

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:

A Review of the Literature

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Cyfiawnder Troseddol
yng Nghymru
**Criminal Justice
in Wales**



Glasbrynt Cyfiawnder
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Introduction

The tragic death of George Floyd in the USA saw protests take place across the world, including in Wales and Cardiff, as part of the Black Lives Matter movement. This led to a reflection in many parts of society by the institutions that shape and influence it, like the Criminal Justice System, both on how the history of Black communities in the UK are treated, and on the ongoing challenges and racism that ethnic minority people continue to face in today's society.

In response, the Cardiff's Race Equality Taskforce was 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 Ethnic Minority residents and this was supported by the office of the South Wales Police and Crime Commissioner. In order to achieve the broad partnership, focus and benefit from sector expertise, subgroups were created to enable focus on specific thematic issues, one of which being the Criminal Justice System (CJS). The CJS subgroup (which has now been disbanded) had been tasked with coordinating strategic evidence, practice, and policy reviews in order to produce a proposal of short, medium and long-term recommendations. 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 ethnic minority backgrounds face within their communities.

There is significant research and an evidence base that clearly demonstrates that the CJS treats people from ethnic minority backgrounds disproportionality and differently; 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, ethnic minority people within the CJS. It was perhaps the first review to have such an in-depth and whole system evaluation of all the CJS and reviewed the role of the Crown Prosecution Service, courts, prisons, and probation and considered the experiences of men, women and children and young people. The Lammy Review exposed the extent of racism and disproportionality in the criminal justice service, prompting agencies to respond to the review's findings.

These findings rightly prompted action from the UK Government's Ministry of Justice (MoJ), which has twice reported on the implementation of the Lammy review's recommendations. Whilst there has been some progress made, it is clear that there is still a very long journey ahead to address racism, overrepresentation, and poor treatment of ethnic minority people, and particularly those with additional protected characteristics and/or vulnerabilities such as women and young people, across the whole CJS.

The CJS subgroups starting point in developing a local approach was a recognition that, turning the dial on racial disparity in the CJS needs a whole system anti-racist approach. Many facets of the CJS are non-devolved and remain the remit of the UK Government, meaning there are limits to what local stakeholders can achieve in addressing system-wide issues.

Nonetheless, a reformed system approach spans many areas of diverse services, many of which are designed and delivered through a local lens, from the diversion of women and young ethnic minority people away from the CJS, to providing rehabilitative support in communities. These are areas where a local approach can add considerable value and we can test new approaches, particularly with regards to preventative services. In developing

proposals against this theme, the taskforce and local community members engaged in local conversations regarding race and criminal justice often reflected on the relationship between the CJS and a wide area of social and economic experiences, across different populations.

The CJS subgroup recommendations within this theme had been developed by working together in partnership with communities, individuals with lived experience and expert organisations, to identify the problems and, most importantly, work together on solutions to address racial disparities. The intention is that these recommendations will contribute to broader learning across the CJS and inform future service design to prioritise prevention and diversion pathways. This project was facilitated by the office of the South Wales Police and Crime Commissioner specifically in the development of the specification and in terms of their support with coordinating this work.

Against this backdrop, this current research is being commissioned to provide insights and evidence to enable the Cardiff local criminal justice partnership to deliver the following recommendation:

Cardiff's local criminal justice partnership to develop and invest in tailored or alternative approaches to diversion for ethnic minority groups, including (but not limited to) women and children.

It is anticipated that the findings from this research will be shared with partners across Wales, via all Wales criminal justice governance arrangements to benefit and help to inform the design and response to services for those from minority ethnic communities across Wales.

Policy Context

It is vital that criminal justice partners demonstrate a commitment to developing a detailed understanding of where disparity may exist within different populations and take anti-racist action to resolve those issues. The collective system must be fair, impartial, and unbiased in delivering its most fundamental duty to deliver justice for victims and the communities it serves.

The Welsh Government (2017) published 'A Framework to support positive change for those at risk of offending in Wales' which provides a plan and direction for 2018–2023 for those at risk of offending. The subsequent work has built upon this framework to take forward the work of increased partnership and collaboration across Wales to reduce demand on the CJS and better support and divert people away from the CJS through early intervention.

Research suggests that those with protected characteristics, including for example, women and young people from ethnic minority backgrounds can face a double disadvantage in their interactions with the CJS. The joint 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. In order to deliver this vision, it is necessary to understand the distinct needs, experiences and barriers faced by different cohorts of women who come into contact with the CJS.

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 cohorts such as those from an ethnically minoritized background, 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.

The Blueprint team has therefore been working in collaboration with the Criminal Justice subgroup in the context of the Wales Anti-Racism programme of work, and commissioned an 'understanding piece of research.' This work will support a comprehensive analysis and synthesis of the factors that may contribute to disparity in decision making and what works in improving access to early intervention and prevention pathways for ethnic minority groups, with a specific focus on women and children.

The Lammy Review (2017) identifies that plea decisions are critical in the CJS as there is a stark difference between groups from ethnic minority backgrounds and White ethnic groups. Defendants from ethnic minority backgrounds are consistently more likely to plead 'not guilty' than White 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.

These key decision points are also prevalent in decisions that relate to the administration of Out of Court Disposals (OoCDs) which are used to deal with low level offences or antisocial behaviour as an alternative to progression through the traditional criminal justice process. OoCDs can be offered when the offender admits the offence and this approach can play a significant role in developing early intervention and prevention strategies for individuals who come into contact with the CJS.

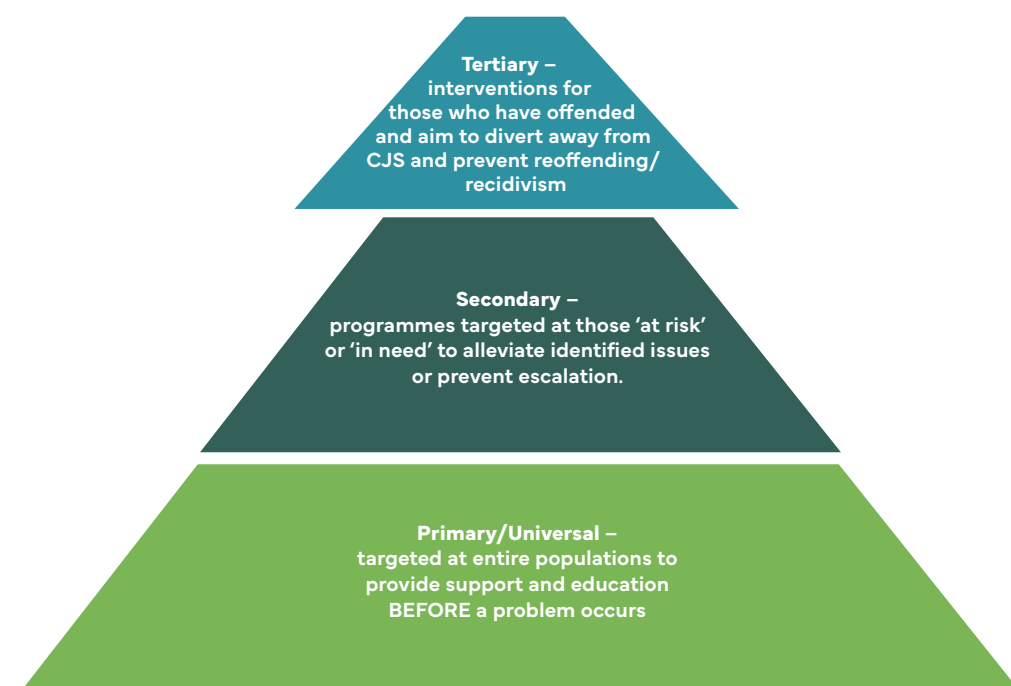
Similarly, charging decisions are complex by their nature and can be influenced by a range of factors which is discussed in more detail within this literature review. Lack of trust in the system may be a barrier for accessing OoCDs as an admission of guilt is required. Evidence further suggests that youth diversion is beneficial for the young people who go through it and has been shown to reduce re-offending. However, inequality in access and engagement for ethnic minority children and young people is still likely to have material impact on disparities later in the CJS. Research strongly indicates that unequal treatment early in the CJS accumulates into larger disparities downstream (The Centre for Justice Innovation, 2021).

The National Police Chiefs' Council (NPCC, 2018) commissioned a report from the University of Cambridge entitled 'Out of Court Disposals managed by the Police: a review of the evidence.' The report found that tracking the eligibility screening, conditions, and outcomes for ethnic minority offenders must be a key part of the police service's response to the findings in the Lammy Report. The MOJ report on tackling racial disparity (2018) and in response to Recommendation 9 in the Lammy Review (2017) highlight that there needs to be work that explores ways to build trust and improve the experiences of ethnic minority children and parents at the first point of contact. The report explains how the Legal Aid Agency and MOJ are working with key agencies involved in

explaining legal rights at the police station to explore ways of improving experiences at the police station and so build trust with children, young people, and parents so that the best outcomes for children and young people can be realised. Agencies involved in this work include the Police, Home Office, Crown Prosecution Service, defence practitioners and the National Association of Appropriate Adults.

In 2020, Criminal Justice in Wales (CJIW), undertook a reset agreeing four new priorities including; victims and witnesses, people who have offended, early intervention and prevention, and race equality, with tackling Violence against Women and Girls (VAWG) being a golden thread through all the four priorities. This critical review relates to all the four areas but perhaps is most specifically related to race equality and early intervention and prevention as well as the golden thread of VAWG.

In a paper by CJIW (2022) they outline how there is currently several differing definitions and understandings of early intervention and prevention used by different sectors and organisations including the Youth justice Board, Public Health Wales, and the Home Office. Due to the differing understandings, it is useful to unpack this here and provide a definition for this critical review to support clearer understanding and application of practice. CJIW analysed the variety of understandings with the public health research team in the Violence Prevention Unit in Wales and agreed to use the following three-tiered definition in order to provide a holistic model and approach that captures all interventions and initiatives that addressed the root causes of crime, harm associated, prevents re-offending, and diverts young people away from the criminal justice system; this is captured below. This review is concerning the secondary and tertiary programmes and interventions which are also often called 'pre-court' approaches.



Following the rapid literature review and intervention mapping analysis to support their report CJIW (2022) found that there is a significant number of programmes, interventions, and services taking place across Wales, and indeed across the UK, but that the offering is quite 'patchy' in that there is no consistency of approach and provision for early intervention and prevention. Indeed, CJIW (2022) suggest that more work is needed to align early interventions and preventative work with

a national whole system approach so learning and development can take place with a central point of contact and connectivity in Wales. CJIW (2022) therefore advocate for the need for a public service prevention strategy for Wales that aligns strands across the Women's Justice Blueprint and Youth Justice Blueprints to ensure clear system understandings, avoid duplication, and effective governance and review and evaluation.

Anti-Racist Action Plan for the Criminal Justice System in Wales

The Anti-Racism Action Plan for the Criminal Justice System in Wales was published in September 2022 following the publication of the Welsh Governments, 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 CJS action plan has also been written in the context of supporting other key Welsh and UK policy and legislation including; the Nation of Sanctuary: Refugee and Asylum Seeker Plan (2019), the Rights of Children and young Persons (Wales) Measure (2011), the Equality Act (2010), the Human Rights Act (1998) and the Wellbeing of Future Generations (Wales) Act 2015.

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 CJS action plan is therefore evidence based and has been informed by those with expertise in this space and importantly, by and with experts who have lived experiences of the Criminal Justice System and / or are working in the field of anti-racism.

The seven commitments outlined in the CJS action plan have related actions to each commitment and in the context of this proposal the commitments that have direct relevance are commitment six and commitment seven.

Commitment six in the action plan states that the CJS will work towards 'Promoting Fairness' and that 'We will promote fairness in a criminal justice system that is anti-racist and challenges racism and its causes, so that people of all ethnic identities and backgrounds experience fair outcomes.' There are a number of themes within commitment six with associated actions and it is theme 'E'; 'Reviewing Advice and Trust in Custody'

has most relevance for this proposal, which states that 'We will monitor and review any disparities in ethnic minority young people's admission of guilt and out of court disposal decisions compared to white young people, which is highlighted as an area for development by the UK Government's 'Inclusive Britain' paper (2022). This action also acknowledges that 'We know that an admission of guilt can prevent someone from entering the criminal justice system via the use of Out of Court disposals but ethnic minority people have lower trust in the system, possibly including the advice they are given in police custody, so they may admit guilt less regularly than white people. To address this issue, we will develop and test new practice in this area relating to both adults and young people, which we will design with ethnic minority people with lived experience of the Criminal Justice System and specialist organisations in the third / voluntary sector.' This context and focus in the action plan directly influences the approach taken with this project and the work of this literature review will help shape that future practice.

There is also direct alignment to Commitment seven which concerns the area of 'Prevention, Early Intervention and Rehabilitation' within the CJS and 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.'

The theme that resonates with this review is theme 'A' which is 'Primary Prevention and Early Intervention' with aims to:

- increase the participation of ethnic minority adults and young people in criminal justice diversionary schemes and better tailor early intervention and rehabilitation programmes to meet the needs of people from ethnic minorities.

- monitor engagement levels by ethnic minority adults and young people in early intervention and prevention services, and where there is low engagement, we will work alongside ethnic minority people and groups to understand why, and to develop more inclusive and appropriate provision.
- conduct a systematic analysis of ethnic minority adults and young people's experiences of entering services and why

such people enter with more serious offences than their white counterparts, identifying missed opportunity for early intervention. We will develop services accordingly and where necessary we will work with commissioners and service providers to design services specific to the needs of people from ethnic minorities. This work will include adults but it will have a focus on young people and their experiences.

Research Objectives

To support the development and investment in tailored or alternative approaches and meet the commitments and actions agreed across the CJS by all partners within the Anti-Racist Action Plan for CJS in Wales, partners must build on existing research to better understand the complex issues and barriers that lead to disproportionate outcomes in the system and the factors that contribute to disparity in decision making. This project will seek to provide recommendations around what works in improving access to early intervention and prevention pathways for ethnic minority groups.

This review will also seek to understand decision-making touch points in the system (this refers to police outcomes decision making) in order to better understand:

- What contributes to an under representation of ethnic minority groups in OoCDs and an over representation in Charge summons.

- What contributes to potential disparity in decision making, and what barriers, issues, gaps and areas for improvement are there that can be better understood and built upon (i.e., trust, unconscious bias, systemic, cultural, religious, local community tensions, other influences – media, peer, family).
- Who contributes to these decisions as well as the issues and barriers that impact on those decisions. Decision making is not solely a responsibility of police and CJ partners alone. There are a range of professionals as well as individuals, family and advisors that contribute to decisions that impact on eventual outcomes in this space
- What works in tackling disproportionality in access to early intervention and prevention pathways

Research Scope

This research project will focus on early intervention and prevention decision making opportunities through pre-court diversion, for all ethnic minority groups and characteristics but with a focus on (but not limited to) women and children. As the work originated in Cardiff, this

will be the geographical focus area for the latter applied nature of this research. However, learning will be disseminated across Wales, via the current pan Wales criminal justice governance arrangements and Blueprint project.

Research Approach and Design

This project will use a sequential mixed methods approach to meet the aims and scope of this project in four stages:

1. **Desktop review of available literature to better understand current knowledge, practice, gaps, and recommendations for future practice development, including:**

- Research, policy, evaluations, practice and guides that already exist around pre-court diversion and prevention, including the use of OoCD's, and decision making in the system.
- 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.
- 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 in a Cardiff locality:**

- Understand the decision-making progress through the development of a decision-making flow chart.
- Analyse and 'map' the data to the key decision-making points on the decision-making flow chart to better understand and explore opportunities to use data.
- Identify who is responsible and explore through focus groups what contributes to key decisions in pre-court diversion.
- Understand the experiences of organisations who provide diversion activities and interventions, people from ethnic minority backgrounds who has received pre-court diversion, and if possible lawyers and solicitors that provide advice in relation to accepting pre-court diversion and OoCDs.

- Case Study Report (short to facilitate community engagement and building blocks for final report)

3. **Following stages 1-2 facilitate an appropriate and sensitive community engagement with key stakeholder groups with lived experiences of the CJS to test and challenge the recommendations and understandings.**

- Key stakeholder focus groups to be facilitated by those with lived experiences of the CJS from ethnic minority backgrounds now working in support services in the CJS and or allied health professions.

4. **Produce a final report that captures the work of stages 1-3 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.**

All of the above should contribute to the production of a set of recommendations/ considerations (with specific attention given to women and young people) that will contribute to the development of:

Tailored or alternative approaches to diversion for Ethnic Minority 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 publication is the first stage of this project, the review of the literature.

A Review of the Literature

This review will discuss and synthesise the available literature primarily concerning tertiary interventions as defined by the CJIW (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.

The available literature reviewed will include appropriate texts that relate to the subject matter and offer a lens from which to support the outcomes for this project and will include; research articles and journals, policy documents, reports, project evaluations, published practice, and other documents such as guides to practice (and so include some 'grey' literature).

Another key source of understandings for this review will be from the narratives and discourses gained regarding the experiences of people who have engaged with or are working within the police and wider CJS; these narratives include a high majority of people from ethnic minority backgrounds through the engagements carried out across Wales during the co-production and 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 are understandings to gain within the reviewed literature particular attention and synthesis of trauma and racial trauma experiences will be included.

Ultimately, this review will provide an overview of the knowledge, understandings, and applications to practice within this area and support the subsequent phases of the project as outlined above. This will ensure that a final report can be agreed (phase four) that offers evidence based and co-produced understandings on how to develop tailored or alternative approaches to diversion for ethnic minority groups that are also racial trauma and trauma informed.

As highlighted above, the main way that people are diverted away from the CJS is during early contact experiences where offences are or can be deemed as minor. In such contexts a decision can be made to divert people away from the CJS using an OoCD rather than action a more formal process involving the courts and or custody which means they become embroiled within the CJS. It is well documented that once a person becomes 'within' the CJS they are likely to feel and suffer a range of long-term consequences that the CJS can exert such as trauma, stigma, criminalisation, and negative well-being affects (amongst other experiences). Therefore, discussion and analysis of the use, effectiveness, and learning to be gained of and from the evaluation of OoCDs is an appropriate starting point for this review.

Out of Court Disposals in England and Wales and the new pilot frameworks

Out of Court Disposals (OoCDs) allow the police to deal with lower level and often first-time offending behaviour by using an appropriate disposal order without the need to go through a court prosecution process. There are a range of six different types of OoCDs in England and Wales and these include; Cannabis Warnings, Community Resolutions, Conditional Cautions, Khat Warnings, Penalty Notices for Disorder (PNDs), and Simple Cautions. 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).

It is important to note that OoCDs are also an opportunity to provide early intervention and support that could prevent further offences. OoCDs therefore, should divert people away from future criminal behaviour into more 'rehabilitative opportunities to offenders to turn their life around at the earliest opportunity' (NPCC, 2018, p. 4). Such rehabilitative opportunities often include education and training that can help change behaviours and reduce further escalation of offending which for the focus of this review would arguably also contribute to creating a less racist society at the personal and community levels. The notion of supporting positive change and reducing the chance of the stigma and labels of a criminal record are all also viewed as supporting a more successful desistance journey and so a useful approach to foster (Ashworth and Zedner, 2008).

However, the number of different OoCDs types have been criticised for being overly complex and that a simplified OoCD approach could offer simplicity of application and use for professionals and for the wider public to understand. The organic and informal process for membership to a scrutiny panel and how that panel ensures accountability in the decision making for an efficient, appropriate, and consistent outcomes had also been questioned with a suggested need for greater scrutiny in the whole set-up and process (Gibson, 2021).

Due to these criticisms a pilot project was implemented in 2014 in England and Wales to test a more simplified two-tier approach with an additional focus of those that are given an OoCDs take greater responsibility and action with their disposal orders. This approach is more alike to Restorative Justice (RJ) practice and many 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 pilot was initially tested in three areas but models of this have now been taken up in many localities and another revised conditional caution framework has also been tested and reviewed which specifically has the aim of diverting people who had offended away from formal prosecution from the CJS towards rehabilitation and desistance through supporting individual needs with a tailored programme of meaningful engagement and activity (Rowe et al, 2022).

The initial pilot framework in 2014 was created through significant consultation with key stakeholders and practitioners and it was agreed to reduce the number of OoCDs to just two types which were Community Resolutions (CRs) and Conditional Cautions (CCs) (MOJ, 2013;2014). The reason for this reduction and approach was so OoCDs would have more appropriate and meaningful outcomes for the person that offended and fit the offence (Ames et al, 2018), offer better inclusion and resolution through RJ where appropriate for the victim, and reduce court proceeding time and costs in favour of 'frontline' decision making and resolution (NPCC, 2018).

To support better understanding of how such OoCDs might work with domestic violence and hate crime offences these offences were given an exemption to allow them to be used where previously only Simple Cautions could have been used.

A clear overview of the pilot approach to CRs and CCs is captured below (from Ames et al, 2018: 6)

Table 2.1: Two-tier OoCD Framework: Conditional Cautions (CC) and Community Resolutions (CR)

Conditional Caution (CC)	Community Resolution (CR)
Used when the offender admits guilt, when there is a realistic prospect of conviction in court for the offence, and when the public interest can best be served by an offender complying with suitable conditions rather than a prosecution. Conditions can be punitive, reparative, restrictive and/or rehabilitative in nature. Conditions can involve Restorative Justice. An offender must agree to accept the CC and the conditions attached to it. Failure to comply with the agreed conditions can result in prosecution for the original offence. Offenders generally have 16–20 weeks to comply with conditions, depending on the offence type. A CC forms part of an offender's criminal record.	Used for mainly minor offences that are not generally prosecuted in court. Can involve a bilateral agreement between offender and victim, where there is one. Offender has to admit responsibility for the offence. Offenders agree to undertake actions. These could include repairing the harm caused to the victim or wider community (e.g. formal apology) or attending a rehabilitative course. Actions can involve Restorative Justice. No generally prescribed time limit for complying with CRs. Currently a non-statutory type of OoCD. A CR does not form part of a criminal record.

condition attached with a timeframe and the potential consequence of prosecution if not fulfilled (Centre for Justice innovation, 2022). Revolving Doors Agency (2022) have criticised this new development because the new diversionary caution is essentially the same as the conditional caution but by using the term 'diversionary' it creates confusion as diversionary work is aimed at diverting people away from the CJS not setting conditions to have further engagement with it, as the diversionary caution will do. They do acknowledge however that people at risk of becoming, or who are already part of the 'revolving door' experience of the CJS need support and help. Indeed, Revolving Doors Agency (2022) suggest that when the new diversionary caution is implemented the 'conditions' set should be called 'interventions' and should be focused on restorative justice and desistance and not punitive measures which as often ineffective at reducing reoffending or helping the person who has offended.

The three pilot areas recorded a total of 13,643 adult OoCDs between 3 November 2014 and 31 October 2015 of which 59% were CRs and 41% were CCs; the CRs rates were comparable with non-pilot sites (55%) over the same timeframe. Hate Crime cases represented only 1% of all OoCDs in both the pilot areas and the non-pilot sites.

Ames et al (2018) outlined how, as with current practice, the pilot also involved working with the Crown Prosecution Service (CPS) to independently review individual cases and make decisions on OoCDs or formal charge and needed actions following a breach of the OoCDs.

The use of scrutiny panels to check, monitor, and offer transparency in decision making was standard practice in any area but within the pilot sites it seemed to take on greater significance and supported greater and more effective

partnership working with other stakeholders, such magistrates, CPS staff, intervention providers, victim support organisations, police, and crime commissioners (Ames et al, 2018).

Following reviews of the pilot programme and ongoing evaluation and learning from additional sites that tested the new approach 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 2024 at the time of writing this critical review. This new national framework will introduce two-tier framework for OoCDs with the use of a diversionary caution or a community caution. Police forces will likely 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





Evaluating the success and impact of Out of Court Disposals and Diversion programmes.

One of the main reasons provided for the rationale for the use of OoCDs and some diversion programmes is that they focus on rehabilitation and seek to challenge and change the underlying negative and criminal behaviour as well as positive resolution for victims and communities (NPCC, 2018, Rowe et al, 2022).

Gibson (2021) contends that it has not been found through evaluation that OoCDs with conditions attached are more effective at reducing reoffending than those without such conditions. The evaluation of the initial three site pilot scheme using the two-tiered framework found no significant difference between test sites and those using the standard OoCDs approach with six types of OoCDs and uses Ames et al (2018) as evidence for this. The Centre for Justice Innovation (2022: p1) in their review of Conditional Cautions found that there is 'very limited and tentative' evidence that they make a difference to reducing offending whether given as an OoCD or through prosecution. Although their briefing does acknowledge that their findings may be due to low use of Conditional Cautions and limited quality evaluations at this point at the time of publication (including in this the only two Random Controlled Trials that have been achieved in England and Wales on their use). Cordis Bright (2019) reviewed the evaluations of 20 court diversion and deferred prosecution schemes and found some evidence that they may reduce reoffending rates to those who receive court disposals.

Rowe et al (2022) offers some hope in the use of conditional cautions within OoCDs in that they found that the outcomes of the project did not show lower reoffending rates in the short term but it did show that reoffending rates for OoCDs were lower when compared to other disposals but it must be acknowledged that concerns were raised by police officers involved that the interventions provided were too short-term and that long-term support was needed to really support desistance. Interestingly, those who had offended felt that the intervention approach and time was appropriate and effective. Rowe et al (2022) surmise that the framework created the context that those who had offended take responsibility on ensuring their own desistance and that such an approach although useful for self-agency was limited without longer term intervention that supported the wider social, cultural, and economic context of crime.

Ames et al (2018) offers an in-depth analysis of the initial pilot and covers a range of themes for consideration including; general feedback, process evaluation, impact evaluation, and a cost/resource evaluation that would be useful when considering the implementation of such a framework in a new area.

The general feedback from those involved in the 2014 pilot sites was that the pilot positively influenced the panel meetings in terms of greater frequency which meant that it supported a closer feeling of partnership working and overall confidence in the scrutiny process. There was also evaluation from some partners that due to a closer partnership approach it supported a more open and discursive culture where police members were more open and willing to discuss decision making and take onboard feedback and wanted to learn and improve their practice in contexts where OoCDs decisions could be

viewed as inappropriate (Ames, 2018). Rowe et al (2022) also highlight that such projects that create across sector partnership approaches at a local level, although flexible and cost effective for the CJS (Davies and Biddle, 2018), can create a context where provision of pathway providers was limited due to resource challenges and so impacted on the consistency of equity and justice within the partnership. Indeed, it was found that pathway opportunities, although potentially transformative for those who had offended, were often allocated using informal networks and relationships than needs or risk-based assessments. It is asserted that the equity of the quality and accessibility of provision for such programmes across localities/regions is maintained or there is a risk of inconsistent practice and support which ultimately would affect the notion of a fair and just CJS for victims, those that offend and the wider community (Rowe et al, 2022).

The evaluation and key findings from the pilot in 2014 found that participants from the Police were positive about the simplified process and the intervention referral and guidance approach and this has been supported by the evaluation carried out by Rowe et al (2022). However, there was criticism (from several stakeholders) of needing a more realistic implementation timeframe as well as appropriate resources for effective management of the condition setting and monitoring processes. Victims provided some positive feedback on their experiences with some appreciating the clear communication from the police and other partnership organisations (supported by earlier findings from the CJJI, 2011) and others feeling their inclusion in decision making in the setting of conditions for the perpetrator was important and generally useful to their understanding of the approach if they were unfamiliar with OoCDs. The partner agencies who participated fed-back that the pilot provided them with appropriate opportunity to be able to support positive desistance journeys for those who engaged. Such agencies also noted that to improve the approach following the pilot there needed to be greater clarity of all stakeholders' roles and responsibilities, better partnership communication, and that clearer guidance and training was needed for the police involved in setting or processing conditions and

referrals (also supported by the Centre for Justice Innovation, 2022). Rowe et al (2022) agrees and suggests caution with intervention approaches and that when individualistic approaches are used, although potentially useful, need to be considered within the wider social and economic context that people who have offended find themselves in.

Interestingly, there were differences in the evaluation of process across the three pilot sites with all sites developing distinct and different operational models relating to whether there were specialised teams that assessed perpetrator needs and outcomes, the approach to guidance at a local level, if training was provided early on, the review and monitoring of disposal conditions and the effectiveness and appropriateness of IT for monitoring purposes (Ames et al, 2018). This suggests that there needs to be a more in depth understanding into such effects and what conditions support best practice and better outcomes for all stakeholders. Rehabilitative conditions were most frequently employed in CC's followed by reparative conditions, then restrictive, then punitive conditions.

There was feedback from some police officers that setting conditions was sometimes difficult due to lack of training or the context of the incident and that some conditions did not seem beneficial or support desistance for the offender (Ames et al, 2018). Gibson (2021) also outlined concerns in relation to decision making of OoCDs and highlights concerns of the police not following the appropriate guidance and the variance in decision making across police forces, using the CJJI's (2011) review as evidence for this where they found that one-third of OoCDs had not been administered appropriately. Slothower (2014) found that only when IT based decision-making systems were used were effective and SMART conditions given when setting conditional OoCDs; meaning that when approaches were based on discretion of the officer, linked to brief training of decision makers, and paper-based recommended conditions they were not SMART, were unenforceable, and ineffective. Slothower (2014) highlights the risks of reoffending, enforcement, lack of legitimacy in perceptions of victims, public, and the people who had offended.

Gibson (2021) also questions the effectiveness of decision making in respect of less serious offences that arguably should result in informal outcomes. Gibson highlights that some people who low-level offend are given more severe conditions and that such 'net-widening' effects increase the engagement with the CJS as does 'up-tariffing' when lower-level disposals could have been used instead of higher-level disposals. The Centre for Justice Innovation (2022) agree and highlight that international research, and to some degree that from the UK, find that where interventions are applied early and are done so as genuine alternatives to court proceedings they can improve outcomes and reduce re-offending rates. They too, like Gibson (2021) warn of the risks of up-tariffing due to increased engagement with the CJS and failing conditional caution requirements.

Conversely, Rowe et al (2022) highlighted that the use of a revised conditional caution framework did impact on police professionalism and their ability to use discretion in decision making due to the restrictions in the frameworks scope. Rowe et al (2022) suggest that the automatic allocation of specified pathways, together with the fact officers did not get to know the outcomes of the pathways which also meant that victims could not be effectively informed, were all negative aspects of the RCCF and actually undermined the professional autonomy of officers and their decision making. There is clearly some disagreement in the research to whether automated approaches work better than those that rely on officer discretion and decision-making.

Rowe et al (2022) do pose the question however that perhaps such negative feedback from officers in this project might also be contributed from the knowledge that police culture in respect of community and restorative approaches is often negative and under-valued (Marder, 2020). To explore this further, Rowe et al (2022: 18) suggest that future work could focus on the quality of police decision making in respect of informal disposals and they certainly seem to agree that such frameworks need to be wary of becoming too automated and pre-figured or risk becoming 'another step towards the McDonaldisation of police work.'

The CJJI (2011) found that the two most frequent reasons behind such decision making was related to the specific characteristics of the offender or the offence, which Gibson (2021) raises as problematic as it would imply such disparity relates to potential bias and discrimination and highlights the findings of the Office for Criminal Justice Reform (OCJR, 2010) who found exactly such disproportionality in the use of OoCDs according to age, ethnicity, and gender. Gibson (2021) raises further concerns that the occurrence of such discrimination in decision making is not fully understood across all forces because such data is only collated for cautions and PNDs OoCDs and so this strongly implies such data collection is needed going forward.

The MOJ (2019) also found that the variance of use of OoCDs between police forces had increased since 2011 with ranges from 10% to 53% as a proportion of all offences brought to justice. There is some explanation of such differences due to local level approaches which can have excellent outcomes (Campbell, Ashworth and Redmayne, 2019) but it still highlights that such variability needs to be better understood to avoid a 'post-code lottery' of outcomes for people who offend (Gibson, 2021). The Centre for Justice Innovation (2022) also highlight that police forces have reported decreasing use of OoCDs with a gradual drop from 642,872 in 2008 when they were introduced to only 151,848 in 2021 (using the available data) and so potentially questions the commitment to their use and belied of effectiveness.

Gibson (2021) explores the concept of appropriateness and accountability further by offering two lenses from which to discuss the decision making within the OoCDs process; these are internal accountability and external accountability. Internal accountability includes the decision making of senior officers scrutinising and authorising the OoCD prior to administration and sampling and or auditing decision-making by a senior officer or within a panel. External accountability is supported by scrutiny panels who review OoCDs after they have been given.

Gibson (2021) outlines the internal authorisation requirement in detail and how the administration process is reliant on the level of the offence with more serious offences requiring higher level decision making. The simple and conditional caution require a sergeant or above, with some either-way offences (depending on seriousness and or circumstances of the offence) requiring an inspector and indictable offences referred to the CPS. The four other remaining OoCDs do not require a ranked officer for decision making and therefore Gibson (2021) argues that such decisions have little internal scrutiny other than officers justifying and recording their decision making and uses the CJJI (2011) findings that this self-report form of accountability is ineffective due to limited recording of decision-making rationale by officers. This is an area of practice that should be a focus of increasing good and effective practice on.

There is also criticism of external accountability mechanisms too despite clear guidance that external scrutiny panels should offer transparency and have independent and public scrutiny (NPCC, 2018). Gibson (2021) states that such panels are free to decide their own membership, the frequency of meetings, the types of cases they review and how and if they will publish their findings with up to 50% not publishing their findings (in a review in 2015 by the Magistrates Association). It is not surprising that there is variability between police forces and the effectiveness of such panels has been questioned with a need for greater consistency and transparency, especially as the two-tier system is likely to become the common system with likely greater use of conditional cautions with more significant outcomes if breached; Gibson (2021) asserts the need for clear guidance and consistent public sharing so there is real accountability.

Gibson (2021) highlights that there is another form of external accountability and this is from the use of crime data integrity inspections by the Inspectorate of Constabulary and Fire and Rescue Services who carry out sample 'dip-tests' of each force's OoCDs to review their practice and these could be an effective form of accountability despite being less frequently carried out.

In terms of crime type, OoCDs used for hate crime and domestic violence (DV) were the least common offences and it is positive to note that reoffending rates for DV were lower than for non-DV offenders within first three months of receiving an OoCD. It would be useful to explore what interventions were used for DV offenders to better understand why this might be the case and the review of the CARA project (Strang et al, 2017) will support this understanding later in this review. Those that received hate crime OoCDs reoffended in very low percentages/numbers and there was no significant difference to which OoCDs hate-crime offenders received (Ames et al, 2018). Due to the lack of any relationship of which OoCDs were issued in hate crime offences it would be useful to understand what characteristics were evident in each of the two OoCDs and why were decisions made for one or the other OoCDs.

Another consideration for the effective implementation of OoCDs is the resource implications and the pilot showed that the two-tiered approach that was used cost approximately 70% more than the standard practice during that time.

Following the work by Ames et al (2018) a further evaluation on the reoffending outcomes of the pilot compared to other areas using the standard six-tier framework by Sturrock and Mews (2018). They found that there were no significant differences between pilot areas and other areas using the standard approach. This analysis compared rates for reoffending, length of time for reoffending, severity and harm caused by reoffending (using the Cambridge Crime Harm Index), domestic violence reoffending rates.

Gibson (2021) also suggests caution is needed when assessing the effectiveness of OoCDs including the new two-tier system in respect of victim satisfaction due to the small sample sizes used when engaging with victims. Gibson states that further research is needed in this area as well as understanding the wider public perceptions on the use of OoCDs but does agree that using victim focused condition such as restorative justice and reparative conditions in OoCDs can improve victim satisfaction.

Neyroud (2018) also reviewed the evidence into the effectiveness of OoCDs for the NPCC where he synthesised the historical understandings and current research up to 2018. Neyroud concluded that OoCDs are effective, compared to court prosecution, at reducing harm and reoffending for young people, young adults, and adults as well as sustaining victim confidence and satisfaction. Neyroud also suggests that OoCDs work well with both low harm and risk offenders and have potential to be effective with moderate risk offenders too. In relation to reducing harm he found that the use of conditions shows promising results if there is appropriate eligibility screening of offenders, that the needs assessment matches conditions that are appropriate to the offender, and that there is effective tracking of conditions. Interestingly, conditions that are matched to women indicate positive results that require greater research.

Neyroud (2018) concluded that OoCDs are more cost effective than progressing to court proceedings but that the two-tier framework pilot is more costly than the current model due to the cost of delivering and monitoring the conditions attached to the OoCDs. Despite this, Neyroud suggests that the two-tiered model could become more cost effective with more efficient support tools relating to screening, needs assessment and condition setting and provides body worn cameras as an example of how they could enable most CR+ disposals to be dealt with at a street level resolution and so should be tested.

Gibson (2021) like Neyroud (2018) and Ames et al (2018) all found insufficient evidence to be able to draw any conclusions on whether the use of OoCDs and the two-tiered framework pilot were effective for hate crime and that this required formal testing before it could be understood if it worked and its potential for widespread implementation (as does the use of tailored conditions for women).

Gibson (2021) although like both Ames et al (2018) and Neyroud (2018) suggests that the two-tiered system does not show greater effectiveness at reducing reoffending than the current system. They all agree that there are potential benefits of more targeted diversionary approaches for specific groups of offenders such as female offenders, veterans, young adults, those who use substances, and those with mental health experiences and the Centre for Justice innovation (2022) would add that as long as such interventions were early and a genuine attempt to divert from more formal court prosecution. Gibson (2021) highlights that where rehabilitative conditions are given it can successfully reduce reoffending and refers to Project CARA working with domestic abuse perpetrators in Hampshire (Strang et al, 2017); Checkpoint in Durham (Wier et al., 2019, 2021;) and Turning Point in the West Midlands (Neyroud and Slothower, 2013) and these shall be discussed in more detail later in this review. Cordis Bright (2019) did also find in their review of court diversion and deferred prosecution programmes that there was limited support for wider beneficial outcomes for those engaged including positive impacts on substance use, mental health, physical health, anti-social behaviour, empathy, resilience, and overall quality of life, which is promising but only found in just over half of the evaluations they reviewed. Cordis Bright (2019) concluded that there is a better chance of positive outcomes for those who engage with such programmes when there are more tailored approaches to their individual needs.

Therefore, the evaluations of the use of OoCDs in general, and of the new two-tier framework pilot by Ames et al (2018), Neyroud (2018), Gibson (2021), Cordis Bright (2019), and The Centre for Justice Innovation (2022), and the review of the revised conditional caution framework by Rowe et al (2022) suggest that to fully understand and better implement a two-tiered OoCDs framework across all of policing in England and Wales there are some key considerations and recommendations to ensure better practice and outcomes for all stakeholders. These include:

1. At least a six-month implementation period to support effective delivery.
2. Greater transparency and accountability in police force decision making in respect of both victim and offender protected characteristics.
3. Appropriate IT infrastructure and capability to support timely and effective eligibility screening, monitoring, and analysis.
4. Effective engagement, inclusion of and communication with victims throughout and after outcome.
5. Appropriate resource for police and intervention providers to deliver higher workload especially relating to education and training, compliance monitoring, and assessment of more complex cases.
6. Effective Evaluations with all OoCDs.
7. Greater understanding and monitoring of the impact of using OoCDs with DV and hate crime offenders with a larger sample of offenders to offer the opportunity for such a detailed understanding.
8. Tailored individual approaches to support needs and positive change in those engaged.



A more detailed analysis of Pre-court Diversion Programmes in the CJS

Gibson (2021) highlights that where rehabilitative conditions are given 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). Weir et al. (2021) highlights the review carried out by Blakeborough and Pierpoint in 2007 indicates that pre-court interventions using conditional cautioning supported people who had offended to address the causes of crime across six UK police forces. Towler (2017) 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. 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 and this is contained within the women's specific section later on in this review. However, Wier et al (2021) found that the research to assess the effectiveness of caution and diversionary schemes in the UK is very limited (Supported by Cordis Bright, 2019) with more needing to be done to better understand how and why such approaches may work and the Centre for Justice Innovation (2022) also highlighted this in their findings in this area of work.

When referring to other global understandings of where diversionary and deferred prosecution approaches are also used Harvey et al (2007) undertook a detailed systematic review of 20 projects, of which 19 were diversionary, from studies in North America and Australia. Harvey et al. (2007: 385) found that there were some positive outcomes in reducing offending using such models and approaches but that real understanding of how and why such programmes

worked were limited due to "poor methodological quality and inadequate reporting of study details." A limitation with this work by Harvey et al. (2007) is that it considers only diversionary projects that have been delivered with adults who have substance use issues. Weir et al. (2021) agrees and states that the lack of quantitative studies that offer comparative understandings between diversionary and more formal approaches with similar cohort characteristics (age, ethnicity, gender, etc) is severely lacking and is a significant challenge to those involved in developing effective diversionary and rehabilitative OoCD policy because it is not fully understood what works and the how and the why it may work.

This review and subsequent work should therefore have caution in applying the learning here and in expectations for success, and rather view this current project as part of an ongoing journey to better understand what works in supporting ethnic minority people in diversionary interventions.

Due to a limited evidence base in this area, this review will now evaluate in more depth the key pilot projects that have used diversionary and rehabilitative conditions to support desistance, reduce reoffending, and reduce harm in the UK with a focus on provision within a Welsh context at the end of this. This section will offer context to synthesise the key elements that seem to be needed to effectively support the uptake of diversionary interventions by the general population as the following reviews of the project evaluations have little inclusion of ethnic minority perspectives. This fact illustrates the white lens that permeates through much of the CJS's approach to its practice and to how such 'new' projects and approaches are developed and evaluated; this needs to change if the CJS is to be anti-racist.

Turning Point in the West Midlands (Neyroud and Slothower, 2013)

A pioneering project in the UK that first tested and evaluated a diversionary approach was Operation Turning Point delivered by the West Midlands Police force (Neyroud and Slothower, 2013). This project aimed to see if low harm offenders, who within normal frameworks would be prosecuted, might desist from future crime with a deferred prosecution that is dropped if the person engages with tailored conditions, such as education that challenges the criminal behaviour and other support services, like substance use support. Overall, the project outcomes did not indicate significant changes in re-offending rates or harm reduction but did show increased victim satisfaction and cost savings (Neyroud et al., 2015).

Treatment Plans were meant to be SMART (specific, measurable, attainable, relevant, and time-bound) and it is interesting that adult Offender Management Teams (OMTs) found this difficult as it was not common practice whilst Youth Offending Teams were used to this and so found such approaches common to their practice. During the project OMTs were provided with guidance and training to develop this approach to practice and supporting a SMART Turning Point Treatment Plan. Neyroud and Slothower (2013) found that despite training and guidance there was still variability in the quality and appropriateness of treatment plans. They suggest that to ensure consistency of practice that guidance and training needs to include those it is aimed at to achieve buy-in and commitment and so this review suggests that co-production with those with lived experiences for such projects seems a positive and needed approach for future work in this area.

The project moved towards a more joined up team approach where the standard treatment conditions were agreed and aligned to common risk factors like drugs use or mental health needs. This meant that Turning Point researchers, OMTs, and partner agencies worked in partnership to design specific treatments and enforceable conditions for each person that had offended. This model supported

officer discretion whilst supporting a more standardised approach to setting treatment plans and conditions but could and should involve the person who offended so they were aware of the approach and could consent and feel part of developing their own customised treatment plan from the outset.

Treatment plans were varied but all had two set conditions that were, not to offend, and to have regular meetings with the offender manager. The number of conditions set ranged from three to eight and averaged 4.6 conditions and there was no relationship between the number of conditions set and the breaching of conditions rate. The people that had offended that were part of this project generally felt that the conditions set were fair, not too onerous, and many felt they would have benefitted from more conditions to their treatment plan. An interesting finding was that offender managers should not set a condition with the person that has offended regarding restorative justice communication with the victim as it is not uncommon that victims do not want to meet or speak to the person that carried out a crime on them. It is clear that restorative justice can be useful for victims but they must choose this type of resolution and so such approaches should always be their choice and control within any conditional approach such as the Turning Point project (Neyroud and Slothower, 2013).

It was also found during the project that offender managers needed to build relationships with condition providers to support positive working and referral and so that they could ensure that conditions were met. This meant that once a condition was completed it needed evidence to show proof of completion and this was added to the process with both the offender manager and the person who had offended signing off each condition of the treatment plan.

One common frustration fed-back from offender managers was that the referral process from custody was not always effective citing issues including; slow notification, incorrect referrals to offender manager team instead of youth

offending team, and inappropriate referrals, all of which caused time delays.

Offender managers were initially sceptical of the use of treatment plans as opposed to going through more formal punitive processes but most eventually found that the approach was positive and supportive of challenging the reasons why people offended. It was also seen as positive that if people who offended did not engage with the conditions, then there was a self-correction outcome where those that breached conditions would go through the usual formal prosecution process.

Some of the key learning in respect of supporting offender managers to appropriately develop and maintain support of an appropriate treatment plan included (Neyroud and Slothower, 2013: p35-36) the need for good quality training and guidance to support effective engagement with the person that offended to understand their needs and creating a plan that met those needs especially with those who would not admit guilt and positive partnership working from offender managers with treatment plan providers to ensure conditions were being upheld and ultimately met.

It is highly important to highlight that offender managers also needed support and guidance to ensure that victims were appropriately supported and consented to engage with Restorative Justice where there was potential to do so and a 'Victim Contact Plan' was created for these purposes. In the case of Turning Point the interim report (Neyroud and Slothower, 2013) illustrated very low engagement from victims and from people who had offended in taking the opportunity for Restorative Justice. Neyroud and Slothower (2013) found that this was due to a number of factors that had clear solutions to remedy poor practice including; effective screening of potential for Restorative Justice, the use of experienced and trained facilitators using gentle and supportive communication phrasing and skills in offering the opportunity to victims with an initial face to face meeting, applying strategic phrasing to those that had offended so that there was some pressure to take up the opportunity, and a belief in the approach

from the facilitator / offender manager and acceptance it was within their role to work with victims not just people who offended.

Victims overwhelmingly reported negative experiences of being involved in the Turning Point and felt more formal punishment was needed to punish the person who had offended and felt that a Restorative Justice approach was being too lenient and unlikely to change the offending behaviour. However, those that did engage with the Restorative Justice process were much more likely to feel satisfied with their experiences, feel safer and less angry, have greater confidence in the CJS and believe that those that offended were less likely to reoffend. Victims were also highly dissatisfied with the police handling and support provided and experienced poor communication at all stages of the pilot. Neyroud and Slothower (2013: p40) suggest some key learning here; increase engagement with Restorative Justice using a set approach and 'Victim Contact Script' as victims feel that the police and CJS care about them and this increases support that the approach being used is fair and that the police are actively trying to 'fight crime.' Finally, ensuring that there is positive engagement and follow up after the initial engagement so that the victim is included and aware of the outcomes of the Restorative justice process.

Checkpoint in Durham (Weir et al., 2021)

The Checkpoint scheme was introduced by Durham Constabulary as a deferred prosecution project using alternative approaches to support desistance and reoffending rather than carrying out formal prosecution based on the notion of Offender Desistance Policing. The project took a public health rehabilitative approach to reduce offending by offering people who had offended the opportunity to address and take responsibility and accountability for their criminal behaviour, as well as positively deal with the causes of their negative behaviours to support future desistance and non-criminal life aspirations and chances. If people who offended successfully engaged with the programme there was no prosecution and no criminal record but if they did not and broke their contract then the deferred prosecution was reactivated and a formal prosecution would take place where they would attend court or be given another disposal order that relates to the level of the offence (Weir et al., 2021).

The project used specialist independent 'Navigators' who were trained probation workers to provide positive role modelling, build trust and understand the needs of those who had offended, and develop short, tailor-made programmes to support desistance. Another key feature that Weir et al (2021) attributes to the success of the programme is the use of problem-solving approaches with those that had offended and creating opportunity to increase their life aspirations and chances whilst removing the stigma and label of being a criminal. Critical to this approach was the assessment process to identify the 'criminogenic needs' of those engaged which entailed detailed needs assessment and interview with a Navigator to support the development of a 'critical pathway' to support a tailored plan and 'contract' to support desistance. The critical pathways include self-assessment on a scale 1-10 relating to key life needs, challenges, and social networks and how much they are influencing their offending behaviour, including: accommodation, attitudes and

behaviours, relationships, employment, training, and education, finance, substance use, well-being, and exploitation. Those involved also highlight the three most influential factors on their offending behaviour. This supports the Navigator to gain valuable insight into the issue the person who offended is facing and develop a bespoke and specific four-month programme for that individual to engage with five conditions to support positive change. One of the five conditions is mandatory and involved agreeing to not reoffend and where appropriate to meet the victim and resolve the harm caused. Other optional conditions included wearing a GPS tag and completing voluntary work (18-36 hours) that supported personal development as well as giving back to the community.

A Navigator was responsible for supporting the person who had offended but also for monitoring the activity and success of the tailored programme using a new IT system called COMET which assessed the integrity of the programme 'treatment' and related to: how much of the programme delivered matched the original intended programme (Fidelity); How much of the programme was delivered (Dosage); and finally, How well the programme elements were delivered (Quality).

Weir et al., (2021) offers the findings from this randomised control trial of 521 people who offended between August 2016 and March 2018. The outcomes are positive with the project supporting lower reoffending rates in comparison to a control cohort with a 10.3% reduction in offending and a 30% reduction in the risk of reoffending. Weir et al., (2021) suggests that it may be that imminent prosecution, not the severity of it, that influences decision making, as well as if the person who offended completes the intervention is then not labelled as an offender. Kennedy et al., (2017) supports this and adds that the ability of the police to still follow through with more formal punishment is also a factor in influencing decision making by someone who has committed an offence.

Checkpoint is therefore a useful example of an offender management programme that seeks to support positive behaviour change and for those that have offended to make reparation for the harm they have caused and desist from further crime. Although, it must also be acknowledged that the paper used dated literature to contextualise and discuss desistance considering it was published in 2019.

In conclusion, Weir et al., (2021) highlights the real lack of a high-quality evidence base on the use of, and the effectiveness of using deterrence and desistance in pre-court approaches to crime. Weir et al. (2021) asserts that the

randomised controlled trial they performed with operation Checkpoint is a needed quantitative approach to evaluating the effectiveness of such approaches. They found that this model and approach did reduce reoffending by up to 10% over a 24-month period following intervention and supported the person who offended to have their needs met and work towards desistance rather than just processing and further criminalising them. They also highlighted the differences to the Turning Point project approach and why it was a more effective approach and had more effective behaviour change in terms of offending and re-offending rates.

Table 1: Main differences between turning point and checkpoint

	Turning Point	Checkpoint
Delivery of intervention	Police Officers	Specialist, independent Navigators
Eligibility Criteria	First-time Offenders	Offenders with less than three previous offences
Included Offences		Additional offences included
Location	One pilot site	Entire police force area
IT System	No new IT System	New, bespoke in-house IT system called COMET to store and manage offender needs assessments and contract conditions.

Hampshire Constabulary CARA Experiment – Strang et al. (2017)

The CARA project experiment worked with males that had admitted low risk partner violence as a first instance/offence and received a conditional caution. Those involved engaged with a four-day (over two weekends) Cautioning and Relationship Abuse (CARA) workshop that lasted 5 hours over each day with a group of other people who had also offended in the same way. The workshop approach was facilitated with skilled professionals and aimed at reducing the total severity of crime harm when compared against a no-workshop control group. The workshop used an approach that Rowlinson (2016) coined as emotional interviewing which had a collaborative and discursive style to increase individual commitment and motivation to change their abusive attitudes and behaviours.

The evaluation of this experiment indicated that the CARA workshops used an effective approach to reduce future harm of domestic abuse among the first-time offenders that admitted their guilt and engaged with the workshops. Strang et al., (2017) state that due to the strict eligibility criteria to be part of the project it offers a good pilot test that could be replicated for wider use amongst such first-time offenders of domestic violence.

Prompt Positive Action Interventions with offenders aged 18-25 in South Wales – Towler (2017)

Towler (2017) reviews an interesting project with young adults in south Wales that was introduced in 2015 and his qualitative review took place from 2016 to 2017. It has particular interest and value as it is based in Wales, the country of focus for this critical review, and it is project that works with young adults but uses a youth work approach (usually framed at 11-21 with 11-19-year-olds as core age range) to supporting diversion and desistance from crime. The project used a restorative practice approach where adults were arrested but then diverted away from a caution or court disposal using an adult community resolution that included an intervention that addressed the crime through a consequences of crime workshop, a restorative justice element in terms of making an apology through shuttle mediations and letters of apology that took responsibility for their actions with the victim, and also having other additional and more individualised needs supported, some of which were often related to Adverse Childhood Experiences (ACE's). When adults committed to these conditions it resulted in them not having a criminal record and being diverted away from the CJS.

Towler (2017) found that the project has had an overwhelmingly positive impact on the adults it has supported and that the narratives from all stakeholders was positive. It was noted that there was greater success and buy in from the young adult who had offended if once arrested there was quick processing in terms of the gap between arrest and reappearing for bail and triage screening and assessment to create the individualised intervention with the project worker who supported the intervention journey, with a few days seeming to be ideal for keeping the arrest and consequences present and significant for the young adult. The approach for the screening and assessment was to process this at the police station and it was carried out by the project worker who used a youth work approach. It was felt by the delivery teams



that the location of police station mixed with a friendly approach of the project worker offered a useful balance in supporting the seriousness of the situation but the support approach being offered to young adults. Indeed, the needs of the young adults were complex and so the use of a youth work approach that was informal, discussion based, used active listening to build trust and supportive relationships was key for the success of this project. The evaluation from the arresting officers and custody sergeants were also positive of the approach being used and confident in supporting it. Unfortunately, the victim perspective was negative with low satisfaction and low participation and so this is an area that needs to be explored further through research and victim engagement.

Towler (2017) found a number of recommendations to support further development of this project and how it could be developed to become a Wales wide approach and model for young adult diversion practice. There is a need for consistent diversion and intervention practice across localities to ensure quality and experience is fair and equal and that the venue for interventions are appropriate without distractions. To develop ongoing good practice observing, evaluating, and sharing approaches and content across partners who deliver would be useful and create a positive network of sharing good practice and driving forward new and innovative approaches. To ensure positive transition to any other project or intervention then all referrals by project workers should be supported by that worker where they attend with the young adult to the first meeting to ensure a 'safe' transition. During initial assessment any safeguarding needs should be discussed and actions taken quickly and appropriately whilst working with the young adult in a professional and supportive way. Women who are referred from the Women's Pathfinder project need to be made aware of the intentions and purpose of the consequences of crime workshop so they can participate effectively. Finally, to ensure effective governance a collaborative model with all delivery partners is suggested to promote inclusion and buy in to the project and approaches used.

It is important to highlight that the report by Towler (2017) contained no statistical analysis on reoffending rates or on the characteristics on those young adults who engaged with the project, including ethnicity or gender. This is a serious gap in the evaluation report in respect of this critical review. It was also very clear that from the young adult narratives shared within the report that the great majority of the 70 young adults included were students and so within Further or Higher Education and so considerations of whether this is representative of all young adult communities should be considered.

From the review and evaluation of recent OoCDs and other diversion / pre-court intervention programmes there are some useful areas of learning for general populations, meaning those that are dominated by people of White British ethnicity and largely with men. The common characteristics of the reviewed programmes offer some commonality and areas for learning to support future development of such programmes. The common features that supported success and positive outcomes in diversion programmes or common recommendations that their evaluations made include:

1. Consistency of practice across all delivery and that a network is created with delivery partners to share data, experiences, good practice, monitoring and evaluation.
2. Strong partnership relationships are needed to effectively deliver pre-court diversion projects especially between the Police and intervention providers who should work closely in decision making and eligibility assessment of clients.
3. Quick processing of pre-court diversion is essential to support client commitment and motivation to engage.
4. High quality awareness raising and training is needed for all partners to support understanding and development of skills needed to 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.

5. Training should be co-produced and delivered by those with lived experiences of the CJS and pre-court approaches.
6. 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 project is about supporting them to lead healthier and more positive lives.
7. 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.
8. 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.
9. Interventions should use a range of delivery approaches including one to one support, referral to support services, group workshops, online intervention support.
10. Restorative Justice approaches need to ensure that the victim is effectively included throughout the duration of the clients who has offended engagement. 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.

11. 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 ethnic minority perspectives within pre-court diversion literature

However, it is clear that a major criticism of the above pre-court interventions is that their own evaluations do not really analyse ethnic minority experiences of their diversion programmes (Bennett and Corry-Roake, 2021). The lack of ethnic minority perspective is true for ethnic minority people more broadly and regarding specific ethnic minority groups such as women and young people, especially young girls. A lack of understanding and appropriate support and services is sending ethnic minority people deeper into the CJS (Wang, 2023) and it is not a surprise that some disparity is getting worse (Bhattacharya, 2021), it certainly shows the whiteness from which the CJS operates and is a blanket of whiteness like snow, as poetically captured by Eddo-Lodge (2017).

Due to the paucity of literature on general experiences and needs of people from ethnic minority backgrounds of diversion programmes it is useful to include the experiences captured by the recent report by the HM Chief Inspector of Prisons (HMCIP, 2022) on the experiences of adult black male prisoners and black prison staff. This review is having a specific focus on the experiences of women and of young people so the focus here on men is justified. To note, this is focused on 'Black men' and so does exclude the experiences of many different ethnic minority experiences and understandings, but it offers useful understandings to support the aims of this review to better understand the needs of ethnic minority people and how to best support their needs towards desistance.

The HMCIP (2022) report found 15 key findings and there is not space within this review to cover them all but useful to this review is the learning that relates to how to better engage and support Black people and those that relate to developing culturally competent staff to effectively support and understand the needs of Black people.

The HMCIP (2022) found that much more needed to be achieved in respect of developing culturally competent and anti-racist

practitioners that challenged prejudice and racism in white staff; it should be noted that many of the white staff denied such racism existed. Education and training was perhaps the key need from the report as it found that Black men within prison needed to be able to have conversations with staff about their needs and experiences including that of racism in the CJS and wider society but there was lack of trust to do so, and many staff felt they couldn't speak to Black men because they didn't understand them, causing negative relationships and significant mutual mistrust. The report found that many Black men did not report their needs in respect of psychological distress, mental health, and self-harm due to a lack of trust of the prison staff and the added potential for stigma and being further stereotyped as a 'dangerous Black man' and assessed as more of a risk. The White staff also needed to better understand how ethnicity intersects with other discriminated identities such as religion and age, and many Black men in prison are of Muslim faith and young people/adults, so there are a range of needs that require appropriate support and the use of appropriate language, understandings, and practice. Ultimately, there was a strong need for staff to be able to build effective relationships with Black men that used genuineness, professionalism, and supportive approaches to build respect and trust from Black men.

Bhattacharya (2021) adds to the understanding of what needs to change to better support outcomes and experiences in the CJS for ethnic minority people and focuses on the one issue of the need to build trust, and offers four main recommendations including; Increasing the use of out of court disposals and remove need for guilty plea, recruit more ethnic minority magistrates and judges, reduce the detention of ethnic minority young people, and review process of legal advice for ethnic minority defendants. Bhattacharya (2021) also suggests that not only do ethnic minority people not trust the CJS but also that the CJS does not trust ethnic minority people and the communities they are part of. It seems clear that a significant focus of any intervention approach with ethnic minority people will need to provide a model that supports time to build trusting relationships with those engaged.

The reality that diversion programmes do not meet ethnic minority needs or even consider them within reports is not new and NACRO in 2009 offered a useful and critical guide to developing appropriate services for ethnic minority people involved in such diversion programmes; it is interesting that their recommendations still have credibility and need in 2023, 14 years after its publication. 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 has just not listened and taken the needed steps to ensure it becomes a reality.

The following recommendations are to support practice with, and appropriate development of services for, people from ethnic minority backgrounds and these have been synthesised from HMCIP (2022) and Bhattacharya (2021) but are still largely from the NACRO (2009) report:

1. A diverse workforce that reflects the groups it serves.
2. Education and training is 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 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 ethnic minority 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.

This review has explored understandings of OoCDs and other pre-court diversion schemes that offer only a general population view which is dominated by White men's experiences and one example of a young adult perspective. There have been some general notions of how to better meet the needs of ethnic minority people within the CJS in the concluding paragraphs of this section. This review will now explore a key area of focus, analysing the literature specifically on pre-court diversion interventions for women and young people, and where available gain insights into ethnic minority experiences of such programmes and interventions.



Understanding Women's needs and experiences within the CJS

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 principle 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 is 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.

The successful support of any women who has engagement with the CJS is reliant on the interagency working of a diverse range of organisations including those within the CJS and those outside it. This support network includes those from other government departments (local and national), as well as the voluntary or third sector especially in the context of within the community support for a whole range of well-being needs (National Audit Office, 2022).

It is clear across the evidence base that women have different experiences and needs than men in the CJS and have specific challenges and vulnerabilities that influence their offending including substance use, abuse including domestic abuse, and trauma (National Audit Office, 2022). Women also are more seriously affected by the prison environment than men with a high mental health rate (49% compared to 18% for men) and high self-harm rate upon custody (five times more than men) despite 77%

of women serving short sentences of less than a year. Women also commit less serious offences than men and pose less risk and harm to the public. However, the reoffending rate for women is higher than men with a reoffending rate of 71% within 12 months of release compared to 63% for men (National Audit Office, 2022). Women are also more often primary care givers within family dynamics and 60% of women who are in prison are mothers compared to 49% of men who are fathers (National Audit Office, 2022).

Despite the focus of community interventions with early intervention and diversion being within the strategic vision of the MOJ, Clinks (2018) highlighted that they had concerns that the resources to meet the strategy outlined by the MOJ (2018) were not sufficient and unfortunately the actual spend on this so far has been under the highlighted funds (National Audit Office, 2022). There has also been limited progress on securing and expanding community options specifically for women since the launch of the strategy in 2018 (National Audit Office, 2022). This is worrying when diversion clearly works for women and is less damaging to women that being within the CJS (Centre for Justice Innovation, 2019).

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 as discussed earlier (Cordis-Bright, 2021, 2022) has provided a robust community-based option that women can access at any point in their Criminal justice journey. Those involved in delivering the Blueprint as also working with partners to expand and strengthen the network of women's centres/hubs and other safe spaces for women across our communities in Wales. Wales is also creating a new site for a new Residential Women's Centre pilot, further strengthening community-based options for women set to open in 2024 (Welsh Government, 2020).

The Women's Justice Blueprint (2019) for Wales offers several indicators of what constitutes success outcomes for women, communities, and Wales as a whole. The indicators of success include:

1. reduce crime and making communities safer with an easing of demand on services such as policing and health to contribute to building more prosperous, secure, health and active, united, and connected Wales
2. give children a better start in life, reducing the impact of adverse childhood experiences, such as domestic abuse or having a mother in custody.
3. ensure women and children live in a safe and secure home and as a result will be less likely to commit crime.
4. give women the skills they need to look after themselves and their children, enabling them to live rewarding and fulfilled lives within their communities
5. work with partners to ensure better emotional and physical health and more supportive relationships within families, to help strengthen our communities.

The aims of the Women's Justice Blueprint are useful and clear and it is good practice that it also outlines that it is using women with lived experiences of the CJS and evidence-based practice to drive forward this strategy.

Welsh Government (2022) commissioned an evaluability assessment of the women's Justice Blueprint and found that there was a need for appropriate services for all women that were sustainable and funded equitably across Wales to stop counter-productive competition of limited resources. The report also found that understanding women's experiences of the CJS and early intervention and diversion services was difficult due to ineffective data systems and approaches. It is useful to note that the Women's Justice Blueprint is currently working to develop a partnership data dashboard specifically focused on women who come into contact with the CJS, to enable better

monitoring of trends and enable improved disaggregation of data in relation to different cohorts of women (e.g., in relation to ethnicity, age), to support evidence-based planning and action. There was also a clear recommendation to develop an approach like Public Health use (Analysis Methods Notices) for assessing prevention and diversion interventions and services and if there were any differences in outcomes for women who had different OoCDs.

Despite a clear Blueprint strategy there are still gaps in understanding the experiences and needs of women more broadly and even more so for ethnic minority women and girls within the CJS and YJS.

Supporting and meeting the needs of women in the CJS and more specifically those from ethnic minority backgrounds within the use of pre-court diversion and intervention

The Lammy Review (2017) concludes that people from ethnic minority backgrounds are often discriminated in the CJS and YJS and so it is often the case that ethnic minority women (Cox and Sacks-Jones, 2017) and girls who experience double discrimination across both these identities/characteristics (Fitzpatrick et al, 2022). Research relating to girls in the YJS found that girls are often seen as more problematic and challenging to work with than boys (Bateman & Hazel, 2014) and can be viewed as 'doubly deviant' for their criminal activity but also transgressing the behaviours and stereotypical constructs of how girls should behave within society (Burman & Gelsthorpe, 2017; Clarke & Chadwick, 2020). It is worth highlighting here that there are obviously other characteristics and identities that intersect with both gender and ethnicity too. Fitzpatrick et al. (2022) in their research found that ethnic minority women or girls with care experiences face a 'triple whammy' effect facing multiple discriminations and lack of support to meet their needs within the CJS and YJS. This has obvious and serious implications when using other identity lenses such as religion, disability, and LGBTQIA+ identities.

Unfortunately, there is a lack of literature specifically on diversion and pre-court programmes relating to ethnic minority women so those projects where evaluations have taken place and are available for women in general will be explored.

One of the first evaluations of a women's specific diversion programme in the UK following Corston's (2007) report and recommendations is from Easton et al (2010) who evaluated a pilot female focused conditional caution programme. The pilot referred women to 'Together Women' centres with rehabilitative conditions attached, called a women specific caution (WSC), between 2008 and 2009 in pilot sites in Leeds, Bradford, and Liverpool. The women and partners involved were positive of the experience as it provided opportunity for in-depth understanding of women's underlying issues and needs. The outcomes were found to have a positive impact on offending and other aspects of the women's lives such as positive social networks/capital, better mental health, and reduced substance use benefits. 75% of the women who had a WSC met the conditions set out and this varied across sites from 73% to 81% with some unevaluated suggestion that WSC's with higher numbers of conditions attached had lower rates of compliance. Easton et al (2010) illustrate that the compliance rates for this pilot produced lower rates of compliance than conditional cautions (80%), but higher than the early implementation rates of conditional caution schemes suggesting with familiarity the pilot compliance rate might increase. Interestingly, the compliance rate for the pilot was much higher than the rate for penalty notices for disorder (52%) which can be argued to be a comparable disposal order for similar low-level offences.

Easton et al (2010) found that out of the 114 women to be given a WSC, 84% were 'white British' in Leeds and Bradford and 92% were in Liverpool. There were only 8 women from an ethnic minority group across the three sites with a further six women with unstated ethnicity. Easton et al (2010) highlight how the overall ethnic diversity across all sites were proportionate to the overall population of the three site areas in relation to the Census data from 2001; but it is useful to note that the census data was at this time nine years out of date so not accurate and not understood in terms of age demographics either. The evaluation also offers nothing on learning and needs relating specifically to ethnic minority women.

The needs of the women engaged with this diversion pilot had a wide range of histories and needs including abuse and domestic violence, offending behaviour, well-being and mental health issues, housing issues, with substance use and debt and financial issues being the most common across all three sites. Mental health was a significant challenge with 46% of women in Bradford and Leeds experiencing this with conditions including depression, bipolar, personality disorders, anxiety, and self-harm. 47% of women had experienced previous abuse and violence and 12% were currently experiencing domestic violence. To support the holistic needs of the women there was a diversity of support including interventions relating to; 'self-esteem, employment and thinking skills, as well as domestic violence programmes, counselling, healthy eating, keep fit, benefits and housing advice, sewing, household maintenance, health screening, drug and alcohol nursing, and holistic therapies such as acupuncture' and over 50% of the women stated it was this approach that supported them to deal with and work through their problems (Easton et al, 2010: p26). Indeed, most felt that the provision supported them to reflect, to talk and be listened to, and ultimately reassess their lives and decisions and to set a new path and connect with forgotten skills and personal attributes, essentially it empowered them and increased their self-agency. The majority of the women believed that they needed the WSC to be a range of conditions that if not fulfilled might mean prosecution so that they had that 'push' to make the change, and many did not want the shame, trauma, and stigma of prosecution either. Easton et al (2010) also highlight that due to the focus on self-development and meeting the needs of the women the women started to view themselves not as criminals or offenders but more as women that needed support, had a choice to engage, and had people that believed in them and that created a context where they believed that they could change. It highlights the need for support services to have and show belief in the people they support, that they are respected, and that women can change and desist with the right opportunities and approach to engagement.

The National Offender Management Service (2015) and the Tavistock Institute (2019) both provide detailed reviews of women’s centres and why they work. The National Offender Management Service (2015) offer seven priority foci and needs for women that they have identified in their research and practice to support better outcomes for women who have offended. The Tavistock Institute (2019) offer five similar foci for effective work with women. These are arguably useful in terms of learning and consideration for the development of quality diversion schemes (The Centre for Justice Innovation). The idea of women’s centres certainly aligns well to the policy context outlined earlier from both a central government perspective and the Blueprint within a Welsh context in this review of diverting women away from the CJS and the need for women focused interventions and safe spaces. As highlighted earlier, the Women’s Justice Blueprint has committed to working with partners to expand and further strengthen the network of women’s centres/hubs and safe spaces for women across Wales. It again needs noting that neither of these detailed reviews of multiple women centres highlight any specific needs or experiences of women from ethnic minority backgrounds.

Analysing the commonality across both the National Offender Management Service (2015) report and the Tavistock Institute review (2019) there are some clear priority approaches to effectively supporting the experiences of women and include the need to deliver/support:

1. Value-driven, gender and trauma informed practice
2. Development of and focus on healthy relationships and emotional regulation with family, children, partners, friends, and wider community/society
3. Women only safe spaces for collective personal and pro-social identity development with emotional and psychological safety
4. Empowerment, strength based, and co-produced services so women work alongside other women to create positive change and gain greater control over their daily lives with self-belief
5. Holistic, tailored, and multi-agency provision to create ‘one-stop shop’ experience of support to reduce barriers to accessing services
6. Safe integration and resettlement into home and community with knowledge and skills to build social capital through socialisation, education, employment, and other positive activities.

The Centre for Justice Innovation (2019) offers further useful learning from evaluating more recent literature that is focused on supporting pre-court diversion with women in the UK. The centre found that diversion programmes should include supportive and voluntary initiatives for women, and despite the known high needs of women at the cusp of engagement with the CJS (and within it) that opportunities should not offer so much as to ‘overdose’ women with overly intense conditions and initiatives as it can be too overwhelming and setting women up to fail. As the policy contexts state, the centre also agree that women need support based within a community setting and that offers an

integrated approach to support complex needs with a key worker working closely alongside women to ensure safe transition through initiatives and towards other referred services where appropriate, including attendance at new services. It is also clear from the report that women need gender-informed services that build relationships to support their holistic needs in a safe, supportive, and non-judgemental way, and that single initiative approaches were unlikely to work due to their complex and ‘deep-seated trauma.’ The report also highlighted that due to the experiences of women and their complex needs, that being able to have ongoing support even if they are seen to ‘fail’ is important, and that women need and should have multiple chances to get their lives back on track and feel in control over their lives.

The Centre for Justice Innovation (2019) offer an early project case study of the ‘Footprints Project’ that used an OoCDs with a restorative practice model to divert women away from the CJS. The Footprints project (2020) share a more recent overview of their work and success on their website. The Footprints project is a local charity that specialises in working alongside women and they worked with Dorset police on this diversion project. The model of delivery was that women would receive an OoCDs with the attached conditions that they would agree to and engage with an up to 16 weeks of engagement with a programme of activities that were developed according to and from an individual needs assessment. The support provision included face to face, telephone support, signposting to specialist services with initial meeting supported by the women’s key support worker. The project has so far been a success and supports 100 women per year with a 94% non-reoffending rate for 2020. A significant challenge for the first year of the project was changing the culture of using the new two-tiered OoCDs framework and police officers were slow to make referrals as not common practice.

The other diversion project that the Centre for Justice Innovation (2019) use as a case study of good practice is the Checkpoint Plus project with Surrey police that used a holistic support approach based in a women’s support centre to divert women away from the CJS. The model for this project was to provide every woman engaged with a one-to-one trauma-informed specialist worker to support key interventions and refer to specialist services and agencies. The main pathways of support were related to experiences of mental health, substance use and domestic violence. The project also embedded a restorative practice element where women could meet the victims of their crimes face to face, or write a letter of apology, or a statement of reflection of their crime and consequences and impact of it. The evaluation of this project found that a key reason for its success was that women were more willing to engage with the women’s centre as it was an independent organisation that was not seen as part of the police or wider CJS. The project had a 95% non-re-offending rate and 96% satisfaction rate from the women involved. This project also shared no ethnicity perspective in their evaluation.

Another recent evaluation of a women’s diversion service is from Advance (2021) who review a diversion service in London. The evaluation of this project surmises that significant change is needed within the CJS where systemic change is required of offering most women a community-based and the use of OoCDs for responses to women who offend. Advance (2021) found that despite women generally being low level offenders they have high level needs that are complex and require support commonly for experiences of negative mental health, domestic violence, gender-based violence, and substance use as well social care, housing, employability, general well-being, and parenting skills. Due to these myriads of need the evaluation found that to support significant change the women needed at least three months of interventions support with some needing that for 12 months to be able to support longer term desistance and recovery from their wider challenges. Interestingly, all the women who engaged with the diversion programme needed support with four or more challenges in their lives each having an activity

pathway to support needs. The women reported back a nearly 100% satisfaction in all areas of their support and out of 175 women referred 91% of those engaged with the programme and of those 131 women 97% met their conditions of caution. Only 7% of those referred with conditional cautions were rearrested after engaging with two or more appointments which is significantly higher than the 23.4% national re-offending rate for women in England and Wales (Advance, 2021). Despite being a diversion programme in London where the 2021 Census indicates that there is the most significant ethnic diversity England and Wales with 46.2% of residents identified with Asian, black, mixed or 'other' ethnic groups, and a further 17.0% with white ethnic minorities (Gov, 2022) there is no ethnicity data for the Advance (2021) evaluation or specific understandings provided for women from ethnic minority backgrounds.

One of the most recent projects sourced within the available literature is highlighted as good practice by the Centre for Innovative Justice (2022a) in a short 'thumbnail' case study is 'Project SHE' a point of arrest diversion scheme specifically for women in partnership with the voluntary organisation the Nelson Trust and Avon and Somerset Police. The project provides individual tailored support for the diverse needs of women to that they can be diverted away from the CJS. The project seems to be a success, although a full evaluation is pending, because it is supported by the Nelson Trust who are a small organisation offering specific trauma informed support approaches by highly experienced women's practitioners that meet the holistic needs of the women who engage with the project. The project also uses a broader collaborative approach where the SHE project sits within the OoCDs framework and as part of the custody and courts referral service and so supports work directly with in-house holistic support and or through mentoring when a woman is referred to other services such as probation, social services, and community rehabilitation.

The women in this project are referred in three ways: by community resolution or conditional caution, voluntary referral if the crime does not fit the entry criteria, or women can refer themselves by contacting the SHE worker or an external agency can refer them too. Since the project began in December 2018, 227 women have been referred to the project as part of a conditional caution or community resolution.

Sheeran (2022) also found whilst evaluating women centres that positive experiences for women were supported when women's centres offered a range of courses, groups, and services, including; domestic violence, mental health, well-being, child-care, rehousing, counselling, key education skills, and pro-social identity citing Trevi house and Brighton's Women's Centre as a good practice example of such programmes. Brighton's Women's Centre reported that 90% of women who engaged found the support 'hugely significant' in enabling them to build a positive future and the programme evaluation found it reduced women's re-offending rates.

The Welsh Context for Women's Diversion

A useful analysis within a Welsh context is that of The Pan Wales Women's Triage (The Diversion Scheme) evaluated by Holloway, Williams, and Brayford (2017). They explain how Gibran UK Ltd (now Include UK) a not-for-profit social enterprise were the first organisation in Wales to pilot a triage scheme using conditional discharge to divert women away from the CJS towards support services to meet their needs. Gibran collaborated with the newly formed IOM Cymru Women's Pathfinder to deliver a first pilot project of women's diversion and this grew into a pan Wales pilot with a pilot site in each of the Police force areas in Wales. The aim of the project is to find the right pathways to meet the needs of women and therefore to 'design and deliver a women-specific, whole system, integrated approach to managing women who come into contact with the CJS in Wales'. The Diversion Scheme represents part of the delivery on that whole-system and integrated approach.

The criteria for inclusion on the scheme were that offences should be low level, processed in a pilot custody suite, that they reside in a pilot local authority, is over 18, admits guilt, and that her previous offending behaviour is either; no previous convictions or cautions; has previous conviction / caution but from more than two years ago; has a low-level previous cautions / conviction within last two years; that diversion is likely to benefit the woman.

Holloway, Williams, and Brayford (2017) found that five 'types' of women were referred to the scheme and these were women; where their crime was an error and they had low needs; those with chaotic lifestyles who couldn't control their behaviours but either embraced support or would reject support; those with chaotic lifestyles who couldn't control their behaviours embraced support but whose issues were so deep and engrained needed considerable long term support to change; and those women who were more victims than transgressors of crime.

The women involved in the scheme were aged between 17 to 76 with a mean age of 32 and 722 women engaged with project at the point of evaluation. A large majority of the women were single, heterosexual, and financially supported by benefits with 33% employed. 66% of the women were parents with 33% of these describing themselves as lone parents with 66% of parents stating that they had social services involvement with their family. The level of qualification of the women varied with 66% having GCSE's or an NVQ with 9% having a degree of higher-level qualifications. 66% of the women were first time offenders and mostly referred by Community Resolution (75%) although one pilot site used predominantly Conditional Cautions; 66% of the offences were either assault / violence or theft / shoplifting. The ethnicity composition for the pilot across the four sites had an overall 89% of women from White British / Irish background with 11% of women from other ethnic minority backgrounds and this ranged from 3% to 15% across the four sites. The women referred at assessment had 2.36 needs and these were often issues relating to mental health, attitudes and thinking and often this was to do with confidence and self-esteem, and experiencing financial issues.

The evaluation found that the pilot was overall a success with good practice evident in the collaborative approach to assessing eligibility with the Police and third sector intervention providers involved in joint decision making and that the scheme used an inclusive co-produced approach where women were instrumental in identifying their needs and felt empowered in this process. It was evident that when third sector providers were based within the Police custody suite, had discussions on practice and the project, and that there was effective and open sharing of Police records and systems in relation to the women being assessed and supported, then the outcomes of the project were enhanced.

The level of needs for the women who engaged with project over the evaluation period decreased and the average needs went from 2.36 to 1.35 and there were ranges of needs across the four sites from 1.83 to 5.63 and women from all sites had a reduction in their

needs with a range of 0.89 to 2.73 needs. It is also useful to highlight how there were positive life improvements for the women involved with increases in personal agency, hope, resilience, and well-being and a reduction in impulsivity and practical problems including housing issues, money issues, alcohol use, mental health, family issues, domestic violence, and offending behaviour. Reoffending behaviour after 18 months of receiving support was 20% and when compared to women who had not engaged with the programme in earlier years before the project was started had a reoffending rate of 27%. These three lenses offer a positive understanding of the success of the approach and project on diversion for women in a Welsh context.

Some of the key recommendations from the evaluation were that there was a need for consistent training to Police and partners on understanding the diversion approach, managing data systems, and ensuring consistency on data capture. The eligibility criteria were evaluated as effective and appropriate but it was important not to pressurise women in making a 'guilty' plea as they might not engage as well if it not a choice to participate. It was also highlighted that there was more success in women's engagement when the assessment was carried out quickly (within 48 hours) and that this was done by a practitioner that was independent of the CJS and was skilled and empathetic to the needs of the women including being aware of child care needs and or appropriate timing of interventions to support child care contexts. Although not a significant focus on the evaluation it was also highlighted how the victim experience should be a focus and that victims need to be heard, support throughout their experience and where appropriate should be involved in some of the decision making in respect of guiding the intervention and pathways delivered. Another useful recommendation was that having self-referral to the scheme was important and so frontline workers in other areas of society (such as allied health, education, Police, and hospitals) needed to be aware of the scheme so they could sign-post women when they thought they would meet the criteria and benefit from the provision.

Another more recent diversion project in Wales is the South Wales and Gwent Women's Pathfinder WSA and 18-25 Early Intervention Service which is being delivered with 'Future 4' through a partnership between G4S, Safer Wales, Include and Llamau from 2019. The Service was jointly commissioned by the South Wales and Gwent PCCs, Welsh Government and HMPPS and it was designed to knit together the work from the Prompt Positive Action Interventions with offenders aged 18-25 in South Wales (evaluated and included above by Towler, 2017) and the Pan Wales Women's Triage (evaluated and included above by Holloway, Williams, and Brayford, 2017). The idea was to learn from and build around and complement existing statutory provision.

The project delivers an early intervention service for men aged 18-25 and a pathfinder whole system approach service for women of all ages across Gwent and South Wales. The project incorporates diversion, but for women it is also broader than this in that it supports women at all key stages of the CJS, and provides ongoing support where there is a continued need. Therefore, this project for women illustrates the implementation of the vision for a whole system approach as defined within the Women's Justice Blueprint. Any arrest in these locations means that the young adult is referred to Future 4 and is supported to avoid a criminal record by engaging with a range of different support services to support longer term positive choices and focuses on developing self and working towards life goals through one-to-one support, group work and online interventions. Between October 2019 and September 2020, over 1200 young adults were referred into the 18-25 Early Intervention Service and between July-September 2020, 98% of those diverted into the Future 4 Service were found to have engaged positively and 84% of voluntary referrals also engaged with the support (Bennett and Corry-Roake, 2021).

The Service was evaluated in much greater depth both in terms of its process and impact by Cordis Bright in 2021-2022 which was commissioned by the governing partnership of the programme, as outlined above (but not publicly published at time of writing but available for use within this review).

The process report from Cordis Bright (2021) reviewed the programme documentation, carried out a review of the whole system approach and early intervention models, completed 25 semi-structured interviews with the key stakeholders of the project as well as have introductory meetings with stakeholders.

The process evaluation found that the Covid-19 pandemic had a significant impact on the delivery of the programme but work approaches adapted well and remote support to those engaged with the project was found to be effective and, in some instances, more effective and convenient than in-person support. Overall, the key factors believed to be instrumental, and the strengths and enablers to the success of the project were the strength of the relationships and partnership working that offered transparent, collaborative, and positive communication with all stakeholders, as well as a proactive approach to problem-solving and working together to develop solutions. This was seen to be supported by strong governance, leadership, and a shared vision using an effective consortium approach. Another useful factor identified was that due to the history of the project, where the current model had been built on from two previous projects (as outlined earlier) in Gwent and south Wales there was already existing positive connections with providers in the third sector as well as a high level of experience, expertise, and commitment to diversion approaches across the stakeholder teams in the localities.

Although the project is working well there are a few areas that were highlighted for continued development and were seen as challenges and inhibitors to overcome. Partnership working was evaluated as successful with positive experiences of referral pathways but that there was a need to ensure that there is continued future promotion and awareness raising of the diversion approach, benefits, and opportunities to use it effectively and inclusively and to raise the profile of the project more widely. Due to the high number of organisations and services involved within the partnership to create a whole system approach there was a concern that the message, culture, and practice developed might decline and lose its prominence. The majority of referrals came from Police at the point of arrest and in custody suites, which reflects the focus on diversion, but for the women's project referrals can be made at any point in the CJS journey and so included referrals from a variety of agencies including other areas of the Police, Probation, Prison, community services and the voluntary sector which reflects the need for ongoing promotion and awareness raising across diverse partners. It was also found that some people within the Police who were more familiar with more punitive measures had caused stigma and shame to clients and that this needed to be changed through ongoing training so they could continue to see the benefits to diversion and buy-in to it and support the projects effectively and change organisational culture. There were also some concerns that due to the complex partnership that some elements of decision making were at times difficult and was not always inclusive of all partners. The focus on integrating services in a whole systems approach was also viewed as a significant change to custom and practice and there were challenges and concerns that there could be duplication of service and or high referral and signposting rates to other services that were unprepared and or unable to offer high quality support in such high numbers and that this would cause lower quality support and outcomes for all stakeholders and the clients engaging with them. It was specifically highlighted that high quality provision that met specific needs of women and young adults engaged from marginalised groups was also questionable; and although the programme

was designed to be inclusive for everyone it might not be for such groups. It was also reviewed that the 18-25 EIS workshop materials and approaches were not always effective and accessible and so needed development. The roles of both the Partnership Integration Coordinators (PICs) and the Future4 caseworkers were also highlighted in need of further thought. The PICs role was not fully understood across the partnership and so clarification and awareness raising of their role was needed. The Future4 caseworkers were viewed as highly needed in custody suites to support decision making and client support but as their role was to support clients in the community it was the case that they were not always in custody suites when the Police would have liked them present. Ultimately, a lot of the challenges and inhibitors could be supported with greater and longer-term funding and this was also pointed out as in need for real change and the achievement of a whole system approach.

To support positive response to these challenges and inhibitors Cordis Bright (2021: pg8-9) have recommended that:

1. Robust strategic needs assessments at local area level can support programmes like the WPWSA and 18-25 EIS to embed effectively into systems and avoid unnecessary duplication. It may be beneficial to conduct this type of needs assessment to inform future delivery or prior to the implementation of similar programmes in the future.
2. Identify and address areas where there is duplication of work between WPWSA, 18-25 EIS and other services in the system working with the same cohorts of women and young adults.
3. Develop and implement a strategy to continue to raise awareness of F4 services, focusing on the operational level.
4. Increase the engagement of system leaders in order to further develop and promote the WPWSA and 18-25 EIS. This may require an exercise to map the key organisations which can support and be part of the programmes and to identify and engage specific leaders within these organisations so that they can act as advocates within their organisations.
5. Clarify, promote, and share the role of PICs with partners across the system. This should help increase integration and partnership working with the PICs and ensure agreement among stakeholders of their role.
6. Continue to review and develop the referral pathways into the WPWSA and 18-25 EIS that are not via custody suites.
7. Review and clarify the flexibility of referral criteria for F4 services. It is important that the services have clear eligibility criteria that all stakeholders understand and know how to apply.
8. Review the programmes' approach to diversity and inclusion to improve understanding and access to support from the programmes for women and young adults in minority groups.

9. Review the approach to commissioning partners' decision-making processes and explore options for streamlining so that decisions can be made more rapidly without losing their robustness.
10. Clinical supervision needs of frontline staff involved in F4 service delivery should be reviewed and any gaps addressed.
11. As referrals to the programmes increase it will be important to actively manage staff capacity. This relates to both the F4 services and the PIC roles.
12. The location of WPWSA support workers should be reviewed to ensure they are deployed most effectively, i.e., stakeholders' opinions differed as to whether they should spend most of their time in custody suites or in the community.
13. 18-25 EIS workshop materials and approaches may benefit from further review and adaptation to ensure they are accessible and to support increased engagement.
14. The approach to funding this and similar programmes should be reviewed. A challenge to developing and implementing effective innovation is short-term funding. Programmes need time to adapt and embed before they begin to achieve desired impacts.

Cordis Bright (2022) followed up their process evaluation with an impact evaluation report of the WPWSA and 18-25 EIS. The aim of the evaluation was to measure the impact of individuals, partners, and the wider system in Gwent and south Wales as well as the key successes, challenges, and areas for development. To achieve this the methodology used was a mixed methods approach using quantitative data analysis and qualitative approaches including interviews (structured and semi-structured), case studies, and a test and improve workshop. The programmes had 2,300 people referred to them between January 2020 and June 2021 which were used for analysis and by June 2021 there had been 1,468 people who had ended their engagement with a project and of these 63% had a successful closure outcome.

Cordis Bright (2022) highlights a detailed range of positive outcomes for the project.

It was found that the use of a reliable, flexible, and inclusive eligibility criteria supported by expert and experienced Police and Caseworker that offered a reassuring, supportive and non-judgemental or punitive approach encouraged effective engagement from clients and an improved experience of support; gender specific and female delivered was also an important feature of the women's project delivery. The focus on building positive rapport and relationships at the point of arrest and within custody suites was seen as essential to build trust and improve the identification of client needs and holistic tailored support. Caseworkers were viewed as highly effective in supporting clients within custody suites from the perspective of police staff but it was acknowledged that caseworker roles are also based within the community delivering support to clients that had been referred and building and maintaining partnerships with wider services that were part of the multi-agency approach, and so balance was key on managing these tensions and remits. Caseworkers were evaluated positively by all stakeholders and it was viewed that their skills and expertise meant trusting relationship could be formed with clients and this supported clients to more readily engage, listen and take on board advice and take ownership over their development with increased motivation to change and address own needs and journey towards a better life. Clients also experienced greater understanding and impact of their offending behaviours on others.

Due to improved experiences of support outlined there was also improved outcomes for individuals and their families. The women's project had clients with a higher level of needs that the young adult project and therefore there was generally a higher level of support, greater number of agencies involved, and a longer duration of support for the women's project. The approach used for both projects as discussed was supporting the client in their development of self-agency and ownership over their diversion / rehabilitation journey and initially highlighting their own needs and areas

of difficulty. Clients were supported to address their needs and to gain emotional stability, confidence, and clarity through engaging with support services and interventions. The most common needs were to do with negative mental health, negative emotional well-being, negative physical health linked to substance use, domestic violence, financial problems, negative and unhealthy relationships with children and family, and a lack of education, training, or employment. Clients engaged with emotional support, mental health techniques, mental health services, family and parenting skills and support services, healthy eating and exercise, as well as education, training, and employment support services. Clients reported positive changes in all their challenges and problems which resulted in increased emotional stability, positive mental health, increased physical health, feeling safe, and developing positive relationships with children and family, and confidence in accessing other services in their community and supporting family to do the same. Indeed, due to the multi-agency approach to the projects clients were able to engage with other specialist services in their community to support their development and needs and were also more aware of what services and support was available. Interestingly, the use of a diversion approach and the positive relationships formed with those involved in the project, clients also had increased awareness of why a diversion approach was being used, which supported their motivation and engagement, and an increased understanding of the wider CJS and so could navigate it more easily in the future. There were also some narratives of clients that due to understanding the CJS more they also felt more positive about the CJS and its work and motives. Although not measurable, there were also experiences that women felt they had positive experiences and outcomes in courts and sentencing including the completion of probation orders because of engaging with the women's project.

Important for this review it was reported that there was less of a clear picture of parity of provision and disproportionality of experience when evaluating whether the projects referred effectively and met the needs of marginalised groups and the concern of this review specifically those from ethnic minority backgrounds. Although the projects and programmes were set up to offer equal experiences and include all groups there was some evidence to suggest that this was not the case and there were challenges in doing this and that the system was not set up to achieve this aim and meet such group's needs. There was a lack of accessible data to explore different outcomes for different groups and only a small sample of those from ethnic minority backgrounds. It is interesting to note that the language use of 'equal access' and having 'equal experiences' construct perhaps that being 'equal' was the aim and as the wider literature would contest, being equal does not meet specific needs, and what people need is specific services and approaches to meet their individual and group experiences.

Finally, Cordis Bright (2022) highlights how the projects have had positive impacts on the system and although difficult to measure in the short-term the project had been delivering, all stakeholders felt it had changed the system in terms of new approaches to practice and increased awareness of diversion and supporting clients through needs and vulnerabilities rather than deficits with punitive prosecution measures. The multi-agency approach also was seen to have positively changed the system where there was increased understanding and buy in across all partners of the diversion approach of individualised, holistic, and trauma informed practice using gender responsive approaches in the community.

Cordis Bright (2022: pg129-133) following their impact evaluation offer a set of recommendations to support the ongoing development of the project (recommendation 4 is of particular interest for this review) and development for future impact measurement (pg135-139 and adapted in recommendation 6) these are:

Recommendations for delivery of support and increasing access to support

1. Ensure that future iterations of the programmes build in and develop their existing strengths and key features of effective practice
2. Provide clear and consistent information about Future 4 services to clients in custody using multiple approaches to ensure understanding
3. Explore strategies for managing demand for the WPWSA and 18-25 EIS through prioritising referrals, moving-on strategies, and or increased funding
4. Collate existing evidence and conduct further research as required to understand the access, experiences, and preferences of minoritised groups. In order to better understand any disparities, it would be beneficial to collate existing evidence and conduct further research as required in order to identify:
 - a.) The extent to which referral opportunities are missed and whether and how missed opportunities disproportionately affect people with particular backgrounds or experiences. This would require access to data from statutory services at the points where referrals might be initiated, such as the police and probation.
 - b.) The extent to which engagement levels are lower and experiences are less positive for people with particular backgrounds or experiences.
 - c.) "What works" to improve identification, engagement and experiences for any groups for which these elements are currently less effective. This might include primary or secondary research to understand the evidence base for these questions and the extent to which evidence from elsewhere is applicable to the WPWSA and 18-25 EIS specifically.

Recommendations to build further system efficacy and partner engagement

1. Continue to identify opportunities and resources to increase the understanding and use of person-centred, holistic, trauma-informed, gender-responsive and/or developmentally-appropriate approaches by all partners in the criminal justice system and agencies involved in supporting women and young people
2. Identify and implement ways to improve system-wide information sharing outside of multi-agency meetings themselves - Improving consistency of data and linking across partners and impact data study on reoffending, monitoring framework for PICs' work / impact; improved reporting on demographic characteristics and needs, data on clients' engagement and support journey; refining the outcomes measurement tool used by Future 4
3. Clarify the roles and responsibilities of Future 4 and probation staff regarding clients on probation orders so clear areas of responsibility regarding clients on probation orders, to avoid duplication and inappropriate allocation of work
4. Identify and pursue opportunities to engage other statutory partners in strategic partnerships and common agendas
5. Continued awareness raising within the police on the processes and benefits of the WPWSA and 18-25 EIS to change culture and increase buy-in of approach
6. Identify and pursue opportunities to build relationships with court staff and the judiciary and to promote the benefits of diversion or community-based sentences to sentencers

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 that are worthy of note including the need for:

1. National policy and approach with clear governance to ensure local delivery in partnership with women's centres and specialist women's organisations that is joined up through Home Office, MOJ, and Health and Social Care Institutions (Public Health).
2. Visible leadership from Police Chief's and Police and Crime Commissioners.
3. Increased and long-term resource allocation to create sustainability and long-term impact and change.
4. Widen criteria for access for women so even if charged or under investigation they receive the community support they need and referrals to be made from partner agencies, wider community services, and support self-referral. It is important that women cannot 'fail' a programme and have multiple attempts and support.
5. High quality and regular education and training on needs led, co-produced, gender specific and trauma informed approaches to supporting women as well as supporting the needs of women with other protected characteristics such as ethnicity, age, religion, sexuality, and issues of net-widening and up tariffing to minimise effects for officers, review officers, magistrates, and voluntary sector providers.

6. Clear guidance for the Police Service, the CPS, and any other partner involved in decision making and how to use with other conditions and ensure consistent decision making especially during times of pressure and high workloads (when decision making can be flawed or people take the easy 'charge' route to save time).
7. Understanding that women's needs are complex despite often low-level crime and commonly includes support relating to challenges of poor mental health, abuse, domestic violence, well-being, housing issues, financial problems, substance use, lack of education, training, or employment, negative parenting skills, and being primary or sole care provider.
8. Resources for specialist key workers and activities to meet complex and high needs (especially mental health) but not to 'overdose' women with intimidating and over intense interventions and support. That key workers are independent of the CJS and often based within custody suites to support effective decision-making for pre-court diversion and lead on co-production of intervention plan with women.
9. Development of and or working with specialist organisations that support those from marginalised groups, such as women from ethnic minority backgrounds, those with religious beliefs, and LGBTQIA+ individuals and groups.
10. Identified women's champion to work alongside all agencies/stakeholders with regular contact with custody suites (daily) to check in and raise awareness with officers and visits to custody suites to speak to women in custody (twice a week).
11. Embedding of holistic, trauma-informed, and women's specific practice and services that build trust, respect, safety, and increased self-agency and reflection to support empowerment and informed life decisions and healthy lives and don't further criminalise and or stigmatise women.

12. A communication strategy aimed at women within CJS, those that work in the CJS, and other support services in the wider community to raise awareness.
13. A 'user-friendly' data approach so effective understanding and learning can be achieved and fed back into the approach for ongoing development.
14. Further research into the needs of women from marginalise groups including those from ethnic minority backgrounds, religious backgrounds, and those who are LGBTQIA+.

It is worthy to note that the Women's Justice Blueprint has recently created (through HMPPS Forensic Psychological Services) and is currently testing a 'Psychologically-led Gender and Trauma Informed Model' which provides a tool for Services working with women in contact with the CJS, to benchmark themselves against in terms of good practice in working with women. This model has recently been tested within the North Wales diversion context but no reports or evaluations are available yet, which when they are will add some pertinent context and tool to support effective working alongside women who are engaged with the CJS.

However, none of the narrative above discusses the needs or experiences of the ethnic minority women that were engaged with the projects.

The recommendations for future practice therefore are useful but are not specifically contextualising the experiences, needs, and developments in practice that is the focus of this literature review. 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).

Thomas (2021) offers a timely report that was commissioned through the Women's Justice Blueprint project, with a set of 33 recommendations when working with ethnic minority women within the CJS in Wales. The recommendations are set out into thematic areas of practice including; language and terminology, understanding and responding to racial trauma, the importance of specialist services, early intervention and prevention, courts and sentencing, community sentences, custody and resettlement, research, and evaluation.

The most relevant for learning for this literature review relate to the themes of; language and terminology, understanding and responding to racial trauma, the importance of specialist services, and early intervention and prevention. These themes will all be discussed in detail below due to offering one of the only ethnic minority specific texts regarding women in the CJS. Where available, other literature (as well as that referred to by Thomas) relating to the theme of discussion will be used to further analyse and critique the points raised; so, for example, when discussing racial trauma, the wider literature on racial trauma and support interventions and approaches will be used to offer a more critical discussion (although the work by Thomas is high quality and critical in its own right).

Thomas (2021) argues that language and terminology is integral to supporting ethnic minority women and how the use of the term 'BAME' is for many offensive and not inclusive or representative of the diverse variety of ethnic identities (Adebisi 2019; Centre for Mental Health, 2021; HM Inspectorate of Prisons 2020; Lord Farmer 2019). Indeed, Duncan and Trejo (2017) argue that ethnic identity has a unique meaning to every individual within any ethnic group. The term and use of language that is viewed as more appropriate from the research of Thomas (2021: p5) was 'racially and ethnically minoritized' as it is 'non-hierarchical, it is not an identity, it validates multi-racial/ multi-ethnic identities and most importantly it acknowledges the process by which people come to be minoritized as something social rather than natural or inherent.' Indeed, Thomas recommends that in any practice with women

(although this should be any person) there needs to be a focus on getting to know the women and their ethnic identity and the language and or terminology they use for their ethnicity and or race. Taking the time to achieve this illustrates inclusive and considered practice and supports the practitioner in seeking other appropriate support if needed (Thomas, 2021). The Centre for Mental Health (2021) support Thomas (2021) and offer similar guidance on terminology and language and propose four 'rules' to support good practice. These are to; where ever possible be specific and do not use umbrella labels; do not use the term BAME as a noun or label wherever possible; when referring to multiple communities use terms such as, racialised communities, people of colour and other marginalised groups, or communities experiencing racial inequality; and finally, capitalise any racial group, so for example, Black, Roma, Jewish.

Understanding and responding to racial trauma is also a key recommendation within Thomas's (2021) report. Thomas (2021) outlines how the literature on trauma (Durr 2020; Ranjbar et al 2020) explains how everyone experiences trauma and that any trauma informed approach needs to create a healing environment and that this is different for any individual and should be based on their experiences, boundaries, expectations, and needs. Importantly, Thomas (2021) highlights the need to understand racism as a form of trauma (supported by Asmussen *et al.*, 2020; Resler, 2019) and this understanding is integral in developing healing and supportive environments for those that have experienced it. Boachie (2021) defines racial trauma as a stressful impact that has psychological and or emotional pain due to the result of direct or indirect racism.

Comas-Diaz (2019) states that racial trauma is ongoing and collective trauma through exposure and re-exposure to racism (supported too by Williams et al, 2021). Adding weight to this is the work by Hargons et al (2022) who discusses racial trauma but also includes the notion of race-based stress. Indeed, Hargons et al (2022) highlight the work of Anderson and Stevenson (2019) who found that race-based stress occurs through direct or indirect

instances of racism. Hargons et al (2022) argue that race-based stress can over time develop longer term negative mental health outcomes such as depression, anxiety and a negative life outlook which can be defined as racial trauma (Carter et al, 2005; Williams et al., 2018) and overall negative well-being (Bryant-Davis, 2007; Williams et al., 2018). Hargons et al (2022) also highlights the notion of historical group trauma (Helms et al., 2010; Williams et al, 2021) which can include the knowledge of the slave trade, colonial histories, and governmental violence on ethnic minority groups. Thomas (2021) also offers that racial trauma can be caused through witnessing or hearing about racism and racist behaviours and incidents (Thomas, 2021). Williams et al (2021) definition pulls many of these themes together and defines racial trauma as the cumulative traumatizing impact of racism on an individual that can be caused by individual acts as well as structural racism at the cultural and community levels and racism from historical contexts. Therefore, racial trauma could be viewed as an outcome of an accumulation of race-based stress, especially if significant and powerful; but it is important to note that not all race-based stress leads to racial trauma if the appropriate support is provided and engaged with to facilitate coping and healing strategies (Hargons et al, 2022).

Thomas (2021) and Williams et al (2021) both capture how racial trauma occurs at both the personal and structural levels of society and the importance of this for understanding individual and structural level experiences of racism and racial trauma, with Williams et al (2021) identifying the cultural and community level also. It is worth noting the work of Thompson (2006) here, and when explaining discrimination and oppression he created PCS analysis. PCS analysis proposes that discrimination and oppression, and in this case racism, works at three levels, the personal, the cultural, and the structural. The personal level refers to individual views and norms which are influenced by the cultural level, where shared values and the norms of society are embedded and generally accepted, finally the structural level is where the norms, values, language, and behaviours are 'sewn into the fabric of society.' In this context racist media constructions of Black people as

dangerous and linked to gangs and drugs (S level) is internalised at the cultural level and accepted as reality (C level) and then impacts on the individual to believe this and discuss in similar ways (P level). This has useful implications to practice using a whole system approach model when imagining how to challenge racism in the CJS at the structural, cultural, and personal level when the CJS is embedded within wider society. Thomas (2021) offers the useful context of the challenge faced when ethnic minority women who need support from the CJS and other mainstream services may not engage with, report crime, or trust the CJS due to fear of further exposure to racist trauma through racist practice and cultures and highlights a range of research that supported this (HMICFRS, 2021; Lammy, 2017; and Patel, 2021).

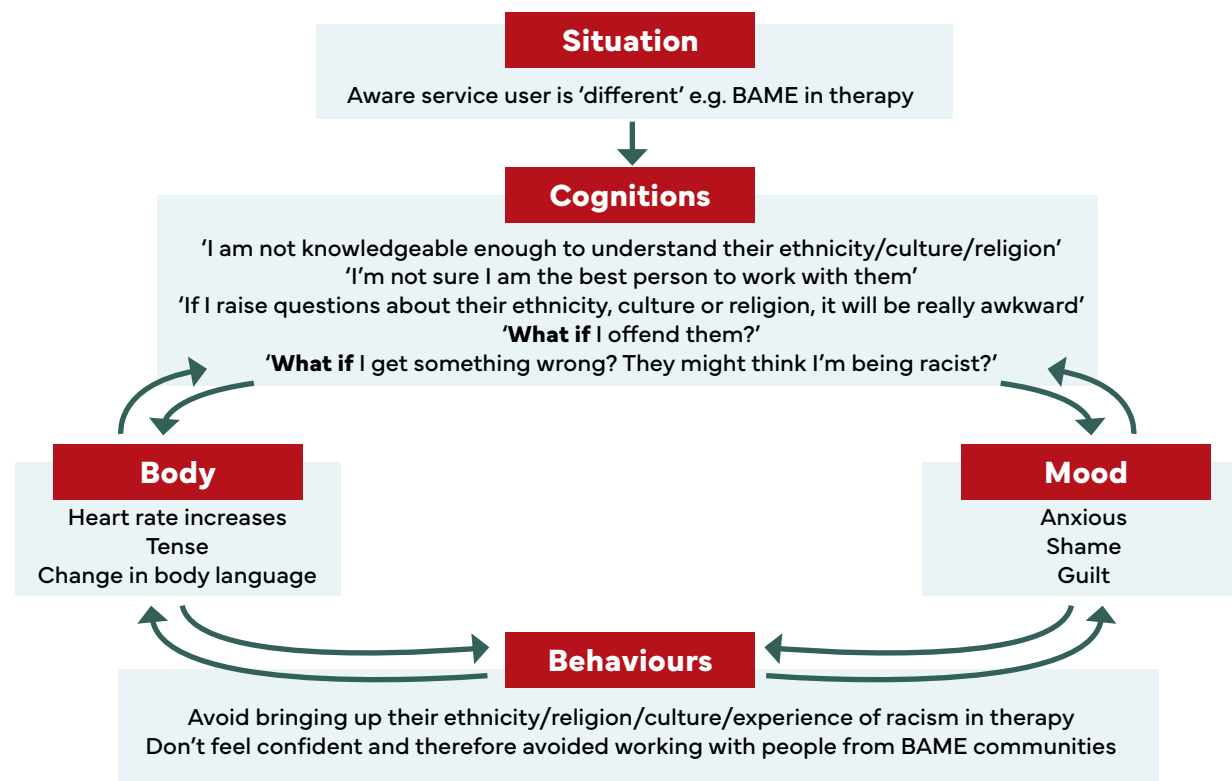
Ultimately, as Thomas (2021) and Hargons et al (2022) highlight, racial stress and trauma are all experienced differently by people, some of which is due to us all having multiple identities and challenges and realities related to all our identities. In supporting women from ethnic minority backgrounds, Thomas (2021) states how we must be cognisant of how gender, ethnicity, and other identities such as religion, sexuality, and class all intersect (see Buncy and Ahmed, 2019; and Cox and Sacks-Jones, 2019) to be able to create (as the Women's Justice Blueprint, 2019 directs) individualised approaches to support women's needs which is supported strongly from the practice evidence base analysed so far in this review.

Thomas (2021) highlights the important need of being able to be culturally competent and being able to discuss race, culture, and racism with women in the CJS so that practitioners show women from ethnic minority backgrounds that they are interested in them and want to support them effectively and are not afraid to discuss issues and experiences that are so central to their identities. Duncan and Trejo (2017) argue every individual within every ethnic group will have a unique meaning to their individual ethnic identity and so being able to discuss and understand individual understandings and experiences is clearly highly important. Thomas (2021) found that culturally competent practice was characteristic of active listening, facilitating, and supporting

conversations relating to women's experiences of culture, ethnicity, racism, and racial trauma (Imkaan, 2016a). It is not surprising that due to the reality that most racial trauma is caused by and from interactions with White people that women from ethnic minority backgrounds (all ethnic minority people) that there is a need from such women to have practitioners that support them to be from ethnic minority backgrounds too, as it can create, with effective practice, more culturally distinct and safe spaces where they can have open and honest conversations without the fear of more racial trauma and racism (Imkaan, 2016b).

Naz, Gregory, and Bahu (2019) offer some useful learning in respect of therapeutic relationships with people from ethnic minority backgrounds, and although focused on using CBT within mental health services it offers alignment to the discussion from Thomas (2021) and Imkaan (2016b). Naz et al (2019) also found that ethnic minority people have much poorer experiences of mental health service (primary and secondary), that there is less ethnic minority therapist representation, and overall poorer outcomes in terms of accessing services and recovery outcomes. Khunti et al (2020) agrees and found that since the covid pandemic ethnic minority people have had poor experiences of inequality and racism in both health services and the wider society.

Naz et al (2019) and Kanakam (2022) both found that White therapists lack confidence and found it difficult and anxiety inducing trying to support someone from an ethnic minority background due to feeling that they could not ask and discuss ethnicity, culture, or experiences of racism that the client may be facing due to fear of offending. Kanakam (2022: p425) coined this as the 'fear of getting it wrong' and found this phenomenon occurred with White therapists supporting ethnic minority women receiving therapy and within their own work culture and workforce where there was a perceived risk and fear of being seen as racist if discussing such issues in a 'wrong' way. Naz et al (2019: p8) captures how fear and anxiety can be caused in such contexts well by using Williams (2001) five areas cognitive model that is a foundational model used in CBT which can be seen below and offers a good visual understanding of this



phenomenon that arguably relates well to most White practitioner's experiences when trying to support people from an ethnic minority background, if not confident in being culturally competent in their practice approach.

Interestingly, Kanakam (2022) also found that therapists felt that when trying to support ethnic minority women specifically that they were restricted by the narrow assessment and treatment options that often did not support positive outcomes for ethnic minority women.

The literature on racial trauma and working effectively with ethnic minority people illustrates that the CJS really needs to change so that it eradicates racism within it to prevent the system and the people that work within it causing further racial trauma to the people it is meant to support. Thomas (2021) offers four recommendations to ensure that the CJS supports those with racial trauma and creates a system that is not racist and further racially traumatising people and these are to; Acknowledge Racial Trauma so people engaged in services feel validated and can discuss their experiences; Normalising conversations on race, racism, and racial trauma so good practice is achieved; Developing appropriate support

services that are culturally distinct, safe, and offer individualised approaches to healing and rehabilitation from people with same ethnicity, religion, and gender as them; and finally challenging institutional racism in CJS and wider society.

Naz et al (2019) and Kanakam (2022) add credibility to Thomas's (2021) recommendations and also propose that to create better mental health services that meet the needs of ethnic minority people there needs to be greater resources allocated to better understand the barriers in accessing such services and how to better support recovery and culturally competent practice that includes wider political understandings being taken into consideration within therapy. To realise this aim they both advocate the use of reflective practice and supervision spaces, as well as ongoing education and training, so therapists have time to recognize and question their own avoidance behaviours and biases in safe and non-judgemental settings. Kanakam (2022) adds that reflective practice with colleagues is also important and offers the notion of creating a 'cultural reflective practice' approach that supports reflection to develop cultural adaptations to practice to be able to better support women from ethnic

minority backgrounds. Due to the clear gaps in knowledge and skills on being culturally competent there is a need for an approach that supports 'cultural humility' whereby those working with and or for ethnic minority people commit to ongoing life-long learning that challenges their own cultural bias to develop their cultural competence (Foronda et al, 2016). Kanakam (2022) recommends that to support system wide change there needs to be more work on a national level that provides practice guidance and support documents for all people within the health sector that are supporting the needs of ethnic minority women, as well as more public facing documentation to show how the health sector is changing to better meet ethnic minority needs and to show it is becoming more inclusive and culturally competent to build trust in the system. Kanakam (2022) also acknowledges that there should be more outreach work to ensure ethnic minority women can share their experiences and needs which can then support the co-productive development of culturally competent services. Naz et al (2019) agrees and like Thomas (2021) acknowledges that more needs to be done to address the structural inequalities that exist in mental health services and ethical guidelines to ensure culturally competent practice.

There is also a need for more specialist services as they are key to effectively supporting women from ethnic minority backgrounds (Thomas, 2021) and that mainstream service experiences are often not positive or do not meet needs (Imkaan 2016a; Lovatt et al 2020; Memon et al 2016; Prison Reform Trust 2017; Revive 2020). Although, we do not 'know' this from the evaluation of diversion projects as no evaluation of ethnic minority experiences are really provided.

There is strong evidence that support services for ethnic minority people are more effective and wanted when they are offered by people from the same or similar ethnic minority backgrounds and identities to those they are supporting, as they offer better culturally informed specialist services (Imkaan 2016a; The Prison Reform Trust 2017; Welsh Women's Aid 2018) and that this should be an area of focus and growth (Kanakam, 2022). As discussed earlier, women from ethnic

minority backgrounds have poorer experiences of the CJS and face multiple barriers due to intersectional identities. Therefore, for specialist services to be effective they need to provide support for the cultural, gender, religious, language, LGBTQIA+, Well-being, and abuse experiences and needs (as well as others) that are more prevalent with women ethnic minority backgrounds. This is why specialist services are needed to provide such complex support as part of an overall system approach where mainstream services are also needed to offer sensitive and culturally appropriate services to women from ethnic minority backgrounds too (Thomas, 2021).

Thomas (2021) recommends therefore that for the CJS to support women ethnic minority backgrounds more effectively then there needs to be; continued funding of, and new, specialist organisations; greater number of specialist organisations to support diversity within ethnic minority identities and experiences to avoid homogenising women from ethnic minority backgrounds into one group; and working more closely with specialist ethnic minority organisations.

The final theme presented by Thomas (2021) that has direct relevance to this review is early intervention and prevention and largely uses the work of Samota and Blake (2012) to contextualise where such work should focus. Thomas (2021) suggests that more research needs to be achieved within local contexts so that services developed understand and meet the local needs and experiences (as does Kanakam, 2022) of women from ethnic minority backgrounds and the interplay of influences that pull women into crime but can also be used to support desistance from it.

Thomas (2021) captures how the Women's Justice Blueprint (2019) recommends that there needs to be exploration of opportunities to work with education and other relevant partners to identify opportunities for early intervention and prevention. To effectively achieve this Thomas argues that there is a need to work alongside a diverse range of specialist organisations that offer services to women and girls from ethnic minority backgrounds so they can inform and guide the development of

appropriate services that meet the needs and lived experiences of such groups. A useful lens provided here is relating to domestic abuse and how the early prevention and intervention workstream should provide support for women who disclose domestic abuse and that there is a need for specialist services for women from ethnic minority backgrounds due to the multiple barriers they can face in disclosing domestic abuse. Patel (2021) found that women of South Asian ethnicity often were worried of significant community consequences for themselves and their family and similarly for Romany, Gypsy, Traveller women (Boyce, 2014). There is also the wider mistrust of the CJS as discussed earlier in this review (Bhattacharya, 2021; Jones, 2022; and Patel, 2022) which adds another significant barrier to disclosure.

Thomas (2021) includes the work of the three diversion schemes in Wales for women: North Wales, Checkpoint; Dyfed Powys, Offender Diversion Scheme; and the Women's Pathfinder Whole System Approach Service in South Wales and Gwent. Thomas (2021) states how the schemes, which divert women away from the CJS into community-based interventions needs to ensure that there are appropriate ethnic minority specialist support services available that are culturally informed. Thomas (2021) does not state whether the Pathfinder scheme does or does not achieve this but does point out that (at the time of publication) 84% of those engaged with the scheme were White British or White Irish; and that Dyfed Powys and North Wales regions had a 100% White demographic with no data across any regions on the ethnicity of support staff delivering the scheme and initiatives.

Following the review of early intervention and prevention Thomas (2021) offers five recommendations for good practice and these include that practitioners working in this space must; work closely with those with lived experiences of the CJS to reflect, review, and create initiatives that are appropriate; to align work with the BAME work stream (their terminology and language) of IOM Cymru so women from ethnic minority backgrounds are considered (if updated this would now relate to the Anti-Racism Action Plan for the CJS in Wales); to develop training and practice for supporting the disclosure of abuse; and effective partnership working with specialist organisations to inform and develop initiatives (that also don't further criminalise those women); and to ensure that the practitioners working in this space are from diverse ethnic backgrounds that reflect the women they are supporting.

From analysing and synthesising the themes in this section there are 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. The learning and recommendations are that:

1. Language and terminology use is important and ethnicity is unique for every individual and so using umbrella labels like BAME is not appropriate. The use of 'racially and ethnically minoritized' 'racialized communities' and 'people of colour and other marginalised groups' is generally preferred as it validates multiple racial / ethnic identities and is non-hierarchical. However, getting to know women from ethnic minority backgrounds and their preferred language and terminology is best practice and it shows women you are using inclusive and considered practice.
2. Understanding and responding to race-based stress, racial trauma, and knowing that racism is a form of trauma is central to creating a healing environment that

considers needs, experiences, boundaries, and expectations of women from ethnic minority backgrounds. Practitioners also need to understand how gender, ethnicity, and other identities such as religion, sexuality, age, and class all intersect to support the creation of individualised approaches to support

3. There is a need for culturally competent and anti-racist practitioners who can actively listen, discuss, and facilitate conversations on race, ethnicity, culture, racism, and racial trauma, as well as other identities comfortably and can show they are interested in supporting women from ethnic minority backgrounds and all their identities is of high importance for relationships building and for women to feel safe, open and honest and successfully engage with support provided
4. All practitioners, but especially White British practitioners need effective and ongoing education and training on being culturally competent and anti-racist in their practice so they can effectively support women from ethnic minority backgrounds and not avoid discussions based on lack of knowledge and fear and anxiety of 'getting it wrong'
5. Create a reflective practice model and culture in all organisations to support confident reflective discussion with colleagues, teams, and supervisors on cultural competence and anti-racism and supporting women from ethnic minority backgrounds. The aim is to create a 'cultural reflective practice' and lifelong learning approach to working alongside women from ethnic minority backgrounds and approach this with 'cultural humility'
6. Practice guidance for practitioners and wider support services as well as raising awareness with the wider public on a national level to support system wide change and belief in the system
7. Identification and or development of specialist services for women from ethnic minority backgrounds so they are supported effectively and appropriately in previous recommendations

8. Increased resource for development and ongoing funding of specialist services for women from ethnic minority backgrounds so not all homogenised together
9. Those with lived experiences should review and evaluate current services and guide the development of new appropriate services and approaches, including education and training of practitioners
10. More research is needed on local contexts so services are developed to meet local needs and experiences and better support diversion engagement and desistance
11. Diverse workforce representation is needed so that it reflects the people it supports and therefore there is a need to increase ethnic minority practitioners working in diversion and pre-court approaches and the wider CJS

This literature review has now discussed, analysed, and thematically captured the common themes and recommendations for future practice for OoCDs and other pre-court interventions for the general population, as well as focused more specifically on ethnic minority populations more broadly, women's focused interventions, and supporting women from ethnic minority backgrounds broadly and within pre-court diversion interventions. This review now turns to the literature concerning young people and their needs within pre-court and diversion programmes and where available literature focusing on the needs of young people from ethnic minority backgrounds.



Children from ethnic minority backgrounds experiences of the Youth Justice and Criminal Justice System .

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 about whether young people in transition to adulthood from 18-25 should have separate and more child focused approaches too, but this is out of the scope of this review.

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 looked after, uses a child-first approach, and better understands the experiences of ethnic minority children and young people in relation to pre-court diversion.

The Youth Justice Board (2020) offer an important context in relation to treating children as children and taking a child first approach with the use of the Enhanced Case Management (ECM) approach within YOS's. ECM is an approach to Trauma Informed Practice (TIP) which uses a psychological understanding of child development to support practitioners to understand and explain child developmental needs and behaviours. This approach to support children appropriately uses the Treatment Recovery Model (TRM) to guide intervention planning and is needs led, utilises a multi-agency approach, and is supported by a clinical psychologist. The important point here is that children are not fully developed until after the age of 18 and so need age and developmental related approaches to support their needs effectively and appropriately.

The ECM uses the expertise of a clinical psychologist to analyse the physical, cognitive, social and emotional level of a child and support and guide the child's needs through a multi-agency meeting as well as offer clinical support to practitioners to support child case management through reflection and discussion. The TRM model is based on Maslow's hierarchy of needs in which the main premise is that psychological growth and full potential can only be reached when a person's basic needs are first met, such as physiological needs and safety

and security needs. The model understands that child development is affected by trauma where-by emotional, social, and cognitive development are compromised, delayed, and or impaired, and that because trauma and ACEs are so prevalent with children engaging with the YJS, the use of the TRM is so important, as it focuses on individual needs, using patience and empathy and rehabilitation rather than punitive or punishment measures. Therefore, the ECM places a significant focus on positive relationships and building trust with children that create safety, trustworthiness, choice, participation, and empowerment (Youth Justice Board, 2020).

Harris and Goodfellow (2022) also offer a timely post pandemic context in their paper on the future of the Youth Justice System. The briefing illustrates the significant racial disparities in the courts and sentencing of children from ethnic minorities due to experiencing racism right through the system, including during stop and search, arrest, and less use of diversion activity. They assert that the reality is that a disproportionate number of ethnic minority children end up within the courts and sentencing process and then due to racial discrimination and bias serve longer and harsher sentences than their white counterparts, especially those from Black backgrounds. This means that over half of the children in custody and over a third of children remanded to custody are Black. Van Den Brink (2022: p495) explored decision making in youth remand processes and found that those that make decisions on children who have offended often run the risk of deferring to biased 'perceptual shorthand's' and assessed higher perceived risk and welfare needs for children from ethnic minority backgrounds, those with a disability, and those from lower socioeconomic backgrounds; as the data supports many children from ethnic minority backgrounds are also from lower socioeconomic backgrounds and so face even greater risk of disproportional decision making.

Harris and Goodfellow (2022) argue that following the pandemic the YJS face serious challenges to providing an appropriate service due to the balancing of the new remote working model and ensuring they are working effectively with others through cross-agency partnership working to meet children's best interest (supported also by WCPP, 2021). They also suggest that children from ethnic minority backgrounds faced more isolating and negative experiences during the pandemic and that now was the time to really try and understand their needs. The briefing found that the experiences of ethnic minority children engaging with YOS's was not always positive and found significant deficits in the quality of work that YOS and partner agencies carried out in respect of ethnic minority children. The research found that there was a lack of: understanding of what was causing over-representation in the system and how to change this; how to support the challenges that ethnic minority children faced; how YOS's should challenge and support the racism faced by ethnic minority children including racial profiling and repeated stop and search, adultification, and harsher treatment by YJS and CJS; how to support children in instances where there was negative peer pressure and influence; and the need for appropriate specialist services specifically for ethnic minority children that understand and meet their needs (also supported by WCPP, 2021).

It is clear that children from ethnic minority backgrounds are not supported effectively and are overrepresented within every stage of the CJS. This is despite the overall number of children offending, reoffending and being sent to custody decreasing over the last 10 years the proportion of children from ethnic minority backgrounds has risen quite significantly up until 2019 in England and Wales (Mayor of London, 2021).

The Welsh Government (2022) however highlight that there is limited published data relating to pre-court diversion in Wales for children and that this is an obvious area in need of development so that deeper understandings can be provided and used for practice development. Welsh Government (2022) suggest that what is

needed in Wales in terms of supporting use and understanding of the effectiveness of diversion is; local records to determine reoffending among those who have been diverted pre-court, the linking of police and YOT data to track outcomes over time, and creating a new metric (to FTE) that is consistent for recording outcomes.

Understanding where we are with pre-court diversion for children from ethnic minority backgrounds in Wales is still in transition but Traverse (2023b) do provide the most recent data analysis and found that of the 14,500 children they have data for there were interesting reoffending rates across different ethnicities. Children from an Asian/Chinese background reoffended at a rate of 32%, those from a White background at 36.7%, and the highest reoffending rate was for children from a Black background at 46.9%. Even when Traverse (2023b) took into consideration a whole range of factors using a logistic regression approach including type of offence, risk, demographics, wider social aspects, characteristics of YJS, and that of individual. The analysis still produced outcomes that found disproportionality in reoffending rates between children from a White background (36.7%) and children from a Black background (44%) and Mixed background (43%). The analysis also suggests that there is a strong link between how a practitioner assesses a child's risk of reoffending and risk of harm and actual higher rates of reoffending, there were strong links between care experiences and higher reoffending rates, and if children were involved with fraud and forgery, so type crime influenced reoffending rate too. Lower reoffending rates were outcomes when the child had positive attitudes towards learning, employment, friends, family, and parenting and this is arguably useful for the development of diversion activities and programmes.

Traverse (2023b) also reviewed those that reoffended and received a custodial sentence (17%/940 children). Using their regression approach outlined above they found that compared to a custody rate of 14% for children from a White background, the custody rates of children from an Asian/Chinese background were 21%, 21% from Black ethnicity, and 18% for those from a Mixed background. Traverse (2023b)

found that there were strong links between practitioner assessments of risk of reoffending and risk of harm with the greater assigned risk the greater the likelihood of a custodial sentence (similar to Van Den Brink, 2022). It was four times more likely for a child to receive a custodial sentence if they had received custody for their first offence compared to 75% more likely if they received a community sentence for their first offence. Clearly suggesting that diverting children to community-based interventions is more successful in diverting children away from custody. Children from a White background were also more likely to receive less serious 'first tier' sentences (25.8%) than those from a Black background (16%).

Overall, between the two reports that Traverse published for the Youth Justice Board, one report for quantitative analysis of the available data (2023b) and one for qualitative narratives and experiences from children and practitioners (2023) they concluded that there is substantial, statistically significant differences in reoffending rates among different ethnic groups with higher-than-expected reoffending rates for children from Black backgrounds even when other factors are considered using regression analysis, as discussed earlier. They state that there is 'a systematic tendency towards over-policing, school exclusion, and overlooked and misunderstood needs by youth support, and youth justice system alike' and that 'continued efforts to address bias should be maintained and increased. (Traverse, 2023b: p9)'. However, Traverse (2023b) does offer some hope and suggest that further research is needed on children from Asian and Chinese backgrounds whose reoffending rates were lower than expected, suggesting there may be learning with this group that can shape future practice and policy for other ethnic minority groups.

HMIP (2021) add some in-depth understandings of the experiences of children from ethnic minority backgrounds who have experience of the YJS and CJS. They found in their inspection working with an organisation called 'User Voice' who conducted the research for the report that a high proportion of 'black and mixed heritage boys' engaged with the Youth Justice System (YJS) also had experienced multiple

adverse childhood experiences (ACEs) and had significant other needs such as special education needs (SEN) and mental health experiences that all needed appropriate support and consideration and had often not been effectively supported earlier in their lives. The report captures that children from ethnic minority backgrounds, from a cohort of post-court proceedings, had experienced school exclusion (60%), child criminal exploitation (30%), racial discrimination (50%), child in need or protection plans (33%), a disability recorded (26%), and most likely to have an education, health, and care plan or special educational need that had not been identified. There was also high rates of family violence and breakdown as well as living in areas of high social deprivation (HMIP, 2021). It should not be lost that youth offending workers felt that offending could have been avoided if the right support had been in place to divert such children away from the YJS/CJS or that young boys from ethnic minority backgrounds felt their experiences were accepted as the norm and 'just the way it is' (HMIP, 2021) and has significant connotations on how ethnic minority boys see their life and future possibilities for change in such negative and restricted terms.

User Voice also found that whilst the majority of children faced many challenges growing up, they also had to endure racial profiling and high stop and search experiences of the police and a wider confusion to what the purposes and role of the Youth Offending Service (YOS) were and what was on offer to support their needs (also captured in HMIP, 2022). Many of the children felt they did not need intervention support from professionals and that interventions worked best when they were left alone and had limited contact from the YOS. Interestingly though, when children had engaged with the interventions and support on offer through YOS they felt that the more intense and challenging approaches worked best for them and promoted better engagement and felt less 'tick box.' Indeed, when young people engaged, they had positive relationships with their workers and felt listened to and understood and only two out of the 28 stated that the ethnicity of their worker was significant to them. This suggests that the skills, understanding, knowledge, integrity, and reflections of the worker to support and develop positive relationships with children

from ethnic minority backgrounds are the most important factors in supporting and promoting meaningful and effective engagement to support desistance. It was also found that when children co-produce their interventions and that they know and understand what is happening and why, with the support and belief in them from their worker, then they will more likely engage with the worker and try to work towards their long-term goals. O'Brien (2019) offers a useful suggestion where-by future development in diversion in youth justice needs to ensure that policy and practice include joined up decision-making between police and children's services that utilises a model of relationship-based practice for children with complex needs, so approaches create connectedness to others and a clarity and relatability of the interventions being offered.

HMIP (2022: p53) ultimately offer five recommendations to ensure that disproportionality is tackled and services met need for children from ethnic minority backgrounds. The five recommendations included: recruitment process to develop diverse workforce that reflects local populations; effectively support ethnic minority staff so needs are met and progression opportunities are available; effective training to support staff in identifying and supporting ethnic minority needs and having conversations about ethnicity, discrimination, racism, and individual experiences; use tools and data to understand profile of children and families accessing services to include at the individual and micro level as common practice; use data to proactively identify and understand disproportionality and work with children and families to understand their experiences to support context of the data.

Jones and Henry (2022) offer similar themes from their engagements with children and young adults from ethnic minority backgrounds in Wales who were engaging with the YOS and those that lived in prison. Those involved did not feel and believe that they were being supported or treated in the way the youth justice blueprint or the 'child first' approach outlines. They highlight how there was consensus amongst all who they engaged with that they were mostly treated without respect and fairness and that

they did not feel they were being supported towards positive change. It was also very clear that many felt unsafe, isolated, and had poor levels of well-being and mental health. Indeed, the children and young adults felt they were seen as a problem and different and not trusted or believed in or that they could change (supported by Traverse, 2023). Jones and Henry (2022) found the children and young adults who participated did not feel the relationships and focus on the services they engaged with met their needs; in fact, many felt like they were just a number or an object to pass around where nobody really cared for them or who they were and what they needed to rehabilitate or desist from criminal activity.

Jones and Henry (2022) in their report conclude that there is much work that needs to be achieved to break down the system wide cycles of racism and injustice for ethnic minority children and young adults. The solutions, they suggest are to: increase the ethnic diversity and representation of the workforce in every organisation of the YJS and CJS; create an anti-racist and culturally competent workforce through education, training, and leadership; focus on committing to and delivering across the YJS and CJS person-centred, humanistic and trauma informed practice and relationships with children and young adults from ethnic minority backgrounds.

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 this review highlights the common learning and recommendations for practice and policy:

1. A child first approach is used where children are seen as children and their needs are met, that children are supported to develop pro-social identities, collaborate with and for children, and promote diversion away from stigma and contact with the CJS.
2. High quality education, training, and leadership is needed that develops culturally competent and anti-racist workforce, culture, and practice.
3. Increased and consistent use trauma-informed practice / therapeutic interventions that support a child's development and an understanding that trauma compromises, delays, and or impairs the emotional, social, and cognitive development of children and that trauma experiences are common for children engaged with the YJS and CJS.
4. A focus on relationship building with children is central to their trust and engagement with interventions and should be based on trust, understanding and empathy, integrity, patience, respect, choice, participation, empowerment, and a holistic needs-led approach. These skills and approaches are deemed to be more important than the ethnicity of a youth justice worker from the perspective of most children from ethnic minority backgrounds and will support higher engagement and commitment to positive long-term goals.

5. Children from ethnic minority backgrounds have significantly high rates and experiences of school exclusion, exploitation, racial discrimination, care and support plans or protection plans; as well as having high rates of disability, poor education and health experiences, and having specific educational needs not identified. There are also high rates of family violence and breakdown, high social deprivations, and racial trauma from engagement with the CJS. Such children therefore experience multiple ACE's and have high levels of negative mental health and low well-being with high and complex needs. This greater complexity of experiences, barriers, and challenges require greater consideration and access to support services and greater support in accessing appropriate services.
6. Increased research to better understand the experiences of children from ethnic minority backgrounds of pre-court and diversion provision.
7. Lower reoffending rates seem to be supported in diversion interventions if children have positive attitudes towards learning, employment, friends, family, and parenting and so interventions should focus on developing these characteristics.
8. Children from ethnic minority backgrounds face significant isolation, racism, and disproportionality in the CJS and wider society and engage less with diversion opportunities due to a lack of trust in the system and that this has increased over the Covid-19 Pandemic. Engagement with groups and communities including family approaches is needed to overcome the lack of trust in the CJS.
9. Youth Offending Services should challenge the racism that ethnic minority children experience in relation to racial profiling, stop and search, adultification, and harsher treatments by the system.
10. There is a need for specialist services that specifically meet the needs of children from ethnic minority backgrounds and support their needs including the experiences of peer influence and pressure. Specialist services should be co-created with children from ethnic minority backgrounds.
11. Increased research is needed into understanding why and what is causing over-representation in the system and the development of clear, consistent, and detailed data for diversion so outcomes over time can be tracked for children from ethnic minority backgrounds (and other marginalised identities).
12. YJS approaches need to ensure close inter-agency working and information and system sharing to ensure joined-up decision making and a whole system model of holistic and trauma informed practice that supports children with complex needs and provides consent, clarity, and relatability of intervention offered.
13. There needs to be an increase in the ethnic diversity of the workforce so it reflects the children it supports.

Understandings of pre-court
Diversion practice with children
and young people from ethnic
minority backgrounds

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 ethnic minority backgrounds and differences in understanding across different ethnic minority groups and this seems a Western nation issue (The Sentencing Project, 2022). Furthermore, they state that such research should be used to guide the development of appropriate prevention and diversion schemes for children from ethnic minority backgrounds (this review 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 Centre for Justice Innovation (2022b) provide a useful report on effective point-of-arrest (POA) diversion for children that has been published on the Clinks evidence library. The report states that point-of-arrest youth diversion is the most effective and ethical in supporting children to be diverted away from the harmful effects of engagement with the YJS and CJS. The report suggests that POA youth diversion should only be used when that young person is already in contact with the police or are risk of being, or have been arrested for a crime. They assert that it is preferable to prosecution or the use of OoCDs as it avoids formal processing and a criminal record in exchange for the completion of community-based interventions and therefore avoids the harmful effects of being labelled a criminal and internalising this and the associated stigma of this label and causing higher re/offending rates. The Centre for Justice Innovation (2022b) also argue that using a POA youth diversion approach avoids jeopardising ongoing and future education, training, and employment, and supports the young person in working on the challenges they are facing. There is also the added benefit to the CJS that it costs less to use this approach than more formal processes.

The Centre for Justice Innovation (2022b) refer to a useful good practice toolkit from their earlier work (2016) that offers six guiding principles for supporting effective diversion practice, which are that:

1. Eligibility criteria should be as broad and inclusive as possible and children should be given multiple opportunities to engage and diversion providers should be able to turn down police referrals if inappropriate. Children should not need to admit guilt of an offence but rather accept responsibility for it (supported too by the WCPP, 2021).
2. Referral processes should be quick and diversion needs to be accepted as a positive outcome by police and their performance management schemes and captured as such.
3. Induction to diversion programmes should assess strengths of children as well as their needs and ensure that young people fully understand and consent to the diversion.
4. POA youth diversion should be managed and supported by dedicated diversion caseworkers with off-site sessions that are not part of statutory provision.
5. Programme interventions should be evidence-based, therapeutic, informal, light-touch, and proportionate to the initial offence.
6. Regular monitoring and evaluation of outcomes should be reported to the police and referring officers so the original case can be seen to require no further action and that the engagement of the young person means a successful outcome and they avoid a criminal record. Children’s details are not to be recorded in a disclosable manner in administrative databases.

The above guidance is useful to this review but it does not specifically offer ethnic minority perspectives and needs within diversion approaches. However, the Centre for Justice Innovation (2021, 2021a, 2022b) does provide insightful understandings to ethnic

minority disparities and experiences in child diversion that can support the development of appropriate diversion services. The findings show that 40% of POA youth diversion schemes limit access to children with two or less offences but this disproportionality affects children from ethnic minority backgrounds as they are more likely to be arrested than White children in the same situations with same behaviours; and so, this should be removed to be more inclusive. It was also found that due to unconscious bias practitioners were more likely to assess higher risk and dangerousness to children from ethnic minority backgrounds and deemed to be unsuitable for diversion schemes causing a process of ‘up-risking’ those children. Furthermore, the assessment of Black children indicate that they are often evaluated based on their previous histories despite being more likely to be arrested and convicted than White children. These last two factors indicate a need for education and training of those involved in decision making to challenge bias and understand these issues of disproportionality.

Overall, the Centre for Justice Innovation (2021a) find that POA child diversion operates in a system of mistrust where ethnic minority children do not trust the system or other large institutions and therefore are less likely to admit guilt of an offence. This also highlights how the support of the voluntary sector is key to supporting diversion schemes that ethnic minority children will engage with. It is argued that the diversion system needs to change knowing the lack of trust by ethnic minority children and remove this criterion for eligibility as it is not inclusive and pushes such children further towards harm and the negative effects of engaging with the CJS. It is also suggested that better advice and professional guidance is needed to support defence lawyers as well as family members so they are aware of the positives of engaging with diversion and can support their children in making the decision to engage (especially relevant for Gypsy, Roma, Traveller Children). The review also highlights how the funding context is poor for POA child diversion as it is not yet agreed as a model at a national level and that funding is primarily from Youth Offending Services who have no ring-fenced funding and have increasing demands



of their services, and so direct national funding is needed to maintain and develop further provision. It is also proposed that due to poor data capture where the YOS do not have the capacity and the police are not required to monitor ethnicity data for diversion schemes, that there needs to be a move to where such data capture is a priority to better understand the needs and experiences of ethnic minority children. Finally, the Centre for Justice Innovation (2021a) propose that there needs to be national guidance and evaluation for DOS youth diversion schemes to ensure consistent practice across all regions and localities.

A more recent report on children's voices of their experiences of diversion (Centre for Justice innovation, 2022c) adds to the knowledge on diversion and found that to better support diversion practice there were two main themes in need of development; improved engagement with children; and supporting culture and practice change in the CJS. Improving engagement with children meant; better advice and information on the legal process of diversion, implementing effective communication practises of good inclusive practice, and co-producing tailored intervention plans with children. Supporting culture and practice change meant; developing more inclusive eligibility criteria, establishing protocols for de-escalating to diversion within court proceedings if appropriate, using child first principles, effectively using data to monitor local disparity, developing anti-racist and anti-discriminatory parties, and building capacity of solicitors through training on diversion and using culturally competent communication skills to support children accessing diversion.

The Restorative Justice Council (2017) found that restorative justice (RJ) can be a useful approach in reducing reoffending but that there is a lack of engagement from children from ethnic minority backgrounds due to a number of reasons including; mistrust of the system, lack of representation in support staff, that RJ is misunderstood, and fear of shame within their community as well as fear of meeting the victim. Therefore, if RJ approaches within diversion approaches are chosen as a model of delivery, then programme teams should focus

on reducing these barriers, some of which are discussed in this section and supported by the Restorative Justice Council (2017) report. The two elements that are not covered in this section relate to; the lack of understanding of RJ by ethnic minority groups; and a fear of meeting the victim. The Restorative Justice Council (2017) recommend that there needs to be better outreach into ethnic minority communities to raise awareness of RJ and how it can be a useful and positive experience that reduces reoffending. They also recommend that practitioners need to be able to build positive relationships with children and their families so they can explain the positive outcomes for RJ and taking responsibility with the victim in some way.

The Restorative Justice Council (2017) offer 25 recommendations for practice development at a national level, within youth justice teams and agencies, and for practitioners to better support and meet the needs of children from ethnic minority backgrounds within RJ interventions. There are too many to discuss here in full but the main overview of these is that RJ should; have a clear definition nationally and have appropriate training for all involved to create a culturally competent system and practitioners; there should be a drive to raise awareness of RJ within youth justice, YOT's, school, ethnic minority communities, with families, and with children from ethnic minority backgrounds; there should be partnership and collaborative working to ensure integrated support including specialist services for ethnic minority children and families and the use of RJ mentors that have lived experience of going through a RJ process; key workers from non-statutory agencies should support RJ not the police; and there should be effective and consistent classification, monitoring, and evaluation of data on ethnicity, gender, culture, and religion/faith. Banwell-Moore (2022) add that much more consideration needs to be taken regarding the victim in RJ approaches and that they are often left out of the decision-making process. To develop an effective and fair RP system a whole system approach needs to be developed where there are dedicated RJ caseworkers, high quality training to all staff and volunteers, and guidance to support consistent victim inclusive RJ practice.

Jones and Henry (2022) found similar themes of the need to build effective relationships with children (and young adults) in their engagement work and that there was a mixture of experiences from those they spoke to during their engagement project regarding the YJS and diversion, prevention, and early intervention services. The experiences of the YOS (and Youth Work services) were generally positive and many felt they were treated with respect and built relationships that worked 'with them' so they wanted to change and felt that they could. However, many felt that there was not enough YOS support around for them to engage with and that getting bored was easy and resulted in behaviours that could be seen as criminal. The children and young people although generally quite positive of the YOS and Youth Work did state that there needed to be more practitioners that understood them, and could talk to them about race, religion, and the challenges and difficulties in their lives with sensitivity. So, although some of these children who engaged in this project would have been previously supported using the Trauma Recovery Model within ECM that the YOSs use, it does seem that this is not felt and experienced by children from ethnicity minority backgrounds in Wales. This could be viewed therefore as an approach that 'reads' well in terms of a TIP approach, using psychological understandings for developmental needs, applied to interventions that are needs led, using positive relationships built on trust, choice, participation, and empowerment (Youth Justice Board, 2020), but that does not deliver that for children from ethnic minority backgrounds, or at least consistently and confidently. The solution here is arguably the need to better develop culturally competent practitioners, both lead clinical psychologists and youth offending practitioners that can guide, advise, and model anti-racist and trauma-informed practice and have culturally competent conversations, thus making the use of the ECM and TRM approach effective for all children being supported.

Gaffrey et al (2022b) add to the discussion here in relation to using psychological theory and practice to support more therapeutic interventions with children engaged with the YJS and CJS. Their report for the Youth

Endowment Fund (2022b) on the use of Multi-Systemic Therapy (MST) evaluates this therapy and its outcomes, impact, and success when working with children and their families to reduce youth crime and violence. MST works with children aged 11-17 using an intensive family and community-based intervention approach and is often used for children are at risk of out of home placement, custody, criminal activity and or anti-social behaviour (MST UK & Ireland, 2023). Littell et al. (2021, p. 5) offers a perhaps more acute description in that they view MST as a 'multifaceted, short-term, home-and community-based intervention for families of youth with severe psychosocial and behavioural problems.' MST is holistic in its focus and support the child in all aspects of their life, offering an intense three-to-five-month intervention support and works alongside children and families in their day to day lives using approaches of behavioural therapy, cognitive behavioural therapy and structured family therapy to work with young people and their families. The aims of MST are to empower parents and carers so they have the knowledge, skills, and resources to support their children; improve family relationships and activities for parents and carers, and children; reduce negative and crime behaviours of child; increase child engagement with education and training; and meet wider child and family needs, such as substance use and mental health (MST UK & Ireland, 2023).

Gaffrey et al (2022b) highlight how MST has been widely used across the world and found over 500 examples of projects across 16 countries with a dominance of research in north America but that it is not clearly effective. Littell et al (2021, p. 6) offer an adaption of the nine principles on which MST interventions are based:

1. Understand the “fit” between a child or young person’s problem behaviours and the wider systemic context.
2. Place emphasis on positivity and use strengths rather than limitations as a lever of change.
3. Promote responsible behaviours of all family members, and thus, reduce irresponsible behaviours.
4. Utilise an action-orientated approach that is “present-focussed” (i.e., concerned with the here and now, and not past events) to target specific problems in each family.
5. Recognise that problem behaviours occur within and between multiple systems and these interactions can help maintain the behaviours.
6. Implement interventions that are appropriate for the developmental age of a child or young person.
7. Require daily or weekly effort from family members.
8. Expect therapists to continuously evaluate intervention strategies from multiple perspectives and take responsibility for overcoming barriers to success.
9. Promote long-term behavioural change by encouraging family members to address the needs of the family across multiple systemic contexts.

MST is certainly gaining prominence in the UK with 25 different localities and teams and within a Welsh context the first project was set-up in 2020 with a project being delivered in north east Wales (MST UK & Ireland, 2023). The MST team delivers across Wrexham County Borough Council and Flintshire County Council and works in partnership with the Betsi Cadwaladr University Health Board supported by a steering group composed of the two Local authorities and key partners from Youth Justice, Social Care, Education and CAMHS.

As with many areas of practice within this literature review there is limited ethnic minority perspectives available but Bunting et al (2021) offer useful considerations when using MST with children from ethnic minority backgrounds. They found that MST is a positive and effective approach for supporting children with antisocial behaviours. This qualitative research found that children from ethnic minority backgrounds had some experiences where the approach hindered their engagement and opportunity for change. Bunting et al (2021) offers pertinent recommendations to support children from ethnic minority backgrounds to engage and better benefit from MST. Firstly, therapists need to take time to understand the family culture and be culturally competent and develop trusting relationships. The therapist also needs to be aware that there may be different cultural understandings within the family where there are conflicts and pressures from parents to their children on appropriate lifestyle and choices. The therapist role in such contexts is to facilitate and support this ‘dual-culture’ sensitivity and where needed take a one-to-one approach to support the child who may be feeling stress and shame in talking more openly about their choices to sexual activity and social expectations that may fall outside of their parents’ cultural norms and values. Indeed, such family cultural expectations have been noted to increase offending rates and or sexual activity in children within such contexts. Children from ethnic minority backgrounds were also likely to have feelings of isolation due to lacking peer groups and the discrimination faced from the wider White society. Overall, children from ethnic minority backgrounds doubted that there could be long-term changes to their parents’ values and

beliefs through a short-term approach and that the expectations for behaviour and choices as defined by their culture and or religion was too ingrained to change. It was found therefore, that understanding the child’s unique cultural values and beliefs important to support positive change and that often it was a blend of both their parents and their peers’ cultures. This offered opportunity for peer-focused interventions and those with parents which could show that their child was not losing their native culture. The cultural differences between the therapist and the child and family were also highlighted as an area for reflection and that it may be useful to culturally match a therapist and a family and where this was recognition and discussion on cultural differences could be a helpful starting point for the relationship. Bunting et al (2021) conclude that to advance MST practice for children from ethnic minority backgrounds then appropriate training and supervision is needed for therapists and that all therapists need to work in culturally sensitive and knowledgeable ways.

MST UK and Ireland (2023) state that MST is proven to support positive and long-lasting change for children and their families but Gaffrey et al (2022b) offers a more cautious and balanced voice and found that although there are studies that show positive change none are statistically significant. They also add that MST is not effective at ‘treating’ children and reducing offending rates and that Random Controlled Trials (RCTs) show no difference in criminal convictions at a 60-month follow-up period across 684 families to a control group who did not receive MST. Littell et al (2021) also state that it is unclear if MST has a positive impact on children’s involvement with crime and violence. Gaffrey et al (2021) offers the sensible suggestion that more research is required to better understand the success and potential for the use of MST in an UK context as a lot of the research is from the United States and may not be transferable. It will be useful to evaluate the MST project in north east Wales when it becomes available and or for the CJBW supporting such an evaluation.

As discussed earlier the experiences and needs of young girls from ethnic minority backgrounds within the YJS has not been appropriately researched and so is still an ‘unknown.’ Indeed, Mathews and Smith (2009) found they are forgotten, Fitzpatrick et al (2022) they face double discrimination across both their ‘gender’ for being more trouble than boys and not conforming to gender stereotypes (Bateman & Hazel, 2014; Burman & Gelsthorpe, 2017; and Clarke & Chadwick, 2020) as well as their status as a young person. And so young girls from ethnic minority backgrounds face the aforementioned ‘triple whammy’ effect facing multiple discriminations and lack of support to meet their needs within the YJS (Fitzpatrick et al, 2022). There is a strong further need to research the needs and experiences of young girls from ethnic minority backgrounds in relation to all aspects of the CJS and YJS and so clearly within diversion context too.

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, and these are:

1. Long term resource agreement needed for diversion work at a national level to alleviate pressures on YOS's who are increasingly unable to meet high demands.
2. National definition, guidance, and model for child diversion so there is consistency of high-quality provision and experiences.
3. The need for strong partnership working across multiple-agencies with a shared vision, information / data sharing, and joint decision making to embody a whole system approach with Police, YOS's, and intervention providers working closely together.
4. Education and training to better recognise referral opportunities for diversion and to support appropriate assessment of risk and stop up-risking children from ethnic minority backgrounds.
5. Research into factors that influence offending by children from ethnic minority children and across different ethnic minority groups and that this is used to develop appropriate diversion programmes and interventions.
6. Point of Arrest child diversion may offer the most effective and ethical approach as children are diverted away from harmful effects of engagement with YJS and CJS as even OoCDs are formal processes that arguably label and stigma children and jeopardise their future opportunity of education, employment, and training.

7. The need for broad and inclusive eligibility criteria with multiple opportunities to engage, not need to admit guilt, and should fully understand and consent to diversion. This would better support children from ethnic minority backgrounds to engage with diversion as they are more likely to be arrested, receive an offence, and not admit guilt than White children so need more inclusive diversion criteria due to this disproportionality.
8. Diversion assessment and referral needs to be quick (48 hours) to support diversion and engagement by children and captured as a positive outcome by Police and their performance management schemes.
9. Diversion programmes need to be managed and supported by dedicated child diversion caseworkers with off-site sessions that are not part of statutory provision to support trust and engagement.
10. Interventions need to be evidence based, therapeutic, informal, light touch, proportionate and delivered by the voluntary / third sector and include specialist ethnic minority provision to support the needs and experiences of children from ethnic minority backgrounds.
11. Education and training for lawyers / solicitors and advice and guidance to parents and carers to raise awareness of the positive outcomes of diversion to support informed decision making and for lawyers to be more culturally competent in supporting children and their families from ethnic minority backgrounds.
12. Strong inter-agency working and information, data, and system sharing to better understand the journey and outcomes of children from ethnic minority backgrounds to support understanding and future development.

13. Restorative Justice (RJ) diversion further disengages children from ethnic minority backgrounds due to lack of knowledge, mistrust in the system, lack of ethnic representation in support staff, fear of shame in their family and community and in meeting the victim.
14. To increase children from ethnic minority backgrounds engagement with RJ barriers need to be removed by building strong relationships with children and their families and outreach to raise awareness of RJ in ethnic minority communities and in schools.
15. RJ needs a clearly defined model at a national level and appropriate education and training to all stakeholders to create effective culturally competent practice and raising awareness within the YJS and CJS.
16. RJ needs to use specialist RJ mentors that are from ethnic minority backgrounds and have lived experiences of RJ to effectively support children from similar backgrounds to engage.
17. Victims in crimes are often the last thought and victim satisfaction is often low in diversion and RJ programmes and so victims need to be included throughout the time of the programme and included in decision making where appropriate. Victims need to feel listened to, heard, and have choice and control within their experience of diversion and RJ programmes.
18. MST approaches to support diversion could be effective and useful especially as the intervention is therapeutic, involved the whole family, and is trauma informed but more research is needed in this area.
19. More research is needed to understand the experiences and needs of girls from ethnic minority backgrounds within the YJS and in diversion and use this to coproduce specialist services for diversion work with girls from ethnic minority backgrounds.

The final 'patch' of this literature review is exploring understandings of how people learn and what conditions and approaches are needed to facilitate deep learning that supports positive behaviour change and greater self-awareness and self-agency. This seems a useful inclusion because all of the projects and literature reviewed so far highlight these as positive and needed outcomes to support diversion and desistance from crime.



Using Learning Theory and Practice in Developing Diversion approaches.

Our understandings of children, young people and adult education are diverse and constantly evolving within what is a multi-disciplinary umbrella, as are the learning and education theories used to explain how people learn. Indeed, there is no single definition, theory, or model that explains how or why people learn (Merriam, 2017). However, across all the literature there are a useful set of principles and theories that construct what can be viewed as the foundations of learning, as well as a growing body of knowledge that has more recently broadened our understanding and application of theory and practice that can support education and learning (Merriam, 2017).

Adult Learning is also termed andragogy and can be seen as distinct from pedagogy, the teaching of children (Knowles, 1968) which suggests that adults and children often learn in different ways and have different needs. Knowles developed his ideas over his career and ultimately viewed adult learning as a continuum from teacher-directed pedagogy to student-directed andragogy and that both approaches are appropriate with children and adults depending on the context (Merriam, 2017). Knowles et al (2005) developed several principles and conditions for adult learning and suggests that educators should create learning environments where learners:

1. See the value and know reason in what they are learning and that it is relevant to their lives and roles (Knowles 1984a, 1984b)
2. Become more responsible for their learning and become self-directed learners
3. Experiences and backgrounds are understood as this is a deep learning resource and so important to meet learner needs
4. Have opportunity to be interactive, discuss, learn, and feel supported in a safe learning environment and culture
5. Become solution focused and challenges the learner to better understand multiple perspectives and application of this to their social world & work contexts (Knowles, 1980)
6. Are motivated through their internal and external motivations such as values bases and public perception.

Arguably, the principles and conditions set out above could be a useful guiding exercise for all education and training with children and adults, and could provide a useful mirror and approach to practice for educators and trainers when working within the CJS. In respect of this review, the education and support of people who have committed an offence and have agreed to engage with a diversion programme.

It is worth noting that the Coates Review (2016) found that those who had been involved within the CJS often had negative previous experiences of formal education and this is a common experience captured and reported in the literature (Warner, 2007; Czerniawski, 2016; Torlone & Vryonides, 2016; Wood, 2020; and Jones and Jones, 2021). Therefore, despite the evidence that exalts the benefits of education in supporting desistance (Jones and Jones, 2021) it shines light on how those that educate within such contexts need to understand that the past experiences of education of those that they are teaching can impact on future successes. This understanding needs to guide approaches for education with those who have offended and arguably means that using more informal and discursive andragogical practice is needed and offers support to Knowles et al's (2005) principles above (specifically learners seeing the value and reason (1), having their personal experience related to learning (3), that education is discussion based (4), and that they are motivated (6)).

An important notion and distinction here is that 'informal education' is captured in the literature as being quite different to formal education in that is conversation based, collective, co-produced, humanistic, shares power, is moral, and supports critical thinking (Jeffs and Smith, 2005). These have all been captured as needed characteristics of successful diversion programmes in this review and so offer powerful alignment (Jones and Henry, 2022; Towler, 2017; Williams, 2017; Youth Justice Board, 2020).

The need for discussion and sharing personal experiences is widely accepted as a useful approach to support dynamic learning (Jamison, 2001) as it offers the opportunity for critical dialogue and thinking, and learning from

personal experiences (Clarke, 2008). For many when education supports conversation and we socialise and learn off our peers by sharing our stories, we learn that there are multiple ways to view and experience a subject and that this 'experiential variation' (Fazey and Marton, 2009) offers learners new ways of reflecting, thinking and challenging previous thoughts and behaviours (Crowther, Hemmi, Martin, and Scandrett, 2009). Again, these themes reflect very well the needs of good practice for diversion experiences previously highlighted (Cordis Bright, 2022; Easton et al, 2010; Towler, 2017; and Williams, 2017)

This process of transforming experience into learning has been coined as 'transformational learning' (Mezirow, 1997) and often happens following a dramatic or significant event (Mezirow, 2000). It is within such contexts that Mezirow (2000) contends that people have their world view or norms and values challenged where the old understandings no longer fit their experiences and so it creates an opportunity for transformation. Mezirow (2000) offered 10 stages to transformational learning which follow (adapted):

1. A disorienting dilemma: an experience that challenges their understandings, beliefs, norms, values
2. A self-examination with feelings of guilt or shame: an emotional response often with guilt, shame, confusion.
3. A critical reflection of world view: reflect what they believed before the dilemma and how that belief has been challenged – beliefs, norms, rights, wrongs etc
4. Recognition that the process of transformation is shared with others and that the learner is not alone in these negative feelings.
5. Exploration of opportunity for new self: learning new rules for self, roles, relationships, norms, values.
6. Planning action: beginning the imagining a different self and future.

7. New knowledge and skills: learners seek what they need to be successful in on their new path.
8. Behaving/thinking in new ways: learner sees themselves in a new way and identity(s).
9. Becoming confident and competent: the mastering of new skills, roles, identities.
10. Reintegration as whole: full incorporation of the full journey into their life story.

It could be argued that the idea of transformational learning (Mezirow, 2000) provides a positive opportunity for educators within diversion interventions to use the crime committed as an opportunity for such transformational learning.

Therefore, creating safe spaces for critical dialogue and sharing of personal stories in small group contexts seems a useful approach in respect of positive behaviour change when working with those that have committed an offence and this is supported in the literature discussed previously in this review (Cordis Bright, 2022; Easton et al, 2010; Towler, 2017; and Williams, 2017).

To create a high-quality and safe learning environment that is characterised as student-centred some would argue you need to create a sense of community (Bransford et al, 2000). To achieve this, it could be suggested that the learning group need to feel secure, feel that they and the group are significant and finally that they have commonality in terms of purpose and experience (Clarke, 1996). This means students need to feel safe, respected, and valued so they feel they can be open and discursive in their learning with each other without judgment. Smith (2000) would argue that by creating education built on trust and respect you need to share power within educational relationships and co-create knowledge and therefore learning together. This again, has strong and clear parallels with diversion approaches and the need to develop a safe space and trust and respect with clients. Indeed, this was highlighted frequently in the women's focused section and the leading principles for positive relationships

in all of the literature on supporting people from ethnic minority backgrounds (of all ages) and too many to cite here again.

Merriam (2017) comments that the notion of Self-Directed Learning (SDL) is itself a key foundational theory of adult learning and highlights the importance of adults taking control of their own learning and that it becomes a process that the adult wants to be part of an achieve. This has obvious important implications within the context of this literature review as it implies that any diversion intervention will need to create outcomes and process where the learner becomes self-directed and motivated in their learning and wants to think and act in non-criminal ways but also for professional staff who need education and training on being culturally competent practitioners.

The idea of reflective practice within adult education is particularly important for this literature review because using reflection for learning has been evidenced as a powerful tool for self-development and greater self-agency to make informed life choices (Kolb, 1984; Schon, 1995; Mezirow, 2000; Thompson and Thompson, 2008). In relation to those that have committed an offence it makes sense that reflecting on their feelings, attitudes, and behaviours of the offence and more broadly regarding their identities is important. Reflection allows people to 'step back' and gain greater clarity of their behaviours (Daudelin, 1996: p36) and gain greater insights into why they think, feel and act the way they do. Brockbank and McGill (2007) would argue that effective educational relationships are supported by using a humanistic and human-centred approach focusing on the use of reflective practice and sharing power by using discussion and starting from the experiences of the learner as well as acting where appropriate as a role model (Gopee, 2008). Furthermore, Bolton (2014: p3) offers useful clarity and found that reflective practice "gives strategies to bring things out into the open and frame appropriate and searching questions never asked before." Bolton also adds that further "It challenges assumptions, ideological illusions, damaging social and cultural biases, inequalities, and questions personal behaviours which perhaps silence the voices of others or otherwise

marginalise them." Clearly reflective practice is a powerful tool and practice and could be used well within diversion interventions and not surprisingly has also been highlighted as a key element in successful diversion projects and in supporting positive behaviour change (Cordis Bright, 2022; Towler, 2017; Williams, 2017; and Youth Justice Board, 2020 and many others within this review).

Reflective practice therefore is an important and a very empowering process that can support one's own development in personal and social contexts. There is a real sense from these narratives that reflective practice peels off the layers of acceptance of one's reality and challenges this reality and questions its foundations, and therefore our own underlying values, feelings, and perceptions too. Bolton (2010) explains that by engaging with reflective practice we stop becoming blind to simply doing and acting and empower ourselves to become more aware humans.

Of course, reflection is often thought of as reflecting on self but a very important component of the self and our behaviours are bound up with, and some would say, within and dictated and influenced by the social structures that we inhabit (Freire, 1970; Kincheloe, 2005; and Merriam, 2017). Indeed, Thompson (2006) offers a useful model with his PCS analysis which explains how discrimination and oppression can be experienced and interact at 3 separate levels; the Personal level, the Cultural level, and the Structural level with this being the most powerful and influential as it contains all the institutions in the society like the CJS, Education sectors, Religion, the Government, and Media.

Critical Race Theory (CRT) is similar in that it also supports a structural analysis but specifically in relation to racism which is pertinent to this literature review as CRT seeks to examine the racialised experiences, structures, and bias in the western or northern world societies (Hylton, 2012). CRT acknowledges how people are heavily influenced by what they interact with, see, read, and listen to and because the main power is held with the main institutions of society there needs to be a challenge to such dominant racist racial ideologies and structures (Delgado and

Stefancuc, 2013). Lawrence and Hylton (2022) highlight how in an increasingly global world with global media and access to vast amounts of imagery and social media, educators and scholars involved in CRT need to support the analysis of all of this in a critical way that highlights the bias and power of the whiteness in society.

This has useful implications for supporting critical thinking skills and having discussion on the constructions of race, ethnicity, and racism within UK society and in relation to supporting people from ethnic minority backgrounds. Using reflective practice in relation to the power structures within society with people who have committed an offence could be an essential component of focus for any diversion intervention. Such an approach would arguably support useful discussion and potentially 'light bulb moments' or as Mezirow (2000) would term a 'disorienting dilemma' from which to challenge personal assumptions and understandings on race and ethnicity and support positive transformational learning. This has useful implications for education and training of CJS workforce as well as diversion programmes involving racial hate crime.

Finally, when gaining adult learning insights, it is important to note that creating a physical environment that is appropriate to and supportive of learning is also important. Earthman (2004) and Chism (2006) both found that the physical environment is an important element in engaging learners successfully. Therefore, a pleasant and open learning environment is a useful approach with table and chair arrangements supportive of group discussion and open eye contact for all participants. It is also important for smaller group contexts where more personal and sensitive reflective issues can be discussed (also supported by Towler, 2017).

Therefore, the main elements to arguably embed from learning theories within diversion practice to better support the needs of people from ethnic minority backgrounds and those that support and deliver such programmes is too:

1. Those involved in diversion whether clients or professional staff need to see the value and know reason in what they are learning and that it is relevant to their lives and or roles.
2. Explore and understand the motivations of learners to support their commitment to learning and engagement.
3. Develop an informal learning approach that is conversation based, collective, co-produced, humanistic, shares power, is moral, and supports critical thinking and sharing of personal experiences.
4. Support critical reflection of own world view, personal histories, and beliefs, norms, rights, and wrongs and become solution focused and challenge the learner to better understand multiple perspectives and application of this to their social world and or work contexts.
5. Create safe and secure environments where people feel solidarity, purpose, trust, and respect and are not judged.
6. Create opportunity for developing and engaging with a new self and learning new perceptions and views that may challenge and mean the creation of new rules, roles, relationships, norms, and values.
7. Opportunity to plan, practice, and gain confidence in new ways of being, experiences, skills, and become more responsible for own learning and become self-directed learners.
8. Create environments that are pleasant and open to support learning and conversation.

Conclusion

This review has discussed and synthesised the available literature concerning tertiary interventions as defined by the CJBW (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. The main focus of this review was to understand the experiences of diversion for people from ethnic minority 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 offer 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, this review has provided a detailed overview of the knowledge, understandings, and applications to practice within diversion and where available the learning, understandings, and recommendations for future practice to better support people from ethnic minority backgrounds within such work. This review will ensure a final report can be agreed (phase four) that offers evidence based and co-produced understandings on how to develop tailored or alternative approaches to diversion for Ethnic Minority groups that are also trauma informed.

The executive summary at the beginning of this review offers recommendations and key learning for all the areas of discussion. However, despite the extensive areas of research, policy, and practice discussed within this review there are some clear common themes and learning to take forward for diversion practice to better support people from ethnic minority backgrounds.

Indeed, the main areas for development to create an effective diversion approach to meet the needs of people from ethnic minority backgrounds are need for:

- Long-term resource to ensure work is carried effectively and has time to develop, be effectively evaluated and to show impact and areas for continued learning and development.
- Strong governance and leadership at and through a national, regional, and local level.
- 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 ethnic minority backgrounds (including lawyers, solicitors, and courts).
- Developing effective relationships that are culturally competent and anti-racist means 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.
- Developing effective relationships in diversion also need to be built through mutual respect, trauma informed practice, holistic needs led support, and supporting clients to develop critical thinking and reflective skills to gain greater self-agency and make informed life choices and to coproduce their own intervention and support plan as part of this development process.
- Understanding that people from ethnic minority backgrounds face multiple barriers to engaging with the CJS due to racism and disproportionality and have experienced multiple ACE's, racism, racial trauma, and have significant support needs and mistrust of the CJS and other institutions in society. Therefore, eligibility criteria for diversion programmes needs to be broad, flexible, forgiving, and inclusive, and not need an admission of guilt for engagement.
- Consider that diversion practice should be standardised across Wales and that the model should use a point of arrest diversion approach where possible and that all condition-based cautions should use a restorative justice process that is embedded within the support and interventions provided.
- Research the needs and experiences of people from ethnic minority backgrounds of diversion and coproduce new practice and projects with those with lived experiences.
- Using and developing specialist provision and support for people from ethnic minority backgrounds that are independent to the CJS / statutory services as they are more trusted and people engage more confidently but also for the CJS to work in partnership with such providers to learn and understand such services, build trust with such services, and with groups and communities from ethnic minority backgrounds.
- Develop an ethnically diverse workforce that reflects the people that it supports.
- Raising awareness through community outreach to promote greater understanding and buy in of the positive diversion approach, and advice and guidance for ethnic minority groups regarding diversion approaches to support trust in the system and informed decision making.

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Cyfiawnder Troseddol
yng Nghymru
**Criminal Justice
in Wales**

Our vision and purpose is to make the Criminal Justice System in Wales the fairest, the most efficient and the most effective it can be - with anti-racism as a core value and approach



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