre-Court Diversion, Disproportionality, & Racism

This section of the report provides a brief overview of the current literature and the main learning and themes from the first stage of this research project which was to carry out a systematic review of the literature (Jones, 2024a). The first stage of this research also included learning from the recent community engagement narratives and reports undertaken whilst co-producing the Anti-Racism Action Plan for the CJS in Wales during 2021 to 2022 and highlighted learning specific to racial trauma and trauma informed practice. The published review of the literature is approximately 41 thousand words and reviews over 170 sources of literature including peer reviewed journals, policy documents, and quality grey literature. The author of this report was also the co-lead for community engagements whilst the plan was co-produced and the author of the Anti-Racism Action Plan for CJ in Wales (2022). The extensive first stage work of this research project is published along with an executive summary and an infographic of the key learning from the literature in relation to good practice when supporting diversion, and an infographic of understanding and responding to racial trauma. These were published with the support of ACEs Hub Cymru in November 2024 and can be found online and available for download on their website (Jones, 2024a-d).



Out of Court Disposals

Out of Court Disposals* ¹ (OoCDs) allow the police to deal with lower level and often first-time offending behaviour by using what is viewed as an appropriate disposal order without the need to go through a court prosecution process. All OoCDs should also where appropriate, and with consent, support the victim's voice to be heard and to be part of the decision-making process, for example, the person who offended to make an apology and engage with an education programme to support rehabilitation (Gibson, 2021). South Wales Police force moved to a two-tier model in 2021, but this was not part of the pilot project in England. The two-tiered approach is more alike to Restorative Justice (RJ) practice, and some would suggest that it challenges the causes of the behaviour and is a better solution for the victim, offender, and society (Bowen and Slade, 2020; Gibson, 2021) and makes the victim more central to the process and system (Gibson, 2021).

The UK Government released its White Paper, 'A Smarter Approach to Sentencing,' in 2020 which proposes adopting the two-tiered framework nationally and this certainly appears to be what will happen in 2025 at the time of writing this report. This new national framework for adults will introduce a two-tier framework for

¹ * The term 'Out of Court Disposals' is used more commonly in relation to children. Differently terminology is often used for adults and may be referred to as Out of Court Resolution.

OoCDs with the use of a diversionary caution or a community caution. Police forces will likely however to still be able to continue to use non-statutory disposals such as the Community Resolution. The new diversionary caution will replace, but is similar to the conditional caution, and will have a rehabilitative, reparative or punitive condition attached with a timeframe and the consequence of prosecution if not fulfilled (Centre for Justice innovation, 2022). The approach for children (aged 10 to 17) is to use a child first model of practice that diverts children away from the harmful effects of the criminal justice system. There are two OoCDs that are used in England and Wales and the lower-level disposal is the Youth Caution and the higher-level disposal is the Youth Conditional Caution (Gov.UK, 2024).

Gibson (2021) highlights that where rehabilitative conditions are given with OoCDs to adults it can successfully reduce reoffending and refers to Project CARA working with domestic abuse perpetrators in Hampshire (Strang et al, 2017); Checkpoint in Durham (Weir et al., 2021); and Turning Point in the West Midlands (Neyroud and Slothower, 2013) as evidence of this. Weir et al. (2021) adds to the argument for the use of OoCD's and highlights the review carried out by Blakeborough and Pierpoint in 2007 which indicates that pre-court interventions that used conditional cautions supported people who had offended to address the causes of crime across six UK police forces. Towler (2017) also found that diversion approaches using restorative practice with young adults aged 18-25 in South Wales was successful in challenging offending behaviour and supporting wider needs related to ACE's.

Indeed, Holloway, Williams, and Brayford (2017) and Cordis Bright (2021 and 2022) also found within a Welsh context that a women's specific approach has good success in supporting diversion away from the CJS.

However, Wier et al (2021) suggests caution in over-claiming the effectiveness of OoCDs and found that the research in this area within the UK is very limited (Supported by Cordis Bright, 2019). There certainly needs to be more research to supporting enhanced understanding of how and why such approaches may work (Centre for Justice Innovation, 2022).

There is a lack of focused research and understandings of the lived realities and needs of ethnically diverse people who engage with the CJS and even less when reviewing the literature on pre-court diversion and OoCDs. The research is still somewhat limited on the

effectiveness of OoCDs, and it is dominated by the lived realities and needs of men from White British ethnicity. However, despite these limitations and a need for caution, there is some useful learning to take away from these projects and their reviews and could be argued to be useful and applicable to those from ethnically diverse backgrounds.

When synthesising the common features that supported success and positive outcomes in OoCD diversion programmes, they include some key features. The OoCD approach needs to embody a strong partnership approach with consistent practice across all delivery partners and that a network is created with delivery partners to share data, experiences, good practice, monitoring and evaluation. There should be close working between the Police and intervention providers in respect of decision making and eligibility assessment of clients and decision-making and processing should be quick to support client commitment and motivation to engage with diversion provision. Pre-court diversion practice should seek to build strong positive relationships with clients at the point of arrest and throughout their engagement with the project. There should be focus on the development of mutual trust and respect, positive role modelling from the practitioner and interventions that support discussion to increase self-agency, informed choice, problem solving development and use trauma-informed practice. Clients should not be made to feel the damaging stigma and label of 'being a criminal' and rather the focus should be about supporting them to lead healthier and more positive lives. Pre-court intervention and support plans should be led by practitioners that are independent of the CJS who work with clients to develop support to meet their needs and should not create plans that are too onerous and have a large number of conditions. Three to four conditions seem to be a common and useful approach. Interventions should be individually tailored and are commonly needed to support negative experiences relating to mental health, substance use, unhealthy relationships, emotion and behaviour management, ACE's, overall well-being. Interventions should use a range of delivery approaches including one to one support, referral to support services, group workshops, online intervention support. Restorative Justice approaches need to ensure that the victim is effectively included throughout the duration of the client's engagement who has offended. Victims need to feel listened to, heard, and that they have some choice and

control over the process and the conditions set for the client. In terms of workforce education and training focus is needed for all partners to support multi-agency understanding of diversion best practice and the development of skills to effectively support the approach and model of practice. This is particularly important for Police staff who are used to working within more punitive and formal prosecution processes and are less used to working in more therapeutic and needs led approaches, and this includes training on restorative justice approaches. Education and training should be co-produced and delivered by those with lived experiences of the CJS and pre-court approaches. Finally, high quality empirical research is needed for future pre-court diversion projects so that trustworthy lessons can be applied for future projects, and this must include the experiences and needs of people from ethnic minority backgrounds and other protected characteristics such as religion, age, gender, LGBTQIA+, and specifically trans identities.



A lack of ethnically diverse perspectives within pre-court diversion literature

As highlighted above it is clear that the major criticism of the literature evaluating pre-court interventions and OoCDs is that the evaluations do not really analyse ethnically diverse experiences of the diversion programmes (Bennett and Corry-Roake, 2021). The lack of ethnically diverse perspectives within the OoCD literature also means that the lived realities and needs of women (Sheeran, 2022; Thomas, 2021) and children (Traverse, 2023, 2023b; Welsh Centre for Policy and Practice, 2021), especially young girls (Fitzpatrick et al, 2022), from ethnically diverse backgrounds are also almost unknown within the literature (Jones, 2024).

The lack of understanding and appropriate support and services is sending ethnically diverse people deeper into the CJS (Wang, 2023) and it is not a surprise that some disparity is getting worse (Bhattacharya, 2021). The reality that diversion programmes do not meet the needs or understand the lived realities of ethnically diverse people or even consider them within reports is not new. Indeed, NACRO in 2009 offered a useful and critical guide to developing appropriate services for people from ethnically diverse backgrounds. It is worrying that their recommendations still have credibility and need in 2025, 16 years after its publication. This reality illustrates the stagnant state of the CJS in understanding and developing services that support and meet the needs and lived realities of people from ethnically diverse backgrounds.

It could be argued that the knowledge to change practice and be inclusive and anti-racist has been around for long time, but the CJS have just not listened and taken the needed steps to ensure it becomes a reality, unfortunately like all of the main institutions in UK society. The following recommendations are to support practice with, and appropriate development of services for, people from ethnically diverse backgrounds and these have been synthesised from HMCIP (2022) and Bhattacharya (2021) but are still largely from the NACRO (2009) report. These recommendations are not specific to OoCD and pre-court diversion but are a useful reference point for consideration when developing effective and inclusive services for people from ethnically diverse backgrounds. These recommendations have been used as a useful point of reference when developing the more specific recommendations for pre-court diversion support for women and children and young adults later within this report.



Recommendations for developing ethnically inclusive services

A Need for:

1. A diverse workforce that reflects the groups it serves.
2. Education and training focused on developing cultural competency and anti-racist practice and includes how ethnicity often intersects with specific age (children and young adults), religion, and language.
3. Relationships with clients that focus on developing trust, respect, and genuineness through culturally competent conversations that clients feel they can disclose and be honest about their experiences and needs.
4. Assessment of needs considers an individual's cultural and religious identity.
5. Assessment of risk is objective, and that race and ethnicity are not seen as an indicator of dangerousness.
6. Effective relationships are developed with interpretation / language services.
7. Recording and monitoring of ethnicity, language, and faith so that analysis can be achieved to support understanding.
8. Effective networks and partnerships are made with diverse and specialist services that meet the needs of ethnically diverse people, and that referrals and info-sharing is achieved.
9. Effective whole-organisation communication with all partners on work, best practice, and guidance.
10. Awareness raising and building trust within ethnic minority groups and communities.



Meeting the needs of Women from ethnically diverse backgrounds within pre-court diversion

The Corston report (2007) found that women were more likely to be arrested for minor offences than men, and to be sentenced for first time offences than men, as well as more likely to be victims of crime than men. Despite only making up 14% of people arrested, 15% supported through probation and 5% within prison in 2018/19 women are still one of the most vulnerable groups within the CJS (Centre for Justice Innovation, 2019). Overall, women have been more harshly treated by the CJS than men and the findings and recommendations of the Corston report suggested that women specific approaches were needed within the CJS.

The MOJ released the Ministry of Justice's Female Offender Strategy (2018) which uses the recommendations from the Corston report (2007) and focuses on reducing the number of women in custody by increased use of community interventions and developing more appropriate support for women in custody that focuses on family, reducing self-harm, and support on transition back to the community upon release. However, the national audit office (2022) concludes that the CJS is still not responsive or supportive of the needs of women in the system.

Within a Welsh context the joint MOJ and Welsh Government Women's Justice Blueprint for Wales was published in 2019 and is the principal delivery mechanism for the priorities within the MOJ Female Offender Strategy (2018) with a particular highlighted focus /approach on evidence-based practice. The Blueprint (2019: p1) sets out to meet the challenge of developing and providing a joined-up approach to women's support in Wales that 'acknowledges the gender-specific needs of women, promotes positive wellbeing and supports successful long-term outcomes to reduce reoffending.' The main foci of the Blueprint are to: reduce the number of women in the system by improving early intervention, prevention, and diversionary support; provide alternatives to custody and improved community support such as the residential women's centre; and improve understanding of women's needs through robust evidence and help improve sentencer confidence in community sentences. There are challenges to this because there are no women's prison in Wales, therefore women are typically held in prison establishments that can be significant distances from their families and support networks. This can also further

complicate the experiences of resettlement and reintegration following a period of incarceration for women who live in Wales.

In Wales however, the progression of good practice is stronger as it is delivering via the Blueprint and there has been some useful progress since its publication. There has been good progress in terms of strengthening community options for women, notably that there are diversion schemes in place across each of the four police force areas in Wales and the use of a whole system approach service for women across South Wales and Gwent. Despite a clear Blueprint strategy there are still gaps in understanding the experiences and needs of women more broadly and even more so for ethnically diverse women and girls within the CJS and YJS. Analysing the themes from the available literature of Easton et al (2010), The National Offender Management Service (2015), The Tavistock Institute (2019), The Centre for Justice Innovation (2019), The Footprints project (2020), Advance (2021), the SHE project (2022), Sheeran (2022), Holloway, Williams, and Brayford (2017); and Cordis Bright (2021 and 2022) there are some clear recommendations and understandings for the development of future women's diversion projects. For a comprehensive discussion of this highlighted literature this reports signposts you to the full literature review that was the first phase of this research project (Jones, 2024).

However, none of the narrative above discusses the needs or experiences of the ethnically diverse women that were engaged with the projects. Indeed, the available literature on ethnic minority women's experiences of pre court diversion and intervention including the use of OoCDs is very limited and virtually non-existent within a UK perspective (Sheeran, 2022).

Despite the lack of specific literature on diversion relating to women from ethnically diverse backgrounds and their lived realities there are some emerging and very useful sources of literature from a range of academics (including particularly the work of Hargons et al, 2022; Imkaan, 2016, Kanakam, 2022; Naz et al, 2019; Thomas, 2021; and Williams, 2021). The main literature review that composed the first stage of this research project provided clear areas of learning and recommendations for developing practice that better meets the needs and experiences of women from ethnic minority backgrounds; these can arguably be applied directly to diversion and pre-court approaches in Wales (Jones, 2024).

The learning and recommendations from the literature review phase will be analysed and synthesised in light of the research findings from engaging with key stakeholders in South Wales CJS who engage with pre-court diversion provision including those with lived realities of receiving an OoCD which were the second and third stage of this research project. The final learning and recommendations for future practice development will be presented later in this report in the discussion and analysis section of this report.



Meeting the needs of Children from ethnically diverse backgrounds of pre-court diversion

The Youth Justice Blueprint for Wales (2019) outlined aims to develop a YJS that is transformative and joined up, where key stakeholders work together to ensure that the system treats children with respect and fairness and support positive change and support children to live crime free, feel safe, and have positive well-being. Case and Browning (2021) add to this and propose a 'child first' approach that has now been adopted by the Youth Justice Board for England and Wales in their strategy (2021). Due to this commitment to a child first approach and that anyone under the age of 18 is defined as a child with this approach, the term 'child' shall refer to anyone under the age of 18 in this section. It is however important to note that youth work, which is a closely allied profession, labels their work as working with young people aged 11-25 and that anyone within this age range is a young person and that even Youth Justice uses the word 'youth' within its own label, as does so much of the literature on 'youth diversion.' It also opens broader debates or assertions that young people in transition to adulthood from 18-25 should also have separate and more inclusive and flexible diversion opportunities.

Case and Browning (2021) propose that for the YJS to be 'child first' it should; see children as children and meet their needs; support children to develop pro-social identities; collaborate with and for children; and promote diversion away from the stigma of being in contact with the system. Case et al (2022) argue that the biggest and most pressing challenge to Youth Justice in England and Wales is making the child first tenets mainstream consistent practice and not just a policy and strategic notion.

The Welsh Government (2022) acknowledges that there needs to be cultural change within the system and the developing of an approach that is non punitive, does not criminalise those who were/are looked after, uses a child-first approach, and better understands the experiences of ethnically diverse children and young people in relation to pre-court diversion. When synthesizing the discussion and content from the key literature (Harris and Goodfellow, 2022; HMIP, 2022; Jones and Henry, 2022; Traverse 2023; and Youth Justice Board, 2020), there needs to be development and understanding in a number of key areas and the literature review that was the first phase of the project highlights the common learning and recommendations for practice and policy (Jones, 2024).

The Youth Justice Board (2023) found that to effectively support diversion then there needs to be greater partnership working with a shared vision and that there are some good examples of such practice involving police, health, education, children's services, courts, and wider providers where they all used a child first and rights-based practice.

However, the report also found that prevention and diversion approaches have inconsistent funding, varied practice quality, missed opportunities for use due to poor information sharing, outdated guidance on good practice, poor data quality and capture, and a lack of national and local governance consistency. These themes are consistent with earlier research in a Welsh context by Williams and Llywelyn (2016) who evaluated the Dyfed Powys Youth Justice Bureaus. Similar themes of good practice were identified but there were needs identified for better Police training to better recognise referral opportunities to Youth Justice and early interventions, as well as better information sharing with Youth Offending Service. They also found that there could be greater use of referral to Youth Offending Services and more professional discussion with youth offending practitioners on

borderline referral cases. Interestingly, neither report mentions meeting the needs of or the experiences of children from ethnic minority backgrounds.

Indeed, the Welsh Centre for Policy and Practice (2021) recommended that there needs to be a greater priority and resource to researching factors that influence children offending from ethnically diverse backgrounds and differences in understanding across different ethnically diverse groups and this seems a Western nation issue (The Sentencing Project, 2022).

Furthermore, such research should be used to guide the development of appropriate prevention and diversion schemes for children from ethnic minority backgrounds (this research project and report is part of that work). Gaffney et al (2022a) conclude that there are inadequate understandings from the research on diversion and more needs to be carried out to have confident analysis of what works in diversion and why it works. The research and literature on the experiences of, and supporting children from ethnic minority backgrounds within pre-court diversion is limited in some respects (useful literature includes; Banwell-Morre, 2022; Fitzpatrick et al, 2022; Gaffrey et al, 2021 and 2022; and Jones and Henry, 2022) but there are clear areas for learning and recommendations to guide future diversion practice (Jones, 2024a). Like with the women's pre-court diversion focuses the learning from the literature review has been used as a reference point for further analysis and reflection with the stakeholder lived realities engagement phases of this research. This process has meant that all learning phases of this project have been synthesised and provide a final set of recommendations and learning from this research project which will be used to guide the future development of anti-racist pre-court diversionary practice and policy in Wales. These are presented in the discussion and analysis section of this report.





Developing an effective diversion approach to meet the needs of people from ethnically diverse backgrounds



The literature review from the first phase of this research project has discussed and synthesised the available literature concerning ‘tertiary interventions’ as defined by the CJBIW (2022) where interventions are aimed at diverting people away from the CJS and so includes programmes and activities that are also called diversionary, prevention, early intervention and are often implemented through using OoCDs (Jones, 2024a).

One of the main priorities of the first phase extensive literature review was to understand the experiences of pre-court diversion for people from ethnically diverse backgrounds including a particular focus on women and children. The available literature reviewed included a significant amount of appropriate texts that relate to the subject matter and offered a lens from which to support the outcomes for this project and included research articles and journals, policy documents, reports, project evaluations, published practice, and other documents such as guides to practice. Nearly 200 sources of literature were used for this review offering global, UK, and Wales specific understandings and perspectives. Another key source of understandings for this review was taken from the narratives and discourses gained regarding the experiences of the police and wider CJS through the engagements carried out across Wales during the co-production writing of the Anti-Racism Action plan for the CJS in Wales (2022). Finally, due to the embedded thread of trauma informed practice within the Anti-Racism Action Plan for the CJS in Wales, where there were understandings to gain within the reviewed literature particular attention and synthesis of trauma and racial trauma experiences was included.

Ultimately, the extensive literature review (Jones, 2024a) that was the first phase of this research project provided a highly detailed overview of the knowledge, understandings, and applications to practice within diversion. The review also provided the key learning, understandings, and recommendations for future practice to better support all people from ethnically diverse backgrounds within such work.

This report presents specific learning and recommendations to support and develop appropriate and effective anti-racist pre-court diversion provision for children and young adults, and women later in this report within the discussion and analysis section. However, it is also worthwhile to present a more common understanding of needs and learning when developing anti-racist pre-court diversion provision. Therefore, following a systematic review of the literature for this research project the below offers an evidence based and to a degree, co-produced understandings on how to develop tailored or alternative approaches to diversion for all people from ethnically diverse backgrounds that are also trauma informed.

Common themes to develop anti-racist pre-court diversion practice in the CJS includes:

1. Long-term resource, a whole Wales approach and strong governance and leadership that supports the development of an easy and common approach to data, monitoring, and evaluation and measuring impact.
2. Education and training to develop culturally competent and anti-racist practitioners and leaders within all stakeholders involved with diversion practice to support effective relationships with people from ethnically diverse backgrounds (including solicitors and courts).
3. A custody decision-making process that involves police, diversion providers, YJS (where appropriate), legal advice and that this includes during charge and statement taking. Diversion Plan assessment needs to be quick and co-produced (Child First / Gender Specific / Anti-Racist).
4. The development of effective relationships that are culturally competent and anti-racist meaning that practitioners are confident to discuss culture, ethnicity, racism, racial trauma, and other identities such as religious, sexual, and class to support the experiences and needs of those engaging with the CJS and pre-court diversion.
5. Effective relationships in diversion that are built through mutual respect, trauma informed practice, and holistic needs-led support that are restorative in practice.
6. Diversion support that develops critical thinking and reflective skills to provide greater self-agency so that ethnically diverse people can make informed life choices. Intervention plans must therefore be coproduced, light-touch, gender and age informed and consider all other identities.
7. Eligibility criteria for diversion programmes that are broad, flexible, forgiving, and inclusive, and not need an admission of guilt for engagement due to the complex and multiple barriers people from ethnically diverse backgrounds experience with the CJS and within wider society.
8. More research of the needs and experiences of people from ethnically diverse backgrounds of diversion and coproduce new practice and projects with those with lived experiences including children, young adults, women, and men but also across the diversely different ethnicities living in Wales.
9. The use and development of specialist provision and support for people from ethnically diverse backgrounds that are independent to the CJS / statutory services within the third / voluntary sector as they are more trusted and so ethnically diverse people engage more confidently in their services. The CJS must work in partnership with such providers to learn and understand such services, build trust with such services, and with groups and communities from ethnically diverse backgrounds.
10. To develop an ethnically diverse workforce that reflects the people that it supports.
11. To raise awareness through community outreach to promote greater understanding and 'buy-in' of the positive outcomes and process of a diversion approach. There needs to be advice and guidance for ethnically diverse groups regarding diversion approaches to support trust in the system and informed decision making.
12. Development work to be achieved in partnership with those who the CJS serve so lived realities and co-production is at the heart of all future work.





An Inclusive Approach to Research



The Project Aims and Design

This research focuses on early intervention and prevention through pre-court diversion, for all ethnically diverse groups and characteristics but with a focus on (but not limited to) women and children (aged 17 and under). As highlighted in the introduction of this report the initial idea for this work originated in Cardiff, South Wales and this meant that the lived realities of all key stakeholders were sought within this geographical location for the latter applied nature of this research. However, the learning from this research will be disseminated across Wales, via the current pan Wales criminal justice governance arrangements, Women in Justice Board, Youth Justice Boards and professional, policy, and academic networks and forums where appropriate.

The main aim and outcome of the project is to produce a set of recommendations / considerations (with specific attention given to women and children) that will contribute to the development of:

Tailored or alternative approaches to diversion for ethnically diverse groups that are also trauma informed. This is to ensure that there is equal opportunity to be diverted away from the CJS and into support-based services.

This project set out to achieve this aim by using an inclusive co-produced approach, ensuring people from ethnically diverse backgrounds, who are experts through their lived realities are heard and listened to as outlined as needed practice within the Anti-Racism Action Plan for CJ in Wales (2022).

To achieve this a sequential mixed methodological approach was used, meaning both quantitative and qualitative methods were utilised to meet the aims and scope of this research project. The dominant methodology though qualitative. The research project was managed across four stages:

1. **Desktop review of available literature to better understand current knowledge, practice, gaps, and recommendations for future practice development, including:**
 - i. Research, policy, evaluations, practice, and guides that already exist around pre-court diversion and prevention, including the use of OoCDs, and decision making in the system.
 - ii. Review of relevant recent community engagement narratives and reports undertaken whilst co-producing the Anti-Racism Action Plan for the CJS in Wales focusing on experiences of the police and wider CJS.
 - iii. Ensure highlighting of learning specific to racial trauma / Trauma Informed Practice.
2. **Map the decision-making process in relation to pre-court diversion and diversion activity for all involved within the Cardiff Bay Police Hub:**
 - iv. Understand the decision-making progress through the development of a decision-making flow chart.
 - v. Analyse and 'map' historical OoCD data to the key decision-making points on the decision-making flow chart to better understand and explore opportunities to use data.
 - vi. Identify who is responsible and explore through focus groups and informal interviews what contributes to key decisions in pre-court diversion (Police, HMCTS, CPS, Solicitors, Diversion providers).
 - vii. Focus groups and informal interviews to be facilitated by people from an ethnically diverse background and who have lived realities of the CJS with people from ethnically diverse backgrounds who have experienced or are engaging with pre-court diversion activities.
3. **Community engagement with key stakeholder groups to test and challenge the recommendations and understandings.**
4. **Produce a final report that captures the research findings ensuring that the main literature themes, focus group findings, recommendations for best practice and understandings of decision making have been supported / agreed by the stakeholder groups.**



The Research Questions

The initial research questions that were posed at the start of this research project were:

1. What contributes to an under representation of ethnic minority groups in OoCDs and an over representation in charge summons.
2. What contributes to potential disparity in decision making, and what barriers, issues, gaps and areas for improvement (i.e., trust, un/conscious bias, systemic, cultural, religious, local community tensions, other influences – media, peer, family).
3. Who contributes to these decisions as well as the issues & barriers that impact on decisions. (Police, CJ partners, other professionals, individuals, family & advisors)
4. What works in tackling disproportionality in access to early intervention and prevention pathways.



Quantitative Aspects of the Research

As highlighted above the second stage of this research project included the Mapping of the decision-making process in relation to pre-court diversion and diversion activity for all involved within the Cardiff Bay Police Hub. The first two elements of this were to first understand the decision-making progress through the development of a decision-making flow chart and then to analyse and 'map' historical OoCD data to the key decision-making points on the decision-making flow chart to better understand and explore opportunities to use data.

The decision-making flow chart was created by key personnel within the Cardiff Hub Police Hub and can be seen in Appendix I. However, it must be noted that this is now out of date as the diversion providers for Cardiff have now changed with the new One Wales contract and the gravity matrix has also been updated. This means that the flow chart presented as part of this research is now no longer fully relevant.

To further compound the initial two elements of the second stage of this research the historical data use to offer insight into where racism and disproportionality may be taking place within the system in relation to pre-court diversion was also lacking in both detail and accessibility and ease of use. The agreement was to analyse a full year of historical data but due to the aforementioned limitations and the need for a person to manually extract and analyse each case which took a high resource both in time and money only three months of data was analysed from July to September 2023. The lack of data therefore significantly limits any real ability to offer a clear understanding of disproportionality or racism within pre-court diversion at Cardiff Bay Police Hub. The minimal learning from the analysis that cannot be generalised or relied on but will be briefly presented in the discussion and analysis section of this report.



Qualitative Real-World and Value Based Research

A hybridity of methods was used for this research to offer a realness and trustworthy understanding of pre-court diversion realities and needs of people from ethnically diverse backgrounds and the lived realities of those that work in this area of practice.

The research project although having clearly identified stages was no linear task and indeed, as with a lot of real-world research it was 'messy' with multiple challenges, particularly with finding an appropriate number of people to speak with and listen to from ethnically diverse backgrounds who have lived realities of pre-court diversion support. However, as Sakata (2023) emphasises, the need to embrace such 'messiness' in mixed methods research is needed to effectively share the full depth and understandings of real-world research.

Indeed, Sanscartier (2020: p53) describes the ability and need for social researchers using mixed methods to develop a comfortableness with such messiness and non-linearity and has coined the approach as utilising a 'craft attitude' where the researcher embraces all of this and views the research as storytelling. The power of supporting a storytelling approach with social work and criminology has long been accepted as a liberating and empowering process where people feel included and not researched on (Sandberg & Ugelvik, 2016). Such an approach is particularly needed when conducting research with vulnerable communities (Gordon, 2020) who deserve and have a need and right for their voices to be heard, as they are so often neglected and unheard within society and criminal justice settings (Sim & Waterfield, 2019).

This research project utilised a methodology and approach that was aligned and illustrative of some of the core values of the Anti-Racism Action Plan for CJ in Wales itself, namely, to be inclusive and empowering. There was a need to really listen to the lived experiences and narratives of those who work within pre-court diversion and CJS settings and most importantly those from ethnically diverse backgrounds who have lived the realities of engaging with such diversion provision.

To have not achieved such a design would have been unethical and at odds with the focus on and understanding of the value and power of co-production and lived realities that is at the heart of what it means to be anti-racist. The ethical guidelines used to inform this research were from the British Society of Criminology (2015) which are respected and used within criminology research in the UK and shared with the steering group for this research project.

The main concern in ensuring ethical research is to safeguard that there has been due consideration and mitigation of causing harm to any of the participants in the research. The researcher for this project made sure that there was clear informed consent and that all participants remained anonymous and were aware of the right to withdraw from being a participant in the research at any time. All participants where possible will be engaged with, following the publication of this report, and the impact, findings, and recommendations for future practice will be shared both verbally with them and they will have access to the hard copy and or digital copy of the written report.

Social Science and Criminology research rightly has a growing commitment to more ethical and inclusive research approaches and this project embodies this by ensuring the research was 'with' people not simply 'to' them. To achieve this a supportive and open environment was created that supported the time for 'storytelling' by all those who discussed their lived realities, so they felt listened to and really heard (Sandberg & Ugelvik, 2016). Indeed, all participants were asked if they felt they had been heard and listened to, and that the researcher had captured their lived realities accurately and this was sense checked by relaying the notes and quotes back to them. The space to have such open discussions and not control the dynamic offered a strong element of 'sharedness' in the process and supported needed feelings of comfortableness (Knott et al, 2022), deeper reflection on experiences and a fuller understanding of lived realities, challenges,

and personal growth (Farell et al, 2021). Using a storytelling approach not only supports deep layered understandings of experience it is also agreed to be a particularly powerful tool for supporting vulnerable groups to feel comfortable and confident to speak when facilitated effectively (Gordon, 2020).

The methodology of supporting deep conversations supported deep discussion and reflection and for some this opportunity offered the opportunity for deep and transformational learning as can be seen within the discussion and analysis section of this report. Zimmerman (2013) defines transformational learning as when someone, through their storytelling identifies their own learning, new identities, future directions, and even reimagines previous experiences in new positive ways. Indeed, such approaches clearly offer the opportunity to build strength in a person and Dybicz (2011) labelled such approaches as a 'strength-based approach' to research.

Therefore, when focus groups are facilitated effectively, those who engage feel heard, respected and valued but they can also provide valuable opportunity for such vulnerable and disempowered voices and experiences to be heard more widely to those in power and those who make decisions on provision, policy, and practice (Hall et al, 2023). In this way the use of storytelling and group discussion in this research has also hopefully supported the process of empowerment at a personal level with increased self-agency for those involved (as explained above) and at a structural level when this research is disseminated to those in power positions such as policy makers, commissioners, academics, and practitioners from Social Work, Youth Justice, Criminal Justice, and allied Criminal Justice Services.



Informal semi-structured focus groups or interviews were the main two methods chosen for listening to the lived realities of both practitioner stakeholders and those from ethnically diverse backgrounds who have engaged with or were engaging with diversion support.

This research used a Grounded Theory Framework which is an approach often used, in what can be described as 'real-world' research, where the desire and need is to develop and or test current / new theory, knowledge and practice (Denscombe, 2014; Harris, 2014). A grounded approach uses ongoing comparative analysis between the research data and the wider literature to ensure an evidence-based process that also listens to those who are part of the research and in this way is both inductive and deductive in its approach (Moretti et al, 2011) Busetto et al (2020) captures this well and describes a process where the literature is used deductively to shape and guide the main themes already known within the literature but by ensuring there is informality and flexibility to support inductive direction of focus group discussion where participants of the research have the freedom to express themselves as they are the experts in their own lived realities.

In this way this research project utilised a flexible grounded theory approach with 'theoretical sensitivity' as the project used what was known from the literature and past research but supported all research participants to speak for themselves so this research project could create new credible and trustworthy understandings and applications (Denscombe, 2014) to future anti-racist pre-court diversion practice within a Welsh context which therefore also supports the aim of a co-produced justice system in relation to the Anti-Racism CJ Action Plan for Wales and the purpose of this research project with its Welsh focus.

During this research a mixture of focus groups and informal interviews were facilitated with key stakeholders that supported diversion in the CJS within the South Wales region and these included: custody sergeants from Cardiff Bay Hub Police Custody Suite (n=3), HMCTS practitioners (n=4), YJS practitioners (n=12), Diversion providers from the 'One Wales' contract and previous contracted diversion providers who still supported early intervention and prevention (n=22), and Defence Solicitors and Lawyers (n=2). A total of 43 practitioners engaged within a mixture of face to face and online focus groups and informal interviews. There were 7 informal interviews that were all

online and 6 focus groups with 2 focus groups facilitated in-person and 4 online. Across all the practitioner groups there were 9 people from an ethnically diverse background that took part in this research making up 21% of the total practitioner lived realities for this project.

This research struggled to adequately engage with people from ethnically diverse backgrounds despite extending the project timeline by 6 months to try to achieve this. During this research 6 people engaged with an informal interview and 3 were supported during their engagement with their key / support worker who they knew well and trusted. Three of the informal interviews were online and three were in-person. The people who shared their lived realities about their engagement with the CJS and pre-court diversion included 2 adult women over the age of 25, 1 female child aged 17, and 3 young male adults aged between 18-25. Ethnic representation was diverse across participants and included people of Somalian, Fijian, Polish, Sudanese, Sri Lankan, and Black background and heritage.





Analysis and Discussion

The analysis of the focus groups and informal interviews provided a deep layered understanding of the lived realities of all key stakeholders and the engagement events provided the opportunity to share the analysis of the focus groups and informal interviews and sense check them for accuracy and clarity.

The analysis and discussion here highlight the main learning and recommendations for each of the stakeholder groups which will be used as a reference point for further analysis and synthesis with the findings, learning, and recommendations from the systematic literature review completed as the first stage of this research project. This reflective process embodies both the deductive and inductive grounded theory approach explained in the previous section of this report.

The final outcome of this process will be two sets of learning and recommendations for ensuring good anti-racist practice in pre-court diversion and supporting the needs and lived realities of people from ethnically diverse backgrounds. There is a set of learning and recommendations for women from ethnically diverse backgrounds and a set for children (17 and under) and young adults (aged 18-25). These were the two

specific cohorts of interest at the inception of this research project and the young adult focus addition to the child focus is resultant from the first stage of this research as the literature review strongly suggested that this is a need for future development of diversion practice and that young adults need similar support and approaches to children. Please note that more generalised learning and recommendations for developing anti-racist pre-court diversion that meets the needs of all people from ethnically diverse backgrounds has been presented within the earlier 'Overview of the Literature' in this report.

Finally, the limited quantitative data gained working with Cardiff Bay Police Hub concerning the historical data used to offer insight into where racism and disproportionality may be taking place within the system in relation to pre-court diversion will be included as part of the learning from the police custody sergeants focus groups as a further lens of understanding. The learning from this analysis does not offer an opportunity to be generalised but it does provide a little insight into potential trends that certainly do need further examination and analysis.

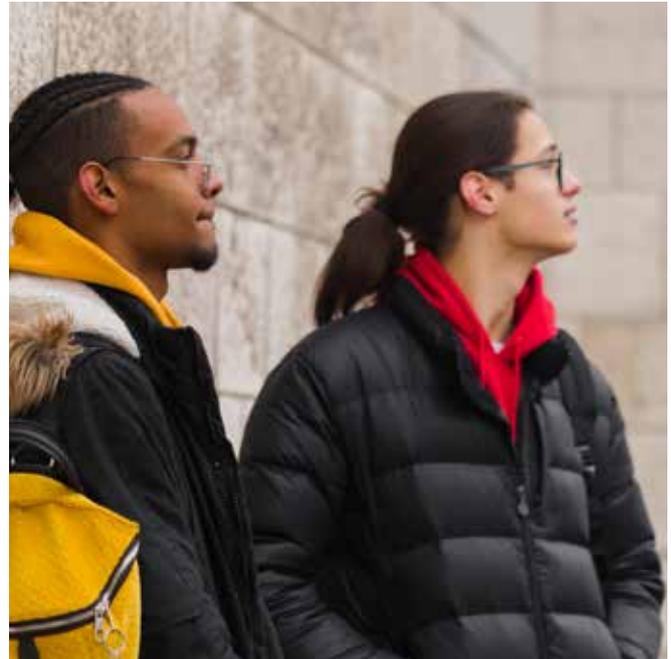


Custody Sergeants lived realities

The three custody sergeants who engaged with informal interviews offered what presented as a thoughtful and reflective approach to practice. One sergeant explained that 'Well it can get very busy here and so you really have to be on the ball and so I have to be focused and think clearly.' Another reflected on how their role, 'can get functional and process focused so I need to make sure I'm not going through the motions and really engage my thinking and decision making.' All sergeants commented similar statements that on busy nights, 'it can just get like a conveyor belt here and it's non-stop and you don't really have enough time to do everything properly or it feels very rushed.'

When discussing anti-racist practice all the custody sergeants stated that they had heard the term and were aware of racism and how the Police have been labelled as institutionally racist. There was little knowledge of the Anti-Racism Action Plan for Criminal Justice in Wales and all the sergeants stated that their focus was on the Police Race Action Plan (2022). One sergeant explained that 'well we have the race action plan and so the police focus on that really.' When it was highlighted that the Anti-Racism Action Plan for Criminal Justice in Wales complimented the police race action plan and that there was aligned priorities all sergeants said statements similar to, 'Oh I wasn't aware of that, there's so many of these plans it is hard to keep track of everything.'

All sergeants who engaged felt that they needed more education and training on anti-racism and anti-racist practice. Across the three sergeants there were gaps in understanding terms and practice relating to anti-racism including, cultural competence and racial trauma informed practice with only one of the three officers feeling comfortable discussing what their understanding of trauma informed practice was. Ultimately, all three sergeants stated similar feelings in respect of the need for anti-racism education and training and as one sergeant worded it, 'I'm just a bit cautious sometimes as I really don't want to get it wrong and offend anyone and so I always make sure I'm careful of my language but yes, I do get a bit nervous sometimes and feel awkward and so perhaps I speak less when engaging with someone from an ethnic minority.' Another sergeant reflected, 'well we can't get it wrong as everyone points their finger at the Police.' When asked about if they discussed anti-racism and anti-racist practice within their day-to-day roles all three said they



did not really but have been on various training but that they needed more and ongoing training.

When asked if they ever felt they 'have got it wrong' in their approach to supporting people from ethnically diverse backgrounds all three responded with statements, 'no, not consciously and I do not think, no I know I am not racist in my thinking.' Discussion at this time included their decision-making for OoCDs and if they ever thought they might have consciously or unconsciously made racially bias decisions. Two of the three sergeants reflected and believed that they have never consciously made a racially bias decision but did acknowledge that, 'well that's hard to say for unconscious bias as you don't really know so it is possible, but I like to think I'm aware of the issues and my decision making is fair and consistent with all groups of people.'

However, two of the three sergeants also admitted that they 'uptariff' regularly, as one sergeant explained, 'well I don't believe in Community Resolutions as they don't really do anything and so what does it teach people, nothing really and so I often give a Conditional Caution because they have stronger incentives and conditions to comply and actually do something that helps change.' The other said similar themes and felt that 'Community Resolutions are a waste of time and aren't really checked all the way through.'

All three sergeants felt that the gravity matrix for both adults and children was poor and that, 'it is just way too open to subjectivity and officer discretion and that means there is probably a lack of consistency and overall fairness in decision-making.' One sergeant commented

that, 'well depending on your view, a crime committed could be a 1,2,3 or sometimes even a 4 on the gravity matrix and so it just doesn't work. We need something much more useable and distinct between the levels.' Another sergeant stated that, 'we need something that is less open to officer discretion and is clear and easy to use.' It is important to note that these informal interviews were facilitated before the new gravity matrix was introduced in September 2023 that includes five levels within the gravity matrix not the previous 4 that were used.

During the informal interviews there was also discussion on the use of diversion specialists within custody suites and all three sergeants welcomed the new approach in Cardiff where diversion specialists were more often within custody suites. When asked what would be the best practice for diversion provider involvement, all three sergeants responded with words similar to, 'well they add a level of scrutiny and support to the person being charged but I'd like them to be able to advise and guide us more, and challenge and review decision making in relation to OoCD's and charge for court and really be part of that decision making. It would be more transparent then and a joint decision' Another sergeant reflected that diversion providers were also, 'more trusted and from outside the police so offenders feel safer and more open to receiving support and agreeing to an OoCD.'

The learning from these informal interviews were clear but there were only three interviews to analyse and so should be considered through analysis and comparison with the analysis and learning from all other stakeholder groups. Essentially though, the custody sergeants wanted and needed greater understanding of knowledge and practice relating to anti-racism, racial trauma, cultural competency, and needed to better understand how inclusive diversionary practices are a positive approach for those that have offended in low level criminal activity to avoid up-tariffing behaviours. There was also a want for a model of custody diversion practice that included diversion providers in the decision-making of OoCDs and supported quick and effective co-produced diversion assessment and intervention plan. The final comment in respect of this cohort of participants is that due to small numbers there needs to be more qualitative research to better understand the lived realities of custody sergeants in Wales in respect of their OoCDs decision making more generally and in relation to supporting people from ethnically diverse backgrounds.



Quantitative Data Analysis

Although a limited set of data was gained in this research project (as explained earlier in this report), the data that was analysed over a three-month period (July-September 2023) did illustrate some racial disparity. The data illustrated that people of Black ethnicity were around 3 times as likely as those from White ethnicity of being in custody and that people from all ethnically diverse backgrounds were about 1.3 times as likely of being in custody. It was also found that people of Black ethnicity had higher percentages of total population going through the Police station than those from White ethnicity. This data suggests that there is a racial disparity of black persons being brought into custody than the local demographics suggests there should be, compared to the reverse for white persons. Furthermore, the ethnically diverse percentage of people going through the hub was 19.81% whilst the census states the local population it only 16.7% and so there is a 3.12% disparity here. There were also 43 cases in custody who did not self-identify or were classed as unknown so we must be further cautious about analysing this data based on this large number which if classified would drastically change the percentage and ratio calculations. Moreover, we must be cautious with the census data and its relationship with custodial data when comparing crime statistics with the census of the local area a custody suite serves. There must be an acknowledgment that people who are brought into the suite are not necessarily from the local area.

The data analysis report recommended that at least a year of data needs to be analysed to offer credible trends and deeper analysis and that to support this effectively in respect of time resource then a better approach was needed on extracting the available data in a more time-friendly way. It was also noted that in future dip-sampling individual offender journeys may offer valuable nuanced insights into racial disparity that recorded data would fail to pick up.



Diversion Providers Lived Realities



The diversion support services that engaged with this research included practitioners from B the Change, The Nelson Trust, Safer Wales, South Wales Youth Justice Services, and Media Academy Wales and all 34 practitioners worked within South Wales.

Initial conversations on racism and disproportionality within the CJS created strong feelings from all groups and interviews. There was a strong consensus that the CJS still criminalises those from ethnically diverse backgrounds, especially children, young adults, and women. There was also consensus that due to the experiences of racism over generations from the CJS and particularly the police that many groups and communities from ethnically diverse backgrounds had a deep mistrust of the CJS and the Police. One deeply concerning comment came from a youth justice practitioner who said, 'I find this even hard to say but I know, looking around the room, that you understand, but I work alongside families supporting their children and their own parents tell their children to be less visible, to not be loud, to effectively shrink and become invisible so they are not targeted by the police. I mean that is just deeply upsetting and deeply damaging to basically tell your child to not be themselves, the trauma, and sorry but they are not wrong, I've seen the police criminalising children throughout my career. It needs to stop.' Another added, 'it is deeply wrong and there is emerging trend that children are lying about their ethnicity for fear of being discriminated so when they are from a mixed heritage background, they are saying they are White Welsh.'

Therefore, when children, young adults, and women ended up within custody their immediate family and community influence them to not trust the Police and that this contributed to the, as one practitioner labelled it, 'the no comment response' that can happen and that 'this leads to more ethnic minority people going through to court as they deny responsibility and guilt to offences they have been charged with.' Another added, 'yes, I agree but sometimes the legal advice is also poor, and I know from people I've worked with that they are advised to chance their luck at court or just admit to the charge and get an OoCD as it means nothing, when it really does later down the line if they reoffend. We need better legal advice too, for me that's a big area for improvement.' There was a strong consensus that legal advice needed to get much more consistent and accurate and really support the diversion agenda and divert children, young adults, and women away from the harmful effects of court experiences and CJS. Practitioners felt that to achieve this there needed to be, 'well two things really, better education and training and better ethnic representation within the legal support and that would go a long way.' Another women's practitioner added during this conversation that they agreed but also 'a gender lens needs to be here too we need more women from ethnically diverse backgrounds as some women due to DV and abuse don't trust men and are often scared of men, so we need to work on that too, we need women specialist lawyers and solicitors so it is gender informed.' One practitioner responded to all of this and asked the focus group, 'I agree with all of this but do you think we need better advice for women on accessing legal advice because a few times now the women I support said they did want a lawyer as they thought it was admission of guilt?' A few people nodded to this and said yes but this was not a generally shared belief.

Many practitioners highlighted how the CJS needed to build trust back with ethnically diverse groups and communities but that this was hard when there is still so much racism in the system and that they still see the police criminalising them, their children and communities. One practitioner said, 'we need that relationship to be positive and for trust to be there so we can as a whole CJS promote diversionary practice, but trust is so low it is going to be really hard to achieve that. People need to see real change first and that isn't happening.'

There was general consensus that the decision making in custody lacked consistency, and that it was not uncommon that custody sergeants did not follow the correct process. There was also agreement that the level of in/consistency was mixed across the South Wales regions. The regional variance was attributed to different cultures and understandings of support for diversion practice, and this view was provided in relation to children, women, and men from ethnically diverse backgrounds but also a more general observation on OoCDs within custody too. One focus group member stated, 'the areas all change with different officers and some really get the diversion agenda and then there's a good culture there and others know of it but just don't agree with it and so they don't support it, and you see that in their decision-making.' Another agreed and said that some areas are still largely, 'old school if you get me and still use the punitive approach.' Everyone agreed that 'it should be consistent and fair for all wherever you live and so that needs to change.'



There were also consistent experiences where there were some disagreements in diversion decisions between diversion providers and the YJS police team and or custody sergeants. Diversion providers felt that uptariffing was happening regularly and that this was causing more trauma and longer-term consequences for children, young adults, and women. One practitioner stated that, 'well there still tends to be a leaning towards analysing the child through a risk lens and I think they (YJS Police) get so desensitised to it that they forget they are there to support the child and child first principles are not used as they should be. We have a long way to go there.' One practitioner added, 'yes totally and to be honest there needs to be a better understanding of diversion and that the YJS is not seen as meddling in the Justice system, we are a key part of it, and we protect and support children.'

Another diversion practitioner agreed and explained that uptariffing still happens too frequently with women from ethnically diverse backgrounds and said, 'I still see it and these women are just seen as a risk and the angry back female stereotype and the deviant women and it definitely affects decision-making for the worse.' Another practitioner added that, 'it's not just that, you can see that many women are discriminated because of their ethnicity but also for their other identities too, their gender and religion, and age sometimes too. No wonder some women are angry, and they have a right to be angry too.' When this was explored in focus groups it was clear that there was agreement that the 'angry black women' stereotype did cause the police and other services such as social services to evaluate such children and women with a negative risk and danger lens. One practitioner said, 'there was little understanding from such services to why such children and women are sometimes rightly very angry at a society, the CJS system and other support services that do not understand them, their needs, or support them effectively'. One practitioner provided a snapshot of a woman she supports highlighting these views:

'I support one woman who should have never ended up in prison. This woman was of Somali heritage, homeless and pregnant. Support services assessed that she was not in enough need for accommodation support and surprise surprise she ended up doing what she needed to do to survive. Yes, she broke the law, but she was exploited to deliver drugs and got caught and went to prison. This woman had her child taken off her and is now trying to rebuild her life and get her child back. This would have never happened if the support services she tried to gain support from had done their job. Early intervention is not just at the Police stage it is way before that. This woman has been failed by all the support services she engaged with and yes, she is rightly very angry about this as I am. We constantly let such women down.'

The solution to develop a system that is better at understanding the needs and realities of people from ethnically diverse backgrounds and developing consistent decision making and reduce uptariffing in custody was viewed across all focus group and informal interview discussions as quite simple. There was a unanimous call for a more inter-disciplinary model of practice and joint decision making with diversion providers at the heart of this and being part of the statement taking of those that are charged and when receiving legal advice

to offer support in potentially trauma inducing contexts. One women's practitioner said, 'I know that if we were part of all of it all, including the taking of a statement and really being involved in the decision-making and supporting the understanding of what a diversion really means and starting that assessment process quickly then it would remove a lot of the trauma of custody for women and for children.' Another child focused practitioner responded, 'absolutely we need this within youth justice so that custody feels like a support service for children and not place of trauma.' It was asked that these recommendations and needs could be seen as quite general changes to the OoCD system and many practitioners agreed but added that, 'well yes, we know we need better ethnic representation in our services and better anti-racist practice too and the specialist diversion providers would need to be effectively trained and a real commitment to increasing the diverse of such practitioners.' Another practitioner added that, 'I also think we need specialist services that have specialism in serving and meeting the needs of ethnic minority groups, so we need more of those organisations around the table and involved.' It was highlighted however, that 'we are getting really good support from B The Change on all of this and so we feel much more informed and equipped in being anti-racist.'

Whilst discussing specialist services the need for quicker access to language translation services was raised and that when not quick it was a significant barrier to justice and often created negative and traumatic experiences. There were also some practitioners that stated in their locality the translation services were good and supportive and met need. Everyone agreed however that the need for quick and accessible translation support was central to reducing trauma when within custody.

Conversations also captured how women and children/young adults from ethnically diverse backgrounds have a high number of challenges and needs, many of which have resulted from systemic racism in other institutions and not being supported effectively throughout their lives. There was high agreement that children, young adults, and women (and men) from ethnically diverse backgrounds have higher rates of ACE's and trauma due in part to experiences of racism and racial stress and trauma but also high rates of domestic violence and abuse and family breakdown. It was also experienced that there was high rates of poor mental health and well-being with common

anxiety and depression contributing to poor and uncomfortable socialisation, social anxiety, or engagement with education, training, and or employment. There was also a belief across most practitioners that there were likely very high undiagnosed needs with neurodiversity and other disabilities/conditions and that these were not identified earlier due to educational and medical institutions specifically viewing behaviours of ethnically diverse children as 'deviant, naughty, angry, and poorly parented' rather than symptoms of conditions such as ADHD, Autism, mental health, and trauma and C/PTSD. There are too many quotes to share relating to these practitioner perspectives, but one quote perhaps captures the essence of all of the conversations clearly:

'These children, women, men from ethnic minority backgrounds we're talking about are just constantly ignored, they don't slip through the gaps as some say, they're seen as a problem and that it's their fault where they are, but their realities are ignored, and their needs remain unmet. I can't imagine it, being so let down from a child really in terms of support services, education, employment, all of it, society does not help such people and you can see it in the adults I work with....they're exhausted by it all, exhausted, angry, but we are trying to support them and build hope and self-worth and little by little we do, but it shouldn't be like this it's 2024.'



To effectively support children, young adults, and women from ethnically diverse backgrounds it was strongly asserted that, 'we need specialist services for diversion that are non-statutory within the voluntary sector full stop as we're based in the community of the people, we serve but we need to better develop services that better understand and meet the needs of ethnic minority people. We are starting to get better at this from support and education and training and our own ethnic diversity is getting better but we've some way to go but we're committed to this journey.' Another focus group explained how the new One Wales approach has meant that their organisation is directly supported by B The Change and that having practitioners from ethnically diverse backgrounds guiding and leading understandings of anti-racist practice was really important, one practitioner said, 'there is still a lack of diversity within diversion teams and some fear of getting it wrong but I welcome the support of B the Change ... when there is 'within' mentoring and leadership it is a real positive for learning and changing the feel and culture of an organisation.' During these conversations some practitioners agreed that they sometimes felt a fear of, 'getting it wrong and saying the wrong thing and causing offence or even being seen as racist but I know I need to get over that and just ask questions and be curious and speak with respect.' The need for long-term education and training on anti-racist practice was acknowledged by all practitioners during focus groups and during the engagement events and that this was needed across all of the CJS including for legal advice and that where possible as one practitioner put it, 'this should be developed and led, when appropriate so not to cause more trauma, by people who have lived it and been engaged with CJS.'

In terms of what support and approach was needed for children, young adults, and women from ethnically diverse backgrounds there was a strong consensus that diversion support needed to be person-centred, and needs led with the client directing their own support needs. One practitioner said, 'what we need and what we are practising is a model of practice that is needs-led, child first, anti-racist, and trauma-informed and so it is humanising and respectful and we work with children and not to them. It is a youth work model really and we start from where the child is at and we build from there.' Women practitioners agreed and said, 'same for us really, we start from the needs and realities of the woman and explore their challenges and develop a plan to support all of that and embed

that within a community setting that feels safe for women.' All practitioners agreed that many ethnically diverse people they support have complex needs and so they needed time to effectively support them and support personal growth and therefore as one practitioner put it, 'look we can't expect change in 6 weeks, for some yes, but for many it is more like 12-16 weeks minimum, we have time to build mutual trust and respect and then you see real change. We need realistic timeframes or if support is stopped, they will still have these complex challenges and not thrive like they could. For some people we are helping them rebuild their selves and their lives. It takes time.'

The child and young adult practitioners also agreed with this but also raised the notion of Restorative Justice and how they felt it was tokenistic in South Wales and probably across Wales too. One youth practitioner said, 'we love buzz words and Restorative Justice is one of those buzz words isn't it but what is done is not restorative and so going forward that needs to change we need authentic practice and not just a sorry letter. Restorative Justice is so much more than that and we need to invest in that model or drop the term.' All practitioners agreed with this statement too and felt that the longer diversion support was maintained the more likely it was that restorative processes started. Everyone expressed that when restorative justice worked people start to understand their behaviours and take real responsibility and accountability for their previous actions, again suggesting that longer-term support is needed for real personal growth to take place.



Finally, when asked is there anything else that has not been discussed a few people highlighted the need for better and more accurate data capture and information sharing across all partners involved in diversionary practice and this was completely agreed by all practitioners in all groups. The perspective from many was that shared, and more complete data would support deeper understandings of the ethnic diversity and potential points in the diversion journey where there may be disproportionality taking place and also positive journeys of successful diversion and desistance.

This cohort of practitioners was the largest and the narratives and realities from them were powerful, as can be seen from the above quotes, and their testimonies show a deep understanding of the issues that remain within pre-court diversion and more specifically in relation to racism and racial disproportionality. It is clear that all diversion practitioners believed that the CJS and particularly the Police needed to build positive relationships with ethnically diverse individuals, groups, and communities to support the development of trust. Trust was seen as the key to being able to effectively promote the positive outcomes and impacts of pre-court diversion practice within ethnically diverse communities so that families and communities would promote this narrative when supporting family members if they were faced with deciding in accepting a pre-court diversion opportunity.

Due to the known racial disparities ethnically, diverse people face with front line police, it was wholly agreed in all diversion practitioner groups that diversion provision for people from ethnically diverse backgrounds needs inclusive eligibility criteria. Inclusive criteria included scope for multiple diversion attempts, initially light touch, and for support to be person-centred and focused on developing relationships based on trust and respect. Diversionary practice was seen as practice that is restorative, trauma-informed and anti-racist and where appropriate should be child first and or gender informed. Diversion intervention plans should support the needs and realities of the people it supports and offer longer-term support where needed and this usually means a minimum of 12-16 weeks for real behaviour change and personal growth. Some of the practitioners also highlighted how consistently quick and effective translation support must be available for all who need it within custody suites to limit trauma of the custody suite environment.

The discussions across these groups also strongly indicated that they felt that OoCD decision making should use a multi-agency model of practice that supports discussion with the need for consensus agreement and supports diversion providers to effectively support their clients through all stages of the custody experience and reduce trauma.

It was also evident that these practitioners knew that there needs to be specialist non-statutory services for ethnically diverse people who engage with OoCDs, so their needs are understood and met. There was also the general agreement that specialist services should support, mentor, and guide the wider CJS and other mainstream diversionary services.

Discursive and effective long-term education and training on anti-racism and practice was seen as a significant need for all the CJS but especially front line and custody police officers, and allied services, such as diversion providers and social services. There was also the consensus view that long-term education and training is needed to build better understanding and practice on child first, gender, and trauma-informed practice, as well as the positives process and outcomes of OoCD diversionary approaches and the need for this was greatest with front line and custody police officers, solicitors and lawyers, and in respect of children, education and social service practitioners. The need for pre-court diversion and OoCD to be captured as a positive outcome for the Police was also highlighted a needed outcome.

This cohort highlighted the need for commonly agreed data and effective data capture with multi-agency sharing of data so all diversionary services can effectively understand and support people from ethnically diverse backgrounds.

Finally, all practitioners believed that there needs to be a focus on increasing the ethnic diversity throughout the CJS and at all levels of institution to reflect the society we live in and the diversity of people the CJS serves.



Solicitors and Lawyers Lived Realities

Unfortunately, despite ongoing attempts over seven months only two solicitor and lawyers engaged in discussing their lived realities of their roles in respect of pre-court diversion. The two professionals that engaged were both male and from an ethnically diverse background and were very experienced in their roles.

Both lawyers agreed that there was still racism and disproportionality in the CJS but that this has been getting gradually better over the last 10 in many areas with one lawyer not believing it to be a significant issue anymore in Wales. There was also agreement that they have witnessed racism and disproportionality in OoCD contexts but that this was not common within South Wales. Both lawyers said words to the effect of, 'Well yes, you still see it but it is very infrequent in South Wales but more so in other parts of the country but you do still see some really stupid charging decisions to people from ethnic minority backgrounds and most I see are with young people.' One of the lawyers also stated that, 'If young people, well children in the eyes of the law do go to charge you do see harsher sentencing for children from ethnic minority backgrounds.'

When discussing the uptake of OoCD opportunities and the lower rates from ethnically diverse people both lawyers felt that 'we need to build trust with such groups and communities especially Black and Asian communities as there is so much generational mistrust of CJS and of the Police, and understandably so.' During these conversations it was asked how would you achieve building trust in such communities and the response was that, 'it is going to be hard isn't it, so much distrust of the police, but you have to go out into those communities, the police should go out and build that trust and get to know the people from those communities, it takes time.'

The conversations organically turned to education and training of the police and both lawyers had similar beliefs that, 'there needs to be more education and training for on the street police and custody police but that has changed for positive significantly in last 10 years and things are so much better.' When asked if solicitors and lawyers needed more education and training on anti-racism and how that relates to OoCD and diversion both agreed that there was a need but did highlight that such subject matter is included in their training and legal manual. One lawyer said, 'I think we all should keep up to date on all of these important

subjects and that is just part of being a professional and being a lawyer or solicitor.' The same lawyer also at this point of conversation also said that they had heard of some lawyers that, 'well they advise their client to go with a diversion even if innocent as they see a diversion as meaning nothing and conversely I know of lawyers who advise their clients to go to court even if they are responsible and could have taken an OoCD and so there needs to be more understanding and consistency. I would and have never done either, if the client is innocent then we go to court and if they are not then an OoCD is applicable is what I advise, but in the end it their choice.'

When discussing OoCD eligibility and criteria both lawyers believed that, 'children and maybe even young adults should get multiple attempts at diversion, if it's a different crime perhaps, but if you're an adult, then no, it's one chance as you're an adult and should be able to learn from your mistakes and if you haven't learnt your lesson then it should go to court the next time.'

Finally, when discussing diversity and ethnic representation within the CJS both felt that 'there is higher diversity across CJS than 10 years ago, so it's getting better, especially in courts but yes we still have some way to go I think within the police, prison, and probation but I may be wrong as I haven't seen the statistics recently.'

It was clear from the Solicitor and Lawyer informal Interviews that the main areas for development from their realities was a need for building positive relationships with ethnically diverse groups and communities to support education of positives of taking up diversionary opportunities. They also felt that front line and custody police in particular needed ongoing education and training on child first and anti-racist practice to support effective practice and lower disproportionality. The two solicitors clearly believed in the need for inclusive eligibility criteria for diversion provision for children and young adults from ethnically diverse backgrounds with scope for multiple diversion attempts. Finally, both solicitors stated that there needs to be a focus on increasing the ethnic diversity throughout the CJS and at all levels of institution to reflect the society we live in and the diversity of people the CJS serves, although they both thought this was getting better in last 10 years.



HMCTS Lived Realities

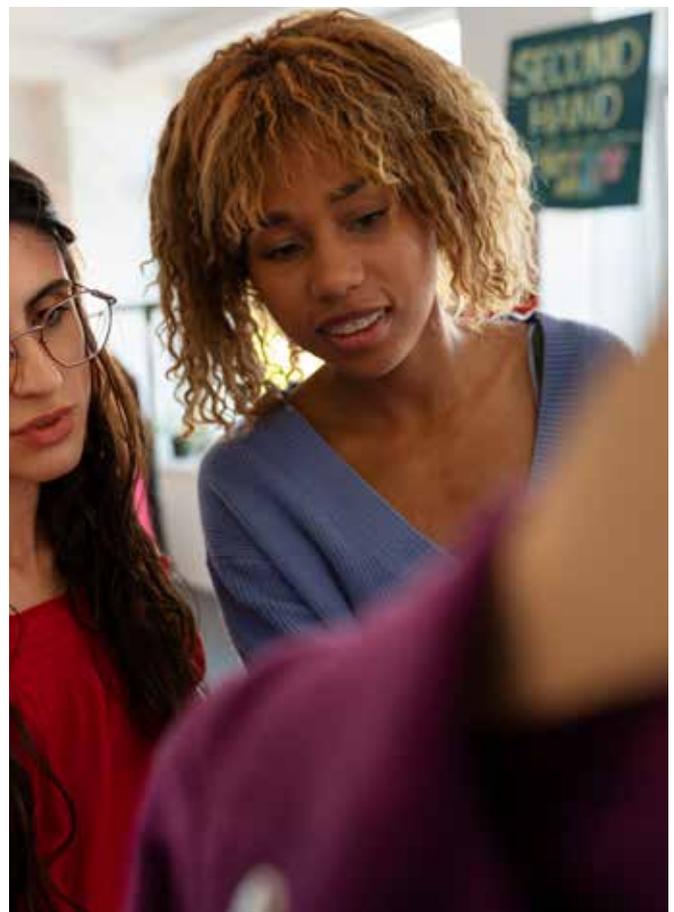
Four practitioners from HMCTS agreed to take part in this research and their realities were captured within a focus group online. There were two women and two men that took part and one of the men was from an ethnically diverse background and the other three participants were from a White Welsh/British background. Due to the expertise in this focus group the main discussion was concerning children from ethnically diverse backgrounds experience of diversion and opportunity for outcome 22 / youth cautions.

All practitioners believed that there has been, 'a general increase in court appearances for children specifically despite being eligible for diversion and a supposed agenda and focus for increasing an outcome 22 so children are diverted away from the trauma of court.' One practitioner noted that, 'yes, I agree with that and we are seeing an increase in young girls ending up in court too when they could have been dealt with outcome 22.' Another added, 'in these instances we need an adjournment process so if the charge could be an OoCD, outcome 22, it is reviewed again to stop the trauma of a court proceeding.' Everyone agreed that at there is as one practitioner worded it, 'a systematic failure of partner agencies which is causing trauma and there really is a disconnect between the police, YJS, diversion providers and the CPS. We need better inter-agency working with clear transparent sharing of data and information, so decision-making is clear and transparent and that is happening currently.' It was added that, 'to remedy and fix this we need the CPS to take charge of all youth courts with the creation of specialist prosecutor teams and we need much better ethnic representation too as racial bias is evident within the system.' Another added that, 'we also need better decision-making in custody and that would stop a lot of this unnecessary trauma when children go to court when they could have been given an outcome 22.'

When discussing what would support ensuring all of these 'failures' as they were described, and the main belief was that better education and training and diverse ethnic representation across the system would really create positive change. All the practitioners felt that 'HMCTS need more specific education and training as racism can get lost in the wider equality training and so that would be useful.' Another believed that 'I really feel that the police, legal advisors, defence solicitors and magistrates need more education and training on anti-racism and

there also needs to be much more diversity in the courts but throughout the CJS system really as it is all very white. We must focus on representation.'

In summary, the HMCTS focus group like all groups felt that the police and wider CJS need ongoing education and training on child first, gender informed, trauma-informed practice and anti-racist practice especially those within custody suites. This focus group also highlighted the need for the education of custody sergeants on the positive outcomes and impacts of pre-court diversion and OoCDs, so it changes up-tariffing and punitive practice. Again, like the other stakeholders, HMCTS believed that OoCD decision making should use a multi-agency model of practice that supports joint and transparent decision-making focused on wherever possible using an outcome 22 to effectively support children and reduce trauma. This cohort also highlighted the need on increasing the ethnic diversity throughout the CJS and at all levels of institution to reflect the society we live in and the diversity of people the CJS serves. A novel finding in this cohort of HMCTS practitioners was the view by some of this group that the CPS should have control of all youth courts and create specialist prosecutor teams so that children are effectively supported within the CJS.





Lived Realities of Children and Young Adults



During this research only one child (aged 17) and three young adults (18-25) took part in an informal interview despite ongoing attempts to engage service providers who supported such children and young adults. The research project timeline was extended to facilitate this, but it was still unsuccessful in recruiting a high number of children and young adults. This report acknowledges that the lived realities of only four children and young adults is a low number from which to draw learning and recommendations for future practice and this is a limitation of this research.

However, the child and young adults that discussed their lived realities shared powerful narratives of experiencing racism in society and the CJS, the support they receive through diversion, and the other challenges that they faced in their daily lives, as well as what they needed to support their ongoing personal growth. It must be highlighted that despite the low number of participants the lived realities of the children and young adults that took part in this research align and mirror very strongly the findings within the literature review and within the other narratives from the key stakeholders discussed in this report, particularly Media Academy Cymru, and the South Wales YJS's). Due to this it is balanced to state that the narratives captured in this report of these lived realities can be taken as trustworthy and reflective of the wider experiences of children and young adults from ethnically diverse backgrounds in South Wales and likely across Wales. The children and young adults that shared their realities were from Fijian, Sudanese, Sri Lankan, and Black ethnic background and heritage. The child was a female aged 17 and the men were aged 21, 22, and 25. Age, sex and ethnicity have not been linked to ensure anonymity. One of the young adults first language was not English and required translation support services.

Life challenges of children and young adults

The lived realities of daily life and historical experiences of the children and young adults from ethnically diverse backgrounds who took part in informal interview shared some clear commonalities and also some nuanced differences.

All the participants explained that they had experienced discrimination and racism throughout their life and that this had significant negative effects on them as younger children and still now as entering adulthood and being a young adult. The young girl shared that, 'I was just very angry when I was younger and if you haven't experienced racism all the time then you don't get it, it weighs you down, it's hard. Since I was a kid. At school, on the street, in the park, on the bus, even the fucking police, it just never stops and so it's always there.' One of the young men said, 'I didn't have it a lot really as a kid, I don't know I lived near London when I was young as so it's more diverse but when we moved to Wales then I noticed it more at school and I get called the P word a fair bit now. I laugh it off, but it hurts and I don't know, it's pointless to argue or shout back as then it could mean violence and I'm not about that.' Another young adult shared how they have changed how they deal with it, 'When I was like a teenager yeah, it was like, right you call me the N word well have this and I'd smash them up and not stop and I'd let it all out and no-one would mess right as I was like angry, man I was angry. But angry got me nowhere and the dickheads still say that shit, but I've learnt to be calm and ignore it and just focus on me and fuck all of them.' Three of the four participants said that they had experienced racism within primary, secondary, and for some at College and University as well as in public areas and spaces such as the park, on the bus, within their own residential communities and out in the evening whilst socialising with friends and family.

Two of the participants stated that, 'I felt like I didn't belong anywhere, and I was so angry' and another said similar words and that due to the 'madness and chaos at home I was just out on the street all the time with my mates smoking it up and getting into fights and shit.' The consequence of not feeling that they belonged or feeling safe in their community meant that throughout childhood they tried to escape, and as one of the participants said, 'yeah I just wanted to numb it all and so I just started taking drugs and really getting into it as it was cool or I thought it was but it was just fucking up my

head and yeah I got bad and yeah ended up in hospital a few times as I didn't want to around anymore so I thought I'd end it, it was really dark.' One of the participants said, 'well my dad was not around as he was in prison for drugs so yeah it was just me and my mum and I love my mum like, we are close, but she just couldn't control an angry young boy and so I started to get into it all too and that's how I'm speaking to you now innit.'

Three of the participants felt that they had poor mental health due to, 'stuff growing up that I don't want to say here and then just feeling picked on by school, the police, and just racism everywhere and so yeah I was just really not well, and I'm loads better now like but still I have my dark days.' Another young adult said that 'I miss my family and I haven't seen my mum for years and I don't know if she is alive, and I feel really alone and down but (named diversion support practitioner) is helping me which is good and so I'm starting to feel a bit better.'

Children and young adults' experiences of the Police

The overall realities of the four participants were mixed with two having largely positive experiences and two having really negative experiences.

The child / young person said that 'the police talked to me, and still do, like I'm a piece of shit and just say I'm in a gang. I'm mixed race, from 10 this is, I'm 17 now. It's bullshit & they try and get you to bite to arrest you.' When asked why the police did this, they responded that, 'I'm just seen as a black, naughty angry girl who is in a gang and doing mischief and that's not it at all. It's bullshit. I've had several complaints against them with support from the youth offending team and they know it's true and go on ask them (they were supported in the interview with a youth worker who did agree that this young person had experienced racism from the police several times).'

Another young adult said that the 'police on the street are just dickheads, too much power, no respect and too much racism and they just are trying to antagonise you. This is when I was a child. It's weird.' When discussing if all police who were on the street were like this two of the participants said that 'Some are alright, they listen, they respect you, they're not all guns blazing, they have a joke.' When asked about custody experiences all of the children and young adults said words to the effect of the 'custody police were alright, fair, direct, tidy,

asked me what I needed like water, food, legal advice and treated me with respect like.'

When asked how we could solve this problem of the police being racist to children and young adults all of the participants said words to the effect of, 'better selection, more diversity of colour, and education so they understand what they're doing, and getting rid of the racist dickheads too.'

Children and young adults' experiences of Legal Advice

The experiences of having legal advice within custody suites was generally positive and the children and young adults that spoke in their informal interviews felt supported. One child said, 'yeah they were good they advised me to take diversion' whilst a young adult said, 'really good and they started off by saying if I was innocent then we should fight this but I wasn't, so I took the deal.' Three of the four participants said words like, 'I felt supported and they listened to me.'

One of the participants had a mixed experience with custody experience including their legal advice as their first language was not English or Welsh and so they said, 'mmm I don't know, not great, I didn't really understand what was going as no one spoke my language at first so I don't know what was said to me and I was in a weird place so I was scared.' When discussing this further they added that, 'it was on in the end as they were nice and did get an interpreter and then I understood what was going on, but it is all still hard for me with the language difficulties.'





Diversion experiences and future needs of children and young adults

The support provided from diversion providers was viewed as positive and one participant said, 'Yeah, the support is great and I'm understanding myself more and yeah, I feel better about me, I feel safe, and my way forward is positive. I'm going to get there.' The young girl said that 'They listen, spend the time, no judgement, just support and ask me what I need, they take my shit. It takes time. I trust her now.'

Another young adult said that they also felt supported but wanted support in other aspects of their life and said, 'Yes, it is good and they're nice people, but I need other stuff, and 6 meetings is too short. I mean a drug awareness course is good but it's nothing I didn't know. The employment stuff is just naff jobs which I'm not interested in.' When asked what they needed this young adult said, 'Look I've really enjoyed talking today and so can we do this again, talking just really helps me.' It was explained again that this was an informal interview as part of research to support diversion practice development which was understood and the young adult then added, 'ok well in the future I'd like support from people that look like me, do you get me, you (Jacob) get it as you've been there and understand it all.'

When discussions focused on the future three of the participants wanted more opportunity to, 'talk and be supported by people who look like me, I'd trust them so much earlier and like when my social worker was black, they just got it and got me straight away and I trusted them straight away too.' Another young adult said that, 'there needs to diversity across all of it as its just white and like I've only met 2 people who weren't white working in the Police and that's it, it's shit you need to do better.'

A key area for support that was highlighted by all the participants was the need for quicker and better mental health support and that, 'yeah my head was fried, and the help just took ages, honestly it's shit, literally feeling like I'd rather be dead and I'm waiting for the help I need.' Another said that 'I just get really down not knowing where my family is, and I feel sometimes like I just can't cope so I need support with my thinking.'

The overarching themes within these informal interviews echoed the realities expressed within the diversion provider cohort and it illustrated that children and young adults from ethnically diverse backgrounds regularly experience significant racism in their lives that significantly contributes to poor overall well-being and feeling angry at their lived realities is a totally appropriate reaction to such racial stress and trauma and this should be understood and acknowledged by all of the CJS.

Due to the racial stress and trauma from daily society and the CJS when engaged with its children and young adults felt they needed specialist diversion services delivered by ethnically diverse people and offer person-centred support focused on developing relationships based on trust and respect using restorative, trauma-informed and anti-racist practice and where appropriate support should be child first and or gender informed. The highest need seems to be mental health support services and that this needs to be quicker and more responsive to the needs of children and young adults. Children and young adults also shared how there needs to consistently quick and effective translation support available for all who need within custody suites or the risk is increased trauma.

All children and young adults felt that the Police and wider CJS need ongoing education and training on child first, gender informed, racial trauma-informed and anti-racist practice and that the ethnic diversity of the CJS needs to increase to better support needs of ethnically diverse children and young adults.



Lived Realities of Women from Ethnically Diverse Backgrounds

During this research only two women took part in an informal interview despite ongoing attempts to engage service providers who supported such women. The research project timeline was extended to facilitate this, but it was still unsuccessful in recruiting any more women from ethnically diverse backgrounds. This report acknowledges this is a limitation of this research.

The women that shared their lived realities shared powerful narratives that deserve to be captured and shared in this report and where possible learning taken from their narratives to improve diversion support for other women going through similar realities. Much like with the small cohort of children and young adults the lived realities of the women that took part in this research align strongly to the findings within the literature review and within the other narratives from the key stakeholders discussed in this report, particularly those from the women's specific services (The Nelson Trust, and Safer Wales). The women that shared their realities were from Somalian and Polish background and heritage. The informal interviews for both of the women were short and only lasted 40 mins each and despite being supported by their diversion worker did not speak a great deal but they were very clear with their feelings and experiences. Due to this the section of this report is quite brief.



Life challenges of women from ethnically diverse backgrounds

The experiences of childhood were different to the children and young adults' group as both of the women who spoke about their lives were not born in the UK and did not really experience much racism in the country's they were born in. However, as adults both felt quite angry with how they had been treated by the CJS and other services such as housing, social services, and welfare support. One of the women said, 'I was never angry when I was younger and now, I live here everything is different and I do get upset as I'm treated like this thing, and I even been told I'm a stereotypical angry black woman. Well try experiencing racism, it isn't nice at all. It hurts.' The other women felt she didn't experience racism until she spoke because, 'well I'm white so until I speak, I don't get the racism but then it comes, oh where are you from, why are you over here, it never ends really but it's not as bad as some I bet.'

Both of the women shared how they had poor mental health for some time now due to the challenges they were facing in their lives. One woman said, 'well I'm just so down all the time. I wasn't aware but I was addicted to alcohol, and it ended up me losing my child and then it's even harder to stop and I'm so low, depressed and anxious and then I was just numbing it all to forget with alcohol. But I've stopped now but it's till so hard as I want my daughter back.' The other women explained how she had been homeless and said, 'I was offered a tent, and I was like what good is that and they didn't have an answer. All of it just made me very low and depressed and then I used drugs to help with the pain and it all spiraled from there.'

The two women has also had been in previous relationships where they experienced domestic violence and abuse and shared how this had also contributed to, 'well it makes you feel crap and worthless and at a time I felt I deserved it really but I did leave but it was too late I was so unwell then and really needed help as I was drinking a lot by then.' The other women faced similar experiences and said that 'in the end I just had to leave with nothing and it was really hard as I had nowhere to go and that's how I ended up homeless.'

Women from ethnically diverse backgrounds experiences of the Police

The women who shared their stories had mixed experiences with the police and the dialogue on this theme was quite limited. Some of the main points made by the women were that 'some of the custody police were alright but I've been misguided, and you feel overwhelmed. The first time is the worst it's not nice. It is so scary.' The women also felt that 'when I was arrested, I was just seen and treated as this criminal but there was so much more going on and I needed help and support. I wasn't seen as the vulnerable women I was.' The women of Somalian heritage said that she felt she was viewed as, 'Black first, Criminal second, then a woman and then a human is the last thing they see you as.'

Women from ethnically diverse backgrounds experiences of Legal Advice

One woman had a really positive experience of their legal advice and said that it was, 'good they advised me to take diversion and I felt supported, they listened, and so here I am.' The other women did not have such a positive experience and said, 'mmm I don't know, not great, I didn't really understand as so anxious and stressed and it was a man and I wanted a woman who looked like me.'

Women from ethnically diverse backgrounds experiences of Diversion

Both of the women felt supported by their Diversion support worker and both said that the, 'support is good and they're nice people' and the other said, 'Yeah, the support is great and they understand me and don't judge. I feel seen and heard.' One of the women added, 'I feel listened too and supported and I know she will be here when I need her. I know she really cares. I feel safe with her.'

Honest talking with diversion support practitioners seemed a strong process and one of the women said, 'When I get angry and upset, we talk through it all and I calm down and then I find my purpose again and I'm going to get there. I now know I will. I'll get my kid back and that's all I want.'

In terms of other support that the women said they received when asked both of the women said words like their support worker, 'helps with everything like housing, alcohol stuff, my mental health, parenting support, and then they're just there for me so I have someone to talk to and help me move forward. They go to appointments with me too as I get scared about all that paperwork stuff.'



Women from ethnically diverse backgrounds future needs

Both of the women said they were really happy with their current support and that they needed, 'more of what I have now really.' The woman from Somalian heritage said she would, 'like to talk and be supported by people who look like me sometimes as they get it but I am really happy with my support though.'

When asked again what they needed support for and with going forward with their lives it evoked a list like response from both women which included, 'well as I said more of the same, housing, parenting, alcohol, drug help, mental health, managing money and food budgeting.' It was asked what their biggest challenge and support need and both was said, 'oh my mental health I'm going nowhere if that's shit and I guess I'd really like to have friends, I feel quite alone a lot of the time.'

Finally, at the end of the interview the Polish women said, 'can I say something else' and of course this was supported and she said, 'yeah what I'd also like is to not be made to feel like I'm this bad mother, because I love my daughter but I just got lost in the booze because I was in a shit relationship and I need help not judgement. I get that with her (pointing to support worker) but out there I'm just seen as a bad mother, and I hate it.'

Much like children and young adults from ethnically diverse backgrounds, women from such backgrounds regularly experience significant racism in their lives that significantly contributes to poor overall well-being and feeling angry at their lived realities is a totally appropriate reaction to such racial stress and trauma and this should be understood and acknowledged by all the CJS. To support such trauma women from ethnically diverse backgrounds, need diversion support that is person-centred and focused on developing relationships based on trust and respect using restorative, trauma-informed and anti-racist practice and be gender informed. There is also a strong need for better mental health support services that are quicker and more responsive to the needs of women from ethnically diverse backgrounds. Some of the women who engaged with this project also felt that their needs would be better met and trust built more quickly if they had specialist diversion services delivered by ethnically diverse people. To improve the CJS and diversion experiences in police custody the women who shared their narratives believed that the police and wider CJS and allied support

services, like social services, need ongoing education and training on gender informed, racial trauma-informed and anti-racist practice. The women also felt that there was a need to increase the ethnic diversity throughout the CJS and at all levels of institution to reflect the society we live in and the diversity of people the CJS serves.





Creating an Anti-Racist Model for Pre-Court Diversion with a focus on Children and Women

Through analysing and synthesising the learning from all stages of research the following learning and recommendations for future diversion practice are presented below for children and young adults and then for Women from ethnically diverse backgrounds.



Ethnically Diverse Children and Young Adult Needs in Diversion

Learning and Recommendations for Future Anti-Racist Diversion practice:

- 1. A nationally defined and agreed model for Pre-Court Diversion for Children (up to 17 years old) and Young Adult's (aged 18-25) from ethnically diverse backgrounds (although many recommendations also apply to White UK ethnicity) that:**
 - i.** Wherever possible Point of Arrest diversion should be used to reduce the impact and trauma of arrest and custody and signposts children and young adults to youth justice services, youth work support, and diversion providers with those services being notified to make contact and offer their support.
 - ii.** Inclusive eligibility conditions should be used for pre-court diversion / OoCDs with no need for an admission of guilt, scope for multiple diversion attempts, and an initial focus on light-touch conditions. Where needed for more complex needs diversion interventions should support the holistic needs and realities of the people it supports and offer longer-term support which usually requires a minimum of 12-16 weeks of support for real behaviour change and personal growth to occur.
 - iii.** Diversion provision and intervention plan should be agreed using co-production and be person-centred and focused on developing relationships based on trust and respect using restorative, trauma-informed and anti-racist practice and where appropriate should be child first and or gender informed. This holistic approach is to support the psychological, neurological, biological, and social development and transition through childhood, adolescence and into adulthood where appropriate.
 - iv.** Getting to know children and young adults from ethnically diverse backgrounds and their preferred language and

terminology is important and should be a focus of all support services to children and young adults from ethnically diverse backgrounds.

- v.** Offers inclusive victim experience of a restorative justice approach so victims feel listened to, heard, and have choice and control within their experience of diversion programmes.
- vi.** Restorative justice in pre-court diversion provision needs to be clearly defined and agreed at a national level to avoid current tokenistic practice and mislabelling of current diversion practice as restorative that is often not restorative because this mislabelling dilutes its meaning, the understanding of the potential impact and outcomes of a truly restorative approach.
- vii.** Pre-court diversion utilises a model of strong inter-agency working with a shared vision, accurate information and data sharing, and joint decision making for OoCDs. There needs to be a focus on wherever possible using outcome 22 / youth caution to effectively support children and reduce trauma of engagement with court proceedings. Diversion providers should be central to this process and experience for children and young adults, so they feel safe and supported within custody experiences.
- viii.** Ensures that diversion assessment and referral is timely (48 hours) to support diversion and engagement by children and young adults.
- ix.** Youth Diversion is captured as a positive outcome by the police and their performance management schemes.
- x.** Diversion programmes are managed and supported by dedicated child and young adult diversion practitioners that are not part of statutory provision to support trust and engagement.
- xi.** There is consistently quick and effective translation support available for children and young adults who need it within custody suites.
- xii.** Diversion support uses specialist mentors that are from ethnically diverse backgrounds and where possible have lived experiences of the CJS to effectively support children and young adults from similar backgrounds to engage.
- xiii.** Assessment of needs for diversion should consider a children and young adult's cultural, heritage and religious identity.
- xiv.** Diversion support should focus on implementing interventions with children and young adults that develop positive attitudes towards learning, employment, friends, family, and parenting as they are associated with low reoffending outcomes.
- xv.** Diversion should offer quick (within 2 weeks) mental health support services as this is highly common and significant need. If current provision is not adequate to meet local need, then new diversion mental health support services should be developed.
- xvi.** Specialist non-statutory services for ethnically diverse children and young adults who engage with OoCDs and the wider CJS need to be central to supporting children and young adults that are engaging with diversion. Such specialist providers should offer support and mentoring to other diversion providers to support the development of their anti-racist practice. When such specialist services are not available then these services need to be developed to meet local ethnically diverse needs. There needs to be the identification of diverse specialist services to facilitate the mapping and sharing of best practice and ensuring effective referral routes for diversion.
- xvii.** All new diversion services should be co-produced with children and young adults from ethnically diverse backgrounds.



2. High Quality, long-term and co-produced Education and Training

- xviii.** The CJS and other statutory services, such as social services, who are involved in the assessment of children and young adults and or support diversion work need ongoing and long-term education and training on child first, gender informed, trauma-informed practice and anti-racist practice especially front-line police officers and those within custody suites. Education and training should focus on:
- a.** Developing friendly and non-judgmental communication skills that are culturally competent and use appropriate language and terminology.
 - b.** Understanding that a child or young adult that has potentially offended is a child first or young adult first and so the focus is to have empathy, understanding of racial stress and trauma, ACEs, and to build rapport to facilitate effective diversion uptake, assessment and support.
 - c.** Understand own personal biography realities and experiences and how racism, ageism, sexism, and religious discrimination perpetuates within the wider UK / Welsh society and culture.
 - d.** There needs to be a focus on understanding own conscious and unconscious biases and challenging these to support professional development of anti-racist practice, age-informed, gender informed, and religion informed practice so these characteristics are not a lens that perpetuate disproportionality and unfair assessment and punitive measures such as 'uptariffing' and 'adulthoodification.'
 - e.** Creating a reflective practice culture to support confident reflective discussion with agencies, colleagues, teams, and supervisors on cultural competence and anti-racism and supporting children and young adults from ethnically diverse backgrounds so there is 'cultural reflective practice' and 'cultural humility.'
- xix.** Education and training for youth justice police is needed so they can better recognise referral opportunities for diversion and to support appropriate assessment of risk and stop up-risking children from ethnically diverse backgrounds.
- xx.** Solicitors and lawyers need ongoing education and training on the positive outcomes and impacts of pre-court diversion and OoCDs so they can advise their clients appropriately.
- xxi.** Education and Training relating to anti-racism and anti-racist practice should, with appropriate support, be developed and facilitated by people from ethnically diverse backgrounds who have lived realities of engaging the CJS.
- xxii.** Diversion provider organisations need ongoing education and training on racial trauma-informed practice and anti-racist practice at all levels of the organisation, including senior leadership. This work will support effective delivery of services and the development of an anti-racist leadership and organisational culture so there is no fear of 'getting it wrong' and so all practitioners have the confidence to discuss such language, terminology, issues and realities.



3. High quality research that is inclusive of ethnically diverse lived realities

- xxiii.** There is a need for commonly agreed data and effective data capture with multi-agency sharing of data so all diversionary services can effectively understand and support people from ethnically diverse backgrounds. Recording and monitoring of ethnicity, language, and faith needs to be accurate so that analysis can be achieved to support understanding and ongoing practice development.
- xxiv.** Increased research to understand over-representation of children and young adults from ethnically diverse backgrounds in the system.
- xxv.** More research is needed on local contexts, so services are developed to meet local needs and experiences and better support diversion engagement and desistance. More qualitative research is needed to better understand the lived realities of custody sergeants in Wales in respect of their OoCDs decision making more generally and in relation to supporting people from ethnically diverse backgrounds.
- xxvi.** More research is needed to understand experiences and needs of girls from ethnic minority backgrounds within pre-court diversion and coproduce specialist services for diversion with / for girls if needed.

4. Building Trust with ethnically diverse people and community outreach

- xxvii.** The CJS and particularly the police need to develop outreach projects to effectively build positive relationships with ethnically diverse individuals, groups, and communities that create trust so they can effectively promote the positive outcomes and impacts of pre-court diversion practice. These projects should be co-produced and delivered with services and community members from ethnically diverse backgrounds.
- xxviii.** Youth Justice Services and other diversion providers should consistently challenge the racism that ethnically diverse children and young adults experience in relation to racial profiling, stop and search, adultification, and harsher treatments by the system in pre-court diversion contexts (and wider CJS experiences).

5. Greater Diversity, Equity and Inclusion at an Organisational and Institutional Level

- xxix.** There needs to be a focus on increasing the ethnic diversity throughout the CJS and at all levels of institution to reflect the society we live in and the diversity of people the CJS serves.
- xxx.** Development of a recruitment, retainment, and progression strategy, policy, and practice that outlines CJS agency aims, actions, and commitments to how they will achieve having an ethnically diverse workforce across their organisations / institution, at all levels of practice, including at senior leadership. Ethnic diversity outcomes should be aligned to regional demographics and represent the public it serves, with a minimum benchmark of 5% for regions with low ethnic diversity.
- xxxi.** Development of an ethnically diverse external and independent review panel for recruitment, retainment, and progression strategy, policy, and practice for each CJ agency with a minimum membership representation of 70% needing to be from an ethnically diverse background.
- xxxii.** Due to the influence on racial disproportionality in pre-court diversion there should be a specific focus on increasing the ethnic diversity of front-line police officers and custody suite police sergeants. The focus on increasing the ethnic diversity of newly qualified police officers who have qualified through the degree will require collaborative working with Higher Education Institutions to ensure their commitment to this action. In the next 12-18 months all new appointments and or promotions to the role of custody sergeant should have a minimum of 15% representation from ethnically diverse groups.
- xxxiii.** All CJ agencies and allied professions should implement mentoring and reflective support from experienced ethnically diverse practitioners across all levels of their workforce including mentoring to those in senior leadership roles.

An Infographic for Supporting Anti-Racist Pre-Court Diversion Practice with Children and Young Adults from Ethnically Diverse Backgrounds

To support better understanding and development of anti-racist pre-court diversion practice for all practitioners and organisations involved in pre-court diversion contexts with children and Young People the below infographic has been developed. This infographic has built upon the infographic designed and published with ACEs Cymru

following the first stage of this research project (Jones, 2024d).

The hope is that this infographic can be a day to day visual and concise learning resource for all involved in pre-court diversion and be printed as a large infographic poster to guide practice.



SUPPORTING DIVERSION WITH CHILDREN & YOUNG ADULTS FROM ETHNICALLY DIVERSE BACKGROUNDS

1. Promote Diversion

Ethnically diverse children & young adults are less likely to choose/be offered an OoCD/Youth Caution due to:

- Fear & lack of trust of the CJS from personal, family, & community experiences
- Racial stress & trauma during arrest & from previous Police interaction experiences
- Racial bias & risk/danger lens for assessment in custody causing up-tariffing & adultification
- Unclear legal advice
- Lack of holistic support & decision-making during custody between Police and Diversion support services



2. Understanding Lived Realities

Children & Young Adults from Ethnically diverse backgrounds can have complex realities including (but not limited to):

- Racial stress & trauma
- Poor trust & experiences of CJS especially Police
- Low self-esteem
- Family breakdown
- Domestic violence & abuse
- Substance use
- Mental health and self-harm
- Poor emotional management
- Unhealthy relationships
- ACEs and trauma
- Poor school experiences exclusion
- NEET
- (un)diagnosed Disability
- Poverty
- Parental responsibility

Disproportionality

This means a disproportional number of such children & young adults end up deeper in the CJS which is damaging to future life opportunities, traumatic, & creates a racially biased & discriminative justice experience.

The Anti-Racism Action Plan for Criminal Justice in Wales promotes the need for a greater focus, commitment, and provision of inclusive anti-racist and culturally competent diversion experiences and opportunities for children and young adults from ethnically diverse backgrounds.

3. Being Child 1st & Needs Focused

A child needs to be:

- Treated as a child
- Supported in developing a pro-social identity
- Included in decision-making
- Diverted away from the CJS

The Child 1st tenets:

- are evidenced based
- focus on children's strengths
- prevent (re)offending
- create safer communities with fewer victims

4. Specific Considerations

Are you reflecting on your practice & decision making in relation to:

- Your role & power
- Your communication style
- Racial & unconscious bias
- Gender, age, & religious bias
- Uptariffing/adultification
- Using a risk lens
- Trust of you from Child & family
- Diversion provider thoughts

Are you being:

- Child first
- Trauma-Informed
- Gender-Informed
- Racial Trauma-Informed
- Anti-Racist
- Culturally competent
- Restorative

Have you considered?

- Disability needs
- Mental Health needs
- Language needs
- Diversion support needs
- Legal advice needs
- Victim experience & needs



5. Working Collaboratively

Diversion decisions & developing a plan should include all stakeholders:

- The child/young adult
- YJ Police/Police
- Youth Justice Service
- Specialist diversion provider
- Main care provider
- Social Services
- Education
- Other specialist services i.e. mental health



8. REMEMBER...

**Anti-Racist
Child First
Holistic & Child-Led
Meet Needs
Promote Diversion
Racial Trauma-Informed
Work Collaboratively**



7. Diversion Support

Typically to meet holistic needs Diversion support & provision will **include 3-5 interventions** including (but not limited to):

- | | | |
|--|-------------------------------|----------------------------------|
| Emotional & Social Support | Substance Support | Social Experiences |
| Restorative Justice | Mental Health Therapy | Developing Healthy Relationships |
| Education, Employment or Training | Enrichment Experiences | |
| Developing Self-agency & Personal Accountability | Disability Assessment/Support | |



Content from: Mark Jones
Director at Higher Plain, Visiting Professor at the Centre for Criminology, University of South Wales
Designed by: Lauren Hopkins
Communication and Engagement Officer, Trauma-Informed Wales



Women from Ethnically Diverse backgrounds Needs in Diversion

Learning and Recommendations for Future Anti-Racist Diversion practice:

1. A nationally defined and agreed model for Pre-Court Diversion for Women from ethnically diverse backgrounds (although many recommendations also apply to women from White UK ethnicity) that:

- i.** Uses a whole system approach with women's centres and specialist women's organisations that is joined up through Home Office, MOJ, & Health and Social Care Institutions (Public Health).
- ii.** Inclusive eligibility conditions should be used for pre-court diversion / OoCDs with no need for an admission of guilt, scope for multiple diversion attempts, and an initial focus on light-touch conditions. Where needed for more complex needs diversion interventions should support the holistic needs and realities of the women it supports and offer longer-term support which usually requires a minimum of 12-16 weeks of support for real behaviour change and personal growth to occur.
- iii.** Women should be given the choice of receiving legal advice and support from a women solicitor or lawyer as many women engaging with the CJS have or are experiencing domestic violence or abuse and so can find male engagement and intervention traumatic and stressful.
- iv.** Diversion provision and intervention plan should be agreed using co-production and be person-centred and focused on developing relationships based on trust and respect using gender-informed, restorative, trauma-informed and anti-racist practice. This holistic approach is to support women's needs and realities.
- v.** Getting to know women from ethnically diverse backgrounds and their preferred language and terminology is important and should be a focus of all support services to women from ethnically diverse backgrounds.
- vi.** Offers inclusive victim experience of a restorative justice approach so victims feel listened to, heard, and have choice and control within their experience of diversion programmes.
- vii.** Restorative justice in pre-court diversion provision needs to be clearly defined and agreed at a national level to avoid current tokenistic practice and mislabelling of current diversion practice as restorative that is often not restorative because this mislabelling dilutes its meaning, the understanding of the potential impact and outcomes of a truly restorative approach.
- viii.** Pre-court diversion utilises a model of strong inter-agency working with a shared vision, accurate information and data sharing, and joint decision making for OoCDs. There needs to be a focus on wherever possible using lowest level caution to effectively support women and reduce trauma of engagement with court proceedings. Diversion providers should be central to this process and experience for women, so they feel safe and supported within custody experiences.
- ix.** Ensures that diversion assessment and referral is timely (48 hours) to support diversion and engagement by women.
- x.** OoCDs and diversion are captured as a positive outcome by the Police and their performance management schemes.
- xi.** Diversion programmes are managed and supported by dedicated women diversion practitioners that are not part of statutory provision to support trust and engagement.
- xii.** There is consistently quick and effective translation support available for women who need it within custody suites.
- xiii.** Diversion support uses specialist mentors that are from ethnically diverse backgrounds and where possible have lived experiences of the CJS to effectively support women from similar backgrounds to engage.
- xiv.** Assessment of needs for diversion should consider a women's cultural, heritage and religious identity.
- xv.** Diversion support should focus on implementing community-based interventions with women that:
 - a.** Supports the development of positive attitudes and engagement with family, friends, and other positive social networks.
 - b.** Supports opportunities for learning, training, employment, and general life skills.

- c. Where appropriate supports the development of positive parenting approaches.
 - d. Where needed offers diversion support for substance use, gender-based violence, ACE's and racial trauma, poor well-being and mental health, and low self-esteem and confidence.
 - e. Supports the development of self-control, emotional management, and social capital and self-agency.
 - f. Supports women to have hope, purpose, and feel a sense of belonging within their community.
- xvi.** Diversion should offer quick (within 2 weeks) mental health support services as this is highly common and significant need. If current provision is not adequate to meet local need, then new diversion mental health support services should be developed.
- xvii.** Specialist non-statutory services for ethnically diverse women who engage with OoCDs and the wider CJS need to be central to supporting women that are engaging with diversion. Such specialist providers should offer support and mentoring to other diversion providers to support the development of their anti-racist practice. When such specialist services are not available then these services need to be developed to meet local ethnically diverse needs. There needs to be the identification of diverse specialist services to facilitate the mapping and sharing of best practice and ensuring effective referral routes for diversion.
- xviii.** All new diversion services should be co-produced with women from ethnically diverse backgrounds.



2. High Quality, long-term and co-produced Education and Training

- xix.** The CJS and other statutory services, such as social services, who are involved in the assessment of women and or support diversion work need ongoing and long-term education and training on gender informed, trauma-informed practice and anti-racist practice especially front-line police officers and those within custody suites. Education and training should focus on:
- a. Developing friendly and non-judgmental communication skills that are culturally competent and use appropriate language and terminology.
 - b. Understanding that a woman that has potentially offended is a woman first and so the focus is to have empathy, understanding of gender informed needs, racial stress and trauma, ACEs, and to build rapport to facilitate effective diversion uptake, assessment and support.
 - c. Understand own personal biography realities and experiences and how racism, ageism, sexism, and religious discrimination perpetuates within the wider UK / Welsh society and culture.
 - d. There needs to be a focus on understanding own conscious and unconscious biases and challenging these to support professional development of anti-racist practice, age-informed, gender informed, and religion informed practice so these characteristics are not a lens that perpetuate disproportionality and unfair assessment and punitive measures for women such as 'uptariffing.'
 - e. Creating a reflective practice culture to support confident reflective discussion with agencies, colleagues, teams, and supervisors on cultural competence and anti-racism and supporting women from ethnic minority backgrounds so there is 'cultural reflective practice' and 'cultural humility.'
- xx.** Education and training for custody police is needed so they can better recognise referral opportunities for diversion for women and to support appropriate assessment of risk and stop up-risking women from ethnically diverse backgrounds.

- xxi.** Solicitors and lawyers need ongoing education and training on the positive outcomes and impacts of pre-court diversion and OoCDs so they can advise their clients appropriately.
- xxii.** Education and Training relating to anti-racism and anti-racist practice should, with appropriate support, be developed and facilitated by people from ethnically diverse backgrounds who have lived realities of engaging the CJS.
- xxiii.** Diversion provider organisations need ongoing education and training on racial trauma-informed practice and anti-racist practice at all levels of the organisation, including senior leadership. This work will support effective delivery of services and the development of an anti-racist leadership and organisational culture so there is no fear of 'getting it wrong' and so all practitioners have the confidence to discuss such language, terminology, issues and realities.



3. High quality research that is inclusive of ethnically diverse lived realities

- xxiv.** There is a need for commonly agreed data and effective data capture with multi-agency sharing of data so all diversionary services can effectively understand and support people from ethnically diverse backgrounds. Recording and monitoring of ethnicity, language, and faith needs to be accurate so that analysis can be achieved to support understanding and ongoing practice development.
- xxv.** Increased research to understand over-representation of women from ethnically diverse backgrounds in the criminal justice service.
- xxvi.** More research is needed on local contexts, so services are developed to meet local needs and experiences and better support diversion engagement and desistance. More qualitative research is needed to better understand the lived realities of custody sergeants in Wales in respect of their OoCDs decision making more generally and in relation to supporting people from ethnically diverse backgrounds.
- xxvii.** More research is needed to understand experiences and needs of young women from ethnic minority backgrounds within pre-court diversion and coproduce specialist services for diversion with / for young women if needed.



4. Building Trust with ethnically diverse people and community outreach

xxviii. The CJS and particularly the Police need to develop outreach projects to effectively build positive relationships with ethnically diverse individuals, groups, and communities that create trust so they can effectively promote the positive outcomes and impacts of pre-court diversion practice. These projects should be co-produced and delivered with services and community members from ethnically diverse backgrounds.

xxix. Women's diversion providers should consistently challenge the racism and sexism that ethnically diverse women experience in relation to racial profiling and the negative gender deviance lens that often leads to harsher treatment by the criminal justice system in pre-court diversion contexts (and wider CJS experiences).



5. Greater Diversity, Equity and Inclusion at an Organisational and Institutional Level

xxx. There needs to be a focus on increasing the ethnic diversity throughout the CJS and at all levels of institution to reflect the society we live in and the diversity of people the CJS serves.

xxxi. Development of a recruitment, retainment, and progression strategy, policy, and practice that outlines CJS agency aims, actions, and commitments to how they will achieve having an ethnically diverse workforce across their organisations / institution, at all levels of practice, including at senior leadership. Ethnic diversity outcomes should be aligned to regional demographics and represent the public it serves, with a minimum benchmark of 5% for regions with low ethnic diversity.

xxxii. Development of an ethnically diverse external and independent review panel for recruitment, retainment, and progression strategy, policy, and practice for each CJ agency with a minimum membership representation of 70% needing to be from an ethnically diverse background.

xxxiii. Due to the influence on racial disproportionality in pre-court diversion there should be a specific focus on increasing the ethnic diversity of front-line police officers and custody suite police sergeants. The focus on increasing the ethnic diversity of newly qualified police officers who have qualified through the degree will require collaborative working with Higher Education Institutions to ensure their commitment to this action. In the next 12-18 months all new appointments and or promotions to the role of custody sergeant should have a minimum of 15% representation from ethnically diverse groups.

xxxiv. All CJ agencies and allied professions should implement mentoring and reflective support from experienced ethnically diverse practitioners across all levels of their workforce including mentoring to those in senior leadership roles.

An Infographic for Anti-Racist Pre-Court Diversion Practice with Women from Ethnically Diverse Backgrounds

To support better understanding and development of anti-racist pre-court diversion practice for all practitioners and organisations involved in pre-court diversion contexts with Women the below infographic has been developed. This infographic has built upon the infographic designed and published with ACEs

Cymru following the first stage of this research project (Jones, 2024d).

The hope is that this infographic can be a day to day visual and concise learning resource for all involved in pre-court diversion and be printed as a large infographic poster to guide practice.



1. Promote Diversion

Ethnically diverse women are less likely to choose/be offered an OoCD due to:

- Fear & lack of trust of the CJS from personal, family, & community experiences
- Racial stress & trauma during arrest & from previous Police interaction experiences
- Racial & Gender bias & risk/danger lens for assessment in custody causing uptriffing
- Unclear legal advice
- Lack of holistic support & decision-making during custody between Police and Diversion support services



2. Understanding Lived Realities

Women from Ethnically diverse backgrounds can have complex realities including (but not limited to):

- Racial stress & trauma
- Poor trust & experiences of CJS especially Police
- Low self-esteem
- Family breakdown
- Sexual violence & exploitation
- Domestic & gender-based violence
- Substance use
- Mental health and self-harm
- Poor emotional management
- Unhealthy relationships
- ACEs and trauma
- NEET
- (un)diagnosed Disability
- Poverty
- Parental responsibility

Disproportionality

This means a disproportional number of such women end up deeper in the CJS which is damaging to future life opportunities, traumatic, & creates a racially biased & discriminative justice experience.

The Anti-Racism Action Plan for Criminal Justice in Wales promotes the need for a greater focus, commitment, and provision of inclusive anti-racist and culturally competent diversion experiences and opportunities for women from ethnically diverse backgrounds that are based within the community in gender safe women's spaces with specialist providers.

3. Being Racially Gender-Informed

Women from ethnically diverse backgrounds need:

- Whole system, collaborative & multi-agency approach
- Early & specialist intervention
- Women safe spaces/centres in community
- Needs-led & tailored support
- Focus on diversion, rehabilitation & desistance
- Promotion of positive outcomes for women & their families
- Understanding ethnic diversity, heritage, & cultural needs

4. Specific Considerations

Are you reflecting on your practice & decision making in relation to:

- Your role & power
- Your communication style
- Racial & unconscious bias
- Gender & religious bias
- Uptariffing & using a risk lens
- Trust of you from women
- Diversion provider thoughts

Are you being:

- Racially Gender Informed
- Trauma-Informed
- Racial Trauma-Informed
- Anti-Racist
- Culturally competent
- Restorative

Have you considered?

- Parenting responsibilities
- Disability needs
- Mental Health needs
- Substance Needs
- Language needs
- Diversion support needs
- Legal advice needs
- Victim experience & needs



5. Working Collaboratively

Diversion decisions & developing a plan should include all stakeholders:

- The women
- Police/Child protection Police
- Women's diversion provider
- Social Services
- Health Services
- Other women's specialist providers i.e. DV services



8. REMEMBER...

Community Based
Women-led
Holistic
Meet Needs
Promote Diversion
Racial Gender-Informed
Racial Trauma-Informed
Work Collaboratively



6. Agreeing Diversion

You should offer support that is:

- Led by diversion provider
- Co-produced with Woman
- Community based in women's safe space/centre
- Light touch 3-5 interventions
- Holistic and meets needs
- Pro-social
- Weekly usually at least 3 months

7. Diversion Support

Typically to meet holistic needs Diversion support & provision will **include 3-5 interventions** including (but not limited to):

Emotional & Social Support	Substance Support	Social Experiences
Restorative Justice	Mental Health Therapy	Developing Healthy Relationships
Education, Employment or Training	Enrichment Experiences	Parenting Support
Developing Self-agency & Personal Accountability	Disability Assessment/Support	



Content from: Mark Jones
Director at Higher Plain, Visiting Professor at the Centre for Criminology, University of South Wales
Designed by: Lauren Hopkins
Communication and Engagement Officer, Trauma-Informed Wales

An Infographic to support Understanding and Responding to Racial Trauma

To support better understanding and development of anti-racist pre-court diversion practice for all practitioners and organisations involved in pre-court diversion contexts with Women the below infographic has been developed. This infographic has built upon the infographic designed and published with ACEs

Cymru following the first stage of this research project (Jones, 2024d).

The hope is that this infographic can be a day to day visual and concise learning resource for all involved in pre-court diversion and be printed as a large infographic poster to guide practice.



1. What is Racial Trauma?

- **The cumulative impact of racism on an individual**
- Can be due to experiences of racism at the individual, group, community, cultural, institutional, structural and societal levels
- Can relate to past or present racism or worrying about future racism
- Can be direct & indirect
- Race-based stress is similar & occurs through direct or indirect instances of racism
- Race-Based stress often leads to mental health outcomes including depression, anxiety, and a negative outlook on life
- Racial Trauma is more significant and is related to a complexity of psychological and physical symptoms, including anxiety, depression, PTSD, and even physical health problems. It can also negatively impact an individual's sense of self, identity, and formation and maintenance of healthy relationships.

2. How does Racial Trauma happen?

- Racial Stress & Racial Trauma are common experiences in the UK
- UK institutions are all known to be institutionally and culturally racist
- Power is with the majority of UK White people creating a **whiteness of UK society**
- There are many **negative and racist stereotypes and narratives** at the structural level of society
 - This filters down & accepted as truth & creates norms and influences racist values and behaviours
- We have strong evidence of individual and group acts of racism and micro-aggressions
 - This means that many people from ethnically diverse backgrounds experience racism frequently causing racial stress & trauma

3. How do we support Racial Trauma?

Are you reflecting on your **Cultural Competence** and how you can support people going through racial stress and trauma?

Think about:

- Your role & power
- Your communication style
- Your language & terminology
- Racial & unconscious bias
- Stereotypes & assumptions
- Gender, age, & religious bias
- Using a risk lens

Continue to develop your practice:

- **Educate self**
- **Reflect & challenge** your thinking
- **Discuss** with others
- **Challenge Racism**



4. What about Communication and Language?

Being able to comfortably have conversations with people from ethnically diverse backgrounds on:

- Racism
- Ethnicity, heritage, culture
- Gender, religion, sexuality, class
- Their definitions & terminology
- Their Needs



Positive & Inclusive Terminology includes:

- Racially & Ethnically Minoritised
- Ethnically Diverse
- Global Majority

REMEMBER: Trauma-Informed Practice

- **Ask about Language and Needs**
- **Create Positive Discussion**
- **Reflect and Understand your Power**
- **Reflect, Discuss and Continue to Learn and Challenge Racism**
- **Understand and Acknowledge Racism and Racial Trauma**



Content from: Mark Jones
 Director at Higher Plain, Visiting Professor at the Centre for Criminology,
 University of South Wales
 Designed by: Lauren Hopkins
 Communication and Engagement Officer, Trauma-Informed Wales



Conclusion

The co-creation and publication of the Anti-Racism Action Plan for Criminal Justice in Wales and the Welsh Governments Anti-Racist Wales Action Plan in 2022 were significant and strong commitments to challenging racism in Wales and creating an anti-racist society by 2030. The more recent Crown Prosecution Service's (CPS, 2024) Disproportionality Action Plan published in November 2024 illustrates the continued focus on tackling racial disproportionality within the Criminal Justice System.

Racism and racial disproportionality are unfortunately still a strong feature of Welsh and UK society and not limited to the CJS including within health, education, employment, and within immigration policy. As highlighted earlier in this report, Amnesty International and the Runnymede Trust (2024) found that since 2020, racism and racial disparity has largely worsened due to the UK's government(s) continued failure to address institutional racism and that this inaction is to blame for the recent eruption of far-right racist and Islamophobic violence on UK streets in 2024. Their report concludes that due to the governmental failure to improve outcomes for ethnically diverse people, whilst attacking and restricting the ways such individuals, groups, and communities can

dissent and protest, creates a catastrophic situation for many people from ethnically diverse backgrounds who are under-protected, over-policed, and experience the reality of disproportional outcomes and quality of services throughout UK society (Amnesty International and the Runnymede Trust, 2024).

So, whilst there has arguably been some progress made within Wales with three clear policy commitments to anti-racism, it is clear that there is still a very long journey ahead to address racism, overrepresentation, and poor treatment of ethnically diverse people. Such realities are particularly oppressive for those ethnically diverse people with additional protected characteristics and/or vulnerabilities such as women and young people, not only in relation to the CJS but wider Welsh and UK society.

This research had a focus on Women and Children within pre-court diversion contexts and specifically aimed to meet commitment 7 of the Anti-Racism Action Plan for Criminal Justice in Wales with its commitment to focus on developing anti-racist practice within 'Prevention, Early Intervention and Rehabilitation' within the CJS.

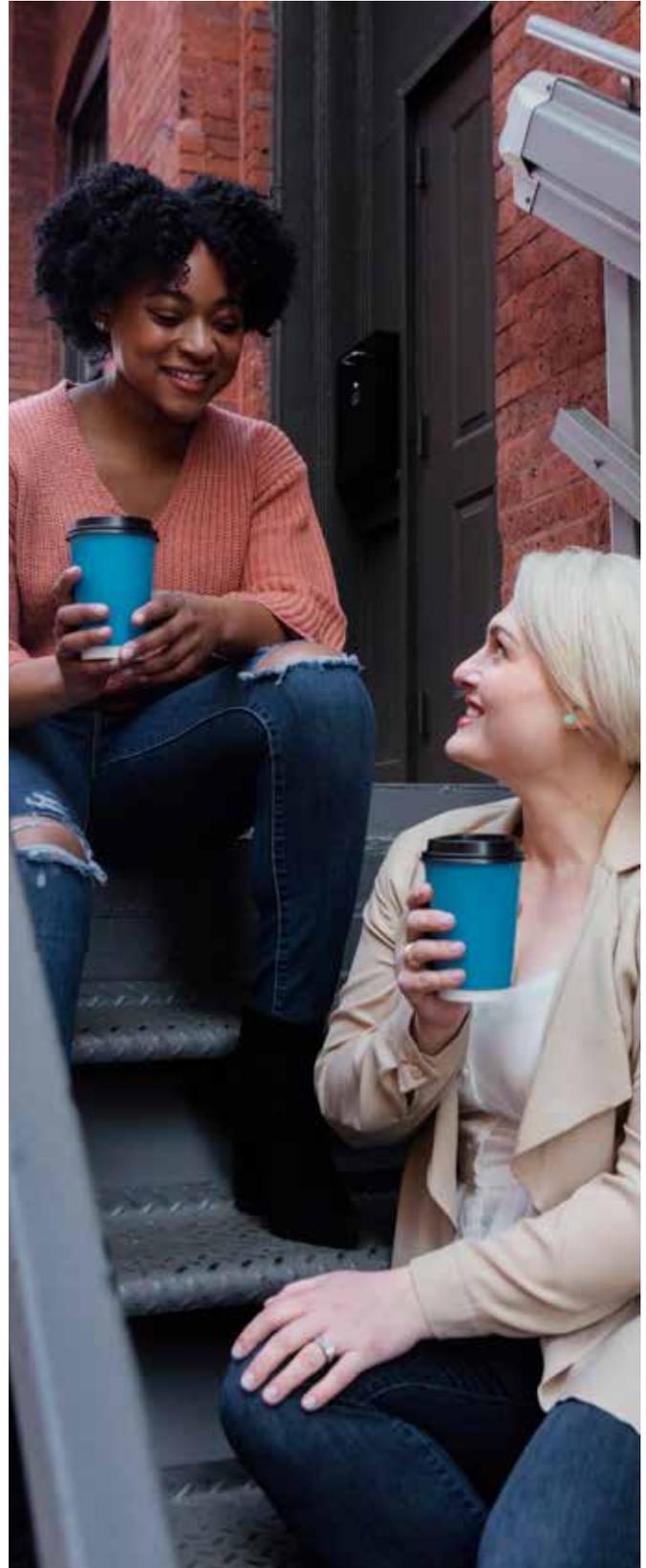
This commitment states that the Welsh CJS will:

“work together to end the over representation of ethnic minority people who have committed a crime and defendants in the criminal justice system in Wales” and that “We will provide holistic, person centred and trauma-informed support to offenders and those at risk of offending so they can make informed life choices for employment, education, social relationships, and mental and physical health and well-being.”

The main focus of this project therefore was to better understand the disproportionality of experiences that women and children from ethnically diverse backgrounds face when engaging with pre-court diversion opportunities and Out of Court Disposals (OoCDs). This research has gained valuable and clear insights of such experiences, as well as those services and practitioners that support such women and children resulting in a holistic and layered set of recommendations to develop best practice.

This research has provided thematic recommendations relating to the need for a nationally defined and agreed model for pre-court diversion for Children (up to 17 years old) and Young Adult’s (aged 18-25) and Women from ethnically diverse backgrounds that uses an inclusive child first, gender-informed, anti-racist and trauma informed model of practice utilising a strong inter-agency approach with joint decision making and providing diversion support that is provided by specialist non-statutory services. The need for a high quality, long-term and co-produced education and training investment that develops a Criminal Justice workforce that is empathetic, reflective, and focuses on building respectful humanistic relationships with people from ethnically diverse backgrounds was also recommended. The research also found the need for more high-quality research that is inclusive of ethnically diverse lived realities and develops a strong common data approach across all services to support better understanding and ongoing development of appropriate support. Due to a significant lack of trust of the CJS this research found an overwhelming need for the Criminal Justice service, and especially the Police to build trust with ethnically diverse people using community outreach projects that are co-produced with such groups and communities to effectively meet needs. Finally, this research highlights the need of building a Criminal Justice workforce that has greater diversity, equity and inclusion at an Organisational and Institutional Level.

The findings and learning from this research project will be disseminated across Wales, via the current plan Wales criminal justice governance arrangements, Women in Justice Board, Youth Justice Boards and professional, policy, and academic networks and forums where appropriate to inform the design and response to diversion services for those from ethnically diverse backgrounds across Wales.



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Author details:

Mark Jones (He/Him)
Director, Higher Plain Research & Education Ltd
Visiting Professor, Centre for Criminology,
University South Wales

Tel: 07967839933

Email: higherplainresearcheducation@gmail.com

Website: <https://www.higherplainresearchandeducation.co.uk/>



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