



Equality Impact Assessment Initial Screening - Relevance to Equality Duties

1. Name of the proposed new or changed legislation, policy, strategy, project or service being assessed.

Consultation giving local authorities greater financial responsibility for remands to youth detention accommodation.

Legislation to achieve the Government's policy aim (as set out in the Government's Green Paper: *Breaking the Cycle*) of reducing unnecessary secure remands has now been passed by Parliament. The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 received Royal Assent on 1 May 2012.

A number of equality impact assessments have been undertaken which have considered this policy aim:

- An initial screening equality impact assessment which accompanied the *Breaking the Cycle* Green Paper ([webarhive.nationalarchives.gov.uk/20111121205348/http://www.justice.gov.uk/consultations/consultation-040311.htm](http://www.justice.gov.uk/consultations/consultation-040311.htm));
- A full equality impact assessment which was published alongside the Government's response to the *Breaking the Cycle* consultation paper ([webarhive.nationalarchives.gov.uk/20111121205348/http://www.justice.gov.uk/consultations/consultation-040311.htm](http://www.justice.gov.uk/consultations/consultation-040311.htm));
- A full equality impact assessment which accompanied the publication of the Legal Aid, Sentencing and Punishment of Offenders Bill ([webarhive.nationalarchives.gov.uk/20111121205348/http://www.justice.gov.uk/publications/bills-and-acts/bills/legal-aid-and-sentencing-bill.htm](http://www.justice.gov.uk/publications/bills-and-acts/bills/legal-aid-and-sentencing-bill.htm)).

These equality impact assessments did not find any negative impacts on any groups of people with protected characteristics, although data is not available in relation to all protected characteristics.

This equality impact assessment initial screening does not revisit the conclusions of those earlier equality impact assessments. The aim of this assessment is to explore whether the proposed method of distributing funding to local authorities and subsequently recovering costs, as set out in the consultation paper *The new remand framework for children: allocation of new burdens funding to local authorities*, gives rise to any impact on groups of people with protected characteristics.

The issues therefore considered in this equality impact assessment are:

1. The proposal to distribute new burdens funding to local authorities to meet the costs of remands to youth detention accommodation and the costs of extending "looked after child" status to all children remanded to youth detention accommodation based on historic remand usage

(averaged over the three most recent years for which data are currently available); and

2. The proposal to recover costs in relation to remands to youth detention accommodation through an average price for each of the three sectors (i.e. secure children's homes, secure training centres and under-18 young offender institutions).

The groups considered in this equality impact assessment are:

1. children subject to remand;
2. families of children subject to remand;
3. staff of youth offending teams, the Youth Justice Board's placements team, local authorities and youth detention accommodation; and
4. victims of crime.

2. Individual Officer(s) & unit responsible for completing the Equality Impact Assessment.

Richard Bishop, Justice Policy Group (Youth Justice and Women).

3. What is the main aim or purpose of the proposed new or changed legislation, policy, strategy, project or service and what are the intended outcomes?

Aims/objectives	Outcomes
<p>To distribute funding to local authorities under the new burdens doctrine to meet the costs of remands to youth detention accommodation and the extension of looked after child status to all children remanded to youth detention accommodation.</p> <p>To recover costs from local authorities for remands to youth detention accommodation.</p>	<p>The intended outcomes are to:</p> <ul style="list-style-type: none">• incentivise a reduction in the level of unnecessary secure remands;• improve outcomes for children;• contribute to reducing the need for youth detention accommodation.

4. What existing sources of information will you use to help you identify the likely equality impacts on different groups of people?

(For example statistics, survey results, complaints analysis, consultation documents, customer feedback, existing briefings, submissions or business reports, comparative policies from external sources and other Government Departments).

Children subject to remand decisions

Published data is available in the Youth Justice Statistics. This is published annually. The latest data available is for the year 2010/11, published in January 2012. In addition a monthly youth custody report is published.

The data tells us that:

- 85,300 children were under the supervision of youth offending teams in 2010/11. Over 78 per

cent were male, 74 per cent were aged 15-17 and most (82 per cent) came from a white ethnic background;

- The average population of children in custody in 2010/11 was 2,040. An average of 528 of these were held on remand;
- 95 per cent of children held in custody (remanded and sentenced) were male, 95 per cent of children held in the secure estate were aged 15-17 years and 64 per cent of children held in custody were from a white ethnic background (this compares to 86 per cent of children from this background in the general 10-17 population); and
- remand decisions were made on 33,133 occasions in court. The decisions lead to 3,485 custodial remand episodes, 1,726 community remand episodes and 27,922 bail remand episodes.

Families of children subject to remand decisions

There is currently no available published data for this group.

Staff in youth offending teams, the Youth Justice Board's placements team, local authorities and youth detention accommodation

There is currently no available published data for these specific groups.

Victims of crime

The British Crime Survey (BCS) includes data on some of the protected characteristics of the proportion of adults who were victims of crime one or more times in respect of England and Wales in 2011/12. 46,031 people took part in the survey. These characteristics include age, gender, ethnicity and marital status. However, these data do not reveal the characteristics of the *perpetrators* of those crimes e.g. their age or gender. It is therefore not possible to cross-reference between 12 to 17 year olds on remand and the protected characteristics of victims of crime. Nevertheless these data show that of those people who took part in the survey:

- 21.3 per cent of adults were victims of crime and 5.9 per cent were victims of personal crime. Amongst 16 to 24 year olds 30.2 per cent were victims of crime and 14.7 per cent were victims of personal crime. These proportions are higher than for any of the age groups over 24 years of age;
- 22.2 per cent of males were victims of crime and 6.4 per cent were victims of personal crime. Amongst women these figures were 20.4 per cent and 5.4 per cent respectively;
- 20.7 per cent of white people were victims of crime and 5.7 per cent were victims of personal crime. Amongst non-white people these figures were 25.3 per cent and 7.2 per cent respectively;
- 20.3 per cent of those with a long-standing illness or disability were victims of crime and 5.6 per cent of personal crime. Amongst those with no long-standing illness or disability these figures were 21.6 per cent and 6 per cent respectively; and
- 18.5 per cent of those who were married were victims of crime and 3.2 per cent of personal crime.

5. Are there gaps in information that make it difficult or impossible to form an opinion on how your proposals might affect different groups of people? If so what are the gaps in the information and how and when do you plan to collect additional information?

We believe that the sources of information we have provide enough information for us to make an assessment of how the proposals might affect different groups of people. However, the department will

consider any comments made during the consultation process and review this initial screening in the light of those comments.

6. Having analysed the initial and additional sources of information including feedback from consultation, is there any evidence that the proposed changes will have a **positive impact** on any of these different groups of people and/or promote equality of opportunity?

Please provide details of which benefits from the positive impacts and the evidence and analysis used to identify them.

The earlier equality impact assessments noted that any reductions in unnecessary secure remands could have a positive impact on young people who were the subject to remand decisions. This was particularly highlighted given the characteristics of the children remanded to youth detention accommodation.

There is no evidence that either the formula we are proposing to use to distribute funding to local authorities or the pricing policy will have a positive effect on any groups with protected characteristics.

The department will consider any comments made during the consultation process and review the initial screening in light of those comments.

7. Is there any feedback or evidence that additional work could be done to promote equality of opportunity?

If the answer is yes, please provide details of whether or not you plan to undertake this work. If not, please say why.

There is no evidence or feedback that additional work could be done to promote equality of opportunity. The department will consider any comments made during the consultation process and review the initial screening in light of those comments.

8. Is there any evidence that proposed changes will have **an adverse equality impact** on any of these different groups of people?

Please provide details of who the proposals affect, what the adverse impacts are and the evidence and analysis used to identify them.

We propose to distribute funding to local authorities to meet the costs of remands to youth detention accommodation and the extension of looked after child status to all children remanded to youth detention accommodation on the basis of historic usage.

- The incentive to reduce unnecessary remands is created by the transfer of financial responsibility. The method of allocating funds to individual local authorities does not have a negative impact on this incentive and as such will not have an adverse equality impact on any of the different groups of people listed at section 1 above.
- We have considered whether this method of distribution would have an adverse impact on those local authorities with a large BME population and therefore on children in those areas subject to remand decisions and their families. However, we consider that by using historic data we are ensuring the budgets are in line with expected costs and therefore there is no adverse equality

impact.

We are also proposing to recover costs on the basis of an average price for each of the three sectors of the secure estate (secure children's homes, secure training centres and under-18 young offender institutions). Different prices apply to each of these sectors based on a number of factors including, for example, the services and support provided and the ratio of staff to children. Thus secure children's homes and secure training centres (both of which are generally used for younger or more vulnerable children) are more expensive than young offender institutions. We have considered whether the pricing policy will have an adverse impact on placement decisions for children i.e. children placed in the cheapest sector rather than the most appropriate sector.

However, we do not believe there will be an adverse impact. Once a court has ordered that a child should be remanded to youth detention accommodation, the placement decision is made by the Youth Justice Board in consultation with the designated local authority. We believe that this process safeguards against any decision being made on financial grounds rather than in the best interests of the child.

9. Is there any evidence that the proposed changes have **no equality impacts**?

Please provide details of the evidence and analysis used to reach the conclusion that the proposed changes have no impact on any of these different groups of people.

The department is of the view that, of the four groups listed in response to question one above, there will be no equality impacts arising from the proposed mechanism for distributing funding and option for the recovery of costs on group three (cjs staff) and group four (victims of crime). However, the department will consider any comments made during the consultation process and review the initial screening in light of those comments.

10. Is a full Equality Impact Assessment Required? Yes No

If you answered 'No', please explain below why not?

A full Equality Impact Assessment is not necessary at this stage. The MoJ will undertake a further review of equality impacts in due course including consideration of any responses to the consultation raising equality issues.

11. Even if a full EIA is not required, you are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.

The MoJ will undertake a further review of equality impacts.

12. Name of Senior Manager and date approved.

Name (must be grade 5 or above): **MICHELLE DYSON**

Department: **Youth Justice & Women, Justice Policy Group**

Date: **21 September 2012**

